

CHIEF FOIA OFFICER'S REPORT

INSTITUTE OF MUSEUM AND LIBRARY SERVICES (IMLS)

March 14, 2014

This report has been prepared by Nancy E. Weiss, IMLS's General Counsel and Chief FOIA Officer, in compliance with the "Guidelines for Chief FOIA Officer Reports to the Department of Justice Pursuant to Attorney General Holder's FOIA Guidelines," published by the Office of Information Policy on September 19, 2013. Questions concerning this report can be addressed to my attention by phone at 202-653-4640 or by e-mail at nweiss@imls.gov.

IMLS's 2014 Chief FOIA Officer Report addresses the agency's activities that have occurred since the filing of last year's Report, which was March 11, 2013, up until the filing of the 2014 Report.

INTRODUCTION

The Institute of Museum and Library ("IMLS" or the "Institute") recognizes that the Freedom of Information Act (FOIA) is a fundamental element of Open Government. By applying a presumption of openness and maintaining effective FOIA operations, IMLS seeks to expand the availability of information about the agency's programs and operations to the public. The following report describes the steps taken by IMLS to implement FOIA during the reporting period.

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.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

FOIA Training:

- 1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?**

Yes.

- 2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.**

The Institute's FOIA representatives routinely conduct informal Freedom of Information Act (FOIA) training and information briefs with agency managers and IMLS staff members. The core messages communicated are: (1) the need to ensure transparency and openness in agency processes and operations; and (2) the importance of maintaining FOIA efficiency in carrying out the agency's statutory FOIA processing requirements.

In 2013, the agency's Executive Leadership Team was briefed on the fundamental principles and requirements of FOIA so that the leadership team could help shape the development of new IMLS FOIA regulations. IMLS FOIA representatives, the Chief Operating Officer, Chief Information Officer/Records Officer, the Director of the Office of Planning, Research, and Evaluation, agency Open Government staff, and IMLS program managers, were also instructed on the FOIA principles and requirements as part of a series of meetings focused on increasing public access to IMLS information.

In addition, FOIA training material, including information regarding how to respond to a FOIA request, is posted on the agency's internal SharePoint site and made available to all IMLS staff. Finally, the full IMLS staff was briefed on the agency's new FOIA regulations.

3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

Yes. IMLS personnel regularly participate in available training opportunities. For example, in 2013, the agency's Chief FOIA Officer and FOIA Liaison attended DOJ Annual FOIA Report and Chief FOIA Officer training offered by the Department of Justice. In addition, in 2013, the FOIA staff attended training offered by the American Society of Access Professionals.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

100%.

5. OIP has issued guidance that [every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year](#). Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

IMLS is committed to ensuring that substantive FOIA training is made available to all FOIA professionals throughout the year. In addition to the informal agency FOIA training that is routinely conducted, the Chief FOIA Officer monitors FOIA training opportunities offered throughout the government, and by outside organizations, and provides relevant information on such training opportunities to all agency FOIA professionals. In 2013, the agency launched a new electronic learning management

system, which should help facilitate the FOIA training process and also enable the Chief FOIA Officer to monitor the training progress of agency FOIA professionals.

Outreach:

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

Yes. IMLS regularly engages with agency stakeholders, which include library associations and the information science community, regarding the agency's information disclosure practices. IMLS is also an active participant in the White House Open Government Working Group, which meets with open government groups on a quarterly basis. The agency also actively participates in a number of conferences involving members of the requester community. For example, in 2013, IMLS staff attended the Sunlight Foundation's Transparency Camp. The conference brought together open government advocates and policy makers, including IMLS staff, to share their knowledge about how to use new technologies and develop policies that enhance transparency and effective government.

