



USAID
FROM THE AMERICAN PEOPLE

**Annual Report of the
Chief Freedom of Information Act (FOIA)
Officer**

Colleen R. Allen
Chief FOIA Officer

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I. Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the Department of Justice's FOIA Guidelines is the presumption of openness. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. Include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

1. **The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?**

Yes.

2. **Please provide the name and title of your agency's Chief FOIA Officer.**

The Chief FOIA Officer of the U.S. Agency for International Development (USAID) is Colleen R. Allen, Assistant Administrator, Bureau for Management.

B. FOIA Training

3. **The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

See the response to B.5 below.

4. **Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?**

Yes, see the response to B.5 below.

5. **If yes, please provide a brief description of the type of training attended or conducted and the topics covered.**

Every member of the USAID workforce must complete one of the two online courses detailed below each year:

Records-Management for Senior Officials is a mandatory online course for individuals in executive positions at USAID who are responsible for oversight, management, and decision-making. The course describes the role and importance of senior officials in properly managing Federal Government records and complying with the FOIA.

Records-Management for Everyone is a mandatory-online course for non-senior officials designed to inform USAID's workforce of their records-management responsibilities and obligation to adhere to the requirements of the FOIA.

In addition to the above-mentioned mandatory courses, during Fiscal Year (FY) 2021 USAID's FOIA professionals also participated in the substantive training described below:

Best Practices Workshop: Administrative Appeals

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a full-day program that provides lectures and discussions on the importance of establishing good relationships with Agency Operating Units to obtain records and information; communicating effectively with requesters; managing administrative appeals to provide timely responses; and collaborating with the Agency's FOIA attorney, Assistant U.S. Attorneys, and the courts regarding litigation.

Freedom of Information Act for Attorneys and Access Professionals

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a two-day program that provides an overview of the FOIA's procedural requirements and each of the law's nine individual exemptions, basic principles for processing requests under the FOIA from start to finish, the FOIA's proactive disclosure requirements, and the interface between the FOIA and the Privacy Act.

14th Annual National Conference on FOIA and the Privacy Act of the American Society for Access Professionals (ASAP)

This three-day conference provides in-depth analysis on the administration of the FOIA, updates to case law, and direct dialogue with members of the requester community. This conference is mandatory for all USAID's professionals with primary FOIA responsibilities.

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

One hundred percent of USAID's FOIA Specialists (Government Information Specialists) attended substantive training on the FOIA.

- 7. 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.**

Not applicable.

8. **Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?**

Yes.

C. Outreach

9. **Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.**

No, due to more limited opportunities during the pandemic.

D. Other Initiatives

10. **Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe:**

- **how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and**
- **if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?**

USAID informs all of its non-FOIA professionals of their obligations under the FOIA through various methods, including the following:

- Two mandatory online training courses—*Records-Management for Senior Officials* and *Records-Management for Everyone*. See details for both courses in response to Question 5 above; and
- Agency-wide notifications to USAID's entire workforce about enhancements to our FOIA policy and administration of the FOIA.
- Individual briefings with Senior Leadership as a requirement of onboarding.

11. **Optional--If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.**

USAID ensures the application of the presumption of openness to all determinations about which documents to release. USAID recognizes that some of the FOIA's exemptions are discretionary, such as Exemption (b)(5), which protects the internal-deliberative process. In the interest of transparency, all USAID's FOIA Specialists collaborate with our Bureaus, Independent Offices, and Missions to ensure all recommendations for the release of documents comport with the foreseeable-harm standard codified in the FOIA Improvement Act of 2016.

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

The Department of Justice's FOIA Guidelines emphasize that "[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 the 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.

1. For Fiscal Year (FY) 2021, what was the average number of days your agency reported for adjudicating requests for expedited processing?

The average number of days to adjudicate requests for expedited processing at USAID was less than one day.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A of your agency's Fiscal year 2020 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Not applicable.

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

Yes, USAID published its updated regulations on December 22, 2016.

4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

Yes, USAID has up-to-date internal SOPs for our FOIA administration.

- 5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.**

Not applicable.

- 6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?**

No.

