



Bureau of Indian Affairs

Department of the Interior

Chief FOIA Officer Report to the Attorney General

I. Steps Taken to Apply the Presumption of Openness

1. The Bureau of Indian Affairs (BIA) has taken multiple steps to apply the presumption of openness:

- a. Conducted four training sessions in FY09 during which all new FOIA Coordinators and processors were trained to apply the presumption of disclosure in responding to FOIA requests.
- b. Issued quarterly reminders to all Coordinators on FOIA processing and the application of the presumption of disclosure.
- c. Distributed copies of the President's FOIA Memorandum and Attorney General's FOIA Guidelines to Indian Affairs employees who attended training sessions, as well as via e-mail to all FOIA Coordinators, processors, and program staff for the BIA, Bureau of Indian Education and Assistant Secretary – Indian Affairs.
- d. Provided guidance to all FOIA Coordinators and processors on the Administration's memoranda, guidelines, and changes to DOI's FOIA regulations during FY09.
- e. The BIA does not maintain statistics on discretionary disclosures, not does it have any examples of discretionary disclosures that have been made since issuance of the new FOIA guidelines.

2. Full and partial releases increased by 26 percent and 21 percent respectively from FY08 to FY09. This is based on the increased number of incoming requests in 2009.

| GRANTS – FULL OR PARTIAL | FY08 | FY09 |
|---------------------------------|-------------|-------------|
| Full Grants | 394 | 495 |
| Partial Grants | 206 | 249 |



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II. Steps Taken to Ensure an Effective System for Responding to Requests

Historical documents such as Indian treaties and original reservation boundaries are the bases for many present-day court settlements. The BIA is the original source of most Indian records and is required by law to preserve those documents which are determined to have historical value.

The Indian Affairs FOIA Program highlights:

- The Indian Affairs FOIA Program is one of the most highly decentralized FOIA programs in the DOI.
- The Program consists of the Assistant Secretary for Indian Affairs Office and two Bureaus (Bureau of Indian Affairs and Bureau of Indian Education). They include the office of the FOIA Officer, 13 Central Offices in Washington DC, 12 regional offices and 86 agencies nationwide, and 6 law enforcement districts nationwide which collectively receive and respond to FOIA requests received in Indian Affairs.
- All FOIA requests are tracked by staff in the FOIA Office (Headquarters) where control numbers are assigned and guidance is provided for all Central Office, Regional and Law Enforcement FOIA Coordinators and processors.
- All FOIA assignments and communications are updated, shared and distributed electronically through e-mail, fax and via conference calls, when necessary.
- The FOIA Officer conducts periodic reviews of all statistical data which include incoming FOIA requests, overdue responses, and all matters under Solicitor review—including those in litigation.
- The FOIA Officer conducts frequent teleconferences with the Regional Coordinators to ensure that they are kept abreast of the latest changes in the law and Departmental FOIA policies and procedures. A two-day FOIA/Privacy Act Training Session was conducted in the Great Plains Region in June 2009. Day 1's attendance consisted of 40 BIA employees who worked in the regional office. Day 2's attendance consisted of 40 BIA employees who came from the various BIA agencies that process FOIA requests.
- Additional FOIA/Privacy Act training will be provided at the Navajo and Rocky Mountain Regions during FY10.



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- A one-day FOIA/Privacy Act Training Session was provided in the Northwest Region. Participants included Superintendents and Regional Managers.
- The Bureau FOIA Officer has submitted a request to the Bureau Chief Information Officer for scanners, redaction software and new computers for FOIA personnel to facilitate request processing.
- All Coordinators to whom redaction software has been issued have been directed to consult with the Department’s Office of the Chief Information Officer (i.e., the DOI FOIA Program) in unison with their respective IT Office at each designated location to complete installation of redaction software, as well as receive assistance with any needs to expedite FOIA requests by utilizing programs and systems that include Adobe Acrobat Professional.

