

2013 Chief FOIA Officer Reports

Content of 2013 Chief FOIA Officer Reports

Time frame for Report

Unless otherwise noted, your 2013 Chief FOIA Officer Report should address agency activities that have occurred since the filing of last year's Report, which was March 12, 2012, up until the filing of the 2013 Report, which will be March 11, 2013. Thus, the general reporting period for the Chief FOIA Officer Reports is March 2012 to March 2013.

*Name and Title of Agency Chief FOIA Officer:
Ruth Ann Abrams, Assistant Secretary*

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

Answer: Yes. The Office of General Counsel provided training to the Commissioners and to agency staff with FOIA responsibilities.

- 1b. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Answer: Yes. Our Chief FOIA Officer attended a 2-day seminar entitled, FOIA for Attorneys and Access Professionals on May 8-9, 2012. One of the Commission's attorneys who reviews FOIA responses attended the Basics of Filing in Litigation for FOIA Requests course offered on December 6, 2012. Another one of our employees who works on FOIA matters attended the Refresher Training Session: Fiscal Year 2012 Agency Annual FOIA Reports and 2013 Chief FOIA Officer Reports offered on October 15, 2012.

Attorney General Holder's FOIA Guidelines strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

2. Did your agency make any discretionary releases of otherwise exempt information?

Answer: Yes.

3. What exemptions would have covered the information that was released as a matter of discretion?

Answer: The documents would have been covered under Exemption 5 as a pre-decisional inter-agency document..

4. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

Answer: The Commission released views that it provided to the State Department concerning a proposal to amend the Acts of the Universal Postal Union.

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

Answer: The Commission holds bi-monthly public meetings. The meetings are publicly broadcasted and the audio recordings of these meetings are archived on the Commission's website. The contents of all dockets, apart from certain items designated as nonpublic by submitters, are available on the Commission's website. The Postal Service and other submitters must provide specific justification for nonpublic treatment of the items to be designated as nonpublic. Also posted on the Commission website are listings of inquiries from the public, news media, and legislators.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests."

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support?

Answer: Yes. IT staff provides direct support when needed to ensure that FOIA requests are received promptly.

2. Do your FOIA professionals work with your agency's Open Government Team?

Answer: Yes. For example, as the OPEN Government Act requires the use of tracking numbers for all FOIA requests, the Commission has instituted an electronic tracking number system for all FOIA requests.

3. Describe any other the steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

Answer: Effective communication among offices at the Commission and timely response by Commission employees to requests for records ensure that the Commission responds to all requests in an expeditious manner. Additionally, process improvements have been undertaken which have ensured that response time is kept to a minimum, with the target of being within statutory time for all requests. These process improvements include a weekly review of all FOIA activity to ensure that the target of response within statutory timelines is met.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures.

Answer the questions listed below and include any other pertinent information:

1. Provide examples of the records, datasets, videos, etc, that have been posted this past year.

Answer: The Commission hosts a series of bi-monthly public meetings and publicly broadcasts and archives audio recordings of these meetings on the Commission's website. These are updated on a continual basis.

2. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?

Answer: Yes. The Commission provides an online customer service form for members of the public to submit comments. In addition, in response to requests from the public, the Commission is in the process of evaluating a modern style search engine for the website. This easier to use search engine will supplement the more complex search system used by frequent visitors to the site. The Commission has also taken steps to ensure that most document filings are processed with optimal character recognition (OCR), and thus are both electronically searchable as well as more compliant with section 508 of the Rehabilitation Act.

3. If so, provide examples of such improvements.

Answer: In response to requests from the public, the Commission is in the process of evaluating a modern style search engine for the website. This easier to use search engine will supplement the more complex search system used by frequent visitors to the site. The Commission has also taken steps to ensure that most document filings are processed with optimal character recognition (OCR), and thus are both electronically searchable as well as more compliant with section 508 of the Rehabilitation Act.

5. Describe any other steps taken to increase proactive disclosures at your agency.

Answer: The Commission has found that through proactively posting more of its records online, and accurately describing the records for which the Commission has custody and control, the Commission significantly reduced the overall volume of FOIA requests and specifically reduced requests for which the Commission has no records. We have also improved online search capability for archived documents to allow for access to older Commission documents and increased the number of documents proactively posted on the Commission website.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government."

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

Answer: Yes. By accessing the Commissions website, individuals have the option of submitting their FOIA request via an online form, email, fax, or via regular mail.