- 7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.**

Not applicable.

- 8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.**

Yes, as a matter of routine, throughout the year USAID conducts self-assessments of its FOIA program through the following methods:

- Applying the DOJ Self-Assessment Toolkit;
- Reviewing the metrics in our Annual Report;
- Reviewing the FOIA regulations;
- Updating the standard operating procedures;
- Updating our response templates; and
- Enhancing the Agency's FOIA training materials.

- 9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2021 (please provide a total number or an estimate of the number).**

In FY 2021, fewer than 10 requesters sought assistance from USAID's FOIA Public Liaison.

- 10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Yes.

11. Optional -- Please describe:

Best practices used to ensure that your FOIA system operates efficiently and effectively
Any challenges your agency faces in this area

USAID routinely assesses our overall FOIA program to identify and implement greater efficiencies. Each year, we evaluate our FOIA Specialists' caseloads to apply focused attention to backlogged and complex requests (e.g., requests for emails and those that require a search of multiple Bureaus or offices, that pre-date USAID's existence in 1961, or that require language translation, etc.), while addressing incoming new requests. In addition, USAID has procured tools and continues to improve on our software to streamline electronic searches and processing. USAID has also secured contract staff to support both processing and e-discovery efforts, including the de-duplication of electronic records, and carrying out compliance with Section 508 of the Rehabilitation Act of 1973 for proactive disclosure.

III. Steps Taken to Increase Proactive Disclosures

The Department of Justice has long 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.

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

USAID proactively discloses USAID-funded program and project-related results in the form of reports, publications and related data resources, including scientific and research data. These releases showcase the results of USAID activities and interventions, to help the public understand USAID's development outcomes and impacts around the globe.

- USAID proactively publishes the results of Agency-funded projects, activities, and initiatives on the Development Experience Clearinghouse (DEC), the Agency's repository for reports, evaluations and other publications. In FY 2021, USAID published 15,573 new documents and digital artifacts to the DEC, and also uploaded metadata for 2,564 peer reviewed articles.
- USAID proactively publishes project and activity-related data on the Development Data Library (DDL) (<https://data.usaid.gov/>), the Agency's official data repository. The Agency increased the total number of publicly available data assets (project and activity-related datasets) by 26

percent through the end of FY 2021 over the previous year.

- USAID also publishes activity-level data in the International Aid Transparency Initiative (IATI) standard, <https://www.iatiregistry.org/publisher/usaaid>, and continues to work toward increasing the quality and quantity of available information. Detailed project data enhance development coordination efforts and support more strategic host-country government development efforts.
 - USAID updates the Dollars to Results (D2R) public-facing website annually (<https://results.usaid.gov>). The D2R webpage systematically and publicly reports USAID's fiscal year aggregated disbursements, and directly ties resources to illustrative results by country and sector, demonstrating the Agency's stewardship of taxpayer dollars. The most recent data update reflects the fiscal impacts of the COVID-19 pandemic and a maximized telework posture.
- 2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.**

USAID proactively launched and shared its first ever Digital Strategy in April 2020, (https://www.usaid.gov/sites/default/files/documents/15396/USAID_Digital_Strategy.pdf). Building on USAID's leadership in digital development, the strategy outlines how USAID will work toward two mutually reinforcing strategic objectives: improving measurable development and humanitarian assistance outcomes through the responsible use of digital technology in our programming; and strengthening the openness, inclusiveness, and security of national digital ecosystems, including by promoting the adoption of the Clean Network and secure fifth-generation (5G) broadband internet.

USAID launched the Development Cooperation Landscape tool, <https://foreignassistance.gov.gov/donor>, in 2019 to improve access to development and humanitarian data for our staff and partners. In 2021, USAID continued to iterate on the visualization and added another query feature to make the information more user-friendly for stakeholders.

- 3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.**

Yes, examples are below:

- The Development Experience Clearinghouse (DEC)
 - The Development Data Library (DDL) and its Comprehensive Data Inventory authorized under the Foundations for Evidence-Based Policymaking Act, and OMB M-19-23.
- 4. 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?

Yes.

