

2017 Chief FOIA Officer Report
Office of National Drug Control Policy
Executive Office of the President

Michael Passante, Acting General Counsel and Chief FOIA Officer

Last year, ONDCP continued to provide prompt and accurate responses to our FOIA requests while applying the presumption of openness. ONDCP received 41 FOIA requests in FY 2016. At the end of FY 2016, ONDCP had only two FOIA requests that were backlogged. In an effort to make ONDCP's FOIA program itself more transparent, ONDCP posted all four quarterly reports and our annual report to ONDCP's website and to FOIA.gov.

ONDCP tries to release as much information as possible when responding to requests. In the vast majority of ONDCP's responses to FOIA requests for which ONDCP had documents, the responses contained either no redactions or only minor redactions for personal information. In fact, there were only two FOIAs during the year in which ONDCP used exemptions other than the exemption for personal information, and both of those FOIAs were referrals from or consultations with other Federal agencies. Before responses were provided to requesters, ONDCP FOIA staff reviewed the material to ensure that where an exemption applied, the records were withheld or redacted only where ONDCP was able to articulate the harm that would have resulted from the release of such information.

ONDCP has improved communication with its requesters in a spirit of cooperation. If ONDCP receives a request that is unclear, misdirected, or that misunderstands the kind of work that ONDCP does, ONDCP will often call or email the requester to clarify what documents the requester is asking for and explain what kinds of documents ONDCP maintains. For example, one common misconception is that ONDCP has information about particular criminal cases or investigations conducted by our High Intensity Drug Trafficking Area grantees, which we rarely do. But as part of our communication with requesters, ONDCP can sometimes help redirect the requesters to other sources.

ONDCP proactively discloses numerous documents on its website whenever members of ONDCP's staff, particularly its Office of Public Affairs or Office of Research and Data Analysis, believe that certain documents or data would be helpful to the public. Our Office of Research and Data Analysis contracts for significant research studies regarding drug use and its consequences and produces a compendium of drug-related data each year, both of which are made available to the public on our website. ONDCP posts its data in formats that can be used by researchers, and sometimes our website is the only source for such data. ONDCP also monitors if certain records are frequently requested and should therefore be posted on our website.

ONDCP has also made an ongoing effort to provide more substantive information and data for the public through social media, email, and press releases. ONDCP recently updated its Open Government Plan, and ONDCP's Flagship Initiative under that plan is to incorporate significantly greater use of online and social media tools to expand transparency, participation,

and collaboration related to the National Drug Control Strategy and other ONDCP activities. The Open Government Plan also includes a section on ONDCP's FOIA program and processes.

Finally, ONDCP is in the process of updating its FOIA regulations and working with the Office of Management and Budget and the Department of Justice's Office of Information Policy on that. These updates respond in part to the FOIA Improvement Act, but ONDCP is going well beyond that by taking the opportunity to update our very old FOIA regulations more generally to conform with best practices.