

**NATIONAL ENDOWMENT FOR THE HUMANITIES
FREEDOM OF INFORMATION ACT (FOIA)
ANNUAL REPORT FOR FISCAL YEAR 2006**

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I. BASIC INFORMATION REGARDING REPORT

- A. Name, title, address, and telephone number of person(s) to be contacted with questions about report.**

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National Endowment for the Humanities
1100 Pennsylvania Avenue, NW
Room 503
Washington, DC 20506
(202) 606-8273

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1100 Pennsylvania Avenue, NW,
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Washington, DC 20506
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- B. Electronic address for this report on the World Wide Web.**

<http://www.neh.gov/whoweare/foiamain.html>

- C. How to obtain a copy of this report in paper form.**

Paper copies of this report can be obtained from Heather Gottry. Ms. Gottry's contact information is provided in Item I. A.

II. HOW TO MAKE A FOIA REQUEST

For basic information on how to make a FOIA request, visit our website at:

<http://www.neh.gov/howeare/foiamain.html>

A. Agency components and offices that received FOIA requests.

FOIA requests should be addressed to:

National Endowment for the Humanities
Freedom of Information Act Officer
1100 Pennsylvania Avenue, N.W., Room 529
Washington, D.C. 20506

E-mail requests may be addressed to: gencounsel@neh.gov

B. Brief description of the agency's response-time ranges.

The agency responded to simple requests in approximately thirty (30) working days and complex requests in approximately one hundred twenty (120) working days.

C. Brief description of why some requests are not granted.

The primary reason for not fully granting requests for which records are located is that disclosure would result in unwarranted invasions of personal privacy. Generally, small, segregable portions of the records are withheld in those instances. The secondary reason for not granting requests is that the agency had no records responsive to the request.

III. DEFINITIONS OF TERMS AND ACRONYMS USED IN THE REPORT

A. Agency-specific acronyms or other terms.

NEH - National Endowment for the Humanities

B. Basic terms, expressed in common terminology.

1. FOIA/PA request - Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests.
2. Initial Request - A request to a federal agency for access to records under the Freedom of Information Act.

3. Appeal - A request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal - A request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing - A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requestor who has an urgent need for records may request expedited processing.
6. Expedited processing - An agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request - A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex request - A FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant - An agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant - An agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
11. Denial - An agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits - The time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request - A FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute - A separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b) (3).

15. Median number - The middle, not average number. For example, of 3, 7, and 14, the median number is 7.

16. Average number - The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. EXEMPTION 3 STATUTES

No exemption 3 statutes were used by the agency during fiscal year 2006.

V. INITIAL FOIA/PA ACCESS REQUESTS

A. Numbers of Initial Requests.

1.	Number of requests pending as of end of preceding fiscal year	<u>13</u>
2.	Number of requests received in current fiscal year	<u>47</u>
3.	Number of requests processed during current fiscal year	<u>42</u>
4.	Number of requests pending as of end of current fiscal year	<u>18</u>

B. Disposition of initial requests.

1.	Number of total grants	<u>20</u>
2.	Number of partial grants	<u>13</u>
3.	Number of denials	<u>0</u>
	a. Number of times each FOIA exemption used:	
	Exemption 1	<u>0</u>
	Exemption 2	<u>0</u>
	Exemption 3	<u>0</u>
	Exemption 4	<u>13</u>
	Exemption 5	<u>0</u>
	Exemption 6	<u>13</u>
	Exemption 7	<u>0</u>
	Exemption 8	<u>0</u>
	Exemption 9	<u>0</u>
4.	Other reasons for nondisclosure (total):	<u>9</u>
	a. no records	<u>8</u>
	b. referrals	<u>0</u>
	c. request withdrawn	<u>0</u>
	d. fee-related reason	<u>0</u>
	e. records not reasonably described	<u>0</u>
	f. not a proper FOIA request for some other reason	<u>0</u>
	g. not an agency record	<u>1</u>
	h. duplicated request	<u>0</u>
	i. other (specify)	<u>0</u>

