



OFFICE *of* GOVERNMENT INFORMATION SERVICES

November 29, 2016—sent via email

Ms. Marilyn Scott-Perez
Chief, Office of Information Management
U.S. Coast Guard
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Dear Ms. Scott-Perez:

This letter is in reference to your January 27, 2016 response to Office of Government Information Services (OGIS) recommendations for improving the United States Coast Guard (USCG) administration of the Freedom of Information Act (FOIA).

We appreciate your thorough response to our September 2015 recommendations and thank you again for participating in OGIS's agency compliance assessment program. We recently re-reviewed your responses and, as indicated in the attached form, consider 15 of OGIS's 17 recommendations closed.

If you have any questions, or would like to discuss the status of our recommendations, please do not hesitate to contact Kirsten Mitchell at 202-741-5775 or at kirsten.mitchell@nara.gov.

Sincerely,

NIKKI GRAMIAN
Acting Director

cc: Jonathan Cantor, Acting Chief FOIA Officer, Department of Homeland Security (DHS)

James Holzer, Deputy Chief FOIA Officer, DHS
Gaston Brewer, FOIA Public Liaison, USCG

Enclosure



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FREEDOM OF INFORMATION ACT COMPLIANCE ASSESSMENTS**

United States Coast Guard: September 2015		
Recommendation	Agency Response: January 2016	Status
Create a plan to centralize the Coast Guard's FOIA process.	While mentioned in the report, this recommendation was not on the original list forwarded to the Coast Guard on September 15, 2015. The Coast Guard has recently cut its overall staffing by 10 percent due to budget constraints. The FOIA Office has requested additional billets beginning with the FY18 budget to address shortfalls in our FOIA processing. The resource proposal was denied.	OPEN
Create clear standard operating procedures for the FOIA process by updating the Coast Guard FOIA Manual.	The Coast Guard is revising its FOIA Manual.	CLOSED
Create at-a-glance procedures for processing FOIA requests for personnel for which processing FOIA is a collateral duty.	Currently the USCG does not have the resources to create at-a-glance procedures for the processing FOIA requests for personnel for which processing FOIA is a collateral duty. We are looking at alternative methods to assist in this area (i.e., USCG Reserve support). Also, the USCG feels training would help this endeavor. We plan to place more FOIA specific items on our Intranet site for use by our outlying units.	CLOSED
Expand the Coast Guard's training curriculum to include privacy laws, DHS FOIA regulation, and DHS online training.	The USCG FOIA and PA Manual has a section on how to process Privacy Act requests. The FOIA/PA Manual also explains the relationship between FOIA and PA. Once the DHS FOIA Regulations, 6 CFR Part 5, is approved, the FOIA/PA Manual will be updated. The Coast Guard is also awaiting approval of the Department of Justice Training Modules by DHS. Once approved, the modules will be uploaded into the agency's Learning Management System as required annual training.	CLOSED
Evaluate the policy regarding what responses must be reviewed by the Office of General Counsel.	All FOIA denials are reviewed by the respective USCG Legal Service Office. The USCG Office of General Counsel should not be reviewing full grants and no records responses for a legal sufficiency review, because they are not considered denials.	CLOSED

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Study the Coast Guard's ability to access records housed on Department of Defense servers.	Will discuss with leadership.	CLOSED
Consider using the Coast Guard's own Administrative Law Judge (ALJ) program for processing appeals.	All appeals of adverse determinations are processed by USCG FOIA personnel and reviewed for legal sufficiency by the USCG General Counsel Office.	CLOSED
Fully implement the Coast Guard's FOIA processing system.	The USCG has just completed its first year using FOIAXpress. It is being used for FOIA tracking purposes only. Currently, the USCG is conducting market research into other FOIA software systems that could help up become more efficient and streamline our FOIA process.	OPEN
Overhaul the Coast Guard FOIA web page, including reviewing all reference material for accuracy and fixing broken links.	Completed. http://www.uscg.mil/foia/FOIA_Library.asp	CLOSED
Post link to agency's open investigations database.	Completed. http://www.uscg.mil/foia/FOIA_Library.asp	CLOSED

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<p>Send a link to the open investigations database to all requesters who seek investigative records.</p>	<p>The USCG's Data and Administration Division already provides a link to access to the investigations database in its responses FOIA requesters.</p>	<p>CLOSED</p>
<p>Send a link to the open investigations database to all requesters who seek investigative records.</p>	<p>The USCG's Data and Administration Division already provides access to FOIA requesters.</p>	<p>CLOSED</p>
<p>Alert requesters that they will receive a response from multiple offices, when applicable, or ensure that a response indicates that it is an interim or final response from a particular district.</p>	<p>The Coast Guard agrees with this recommendation. In the Metropolitan DC area this is practiced. We recommend our outlying commands do the same for units assigned to their areas of responsibility.</p>	<p>CLOSED</p>

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<p>Include all tracking numbers associated with a remanded request, including the newly assigned tracking number as well as the original tracking number.</p>	<p>The Coast Guard is already doing this.</p>	<p>CLOSED</p>
<p>Create templates which include brief descriptions of the FOIA exemption the Coast Guard uses most often.</p>	<p>The Coast Guard stores the DHS-approved templates on our intranet site for use by all units.</p>	<p>CLOSED</p>
<p>Revise template letters so the letters use plain language and less jargon.</p>	<p>The Coast Guard agrees and has requested that all units utilize the templates on our intranet site.</p>	<p>CLOSED</p>
<p>Delete from the appeal template language which informs the requester that the Coast Guard cannot provide an estimated date of completion.</p>	<p>The Coast Guard agrees and has removed this language from appeal letters.</p>	<p>CLOSED</p>