

**National Endowment for the Humanities (NEH)  
2018 Chief FOIA Officer Report**

**(Agencies that Received 50 Requests or Less in Fiscal Year 2016)**

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**I. Efforts to Improve NEH's FOIA Administration**

*A. Steps Taken to Apply the Presumption of Openness*

NEH is committed to applying the presumption of openness when it makes decisions about releasing agency records under the FOIA. For example, even when an agency record falls within one of the nine FOIA exemptions, NEH will only withhold the record if it is reasonably foreseeable that the disclosure would harm an interest protected by one of the exemptions. Also, NEH will segregate and release information not protected by one of the exemptions when a record contains both protected and unprotected information.

Additionally, to ensure full compliance with both the letter and the spirit of the FOIA, including the presumption of openness, NEH's FOIA professionals (i.e., OGC staff) attend substantive training each year, and we regularly remind agency staff of their obligations under the FOIA. During the reporting period, our new staff attorney with FOIA responsibilities attended OIP's *FOIA for Attorneys and Access Professionals* training, and our paralegal completed FOIA refresher training. Also, NEH held a one-hour, in-person FOIA training for agency staff, which reviewed NEH's FOIA policies and procedures and reinforced the agency's commitment to responding accurately and promptly to all FOIA requests. Finally, our FOIA professionals regularly respond to specific questions and conduct one-on-one training verbally and in writing, as needed, regarding NEH employees' FOIA responsibilities.

*B. Steps Taken to Ensure NEH has an Effective System in Place for Responding to Requests*

NEH continues to implement an effective system for responding to FOIA requests. First, a single office—the Office of the General Counsel—handles all agency FOIA requests. When the agency receives a request, our FOIA professionals assign it a tracking number and contact the relevant NEH divisions and offices to initiate a records search. Within each division or office, the search process is coordinated by a single staff member tasked with handling FOIA requests. Our FOIA professionals are available to NEH staff for consultations on the search process, FOIA regulations, and any related issues that may arise.

In addition, NEH's FOIA Public Liaison is available to receive feedback from requestors, as is our principal FOIA contact, who interacts regularly with requestors and sends feedback to the Public Liaison. Contact information for our Public Liaison and our Principal FOIA Contact is available on NEH's website. Also, in our acknowledgement of a request, we provide the requestor with contact information for the analyst who will handle the request; and we provide our FOIA Public Liaison's contact information in every FOIA response letter.

*C. Steps Taken to Increase Proactive Disclosures*

NEH routinely takes steps to increase proactive disclosures. For example, program officers in the various NEH divisions regularly select samples of grant application narratives from NEH-funded projects for posting on the NEH website alongside agency grant guidelines and in its electronic FOIA Library. NEH also regularly releases financial reports concerning NEH's grant-making and budget; maintains a list of NEH credit card holders (which is frequently requested information); and publishes its complete staff directory on its website.

Additionally, NEH recently created a “digital repository” of archival records documenting NEH’s history and activities, and made it available on the agency’s website. The public may freely search, view, and download materials in the repository, which include minutes from National Council on the Humanities meetings; grant program guidelines; press releases; and agency publications. The repository is an ongoing project, as NEH continually adds materials of historical significance and public interest.

Moreover, NEH continuously reviews all responsive documents for posting to the NEH FOIA Library, available on NEH’s website. In Fiscal Year (FY) 2017, NEH posted all responsive documents to its electronic FOIA library (except documents responsive to first-party requests or those concerning NEH’s Office of the Inspector General investigations into an individual), thereby ensuring that most disclosures released to a single requestor are easily available to the public at large.

#### *D. Steps Taken to Greater Utilize Technology*

As part of its effort to make greater use of technology, NEH is currently redesigning and updating its website. This effort includes improving the website’s layout and navigability so that potential FOIA requestors can easily locate and view records that NEH has already posted, and also quickly learn how to request NEH records under the FOIA. In addition, NEH has refined the “search” feature of its website so that users can sort results by various fields. Furthermore, NEH ensures that every page of its website, including posted materials, is accessible on mobile devices.

#### *E. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs*

NEH has a long-standing record of consistently replying to FOIA requests and appeals in a timely manner. In FY 2017, NEH received 58 requests, 84 percent of which were placed on the simple track. We processed all simple requests within 21 working days (all but one within 20 working days), with an average 12.4 days for processing. Our average processing time for complex requests was 34.38 days, with 63 percent of complex requests processed within 20 working days and all but 1 request processed within 60 working days or less. In FY 2017, we processed all appeals within 20 working days. Additionally, NEH received five requests for expedited processing in FY 2017, and we adjudicated each request within two working days.

NEH had one backlogged request and no backlogged appeals at the end of FY 2017. We received the backlogged request at the end of FY 2017 (in September 2017) and processed it within the first quarter of FY 2018 (in December 2017). The requestor sought a large volume of decades-old records that NEH had destroyed pursuant to its approved records retention schedule. A technical problem with the offsite storage database prevented us from timely confirming the records’ disposition. During this period, we communicated regularly with the requestor to keep her apprised of the status of her request.

## **II. Efforts to Administer the FOIA in a “Spirit of Cooperation”**

NEH actively works to administer the FOIA in a “spirit of cooperation” and ensure good communication with requestors. It is our policy to promptly acknowledge every request we receive, unless we are able to process it immediately. In our acknowledgement, we provide the request tracking number and contact information for the analyst who will handle the request. We also inform the requestor of the date by which we expect to finish processing the request; and, in the case of voluminous or otherwise complex requests, we notify requestors as soon as possible if we anticipate we will miss this deadline. Additionally, when a requestor submits a vague request, our FOIA professionals contact the requestor in an effort to clarify the request. Similarly, when we receive an exceptionally broad request, we contact the requestor in an effort to narrow the scope and ensure that our search is both efficient for NEH and useful to the requestor.