

2016 Chief FOIA Officer Report

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Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's **FOIA Memorandum** and the Attorney General's **FOIA Guidelines** is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

FOIA Training:

Agencies Receiving More Than 1,000 Requests

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals? Training can include holding an agency-wide FOIA conference, holding a seminar on a particular FOIA topic, or providing training to FOIA or agency staff during a staff meeting, among other types of training. The training provided here should be substantive and should cover the application of the law and policy. Conversely, your agency's efforts to provide training on the use of technology or IT tools (such as case management systems) that assist in the processing of requests should be addressed below in response to Question 4 of Section IV of your Chief FOIA Officer Report.

Yes.

2. If yes, please provide a brief description of the type of training conducted and the topics covered.

The Department provided FOIA training on August 19, 2015, which provided an overview of what constitutes a FOIA request and to increase employees' understanding of their responsibilities required as persons who are tasked with searching for and reviewing records in response to FOIA requests.

Regular meetings were held with departmental FOIA Liaisons to address concerns, provide guidance and direction, and to brainstorm on ways to continually improve upon current processes. The Non-FOIA professional or subject matter expert (SME) assigned to conduct a search for responsive records must complete a FOIA recommendation sheet, which is submitted to the FOIA Liaison assigned to process the request. The recommendation sheet is used to ensure that the SME's recommendations have been considered by the Liaison. The SME must also provide a description of his or her search

efforts and any fees involved in searching for, reviewing, copying, etc., responsive records. Throughout the year, the FOIA Branch worked closely with Headquarters and Field government information specialists and liaisons, as well as program staff, and provided guidance pertaining to costs expended for processing FOIA requests at the initial request and administrative appeals levels while ensuring adherence to DOJ guidelines and HUD regulations. This involved frequent discussions, training of appropriate personnel, and much collaboration.

3. If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.

N/A

4. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice? Such training or events can include offerings from OIP, your own agency or another agency or organization.

FOIA staff attended the following courses provided by the Department of Justice:

FOIA Litigation Seminar – October 22, 2014

Advanced Freedom of Information Act Seminar – April 15, 2015

Freedom of Information Act for Attorneys and Access Professionals – May 12-13, 2015

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Eighty percent of HUD FOIA professionals attended substantive FOIA training.

6. OIP has **directed agencies** to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A

Outreach:

Agencies Receiving More Than 1,000 Requests

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? This question addresses outreach that is conducted outside of the individual request or appeal process. For example, outreach activities can include engaging with frequent requesters by holding meetings or events which include them, conducting surveys or otherwise

soliciting requester feedback, or participating in any other requester initiative coordinated by your agency or by others, such as OIP.

HUD staff conferred regularly with media requesters, civil rights and housing advocates, and private attorneys to discuss FOIA processing, statutes, and implementing regulations. The Department conducted this outreach as a result of feedback received from requesters in the past who appreciated engaging in additional communication with HUD personnel. Housing advocates especially like periodic updates on any new loan or modification programs available through HUD, which ultimately benefits homeowners and tenants.

8. If you did not conduct any outreach during the reporting period, please describe why?

N/A

Discretionary Releases:

Agencies Receiving More Than 1,000 Requests

9. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place.

FOIA Liaisons review all responsive records for discretionary release and work closely with legal counsel and program staff to encourage discretionary release where possible. It is standard practice Departmentwide that when each FOIA response goes through the clearance process, discretionary release is considered by all clearance officials.

10. During the reporting period, did your agency make any discretionary releases of information?

Yes.

11. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on [implementing the President's and Attorney General's FOIA Memoranda](#).

Exemption 5.

12. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

HUD released deliberative communications between staff and supervisors as opposed to withholding pursuant to FOIA Exemption 5, which was previously done as a matter of practice. Instead of blanket applications of Exemption 5, a determination of any "foreseeable harm" is now being made. Both Headquarters and Field offices made

discretionary releases of information contained in draft documents, handwritten notes, and emails that would have customarily been withheld pursuant to Exemption 5.

13. If your agency was not able to make any discretionary releases of information, please explain why. For example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the only exemptions that were applied were those that do not lend themselves to discretionary release (i.e., Exemptions 1, 3, 4, 6, 7A, 7B, 7C, and 7F).