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS

A. Number of Appeals.

1.	Number of appeals received during fiscal year	<u>0</u>
2.	Number of appeals processed during fiscal year	<u>2</u>

B. Disposition of appeals.

1.	Number completely upheld	<u>1</u>
2.	Number of partially reversed	<u>1</u>
3.	Number of completely reversed	<u>0</u>
	a. Number of times each FOIA exemption used:	
	Exemption 1	<u>0</u>
	Exemption 2	<u>0</u>
	Exemption 3	<u>0</u>
	Exemption 4	<u>1</u>
	Exemption 5	<u>2</u>
	Exemption 6	<u>0</u>
	Exemption 7	<u>0</u>
	Exemption 8	<u>0</u>
	Exemption 9	<u>0</u>
4.	Other reasons for nondisclosure (total):	<u>0</u>
	a. no records	<u>0</u>
	b. referrals	<u>0</u>
	c. request withdrawn	<u>0</u>
	d. fee-related reason	<u>0</u>
	e. records not reasonably described	<u>0</u>
	f. not a proper FOIA request for some other reason	<u>0</u>
	g. not an agency record	<u>0</u>
	h. duplicated request	<u>0</u>
	i. other (specify)	<u>0</u>

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS

A. Average processing time for requests processed during the year.

1.	Simple requests	
	a. number of requests processed	<u>36</u>
	b. average number of days to process	<u>30</u>
2.	Complex requests	
	a. number of requests processed	<u>6</u>
	b. average number of days to process	<u>90</u>

3.	Requests accorded expedited processing.	
	a. number of requests processed	<u>0</u>
	b. average number of days to process	<u>0</u>

B. Status of pending requests.

1.	Number of requests pending as of end of current fiscal year	<u>18</u>
2.	Average number of days that such requests were pending as of that date	<u>120</u>

VIII. COMPARISONS WITH PREVIOUS YEAR(S)

	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>
A. Number of requests received in:	45	66	44	47
B. Number of requests processed in:	42	53	51	42
C. Number of request pending at end of FY:	7	20	13	18

D. Other statistics significant to agency

The agency received no requests for expedited processing.

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records)

As set forth in more detail in Section XII of this report, NEH worked to improve the content and accessibility of information and agency records on the agency's website, increase timely processing of FOIA requests, and improve communications with FOIA requestors. As a result of these efforts, NEH completely revised and updated its FOIA webpage to make it more user friendly to the public and to FOIA requestors in particular. NEH monitors and works to continually make available on the NEH website new agency records. Additionally, NEH now sends acknowledgement letters to all FOIA requestors to provide them with notification that their request has been received and an agency point of contact. Finally, NEH is working to review FOIA processing and backlog on a regular basis to identify areas of improvement and ways to increase responsiveness to FOIA requests.

IX. COSTS/FOIA STAFFING

A. Staffing levels.

1.	Number of full-time FOIA personnel	<u>0</u>
2.	Number of personnel with part-time or occasional FOIA duties (in total work-years)	<u>0.50</u>
3.	Total number of personnel (in work-years)	<u>0.50</u>

B. Total costs (including staff and all resources).

1.	FOIA processing (including appeals)	<u>\$40,000</u>
2.	Litigation-related activities (estimated)	<u>0</u>
3.	Total costs	<u>\$40,000</u>

C. Statement of additional resources needed for FOIA compliance (optional)

X. FEES

A.	Total amount of fees collected by agency for processing requests	<u>\$ 0</u>
B.	Percentage of total costs	<u>N/A</u>

XI. FOIA REGULATIONS (INCLUDING FEE SCHEDULE)

<http://www.neh.gov/howeare/foia/foiaguide.html>

XII. REPORT ON EXECUTIVE ORDER 13,392 IMPLEMENTATION

On December 14, 2005, the President issued Executive Order 13,392, entitled "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to administration of the Freedom of Information Act. The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

This section of NEH's annual FOIA report contains the agency's description of its progress in implementing the milestones and goals set forth in the agency's FOIA Improvement Plan. The reporting period for this Section is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2006. The reporting period for this section concerning Executive Order implementation activities includes progress made by NEH through January 2007.

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

As of January 2007, NEH met all of the goals and milestones as established in the agency's FOIA Improvement Plan, which was submitted on June 14, 2006. In particular, NEH accomplished a series of improvements in the processing of FOIA requests and far exceeded its goal of updating the

NEH FOIA webpage and establishing an Electronic Reading Room to compliment the existing electronic FOIA request system.

