

**The 2011 Chief FOIA Officer Report
for the
United States International Trade Commission**

I. Steps Taken to Apply the Presumption of Openness

1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.

The President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been added to both our intranet and internet FOIA pages. When we circulate FOIA request forms for processing to other offices we attach a copy of the Attorney General's FOIA Guidelines.

b. What training has been attended and/or conducted on the new FOIA Guidelines?

Agency-wide training on information security includes FOIA awareness and responsibilities. Agency staff is reminded of their responsibilities when asked to research a FOIA request. FOIA staff has attended the Department of Justice's training sessions on the new guidelines.

c. How has your agency created or modified your internal guidance to reflect the presumption of openness?

Our agency continues to look for materials to post at our FOIA page for public viewing. We are in the process of updating our "Frequently Requested Records" link at our FOIA page with reoccurring documents that are requested. Our processes are in accordance with the Open Government Act of 2007. In FY 2011, the FOIA Office will undertake a review of its procedures and guidelines for processing FOIA requests. This review will include the possibility of discretionary releases of information as a means to enhance the openness of the agency. In addition, the office will review all materials that are posted on the website and seek to expand and update its FOIA information. Finally, the review will encompass all other FOIA procedures to ensure that the agency remains in compliance with FOIA requirements.

- d. To what extent has your agency made discretionary releases of otherwise exempt information?

Most FOIA requests received by this agency are for information submitted in accordance with published rules and protected by statute. Specifically, most of our information is protected by 19 USC Subtitles I - IV. However, we rarely deny requests outright and supply as much information as possible in response to FOIA requests.

- e. What exemptions would have covered the information that was released as a matter of discretion?

We have not made discretionary releases of information.

- f. How does your agency review records to determine whether discretionary releases are possible?

A review is conducted by the FOIA Office of all information gathered in response to FOIA requests. On the rare occasions when material is exempt, that material is further reviewed by the Office of the General Counsel, to determine whether or not to waive the exemption or to assert it. If the material can be released, it is.

- g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

Based on our records, only two requests were denied in full due to exemptions in the last five fiscal years. The Commission's practice was already consistent with the Administration's openness initiative when it began. The FOIA Office is reviewing the entire process for receiving, processing, searching for records and disclosing information in order to ensure its rigorous compliance with openness guidelines.

2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year-s Annual FOIA report.

In FY 2010 the USITC number of full and partial grants was approximately the same compared to the previous year. Either a full or partial release was granted in 50% (17 full, 6 partial out of 46 total) of all requests received in FY 2010. In FY 2009, a full or partial release was granted with respect to 54% of all requests received (18 full, 9 partial out of 50 total). The agency had no responsive documents for the remainder of requests.

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

a. Do FOIA professionals within your agency have sufficient IT support?

Yes. The IT staff is very supportive of FOIA staff. We consistently work together regarding web postings, improvements to the FOIA database, and maintenance of the web interface for electronic filing of requests.

b. Describe how your agency's FOIA professionals interact with your Open Government Team.

Our FOIA professionals are members of the Open Government Team.

c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

Our response time is analyzed each year to determine that we are meeting the statutory due date. Staff is considered adequate to meet current requirements of FOIA processing. The Commission receives a relatively small number of FOIA requests annually, and the current staff has no difficulty processing requests, coordinating searches with the program offices, and responding within the guidelines that apply.

d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

At the end of FY 2010 the FOIA process was audited by the agency's Office of the Inspector General. We are awaiting the report of findings.

III. Steps Taken to Increase Proactive Disclosures

a. Has your agency added new material to your agency website since last year?

The ITC is continuously updating materials on the website and adding new materials. New materials added include FAQs for individual operational areas, descriptions of complementary information found on external web sites, and links to other government web sites with complementary missions.

b. What types of records have been posted?

Most postings have been FAQs and plain language procedural guidance and historical data regarding investigations.

c. Give examples of the types of records your agency now posts that used to be available only by making FOIA request for them.

We currently post Commission reports on miscellaneous tariff bills and summary information regarding individual import injury investigations (antidumping, countervailing duty, five-year (sunset) review, safeguard, and intellectual property).

d. What system do you have in place to routinely identify records that are appropriate for posting?

Notice of, and in some instances, copies of, all reports issued by this agency flow through the Secretary. Decisions regarding web posting are reviewed at the time of issuance of the report. The FOIA staff is part of the Office of the Secretary.

e. How do you utilize social media in disseminating information?

This agency does not use social media to disseminate information.

e. Describe any other steps taken to increase proactive disclosures at your agency.

This agency is active in and fully supports Open Government initiatives.

IV. Steps Taken to Greater Utilize Technology

1. Electronic receipt of FOIA requests:

a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?

All requests come into one central office. This office accepts requests filed through our FOIA web portal, e-mailed, mail, courier, and faxed requests.

b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

The FOIA Office will review all of its procedures in FY 2011. The current electronic database is being reviewed and updated with more specific information. It is likely that all information about each FOIA request, including scanned versions of the responses, will be included in the FOIA database by the end of FY 2011.

c. What methods does your agency use to receive requests electronically?

This office accepts requests filed through our FOIA web interface, e-mailed requests, and faxed requests.

2. Electronic tracking of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?

The one central FOIA office tracks requests electronically.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

Each year response times are analyzed to determine that we are meeting the statutory date. To date, staff is still considered adequate to meet current requirements of FOIA processing. Since, our processes have been streamlined as a result of the agency's audit staff continues to have no difficulty processing the number of requests coming into our office.

- c. What method does your agency use to track requests electronically?

The agency utilizes off-the shelf software products to track FOIA requests. Information provided by the requester is automatically uploaded to the software and e-mail notification is automatically sent to the FOIA staff.

3. Electronic processing of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?

The USITC's central processing unit uses technology to process requests electronically.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

None. There is only one central FOIA office.

- c. What methods does your agency use to track requests electronically?

The agency uses off-the-shelf software products to track FOIA requests.

4. Electronic preparation of your Annual FOIA Report:

- a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a general data-processing system?

One of the reports available on the off-the-shelf software generates the information needed for the FOIA annual report. The information is input to the FOIA annual report template provided by the Department of Justice.

b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.

We are satisfied with the overall performance of the current system.

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

1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.

Our agency has no backlog. There was no backlog in fiscal year 2009.

2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:

Not applicable.

3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.

Not applicable. This agency does not have, and has not had any history of FOIA processing backlogs.

Spotlight on Success

Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.

We received a rather large FOIA request from a requester who had sent the same request for travel database records to several federal agencies. Our first response to the requester was different than the other responses he received from agencies using the same travel database system, and he questioned us. I responded by telephoning him and explaining the bases for our response: we are a small agency, contractor support is unavailable, in-house administration is limited. He understood and thanked me. He then asked me how he should frame his request for next year to assure he gets the updated information that he will be seeking.