III. Steps Taken to Increase Proactive Disclosures

The following BIA information which may be of interest to the public has been posted to the Web since the issuance of the new FOIA guidelines:

| BIA WEBSITES | |
|---|---|
| Tracing Your Indian Ancestry | http://inside.indianaffairs.gov/idc/idcplg |
| Indian Trust Fund Operations | http://www.doi.gov/archive/news/09_News_Releases/080709b.html |
| Cobell Litigation/Lawsuit/Proposed Settlement Information | http://www.bia.gov |

IV. Steps Taken to Greater Utilize Technology

1. Yes. On December 5, 2001, all Indian Affairs offices and bureaus were disconnected from the Internet due to the Cobell litigation. On May 14, 2008 the Consent Order was vacated and the offices were reconnected to the Internet. The Indian Affairs website went live in May 2009. After more than six years without access to the Internet, Indian Affairs is now able to receive FOIA requests via e-mail. FOIA requests are also received via fax. In March 2009, an e-mail box was created for FOIA requests submitted electronically and it has been posted on the Department’s website.



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2. Not Applicable
3. Yes. Indian Affairs uses the Department's electronic FOIA tracking system (EFTS) for tracking and managing FOIA/Privacy Act requests.
4. Not Applicable
5. Yes. Indian Affairs is taking the following steps to improve timeliness in responding to requests and administrative appeals:
 - a. Indian Affairs uses the Department's EFTS to track and process requests.
 - b. Only a few offices are using redaction software. Forty licenses were requested and procured from the Department's OCIO Office. Installation of the licenses is in the process of being completed.
 - c. Additional scanners, redacting software, and new computers have been requested for FOIA staff.
6. Not Applicable
7. Yes. Indian Affairs uses the Department's EFTS to generate its FOIA annual report.
8. Not Applicable

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

1. Indian Affairs's backlog decreased from 121 requests pending in FY08 to 100 pending in FY09. In the FY08 annual report, the oldest pending request was dated 11/30/2006. In the FY09 annual report, the oldest pending request was dated 4/30/2007.

To reduce the current backlog, we will focus primarily on completing the oldest FOIA requests while at the same time striving to complete new requests within the statutory timeframes.

2. There has been a reduction in the backlog, and we believe this occurred when the Indian Affairs FOIA program was reorganized under the Deputy Assistant Secretary – Indian Affairs (Management) and relocated to Washington, D.C. The FOIA Program Office was previously located in Herndon, Virginia and Albuquerque, New Mexico, under the Office of the Chief Information Officer. In an effort to streamline operations, improve efficiencies and



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monitor response times, the FOIA program was centralized in an effort to comply with the Departmental implementation plan for processing, tracking, and reporting FOIA activities.

3. The primary concerns regarding the Indian Affairs FOIA operation include limited staff, slow responses to documents requested due to other priorities, increasingly demanding requesters, and an increase in the number of requests for highly technical sensitive documents. Since November 2009, there has been a dramatic spike in the volume of FOIA requests that are received by the BIA. We are working closely with the Coordinators and managers to address the number of requests and to ensure that timely and complete responses are provided to FOIA requesters.

The BIA is taking the following steps to improve timeliness in responding to requests and administrative appeals:

- a. Working with FOIA Coordinators and processors to conduct monthly teleconference meetings.
- b. Issuing periodic reports on overdue FOIA requests to Management and requesting their support in completing these requests.
- c. The FOIA Officer has requested two additional full-time FOIA positions for the Indian Affairs FOIA Office due to the numerous requests received to date in FY10. One of these positions will be established to work on law enforcement requests.
- d. Several positions have been created in the Office of Justice Service (OJS) that will include FOIA duties (i.e., processing OJS FOIA requests). These positions will be established at the six law enforcement district offices.
- e. Increasing efficiency in FOIA processing through additional training at headquarters and for field office personnel.