In the area of Web Site Improvement, NEH has greatly improved the content and accessibility of information and agency records on the NEH website by revising and supplementing the NEH FOIA webpage. NEH initially reviewed FOIA-related information available on the website, and subsequently created an Electronic Reading Room with links to a number of frequently requested agency records, added additional FOIA reference resources to the webpage, and revised the agency's online FOIA Reference Guide. NEH was able to launch the agency's revamped Electronic Reading Room on the website three months ahead of schedule. After the initial revisions to the NEH website, the agency has reviewed this webpage every three months and made changes and added new records as appropriate.

In the area of FOIA Request Processing Methods, NEH has worked to increase timely processing of FOIA requests. In furtherance of this goal, NEH began tracking the dates on which records for each FOIA request were requested from NEH Divisions and/or Offices, as well as the date upon which the records were returned for FOIA review. NEH also amended the FOIA processing coversheet to require more information from NEH staff on disclosure and exemptions related to requested records, as well as any potential processing expenses. Additionally, NEH FOIA staff reviewed internal FOIA procedures to ensure consistent processing and communication. NEH reviews new and pending FOIA requests and appeals on a regular basis to assess processing time and potential reasons for FOIA backlog. Finally, NEH has begun a review of potential proposed amendments to the agency's joint FOIA regulations. Currently, NEH is working with other relevant agencies to review these proposed amendments.

In the area of Use of Information Technology, NEH has worked to assess whether new information technology would improve quality and timeliness of responses to FOIA requests. To this end, NEH has reviewed the types of records requested from NEH and determined that where practicable scanning would result in a more timely response to FOIA requests. NEH has also reviewed various methods available for the redacting of records, and is assessing whether these methods would assist the NEH FOIA program in electronically redacting information from agency records.

In the area of Customer Relations/Communications, NEH has completed all steps set forth in the FOIA Improvement Plan. NEH has trained FOIA program staff in the NEH FOIA Requestor Service Center on the importance of communications and interactions with FOIA requestors. NEH has also implemented a system for acknowledging all FOIA requests received by the agency to notify the requestor that the FOIA request has been received and to provide a point of contact.

In the area of FOIA Training, NEH issued written FOIA training to all agency staff. This training provided staff with an overview of FOIA and records exempt under FOIA, identified NEH staff responsible for FOIA, and set forth the time limits for responding to FOIA requests. In the training, NEH emphasized the importance of immediately responding to requests from NEH FOIA staff for agency records when received in a Division and/or Office. Through this training and the completion of other steps set forth in the NEH FOIA Improvement Plan, NEH has improved its FOIA program, communications with FOIA requestors, and has increased electronic access to agency records.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

None.

D. Additional narrative statements regarding other executive order-related activities (optional)

At the end of FY 2006, NEH had not made significant progress in decreasing its backlog and had a corresponding increase in FOIA response over FY 2005 response times. While NEH completed all steps in the FOIA Improvement Plan and improved the content and accessibility of information and agency records on the NEH website, due to understaffing in the FOIA program the agency was not able to significantly decrease the pending FOIA backlog during FY 2006. To address this issue, NEH will modify its FOIA Improvement Plan to address decreasing the FOIA backlog and will allocate more staff time to the FOIA program in FY 2007.

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering:

- (1) classified national defense and foreign relations information;
- (2) internal agency rules and practices;
- (3) information that is prohibited from disclosure by another federal law;
- (4) trade secrets and other confidential business information;
- (5) inter-agency or intra-agency communications that are protected by legal privileges;
- (6) information involving matters of personal privacy;
- (7) records or information compiled for law enforcement purposes, to the extent that the production of those records
 - (A) could reasonably be expected to interfere with enforcement proceedings,
 - (B) would deprive a person of a right to a fair trial or an impartial adjudication,
 - (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,
 - (D) could reasonably be expected to disclose the identity of a confidential source,
 - (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or
 - (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (8) information relating to the supervision of financial institutions; and
- (9) geological information on wells.

F. Additional Statistics

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency):

- February 27, 2004 to January 31, 2007

2. Time range of consultations pending with other agencies, by date of initial interagency communication:

- None pending

G. Attachment: Agency improvement plan

The NEH improvement plan is attached.