IMLS staff has, on numerous occasions, adjusted the agency's information disclosure practices in response to feedback received through these consultations and the FOIA process, leading to an increase in the amount and usefulness of IMLS information made publicly available. For example, in 2013, after receiving a FOIA request seeking data about museums throughout the country, the agency realized how useful this data could be to researchers. In response, the agency made data about museums throughout the country publicly available in new, more user-friendly formats. See http://www.ims.gov/research/museum_universe_data_file.aspx. IMLS has integrated a customer feedback mechanism into its data disclosure process – each data set has an agency contact for questions and requests for additional information. IMLS uses this process to regularly update the ways in which it makes data and information available to the public.

Finally, in 2013, IMLS proposed revisions to its regulations under the Freedom of Information Act and solicited public comments regarding the proposed regulations that described how IMLS processes requests for records under FOIA and reaffirmed the agency's commitment to providing the fullest possible disclosure of records to the public. As part of this process, IMLS received public comments from an open government group and the agency also consulted with the Office of Government Information Services at the U.S. National Archives and Records Administration. This engagement contributed to several changes which were made in the agency's final FOIA regulations. The agency's proposed FOIA regulations were also featured in December in the Center for Effective Government's Best Practices for Agency's FOIA Regulations. See <http://www.foreffectivegov.org/files/info/foia-best-practices-guide.pdf>.

Discretionary Disclosures:

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

- 7. Does your agency have a formal process 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 at your agency have a process in place for making discretionary releases.**

Yes. IMLS FOIA Representatives review all records that are responsive to a particular FOIA request. When there is the possibility of making a discretionary release with respect to a particular FOIA request, the FOIA Representatives consult with the agency's General Counsel/Chief FOIA Officer. In addition, the agency's FOIA officials and program managers meet regularly to discuss proactive release of agency records pursuant to the FOIA and Open Government Act.

- 8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?**

Yes.

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

The information released as a matter of agency discretion would normally have been covered under Exemptions 4 and 5.

- 10. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.**

IMLS is committed to making discretionary releases of agency information, in a manner that will not diminish the integrity of its programs and operations, nor result in foreseeable harm to its employees. Although long held by the agency under FOIA Exemption 4, this year in response to several FOIA requests, the agency made discretionary releases to academic researchers identifying organizational data obtained from grantees receiving funding from IMLS. The decision to make this change came as a result of discussions held during routine agency FOIA and Open Government meetings (See Section I, Question 7). Specifically, the FOIA staff reviewed the agency's position on Exemption 4 withholdings which pertained to organizational identifying information. Discretionary release of Exemption 4 information was sought due to the increased

number of requests received from outside researchers to provide this information. After careful analysis of the agency practice, review of other federal agency practices and weighing the agency's responsibility to prevent "foreseeable harm" to interested parties, as articulated in the Attorney General's Memorandum, we determined that release of information previously held pursuant to Exemption 4 was appropriate for discretionary release and discontinued with the practice prior to the end of the fiscal year. In addition, IMLS has also released limited amounts of pre-decisional information, after first determining that release would not adversely affect an individual nor hinder the effectiveness of agency processes.

11. If your agency was not able to make any discretionary releases of information, please explain why.

N/A.

Other Initiatives:

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

Yes.

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

IMLS is committed to the fullest possible disclosure of records to the public. The agency has updated its FOIA policies and procedures, including its FOIA regulations, to reflect that the agency applies a presumption of disclosure and openness with regard to all decisions involving FOIA. In addition, as described more fully in Section III below, the agency has undertaken a number of initiatives to increase proactive disclosures of information of interest to the public. See, for example, <http://www.imls.gov/data/>

**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.

Describe here the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

Personnel:

During Sunshine Week 2012 OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

- 1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?**

N/A. IMLS's Director of Human Resources, in consultation with the Chief FOIA Officer, reviewed OPM's Memorandum for Chief Human Capital Officers regarding the creation of the new Government Information Series. Because of the small size of the agency (67 employees), IMLS's FOIA professionals are required to perform a number of non-FOIA-related activities as part of their job at the agency. As such, IMLS does not have any eligible staff members for conversion to the new job series. IMLS has, however, as appropriate, updated the agency's FOIA professionals' position descriptions to reflect the responsibilities outlined in the OPM memo.