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

- Dollars to Results users can download data in machine readable format for additional analysis. This allows users to look at trends in spending and results over several years or otherwise organize the data for their needs. The website also features robust data notes, which users can view and download to better understand the data.
- Through the Development Data Library (DDL), each dataset published at the public access level is accessible to members of the public through an application programming interface (API). In addition, submissions to the DDL are required to be made in open data formats such as .csv.
- USAID is making it a priority to enable stakeholders to access and use IATI and publish foreign assistance data on ForeignAssistance.gov to better analyze information, make decisions, and streamline reporting processes. In FY2021, USAID began training operating units on utilizing a new "Public Description" field in USAID's new project management system. This field will enable USAID to publish more robust narrative information about its activities to the public.
- USAID launched the Development Cooperation Landscape tool, <https://foreignassistance.gov.gov/donor>, in 2019 to improve access to development and humanitarian data for our staff and partners. In 2021, USAID continued to iterate on the visualization and added another query feature to make the information more user-friendly for stakeholders.
- USAID is investing in data quality improvements and looking into ways to make data more usable. USAID is working internally on ensuring its project management system, the Development Information Solution (DIS), <https://www.usaid.gov/work-usaid/resources-for-partners/development-information-solution>, will improve the quality of USAID's foreign assistance data publications. This includes the long-term effort to improve public titles, descriptions, locations, activity dates, and results.
- USAID's public Country Roadmaps website helps USAID staff assess a country's performance using 17 specially selected third-party metrics. The website allows users to view country results graphically, download PDF profiles in 6 languages, and download the underlying data and metadata in machine-readable formats. USAID also maintains the Secondary Metrics Compendium, a continuously-updated repository of additional metrics and resources that USAID staff can use to assess a country's progress.

- IDEA (<https://idea.usaid.gov>) is USAID's public-facing repository of third-party country-level indicators. Users can view specialized visualizations and download associated data and metadata that support a variety of Agency initiatives. IDEA allows users to download the raw data used for USAID's Country Roadmaps. The IDEA Country Dashboard, Women's Economic Empowerment and Equality Dashboard, Financing Self-Reliance Dashboard allow users to view, visualize, and download key context indicators used by sectoral experts at USAID. The website also features country profiles, analytical pieces, and other data resources that support Agency work in a variety of countries, regions, and sectors, notably in Democracy, Human Rights, and Governance (DRG) and Domestic Revenue Mobilization (DRM). In 2021, USAID increased the quantity and quality of metadata for IDEA indicators, such as methodological explanations and limitations, to facilitate the proper use of the data by USAID staff.
- In 2021, USAID published democracy, rights, and governance (DRG) country profiles for 141 countries and six sectors, used to highlight key indicators monitored by DRG experts at USAID (<https://idea.usaid.gov/drg>). These profiles are at the center of a public DRG Learning, Evidence and Analysis Platform (LEAP) which hosts a curated set of DRG-specific, user-friendly resources in three areas: 1) programmatic approaches, 2) metrics, and 3) evidence.
- In 2021, USAID began publishing data dashboards to its new, public-facing Tableau server. Dashboards include the Evaluation Registry, which documents USAID's evaluations and links to documents in the DEC, and a dashboard produced for the National Security Council (NSC) depicting the Quad Countries' COVID-19 response in the Indo-Pacific Region.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Optional -- Please describe:

Best practices used to improve proactive disclosures

Any challenges your agency faces in this area

- During FY 2021, USAID improved and streamlined its data publication process. The process incorporates a comprehensive disclosure risk assessment, using sophisticated statistical techniques to quantify disclosure risks and to apply techniques to mitigate those risks. The improved procedures involve steps to address the security, privacy, confidentiality, and commercial interests that often act as barriers to the disclosure of these types of records. USAID considers the nature, category, and sensitivity of each asset within its data inventory to identify opportunities for releasing those data proactively.
- Similarly, curators for the DEC continue to review all artifacts for personally identifiable information and redact information as required. Public materials are accessible to all users of the DEC, but restricted materials are only available to authorized personnel of USAID.

