

CHIEF FOIA OFFICER'S REPORT
NATIONAL CAPITAL PLANNING COMMISSION
FEBRUARY 4, 2013

The National Capital Planning Commission ("NCPC" or "Agency") submits this report in response to the request of the United States Department of Justice, Office of Information Policy. This report was prepared by Anne R. Schuyler, General Counsel and Chief FOIA Officer.

Background Information

The NCPC is a small government agency with 36 regular employees and 12 Commission members. The NCPC is the central federal planning agency for the Federal Government in the National Capital Region.¹ Five of the NCPC Commissioners are appointed, three by the President without Senate confirmation and two by the Mayor of the District of Columbia. The remaining members are ex-officio members representing the Secretary of Defense, the Secretary of Interior, the Administrator of General Services, the Mayor of the District of Columbia, the Chairman of the Council of the District of Columbia, the Chairman of the Senate Committee on Homeland Security and Government Affairs, and the Chairman of the House Committee on Oversight and Government Reform.

The NCPC core mission is to review plans and projects of Federal and District Government agencies in successive stages (concept, preliminary and final), prepare the Federal Elements of the Comprehensive Plan ("Comprehensive Plan") to guide Federal and District Government development in the National Capital region, and to prepare a Capital Improvements Plan ("CIP") to prioritize federal agency capital expenditures on government facilities. The Agency also undertakes planning studies on issues derived from the Comprehensive Plan that require further detail and analysis.

The NCPC FOIA team consists of three individuals – the Chief FOIA Officer, an Alternative FOIA Officer and an Information Resource Specialist. The Chief FOIA Officer has read and understands the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. The other members of the FOIA team are also aware of these seminal documents and the guidance they provide.

During the reporting period, the NCPC received 16 FOIA requests. The NCPC provided full releases (released all responsive records in its possession) for five of the requests, denied 10 requests because there were no responsive records in its possession, and denied one request

¹ The National Capital region consists of the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudon and Prince William Counties in Virginia; and all cities in Maryland or Virginia in the aforementioned region.

because it was not a proper FOIA Request (the requester asked the Agency to publish regulations). Two of NCPC's denials, both predicated on no records, were appealed and the denials were upheld.

The NCPC is very open in its work with regard to public participation and endeavors to include and reach out to the public to the maximum extent possible.

I. Steps Taken to Apply the Presumption of Openness

1. During the reporting period, the NCPC did not hold a FOIA conference or otherwise conduct training. None of the Agency's three FOIA professionals attended FOIA training during the reporting period. NCPC's Chief FOIA Office applied to take a DOJ FOIA training course but was not accepted due to limited space.
- 2 - 4. During the reporting period, no requests were made for records subject to the FOIA's statutory exclusions.
5. At least 4 times a month, the Agency updates its website to provide the latest information regarding projects undergoing review by the Commission. Plans related to the NCPC's core mission (Comprehensive Plan and CIP) can be accessed through the website. The Agency frequently updates its website to add reports, new information regarding ongoing planning initiatives, and recently completed plans.

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

1. The NCPC's FOIA program has sufficient support from the Agency's IT staff.
2. The Agency's FOIA professionals are part of the Open Government Team. The Chief FOIA Officer worked closely with staff on the development of the Open Government Plan.
4. Because of the small number of FOIA requests on a FY basis (13 in FY 2012), the NCPC has adequate FOIA staff to respond to requests. As further evidence of the adequacy of staff, the NCPC has a very short response time (average response time in FY 2012 was three days), and it has no backlog of FOIA requests awaiting a response.
5. The NCPC does not need to take any additional steps to ensure its FOIA system operates efficiently and effectively. It is already doing so

III. Steps Taken to Increase Proactive Disclosures

1. The NCPC's goal is to post any and all information within the limits of applicable laws and regulations that has value to citizens interested in learning more about projects reviewed by the Commission and the Agency's planning projects and initiatives. The NCPC is continually updating its website to reflect the Agency's ongoing project plan review activities, new initiatives and events. This includes:
 - Monthly posting of Commission meeting agendas, staff reports, and project summaries. In addition, live video from Commission meetings is streamed and archived on the website.
 - Posting of key agency publications. New publications this year included, "The SW Ecodistrict, A Vision Plan for a More Sustainable Future" (published in various draft iterations for public comment and final form); Updates for the Federal Elements of the Comprehensive Plan pertaining to Urban Design, Preservation, and Visitor and Commemoration (published in draft for public comment and final form); and the FY 2012 Annual Report.
 - Adding several micro sites for new agency initiatives, including the congressionally mandated study of the 1910 Height Act to determine whether and where the current federal restriction on building heights could be lifted.
 - Posting online videos, including speaker events, presentations explaining agency initiatives and commemorative events, and meetings.
 - Providing the ability for the contents of the website to be translated into multiple languages.
2. The NCPC staff meets informally with stakeholder groups and members of the media to discuss possible improvements to make the website more user-friendly.
3. See, questions 1-2 above.

IV. Steps Taken to Greater Utilize Technology

1. The NCPC receives requests electronically. During the reporting period, six requests were received electronically.
2. The NCPC does not process requests on a decentralized basis.
- 3-6. A FOIA requester cannot track their request electronically. Given the quick turn around on responses, and the few number of requests received, there is little need for an electronic tracking system. The Agency does not contemplate development of a tracking system because it would not be cost effective.

- 7-8. The NCPC is not taking steps to utilize more advanced technology to facilitate overall FOIA efficiency because of the small number of requests received, the already efficient Agency response times, and because it is not cost effective to procure and implement advanced technologies.

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

1. The NCPC does not use a multi-track system. The average number of days to process all requests in FY 2012 was three days. The average number of days to process a request in FY 2011 was six days.
2. The NCPC had no backlog of requests or appeals pending as of the end of FY 2011.
3. Because the NCPC has no problems with timeliness in responding to requests or appeals, the NCPC is not taking any steps to improve its response times. However, the NCPC intends to continue its goal of timely response, monitoring its caseload to ensure timely response and taking any and all steps to increase efficiency if and when necessary.

Use of FOIA's Law Enforcement "Exclusions"

- 1 -2. The NCPC did not apply any law enforcement exclusions during the reporting period.

Spotlight on Success

To increase public awareness of the Commission's activities and encourage greater public participation, the NCPC website is now eligible for translation into 65 languages.