- 2. If not, what proportion of personnel has been converted to the new job series?**

N/A.

- 3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?**

N/A.

Processing Procedures:

- 4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

N/A. The agency did not process any requests for expedited processing in Fiscal Year 2013.

- 5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.**

Yes. IMLS has adopted FOIA guidelines that require the agency's FOIA professionals to conduct consultations and referrals, when necessary, with all practicable speed so as to ensure an efficient and effective handling of such requests.

Requester Services:

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Yes.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

Yes. As appropriate, IMLS advises requesters that the 2007 FOIA amendments created the Office of Government Services to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation.

8. Describe 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.

This year, IMLS adopted new FOIA regulations. In the past, IMLS had shared FOIA regulations with both the National Endowment for the Arts and the National Endowment for the Humanities. This year, however, IMLS promulgated its own regulations. These updated regulations are inclusive of the requirements of both the Open Government Act and FOIA. See <https://www.federalregister.gov/articles/2014/02/19/2014-03545/implementing-the-freedom-of-information-act>. The agency has also undertaken efforts to update its internal FOIA policies and procedures in light of its adoption of new FOIA regulations.

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.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2013 to March 2014). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

Yes.

2. If so, describe the system that is in place.

The IMLS Director has made information sharing an agency priority. Indeed, promoting greater transparency and accountability of IMLS operations is one of the agency's primary objectives. See Strategic Plan 2012-2016, "Creating a Nation of Learners." http://www.imls.gov/about/strategic_plan.aspx. In furtherance of the Strategic Plan, the Director has convened a Knowledge and Transparency Workgroup whose primary objective includes the development of "transparency policies that promote information sharing that can be readily implemented and convenient for interested parties." This group has been engaged in numerous projects, including making agency reports and grant-related data more easily available to the public.

In addition, IMLS FOIA representatives, the Chief Operating Officer, the Chief Information Officer/Records Officer, the Director of the Office of Planning, Research, and Evaluation, agency Open Government staff, and IMLS program managers routinely meet to ensure that the agency is identifying records for proactive disclosure.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

- The agency launched a new Open Data page summarizing the agency's commitment to open data and information sharing: <http://www.imls.gov/data/>. This page includes a link to IMLS's data catalog, which describes, in both human and machine-readable forms, all of the agency's datasets that can be made publicly available. <http://www.imls.gov/data.json>.
- IMLS posted a new data file, the Museum Universe Data File, which is geo-referenced to improve usability, and contains a list of known museums in the United States. http://www.imls.gov/research/museum_universe_data_file.aspx.
- In addition, data sets from the IMLS statistical program are updated annually in the DATA.GOV portal: <http://catalog.data.gov/organization/imls-gov>
- IMLS posted a new dataset of administrative records containing information regarding all discretionary grant recipients who were awarded funds by the agency from fiscal year 1996 through fiscal year 2013. http://www.imls.gov/research/administrative_discretionary_grant_data.aspx

- The agency expanded the amount of information disclosed regarding a major grant program, releasing Sparks! Ignition Grants for Libraries and Museums White Papers – available for 2011 awards through online search tool: <http://www.ims.gov/recipients/grantsearch.aspx>
- The agency also continued to explore opportunities to increase public disclosure of information regarding the IMLS Grants to States Program. Last year, IMLS drew information from a password-protected database of funded projects and made them available to the general public, and added a new section to its website on the Measuring Success initiative. See http://www.ims.gov/research/measuring_success.aspx. This year, IMLS has undertaken efforts to further increase public access to information regarding the Grants to States Program. The agency is currently developing new State-level profiles containing data on the use of Grants to States funds by each state. See http://www.ims.gov/programs/state_profiles.aspx.

Making Posted Material More Useful:

- 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, such as soliciting feedback on the content and presentation of posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?**

Yes.

- 5. If so, provide examples of such improvements.**

IMLS has undertaken a number of steps to make the information it discloses more useful to the public.