2. If your agency is decentralized, can FOIA requests be made electronically to all components of your agency?

Answer: N/A. All requests are processed in one centralized location.

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?

Answer: Yes. The Commission maintains a FOIA log on our website which is updated regularly, generally as soon as a FOIA request has been received or processed.

4. If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system?

Answer: The Commission maintains an internal log where we document fee waiver and expedited processing information. With the Commission's goal to provide transparency to the public, and proactive disclosure, going forward we will make this information visible to the public. The simplified FOIA log posted on the Commission's website provides the requester with the following information: the nature of the request, the date the request was received, the date the response was sent out and the number of days it took for the Commission to process the request. The Commission also keeps requesters apprised of their requests informally, by telephone, where appropriate.

5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

Answer: No

6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

Answer: Yes. Going forward, the Commission will add anticipated date of completion information to the log, as well as providing online requestors with an automated reply informing them as to the anticipated date of completion.

Use of technology to facilitate processing of requests:

7. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Answer: Yes

8. If so, describe the technological improvements being made.

Answer: The Commission has digitized many documents, and incorporates Optical Character Recognition (OCR) on documents whenever possible, to allow for increased ease, accuracy and speed in record search capability. In response to requests from the public, the Commission is in the process of evaluating a modern style search engine for the website. This easier to use search engine will supplement the more complex search system used by frequent visitors to the site.

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests.

1. Refer to Section VII.A of your agency's Annual FOIA Report for figures on FOIA Requests – Response Time for All Processed Requests.

- a. Does your agency utilize a separate track for simple requests?

Answer: The Commission receives few FOIA requests, and most are simple, so a separate tracking system is not required.

- b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

Answer: Yes

- c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

Answer: Yes

2. Refer to Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report on backlogged requests/appeals, and Sections VII.E and VI.C.(5), on the ten oldest pending requests/appeals.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

Answer: The Commission did not have a backlog of requests at the end of either FY 2011 or FY 2012.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

Answer: The Commission did not have a backlog of requests at the end of either FY 2011 or FY 2012.

- c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

Answer: The Commission did not have any pending requests at the end of FY 2011.

- d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

Answer: The Commission did not have any pending administrative appeals as of the end of FY 2010.

3. If you answered “no” to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

Answer: The Commission did not have a backlog of requests.

- b. Was the lack of a reduction in the request backlog caused by a loss of staff?

Answer: The Commission did not have a backlog of requests.

- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

Answer: The Commission did not have a backlog of requests.

- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

Answer: The Commission did not have a backlog of requests.

Administrative Appeal Backlog:

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Answer: The Commission did not have a backlog of administrative appeals.

- b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

Answer: The Commission did not have a backlog of administrative appeals.

- c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

Answer: The Commission did not have a backlog of administrative appeals.

- d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

Answer: The Commission did not have a backlog of administrative appeals.

4. OIP issued guidance encouraging agencies to make interim releases on requests that involve a voluminous amount of material or require searches in multiple locations. If your agency had a backlog in Fiscal Year 2012, provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Answer: The Commission did not have a backlog in FY 2012.

Use of FOIA's Law Enforcement "Exclusions"

Answer the following questions concerning the use of the FOIA's statutory law enforcement exclusions, 5 U.S.C. § 552(c)(1), (2), (3):

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

Answer: No, the Commission did not invoke a statutory exclusion during FY 2012.

2. If so, what is the total number of times exclusions were invoked?

Answer: The Commission had no statutory exclusions during FY 2012.

Spotlight on Success

Describe one success story that you would like to highlight as emblematic of your agency's efforts.

Success Story (Stories): During the same month FY 2012, the Commission received three complex FOIA requests. Even though these requests required the review and production of hundreds of pages of documents with a limited number of staff, the Commission was able to produce full responses to each request within a timely 27 business days. The Commission is very proud of how quickly and professionally we answered such complex FOIA requests.

Additionally, the Commission has published online:

- 1) *An archive of audio recordings of PRC Hearings, public meetings and technical conferences.*
- 2) *An archive of Public Inquiry Logs showing all contacts from the public (rate and service inquiries, complaints, media inquiries, legislative inquiries)*
- 3) *A complete set of technical material from a study on Social Benefits of the Mail*
- 4) *A set of documentation about international postal regulatory activities.*
- 5) *An archive of documents previously posted but since removed from the Commission's home page.*

Part of the mission of the Commission is to provide transparency to the public, and proactive disclosure is integral to this mission.