N/A

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

14. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA? Efforts can include training for non-FOIA professionals, distributing memoranda on the FOIA, announcements on FOIA matters, etc.

HUD provided FOIA training on August 19, 2015, for Field Office staff, titled “FOIA and You,” which addressed key roles played by HUD’s personnel who work with the Department’s FOIA professionals in responding to FOIA requests. The purpose of the training was to increase employees’ understanding of their responsibilities as individuals tasked with searching for responsive records.

DOJ’s Office of Information Policy (OIP) developed new FOIA resources designed to train all levels of the Federal workforce to understand their FOIA responsibilities. OIP’s new collection of training tools are designed to help ensure that important resources are available for all Federal employees – from the senior executive, to the average employee whose records might become subject to the FOIA, to the FOIA professionals responsible for processing records for disclosure. OIP’s e-learning training modules will accommodate the Department’s delivery of crucial annual FOIA training requirements in a highly cost-effective, consistent, and convenient mode not only to Headquarters’ FOIA professionals, but also to HUD’s Regional and Field FOIA professionals who are often unable to travel to the Washington, DC, area to attend live training. DOJ staff continues to work with HUD to facilitate delivery of these crucial FOIA e-Learning modules, which will soon be made available to all employees via the HUD Virtual University.

15. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

The Department’s FOIA regulations were recently updated to ensure openness and consistency. The revised regulations also provide a cornerstone for training liaisons across the Department. To convey HUD’s due diligence efforts, in instances where responsive records cannot be located, an explanation is included in the final response

letter to inform the requester, where possible, why HUD would not have the records being sought and where those records may be obtained.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

As the Attorney General emphasized in his [FOIA Guidelines](#), "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

Personnel:

Agencies Receiving More Than 1,000 Requests

Processing Procedures:

Agencies Receiving More Than 1,000 Requests

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. Of your agency's Fiscal Year 2015 Annual FOIA Report. Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.

8 days.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

3. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

Yes. In accordance with HUD's FOIA regulations, all components of HUD have designated FOIA Liaisons, who are responsible for prompt and thorough review of all FOIA requests received. Misdirected requests are normally directed to the appropriate component within 10 business days of receipt, in accordance with the FOIA, thereby allowing the receiving office, in most instances, the entire 20 business days allotted to process requests. Because all requests are managed electronically via HUD's FOIA

Management System, it is easy to assess when the 20-day period for responding to a FOIA request begins. HUD has also simplified its process for notifying requesters of misdirected requests.

4. On July 2, 2015, OIP issued **new guidance** to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a “still interested” inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

In the event that a requester has questions concerning his/her FOIA request, HUD's acknowledgement letter contains the contact information of the FOIA Liaison assigned to process the request. This information also enables the requester to inform the FOIA Liaison if he or she is no longer interested in receiving the records requested. Requesters can easily communicate continual or diminished interest by simply calling or emailing the FOIA Liaison. When a “still interested” letter is deemed appropriate, the requester is contacted via the preferred method of communication indicated in the written request for records/information to ascertain continued interest. Once contact has been made, requesters have been provided with 15 business days to respond to a “still interested” inquiry. However, in light of DOJ's recent guidance, the Department will now provide requesters with 30 business days to respond. To further accommodate requesters, if for some reason a requester contacts the Department after a request has been closed or administratively withdrawn, HUD will continue its practice of routinely reopening those requests and returning requesters to their original place in the queue. Although this is done on a case-by-case basis, HUD consistently reopens the majority of these types of requests.

Requester Services:

Agencies Receiving More Than 1,000 Requests

5. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes. If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.

HUD's FOIA Public Liaisons are managerial or supervisory officials who assist the Chief FOIA Officer in reducing delays, resolving disputes, and increasing transparency. These Public Liaisons are adept at resolving complex FOIA matters due to their knowledge of the Freedom of Information Act, departmental FOIA regulations, and various HUD

programs. HUD's FOIA Public Liaisons are often contacted after an initial response from the FOIA Requester Service Center and consistently resolve disputes without intervention from the Office of Government Information Services, the department charged by Congress to resolve FOIA disputes between Federal agencies and requesters and to review FOIA policies, procedures, and compliance of Federal agencies.