- USAID is committed to advancing the Agency’s aid transparency and accountability commitments including implementation of the Foreign Aid Transparency and Accountability Act (FATAA). This includes working with USAID operating units on adopting a presumption of openness while protecting sensitive information in foreign assistance data publications. USAID continues to train operating units and missions, release internal resource documents that direct protection of implementing partner names, and update policies to improve reporting and data protection.

IV. Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. 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 describes your agency's efforts in this area.

- 1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Yes.

- 2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.**

Not applicable.

- 3. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?**

Yes.

- 4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?**

No.

5. **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 2022.**

In Fiscal Year 2022, the quarterly report posting dates will be calendared to ensure all four entries are published.

6. **The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency’s Fiscal Year 2020 Annual FOIA Report and, if available, for your agency’s Fiscal Year 2021 Annual FOIA Report.**

The Fiscal Year 2021 Annual FOIA Report is located here:

<https://www.usaid.gov/sites/default/files/documents/USAIDFY21-AnnualFOIAReport.pdf>

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

The Department of Justice has 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 FY 2020 and 2021 Annual FOIA Reports.

A. *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.

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

Yes. USAID uses a separate track for simple requests. USAID uses a multi-track system, to differentiate between “simple,” “complex,” and “expedited” requests.

2. **If your agency uses a separate track for simple requests, according to Annual FOIA Report Section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?**

No.

3. **Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track.**

USAID placed 10 percent of its processed requests in the “simple” track.

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?**

Not Applicable.

B. Backlogs

When answering these questions, please refer to your Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

Backlogged Requests

5. **If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.A, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?**

No, it increased from 368 backlogged requests in 2020 to 396 backlogged requests in 2021.

6. **If not, according to Annual FOIA Report Section V.A., did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?**

No. In FY 2021 USAID processed two (2) fewer requests (297) than in FY 2020 (299).

7. **If your agency’s request backlog increased during Fiscal Year 2021, please 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:**

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons—please briefly describe or provide examples when possible.**

Four factors contributed to USAID's backlog in Fiscal Year 2021: loss of staff; an increase in the complexity of the requests received; issues resulting from the Coronavirus Disease (COVID-19) pandemic; and pending litigation.

The first factor is loss of staff. During Fiscal Year 2021, USAID lost half of its direct-hire staff due to employment growth and opportunities. Also, the FOIA professional services contract expired, was re-competed and newly awarded. The reduced staff decreased response times. In addition, it is taking more time to train new staff on the FOIA process at USAID and its organizational structure.

The second factor is the complexity of requests received. The preponderance of requests received are for email records and/or acquisition and assistance records. Email records are generally voluminous and require various levels of review and coordination both internally and externally. The acquisition and assistance records require external coordination, pursuant to Executive Order 12600, to solicit review and disclosure comments on records that contain potentially confidential and commercial information.

The third factor is the influx of requests in response to COVID-19. These are impacting processing and significantly increasing the backlog. Over 50 of the FOIA requests received concerned COVID-19 or PREDICT, another infectious disease program. Most of these requests were placed in the complex track because of the level of coordination to process each one, i.e. internal consultations and collaboration across the Agency in addition to the volume of responsive pages resulting from the email search. The average email page count has resulted in over 10,000 pages per request. This has necessitated additional scope negotiation discussions with the requesters, lengthened page-by-page relevancy reviews, and extensive virtual collaboration with the email custodians and subject matter experts for disclosure recommendations.

The fourth factor is an increase in litigation. USAID has seven active FOIA litigation cases. Each one has a court-ordered production schedule to review and/or release a minimum of 250 pages per month. Some of the cases have tens of thousands of pages. The cases require concerted attention and coordination across the intra- and inter-agency(ies) to timely release each production and respond to other litigation demands, such as declarations and joint status reports. More staff have been assigned to assist with litigation, and with the reduced workforce, this has impacted efforts towards reducing the backlog of FOIA requests.

- 8. 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 2021.**
****Please use the following calculation based on data from your Annual FOIA Report:
(backlogged requests from Section XII.A) divided by (requests received from Section V.A) x
100. This number can be greater than 100%.****

The percentage of requests that made up the backlog out of the total number of requests received by USAID is 120 percent.