**NATIONAL ENDOWMENT FOR THE HUMANITIES FOIA PNATIONAL
ENDOWMENT FOR THE HUMANITIES FOIA PLAN
UNDER EXECUTIVE ORDER 13,392**

A. NATURE OF NEH'S FOIA OPERATIONS

Freedom of Information Act/Privacy Act (FOIA/PA) requests submitted to the National Endowment for the Humanities (NEH) are processed by the NEH Office of the General Counsel. The NEH Deputy Chairman serves as the Chief FOIA Officer for NEH and signs off on all FOIA/PA responses from the agency. The Office of General Counsel intakes and processes FOIA/PA requests for records maintained by the agency. The FOIA/PA program staff in the NEH Office of General Counsel consist of the Acting General Counsel, Attorney-Advisor, and Paralegal Specialist. The Office of General Counsel serves as the NEH FOIA Requester Service Center. The Chief FOIA Officer has designated the Acting General Counsel to serve as NEH's FOIA Public Liaison. In Fiscal Year 2005, NEH received 44 requests and completed the processing of 51 requests.

B. AREAS SELECTED FOR REVIEW

NEH identified and reviewed the following potential areas of improvement for its' FOIA/PA program:

- Affirmative and Proactive Disclosure
- Web Site Improvement/Electronic Reading Room
- Agency FOIA Reference Guide
- Electronic FOIA
- Use of Information Technology New Equipment
- Processing Methods
- Backlog reduction
- Customer Relations/Communication
- Additional Training

C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW

After a thorough and careful review of NEH's FOIA/PA program, the agency determined that the existing program for processing FOIA requests generally works well. However, during the review NEH identified areas of the FOIA/PA program that could benefit from focused attention and improvement. The first two areas assessed were NEH's efforts to proactively and affirmatively disclose information to the general public. While the agency determined that NEH currently publishes and makes available to the general public a wide variety of information and agency records on the NEH website and also in hardcopy, the agency also determined that it should increase electronic disclosure of information and agency records. Further, after reviewing NEH's use of the agency website for the FOIA/PA program, NEH determined that many current FOIA requests could be satisfied in a more efficient manner by increasing the number and types of

information and agency records available on the website and by improving the FOIA section on the website. Although a wide variety of agency records are available on the NEH website and the website has a link to “Frequently Requested Documents,” there is no designated electronic reading room with records available for review by the general public on the website. NEH plans to establish such an electronic reading room in the FOIA section of the website and will conduct a review to determine what information and agency records should be added to the electronic reading room. Additionally, NEH will add links to *Your Right to Federal Records* and *A Citizens Guide to the FOIA* to the FOIA section of the NEH website. This will provide additional electronic reference materials for NEH FOIA requestors on their rights to access Federal information and records. A review of the NEH website established that the website currently offers the FOIA requestors only the ability to conduct broad searches of the entire content available on the website, but does not offer the ability to conduct searches confined only to specific topic areas such as press releases. NEH will explore whether offering a limited search function would be feasible for the NEH website, as well as helpful to FOIA customers by providing greater ease of access to information and agency records available online.

NEH is aware that it has an ongoing obligation to review new information and agency records and to make determinations whether they need to be made available to the general public. After examining the agency’s current efforts to review and make new information and agency records available, NEH plans to implement a procedure whereby the FOIA/PA program will conduct a quarterly review of new information and agency records to determine whether any should be made available to the general public. Further, after a review of the current *The Freedom of Information Act: A Guide to Requesting NEH Records* (hereinafter *NEH FOIA Reference Guide*) available online, the agency determined that when the FOIA/PA program conducts the quarterly review of new information and agency records to ensure affirmative and proactive disclosure of materials to the general public, the program will also review the *NEH FOIA Reference Guide* to determine whether any sections need to be updated in order to comply with federal requirements and/or internal NEH procedures. This review will ensure that the *NEH FOIA Reference Guide* is updated on a timely basis with new and accurate information.