In response to the President’s Executive Order on Making Open and Machine Readable the New Default for Government Information, IMLS has created a new <http://www.ims.gov/data> webpage; conducted an internal audit of all available datasets within the agency; and created a machine-readable data catalog of the agency’s datasets. <http://www.ims.gov/data.json>

IMLS also has updated its website to improve usability and navigability of the IMLS statistical data. The site now has an initial landing page with brief descriptions of each data collection. When a user clicks on the description, they are sent to a more detailed description that outlines the purpose, coverage, content, frequency, methods and utility of the data. Each survey description page also has links to data definition and survey design details. http://www.ims.gov/research/data_collection.aspx

In addition, IMLS has made its statistical collections data available in a wider variety of formats, with the intention of making this information more useful to the public. IMLS is making its statistical collections data files available as CSV, XLS, Flat Files, and SAS files, and is also posting geospatial data files in multiple formats.

IMLS has also engaged in significant efforts to encourage the public to engage with IMLS information to make it more useful to the public. In 2013, IMLS posted two data sets of particular importance to the museum and library community. Before posting the data files, the agency worked to make the files more useful to the public through the inclusion of geospatial information. To maximize the utility of these data sets for the public, the agency created two specific data challenges for citizen hackers in connection with the first National Day of Civic Hacking. The event brought together citizens from around the country to work with local, state, and federal governments—as well as private sector organizations—with the common goal of improving their community through technology. <http://hackforchange.org/challenge/public-library-challengemuseum-data-challenge-2-challenges>

The agency has also initiated efforts to develop a standard format for final reports from all IMLS discretionary grant program, with a goal of eventually making such reports publicly available. A standardized format will increase the usability and analysis of individual reports, and will support batch analysis of reports.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

Yes. The agency uses a variety of means to publicize or highlight important proactive disclosures, including use of the agency’s Facebook page, Twitter account, and UpNext IMLS blog. In 2013, for example, the agency’s release of geo-referenced data sets and participation in the National Day of Civic Hacking was publicized through Facebook, Twitter, and the UpNext blog.

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

The agency has encountered challenges in its efforts to make certain grant application and report information more readily accessible online. Current grants management software makes moving to a fully digital process difficult, but IMLS is transitioning to a new electronic grants management system that is expected to make it easier for the agency to improve the accessibility of its information.

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

In addition to the agency’s efforts to manage its own information to promote openness and interoperability, IMLS is also committed to expanding public access to IMLS-funded research. The agency has implemented policies and procedures to ensure that the results of such research are made broadly available to and useful for the public, industry, and the

research community. Although IMLS is not subject to the White House Office of Science and Technology Policy's (OSTP) February 22, 2013, Memorandum requiring certain Federal agencies to develop a plan to support increased public access to the results of research funded by the Federal Government, the agency fully supports the policies set out in the Memorandum, and will conform its practices, as appropriate.

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. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

Online tracking of FOIA requests:

- 1. Can a FOIA requester track the status of his/her request electronically?**

Yes.

- 2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?**

FOIA requests are acknowledged via e-mail and regular updates are provided to ensure that requestors are aware of the status of their inquiries. In addition, IMLS allows requestors to track their requests through a regularly updated FOIA tracking document on the IMLS website.

- 3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.**

IMLS provides a tracking number, the date received at IMLS, the status (open/closed), and the date of completion (if the status is open, then the estimated date of completion is provided).

- 4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his/her request?**

Yes.

5. **If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.**

N/A.

Use of technology to facilitate processing of requests:

6. **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?**

The agency is continuing to undertake efforts to improve record search capabilities.

7. **If so, describe the technological improvements being made.**

Through an enhanced use of SharePoint, the agency continues to improve upon its ability to use technology to enhance its FOIA process. Specifically, SharePoint ensures better version control, quicker response times, and less duplication.

In addition, the agency's efforts to adopt a new electronic grants management system are expected to significantly enhance the efficiency of the agency's FOIA process by further reducing duplication and increasing response times.

