

Marine Mammal Commission
Chief FOIA Officer's Report
2018

The Marine Mammal Commission is a small, independent, non-regulatory agency responsible for reviewing and making recommendations concerning implementation of the Marine Mammal Protection Act (16 U.S.C. § 1361 *et seq.*) and, more generally for promoting the protection and conservation of marine mammals and the ecosystems on which they depend. In part because it is a non-regulatory agency, the Commission historically has received only a small number of FOIA requests per year. In Fiscal Year 2017, the Commission received 10 FOIA requests. In addition, it consult with another agency concerning the release of documents originating with the Commission. Because the Commission experienced only limited delays in responding to requests in Fiscal Year 2017, it did not take corrective actions regarding its response procedures and protocols.

Consistent with relevant policies and guidelines on implementing the FOIA, the Commission has taken concerted action to “use modern technology to inform citizens what is known and done by their Government” and “systematically post information online in advance of any public request.” The Commission’s website (<https://www.mmc.gov/>) includes most of the information that members of the public might otherwise request from the Commission under FOIA, including agency policies, reports, comment letters and recommendations, grant summaries, annual meeting and other meeting summaries, and topic summaries with links to key documents. We post reports and letters promptly and review and update other portions of our website at least quarterly. The Commission believes that, by actively posting this information and keeping it timely, it has alleviated the need for members of the public to submit FOIA requests that they might have in the past, which we believe has contributed to the low numbers of requests the agency receives. In addition, the Commission receives several informal requests for information each year, either over the telephone or via e-mail. Our responsiveness to these requests further reduces the need for the public to submit formal requests for these documents under FOIA.

Due to the small number of requests that the Commission receives and the small size of its staff, there is no need for a complex structure or elaborate procedures to locate and review documents. Generally, only a limited number of staff members are involved in searching for and reviewing responsive documents and they generally are located in a single office. In addition, with only sporadic FOIA requests, the responsible officials are able to work closely with those seeking information to perfect those requests and target the information requesters want.

The Commission also follows a presumption of “releasability” when responding to FOIA requests. It is only when one of the exceptions under the Act clearly applies and disclosure would frustrate the conduct of agency business or compromise personal privacy or privileged records that documents are withheld. In such instances, the Commission makes every effort to segregate the privileged information and release the remainder of the document(s) that contain non-exempt information.