Next, the agency reviewed how NEH has used new information technology equipment in its FOIA/PA program. As a result of this review, NEH determined that it will assess whether employing technologies such as software available for the electronic redaction of agency records in response to FOIA requests would assist the FOIA/PA program. Similarly, the agency will review whether the ability to scan and electronically transmit responsive documents would result in more efficient and timely responses to FOIA requests. If the agency determines that new information technology resources would improve the FOIA/PA program, then NEH will determine if, and when, these tools can be integrated into the FOIA/PA program.

Our review also covered the processing methods currently utilized by the NEH FOIA/PA program. NEH is a small agency and generally only receives a limited number of FOIA requests each year. As a result, NEH is able to complete many simple FOIA requests by searching and locating records in-house. However, the search and review of requested agency records can often require the involvement of multiple internal divisions and offices, as well as the recall of records from off-site storage facilities. Nevertheless, NEH determined that due to the relatively small size of the agency and the limited number of FOIA requests received each year, the agency does not

have the need to employ a complex tracking and processing system such as those used by other federal agencies. The tracking and processing system currently used by the NEH FOIA/PA program assigns a tracking number to each FOIA request and tracks the requester's name, records requested, date of request, due dates, type of records released, and date of release. The FOIA/PA program also records the NEH division or office responsible for supplying the requested records. As a result of the review, the FOIA/PA program will also begin tracking the dates on which records were requested from NEH divisions and/or offices, as well as the date records are provided by the divisions and/or offices. This information will be used by the FOIA/PA program to determine whether delays in processing requests are a result of the records requested, or whether there is an internal agency element responsible for the delay. The FOIA/PA program will then be able to more quickly identify any potential problem areas for improvement. NEH will also assess whether the development of an electronic FOIA/PA database would allow FOIA/PA program staff to more efficiently input and track data related to FOIA/PA requests. Finally, NEH will review and amend the internal processing cover sheet for FOIA requests sent to NEH divisions and/or offices. The revised processing cover sheet will request that NEH staff provide more detailed information related to the mandatory disclosure and exemptions for the requested agency records, as well as more detailed information on any potential processing expenses.

In the area of customer relations with FOIA requestors, our review of the FOIA/PA program revealed that the agency has a generally good track record of fulfilling requests in a timely manner with only limited exceptions on certain complex requests. In addition to receiving requests via mail and fax, the NEH provides a FOIA request form on the agency website for the electronic submission of FOIA requests. Nevertheless, the NEH has determined that it can and will seek to fulfill FOIA requests in more timely manner. Due to the relatively small number of agency staff, NEH does not have the capability to assign one individual to work exclusively on FOIA/PA requests. However, the recent addition of a full-time attorney to the Office of the General Counsel will enable the agency to commit an additional staff member to assisting with the processing of FOIA requests. Additionally, the agency anticipates that an improvement in response time will be accomplished, in part, by increasing the number of agency records available on the NEH website and in the electronic reading room as discussed above.

Additionally, our review noted that NEH's current regulations do not address a FOIA requestor's right to receive information in an electronic form. Although requests are accepted electronically, NEH usually responds to and fulfills FOIA requests in hardcopy. NEH is aware that the 1996 amendments to FOIA require agencies to "provide the record in any form or format requested . . .". 5 U.S.C. §552(a)(3)(B). Accordingly, NEH plans to amend the agency's existing joint FOIA regulations, to ensure that the FOIA regulations comply with the 1996 amendments to FOIA. Once the FOIA regulations are revised, noticed, published, and implemented, the agency will amend the *NEH FOIA Reference Guide* to reflect that FOIA requestors have the right to select the method in which their request will be fulfilled. The ability to respond to FOIA requests electronically will further enable NEH to fulfill FOIA requests in a more timely manner.

As a result of NEH's review of how the processing of FOIA requests under the current NEH FOIA/PA program impacts FOIA customer relations and communications, the agency plans to formalize all procedures for responding to FOIA requests. Due to the relatively small size of the agency and the limited number of FOIA requests received annually, NEH has not found it necessary

to consistently employ formal procedures for its FOIA/PA program. Although the existing FOIA/PA program procedures have worked reasonably well in recent years, NEH determined that more formal procedures will most likely lead to further improvement in the FOIA/PA program. NEH also plans to add additional steps to the FOIA/PA program procedures. The agency does not, as a matter of course, acknowledge all FOIA requests within twenty (20) working days. NEH recognizes that acknowledgement letters are an important tool for making FOIA requesters aware of the status of their pending requests. Because the agency feels that this is a simple action that would improve NEH's FOIA customer relations and communications, NEH plans to amend its procedures to include this additional important communication with FOIA requestors. In the acknowledgement letter, NEH will also provide the FOIA requestor with the contact information for a staff member in NEH's FOIA Requester Service Center.