Backlogged Appeals

- 9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?**

No, it increased by 4 appeals.

- 10. If not, according to Section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal year 2020?**

No, 13 appeals were processed in FY 2020, and 3 appeals were processed in FY 2021.

- 11. If your agency's appeal backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce backlog. When doing so, please also indicate if any of the following were contributing factors:**

- **An increase in the number of incoming appeals.**
- **A loss of staff.**
- **An increase in the complexity of the appeals received.**
- **Any other reasons—please briefly describe or provide examples when possible.**

Four factors contributed to USAID's appeal backlog in Fiscal Year 2021: loss of staff; an increase in the complexity of the requests received; Coronavirus Disease (COVID-19); and litigation.

The first factor is loss of staff. During Fiscal Year 2021, USAID lost half of its direct-hire staff due to employment growth and opportunities. Also, the FOIA professional services contract expired, was recompeted and newly awarded. The reduced staff decreased response times. In addition, it is taking more time to train new staff on the FOIA process at USAID and its organizational structure.

The second factor is the complexity of requests received. The preponderance of requests received are for email records and/or acquisition and assistance records. Email records are generally voluminous and require various levels of review and coordination both internally and externally. The acquisition and assistance records require external coordination, pursuant to Executive Order 12600, to solicit review and disclosure comments on records that contain potentially confidential and commercial information.

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- 12. 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 2021. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A."**

The percentage of appeals that make up the backlog out of the total number of appeals is 83.33%.

C. Backlog Reduction Plans

- 13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2020 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 2021?**

This is not applicable to USAID, as our backlog is below 1,000 requests. However, USAID codified and implemented our FOIA-Backlog-Reduction Plan ("Plan") in January 2020. The Plan institutionalized currently employed best practices and introduced other reforms that focus on key areas of success, such as obtaining leadership support; routinely reviewing processing metrics; using resources more effectively; increasing staff training and engagement; increasing proactive disclosure; and communicating effectively with internal and external stakeholders.

- 14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, what is your agency's plan to reduce this during Fiscal Year 2022?**

This is not applicable to USAID, as our backlog is below 1,000 requests.

D. Status of 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 Years 2020 and 2021 when completing this section of your Chief FOIA Officer Report.

Ten Oldest Requests

15. In Fiscal Year 2021, did your agency close the ten oldest requests that were reported pending in Section VII.E of your Fiscal Year 2020 Annual FOIA Report?

Yes.

16. 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 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not applicable. Please note that USAID closed 10 of 10 of its oldest pending requests from Fiscal Year 2020.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

In FY 2021, USAID continued to place concentrated focus on our oldest requests. This approach included identifying unanswered search taskers, sending renewed search taskers, obtaining more comprehensive release recommendations with clearly articulated foreseeable harms in the release of information deemed sensitive.

Ten Oldest Appeals

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were pending as in your Fiscal Year 2020 Annual FOIA Report?

Yes.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed Section VII.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Not applicable. Please note that USAID closed 4 of 4 of its oldest pending appeals from Fiscal Year 2020.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

USAID remains committed to addressing our oldest appeals through the strategic assessment of concerns on appeal and prioritizing the levels of effort to adjudicate the appeals in a timely manner.

Ten Oldest Consultations

21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported in Section XII.C of your Fiscal Year 2020 Annual FOIA Report?

Yes.

22. 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 2020 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not applicable. Please note that USAID closed 4 of 4 of its oldest pending consultations from Fiscal Year 2020.

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

None.

24. 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.

Not applicable.

25. 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 2022.

Not applicable.

VI. Success Story

Out of all the activities undertaken by your agency since March 2021 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.

USAID continues to take significant steps to increase proactive disclosures. USAID began publishing data dashboards to its new, public-facing Tableau server. Dashboards include the Evaluation Registry, which documents USAID's evaluations and links to documents in the Development Experience Clearinghouse (DEC), and a dashboard produced for the National Security Council (NSC) depicting countries' COVID-19 response in the Indo-Pacific Region.