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

Management utilizes a number of custom and ad hoc reports to assess efficiencies and eliminate redundancies. Many of these reports are programmed to automatically generate in HUD's electronic FOIA management system. Senior management also meets with FOIA Liaisons Departmentwide to discuss new ideas, ways to streamline processes, obtain feedback, provide assistance and training, and resolve any problems and/or concerns.

Section III: Steps Taken to Increase Proactive Disclosures

Both the **President** and **Attorney General** focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

HUD monitors its FOIA logs on a regular basis and identifies material to be posted to its website. A comprehensive list of documents and materials have been compiled and posted, and are updated and reviewed quarterly.

2. Does your agency have a distinct process or system in place to identify records for proactive disclosures? If so, please describe your agency's process or system. Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a)(2) of the FOIA.

Upon receipt of responsive records from program staff, FOIA Liaisons are tasked with reviewing those records for proactive disclosure. Once identified, the Liaisons are responsible for collaborating with management, program, and legal staff.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall. Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.

FOIA professionals spend roughly 5 percent of their time preparing records for proactive disclosure, which includes posting to the Department's website. FOIA professionals and management collaboratively work to proactively disclose records that might be of interest to the public. The review and collaborative process is on a case-by-case basis. All issues such as funding, Section 508 compliance of the Rehabilitation Act of 1973, and public interest are also elements of the review process.

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No.

5. If so, please briefly explain those challenges.

N/A

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

- HUD Highest Scoring Funding Grant Applications:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/foia/highs_core
- Federal Housing Administration Approved Lenders:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/lender

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

The Department utilized Facebook and Twitter to inform requesters of content available to on HUD's website.

*Other Initiatives:***Agencies Receiving More Than 1,000 Requests**

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

The posted material is reviewed quarterly to ensure that the websites are functional and the materials are current and available for viewing.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's **FOIA Memorandum** was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

*Making Material Posted Online More Useful:***Agencies Receiving More Than 1,000 Requests**

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website? Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Yes.

2. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.

Requesters appear to find the information on HUD's website very useful, as evidenced by the decline or extremely slight increases in the number of yearly requests received. The FOIA webpage is very user friendly and contains a plethora of information, such as the highest scoring grants, which serve as a guide to future applicants applying for HUD funding. The number of requests for this type of information has declined tremendously over the past 3-4 years. Also, FHA approved lenders are also posted to provide aid to potential home buyers when searching for qualified lenders.

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Yes, FOIA staff frequently solicits assistance from the information technology staff to help facilitate online postings.

Use of Technology to Facilitate Processing of Requests:

Agencies Receiving More Than 1,000 Requests

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools. Please note that this question is focused on training provided to your FOIA professionals for the use of technology and IT tools that assist them in their day-to-day work of processing requests. Your agency's efforts to provide substantive training on the FOIA itself and the requirements of the law should be addressed in response to Question 1 of Section I of your Chief FOIA Officer Report.

Training was provided on the recent upgrades to the FOIA Management System, which is utilized by all FOIA Liaisons Departmentwide. A few of the upgrades included an enhanced redacting tool and faster transmittal of misdirected requests.

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made.

Yes, upgrades to HUD's electronic FOIA Management System have aided in facilitating overall efficiency. Examples are: improved search capabilities, enhanced accuracy in the assessment of fees and calculation of processing days, automatic population of requesters' contact information, and status updates, which are accessible to requesters via the Public Access Link of the FOIA Management System.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

The Department continues to look at software that would allow a user to sift through emails and identify duplicates, which would greatly reduce search time and allow further efficiencies.

Other Initiatives:

Agencies Receiving More Than 1,000 Requests

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2015? Please see OIP's [guidance](#) for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing on FOIA.gov, please contact OIP in order to resolve the issue.)

Yes.

8. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

N/A

9. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? *See OIP Guidance, "The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications."* (Nov. 22, 2013) If yes, what are the different types of electronic means utilized by your agency to communicate with requesters?

Yes, HUD utilizes email and the Public Access Link within its FOIA Management System to send immediate responses to requesters.

10. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? *See id.*

N/A

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The [President](#) and the [Attorney General](#) have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.*

Simple Track: Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests

that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

Agencies Receiving More Than 1,000 Requests

1. Does your agency utilize a separate track for simple requests?

Yes.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

78 percent.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A

Backlogs: Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

Agencies Receiving More Than 1,000 Requests

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

No.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- a. An increase in the number of incoming requests – N/A
- b. A loss of staff – Yes
- c. An increase in the complexity of the requests received – Yes

The lack of reduction in the request backlog appears to be the a result of an slight increase in the number of incoming requests and the loss of experienced FOIA staff, along with an increase in the complexity of the requests received.

7. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2015. To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. Of your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

11 percent

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Yes.

9. If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:

- a. An increase in the number of incoming appeals – N/A
- b. A loss of staff – N/A
- c. An increase in the complexity of the appeals received – N/A

10. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A." To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. Of your Fiscal Year 2014 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section VI.A. Of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

29 percent.

Backlog Reduction Plans:

Agencies Receiving More Than 1,000 Requests

11. In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2014 was asked to provide a plan for achieving

backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2015?

N/A

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2015, what is your agency's plan to reduce this backlog during Fiscal Year 2016? N/A

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

Agencies Receiving More Than 1,000 Requests

TEN OLDEST REQUESTS

13. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

The ten oldest requests were closed.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.

N/A

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

Two requests were withdrawn by requesters; no interim responses were provided prior to withdrawal.

TEN OLDEST APPEALS

16. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

No.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

Nine of the ten oldest appeals from the FY 2014 report were closed in FY 2015.

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

HUD closed its one remaining consultation.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

N/A

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

Agencies Receiving More Than 1,000 Requests

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

HUD had one remaining appeal to close from the end of FY 2014. The initial request was complex and voluminous and required submitter notification for records pertaining to 14 different properties over a 6-year period. The requester's appeal of HUD's final response was upheld.

21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent

the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2015.

Additional FOIA staff has been devoted to the remaining appeal.

Interim Responses:

Agencies Receiving More Than 1,000 Requests

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? *See OIP Guidance, “The Importance of Good Communication with FOIA Requesters.”* (Mar. 1, 2010)

HUD is now able to capture interim responses in its FOIA Management System.

24. If your agency had a backlog in Fiscal Year 2015, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Substantive interim responses were provided 39 percent of the time.

Use of the FOIA’s Law Enforcement Exclusions

Agencies Receiving More Than 1,000 Requests

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

No.

2. If so, please provide the total number of times exclusions were invoked.

N/A

Success Story

Agencies Receiving More Than 1,000 Requests

Out of all the activities undertaken by your agency since March 2015 to increase transparency and improve FOIA administration, please briefly describe here at least one

success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency **success stories** will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- In response to an expedited FOIA request by The New York Daily News regarding a senior affordable housing complex in New York City, HUD's Offices of Public Affairs and Housing collaborated to gather the information and ensured electronic and expedient submission of the response. As a result, the public interest requirement was met and the response was provided within an unprecedented 2 hours of receipt.
- HUD's non-FOIA professional staff is assigned by FOIA Liaisons to conduct searches for responsive records and must complete a FOIA recommendation sheet. The recommendation sheet is used to ensure that the subject matter expert's (SME) recommendations have been considered by the Liaison. The sheet also requires the SME to provide a description of his or her search efforts and any fees involved in searching for, reviewing, copying, etc., responsive records. Throughout the year, the FOIA Branch worked closely with Headquarters and Field government information specialists and liaisons, as well as non-FOIA professionals, and provided guidance and instruction pertaining to costs expended for processing FOIA requests at the initial request and administrative appeal levels while ensuring adherence to DOJ guidelines and HUD regulations. This involved frequent discussions, training of appropriate personnel, and much collaboration. As a result, HUD realized a significant increase in costs captured Departmentwide (from 19 percent to 59 percent, a 211 percent improvement). In addition, the recommendation sheet was revised to include a section which ensured that every record requested was provided to the FOIA Liaison and/or addressed on the recommendation sheet. This addition to the form was especially helpful with requests involving voluminous records and resulted in a noticeable reduction in the number of times a request had to be returned for additional records or searches and should also positively affect overall response time.