After reviewing the current FOIA backlog, NEH plans to also implement a quarterly review by the FOIA/PA program of all open FOIA requests and appeals. This will enable the program to regularly review the FOIA backlog to determine what further action is necessary to respond to pending FOIA requests and/or appeals. Additionally, this quarterly review will allow the NEH staff to analyze on a more regular and frequent basis the response time for FOIA requests and provide the opportunity to identify existing or future impediments to the prompt processing of FOIA requests. NEH hopes that this review, along with the other improvements planned as a result of the review of the NEH FOIA/PA program, will over time incrementally and consistently improve the agency's response time for FOIA requests.

In recognizing that FOIA requests can impact all divisions and offices of the agency, NEH determined that its employees and its FOIA program would benefit from training on the principles of FOIA and the new requirements for improving agency disclosures of information. To accomplish this goal, the NEH plans to conduct FOIA/PA training for agency staff. By providing training to agency staff on NEH FOIA procedures and statutory rules and exemptions, NEH seeks to ensure that all staff possess the requisite level of knowledge to ensure timely and correct compliance with the FOIA requirements.

D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR FOIA PLAN

- Web Site Improvement/Electronic Reading Room
- Processing Methods
- Use of Information Technology
- Customer Relations/Communication
- Additional Training

E. IMPROVEMENT AREA PLANS

1. Web Site Improvement

Goal: To improve the content and accessibility of information and agency records on the NEH website. **Target Completion: 12-01-06 (and continuing thereafter).**

Steps:

- Review FOIA-related information currently on the NEH website. **To be completed by 8-1-06.**
- Add links to *Your Right to Federal Records* and *A Citizens Guide to the FOIA* to the FOIA section of the NEH website. **To be completed by 8-1-06.**
- Review websites of other similarly sized and situated agencies to identify types of documents and information regularly available in electronic reading rooms. **To be completed by 9-1-06.**
- Review the *NEH FOIA Reference Guide* and make any necessary updates in order to ensure compliance with federal requirements. **To be completed by 9-1-06. Thereafter, review reference guide for necessary updating every 3 months: 12-1-06; 3-1-07; 6-1-07; 9-1-07; 12-1-07; 3-1-08; etc.**
- Review FOIA requests from 2004-2006 to determine frequently requested information and agency records. **To be completed by 10-1-06.**
- Examine ways to refine the NEH's website search capabilities for FOIA requestors, including the possibility of a limited search engine to enable users to search by keyword and by type of document (press releases, grant guidelines, etc.). **To be completed by 12-1-06.**
- Refine and update process for locating and posting on NEH website documents required by 5 U.S.C. 552(a)(2). **To be completed by 9-1-06. Thereafter, review need for new subsection (a)(2) documents every 3 months: 12-1-06; 3-1-07; 6-1-07; 9-1-07; 12-1-07; 3-1-08; etc.**
- Create and launch NEH electronic reading room, including the uploading of all relevant identified information and agency records on to FOIA/PA section of NEH website. **To be completed by 11-1-06. Thereafter, upload all new subsection (a)(2) documents every three months, to be completed one (1) month after documents are identified by agency personnel: 12-1-06; 3-1-07; 6-1-07; 9-1-07; 12-1-07, 3-1-08, etc.**

2. FOIA Request Processing Methods

Goal: To increase timely processing of FOIA requests. **To be completed by 3-1-07 (and continuing thereafter).**

Steps:

- Begin tracking the dates on which records for each FOIA request are requested from NEH divisions and/or offices, as well as date upon which records are returned from NEH divisions and/or offices. **To be completed by 7-1-06.**
- Amend internal FOIA processing cover sheet to require more information from NEH staff on disclosure and exemptions related to requested records, as well as any potential processing expenses. **To be completed 8-1-06.**
- Review and formalize FOIA/PA program processing procedure to ensure consistent processing and communication on FOIA requests. **To be completed by 12-1-06.**
- Increase availability of information on agency website, as noted above in Step #1. **To be completed by 12-1-06.**
- Investigate possibility of developing an electronic FOIA database to use in tracking FOIA requests and generating reports. **To be completed by 1-1-07.**
- Implement quarterly review of status of new and pending FOIA requests and appeals. Review will consist of analyzing: (1) average time spent for processing each request; (2) time spent by agency divisions in responding to OGC request for information and documents; and (3) reasons for backlog, if any such backlog exists. **To be completed 9-1-06; 12-1-06; 3-1-07; 6-1-07; 9-1-07; 12-1-07; 3-1-08; etc.**

Goal: To amend NEH regulations to allow FOIA requestors to choose the format by which requested records are provided. **To be completed: 8-1-07**

Steps:

- Review current NEH FOIA regulations at 45 CFR 1100 to determine necessary changes required by the 1996 amendments to FOIA. **To be completed by 9-1-06.**
- Complete draft of new regulations. **To be completed by 12-1-06.**
- Submit draft of new rules for review to ensure compliance with 1996 amendments to FOIA. **To be completed by 1-1-07.**
- Publish Proposed Notice of Rule in Federal Register: **To be completed by 3-1-07.**
- Publish Final Rule in Federal Register and make new guidelines available on NEH website. **To be completed by 8-1-07.**
- Make appropriate changes to *NEH FOIA Reference Guide* to conform to amended regulations. **To be completed by 8-1-07.**

3. Use of Information Technology

Goal: To increase efficiency in the redaction and production of final FOIA responses by determining whether new information technology would improve quality and timeliness of responses to FOIA requests. **To be completed by 12-1-06.**

Steps:

- Review types of records requested and method of requesting records (electronic requests versus mailed requests). Determine whether scanning and e-mailing records would result in more timely and less costly responses to FOIA requests. **To be completed by 12-1-06.**
- Review methods for redacting documents; determine whether information technology such as Adobe Acrobat would be useful to the FOIA/PA program for electronically redacting information from records. **To be completed by 12-1-06.**
- Consult with appropriate NEH staff regarding feasibility of application and potential acquisition of new technology for FOIA/PA program. **To be completed 2-1-07.**
- Acquire new technology for use in FOIA/PA program, if necessary and reasonable to improve efficient of FOIA/PA program. **To be completed 6-1-07.**
- Train FOIA/PA staff in new technology and begin providing responses generated with new technology. **To be completed 8-1-07.**

4. Customer Relations/Communications

Goal: To improve communications with FOIA requesters. **To be completed by 12-1-06.**

Steps:

- Train FOIA/PA program staff in NEH FOIA Requestor Service Center on importance of communications and interactions with FOIA requestors, and review rights of FOIA requestors. **To be completed by 8-1-06.**
- Implement system for acknowledging receipt of FOIA requests. **To be completed by 9-1-06.**
- Review website to determine whether agency FOIA contact information is correct and sufficiently user-friendly. **To be completed by 9-1-06.**
- Review and formalize FOIA/PA program processing procedure to ensure consistent processing and communication on FOIA requests. **To be completed by 12-1-06.**

5. FOIA Training

Goal: To provide review and training to NEH staff on the FOIA, its exemptions, and new developments in FOIA. **To be completed by 12-1-06 (and continuing thereafter on a biannual training schedule).**

Steps:

- Ensure that all agency personnel are familiar with the agency's duty to respond to FOIA requests in a timely manner. **To be completed by 10-1-06.**
- Identify to all NEH staff those agency individuals primarily responsible for handling FOIA requests. **To be completed by 10-1-06.**
- Provide information to all agency staff on recent developments in FOIA, including subsection (a)(2) requirement to continuously make available documents on agency website. **To be completed by 10-1-06.**
- Inform all agency staff of new steps in agency FOIA procedures, including new steps to determine whether internal delays exist when requesting information from particular agency divisions. **To be completed by 10-1-06.**
- Provide review to all agency staff on the types of information exempted under FOIA. **To be completed by 10-1-06.**
- Review all training provided through 11-1-06; determine whether any further training is required. **To be completed by 11-1-06.**