8. **Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?**

IMLS considers, on an ongoing basis, the costs and benefits of various technological tools that could help achieve efficiencies in the agency's programs.

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 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 those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

Simple Track Requests:

1. **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.

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

Yes.

b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?

Yes.

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

N/A.

Backlogs and “Ten Oldest” Requests, Appeals and Consultations:

2. 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. 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 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

Backlogs

a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

The agency did not have a backlog at the end of Fiscal Years 2013 or 2012.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

The agency did not have a backlog of administrative appeals in Fiscal Years 2013 or 2012.

Ten Oldest Requests

- c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?**

Yes. During Fiscal Year 2013, the agency closed all requests that were pending at the end of Fiscal Year 2012.

- d. 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 2012 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 two of them, you should note that you closed two out of seven "oldest" requests.**

N/A.

Ten Oldest Appeals

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?**

Yes. (The agency did not have any administrative appeals pending at the end of Fiscal Year 2012).

- f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.**

N/A.

Ten Oldest Consultations

- g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?**

Yes. (The agency did not have any consultations pending at the end of Fiscal Year 2012).

- h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.**

N/A.

Reasons for Any Backlogs:

- 3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:**

Request and/or Appeal Backlog

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?**

N/A.

- b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?**

N/A.

- c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?**

N/A.

- d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?**

N/A.

“Ten oldest” Not Closed

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.**

N/A.

- f. If your agency was unable to close any of its ten oldest requests or appeals 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.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

- 4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014.**

N/A.

- 5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency’s plan for achieving backlog reduction in the year ahead.**

N/A.

Interim Responses:

OIP has issued **guidance** encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

- 6. Does your agency have a system in place to provide interim responses to requesters when appropriate?**

Yes.

- 7. If your agency had a backlog in Fiscal Year 2013, 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.**

N/A. The agency did not have a backlog at the end of Fiscal Year 2013.

Use of FOIA’s Law Enforcement “Exclusions”

In order to increase transparency regarding the use of the FOIA’s statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to “treat the records as not subject to the requirements of [the FOIA],” 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

- 1. Did your agency invoke a statutory exclusion during Fiscal Year 2013?**

No.

2. If so, what was the total number of times exclusions were invoked?

N/A.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2013 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 a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- IMLS is committed to maximizing access to and the effective use of information, not only through its programs of financial assistance, but also with respect to providing access to governmental information.
- IMLS not only manages its own information to promote openness and interoperability, but the agency is also committed to expanding public access to IMLS-funded research. Although IMLS is not subject to the White House Office of Science and Technology Policy's (OSTP) February 22, 2013, Memorandum requiring certain Federal agencies to develop a plan to support increased public access to the results of research funded by the Federal Government, the agency fully supports the policies set out in the Memorandum, and has implemented policies and procedures to ensure that the results of such research are made broadly available to and useful for the public, industry, and the research community.
- The agency has a long history of engaging public participation in its programs and activities, and has developed significant skills in establishing multiple pathways to participation so that IMLS practice is constantly informed by and responsive to stakeholder needs. As part of its efforts to make IMLS information more useful to the public, the agency engaged in a number of significant stakeholder outreach efforts in 2013.
- For example, in June, IMLS posted two data sets of particular importance to the museum and library community. Before posting the data files, the agency worked to make the files more useful to the public through the inclusion of geospatial information. To maximize the utility of these data sets for the public, the agency created two specific data challenges for citizen hackers in connection with the first National Day of Civic Hacking. The event saw more than 11,000 people join together in more than 95 events across the country to collaboratively create, build, and invent using publicly-released data to address challenges, both locally and nationally. Some of the IMLS-related projects developed

during the event included new ways to improve IMLS data collection efforts, mobile apps, and visualizations of public libraries and museums.

- IMLS plans to continue to reach out to developers and other stakeholders interested in using IMLS data in new and exciting ways. During the National Day of Civic Hacking, IMLS staff members received helpful suggestions from the community, and the agency will continue to provide more data and more resources to better facilitate continuing public innovation.