Time frame for 2014 Chief FOIA Officer Reports

Unless otherwise noted, your 2014 Chief FOIA Officer Report should address agency activities that have occurred since the filing of last year's Report, which was March 11, 2013, up until the filing of the 2014 Report, which will be March 10, 2014. Thus, the general reporting period for the Chief FOIA Officer Reports is March 2013 to March 2014.

Content of 2014 Chief FOIA Officer Reports

Name of agency: **Surface Transportation Board**

Name and Title of agency Chief FOIA Officer:

Craig M. Keats, General Counsel

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.

FOIA Training:

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

   Answer:

   The Surface Transportation Board (Board or STB) did not hold an agency-wide FOIA conference. We did, however, email to all staff revised FOIA guidance to assist them in performing searches in response to FOIA requests. In addition, the Board continued to train a second FOIA professional to provide more consistent coverage when the FOIA Officer is on leave and to ensure a smooth succession when the current FOIA Officer retires.

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

   Answer:

   N/A.

3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

Answer:

Yes. The Board's FOIA Officer attended the following training sessions offered by the Department of Justice: Refresher Training for FY 2014 Annual FOIA Reports and CFO Reports; Director's Lecture Series – FOIA Fee Summit. The attorney-adviser assigned to support the FOIA Officer also attended the Director's Lecture Series – FOIA Fee Summit.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

Answer:

67% (2 of 3 FOIA professionals).

5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

Answer:

The Board understands that training is essential for its FOIA professionals to best serve the public and to effectively and efficiently run its FOIA program. The Board's plan is for each of its FOIA professionals to attend at least one additional substantive FOIA training prior to March 2015. In addition, as is our custom here, our FOIA professionals share whatever information they've received in training with each other. In this way, our FOIA professionals, each of whom has other significant non-FOIA responsibilities, are able to balance all of their responsibilities.

Outreach:

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA?   If so, please briefly discuss that engagement.

Answer:

No. While the Board's FOIA professionals did not engage in outreach to the FOIA requester community in general, the Board routinely reaches out to individual requesters to assist them, and we work hard to help requesters correct and perfect their requests. We also support requesters' efforts to refine their requests so that we can provide responsive records in the most efficient, timely, and cost effective manner. Our willingness to reach out to our requesters is a major feature of the Board's FOIA program.

Discretionary Disclosures:

In his 2009 FOIA Guidelines, the Attorney General 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.

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

   Answer:

   Yes. Due to the limited number of requests we receive each year (32 perfected FOIA requests received during FY 2013), we are able to review each FOIA request with a proactive view toward providing additional discretionary releases. Thus, we consider discretionary release whenever a requested record may be protected by a FOIA exemption.

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

   Answer:

   No. The Board had no opportunity during this reporting year to make discretionary releases. See explanation in 11 below.

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

   Answer:

   N/A.

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

    Answer:

    N/A. (Please see answer to 8 above.)

11. If your agency was not able to make any discretionary releases of information, please explain why.

    Answer:

    Although the Board affirmatively seeks to make discretionary releases of exempt records, the Board did not have the opportunity to do so during the reporting period. The Board denied records only four times (out of 32 requests completed by the Board) in FY 2013, and three of those denials were partial denials, withholding personal information under Exemption 6. The only full denial was made because the responsive records were communications and notes prepared under the Board's Rail Customer and Public Assistance (RCPA) alternative dispute resolution (ADR) program. Under this program, RCPA attempts to help rail customers, railroads, and the public resolve their concerns informally and confidentially. See 49 C.F.R. § 1109.3. Under 5 U.S.C. § 574(j), Congress has exempted ADR communications such as these from disclosure under FOIA. The discretionary release of this material could jeopardize the integrity of the ADR program. Thus, while the Board reviews each denial or partial denial for an opportunity to make a discretionary disclosure, none of the four denials in FY 2013 lent itself to such disclosure. Although technically not discretionary releases, the Board did grant requests that were

arguably requests for information, rather than for records (as technically required by FOIA).

Other Initiatives:

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013?   If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

    Answer:

    Yes. (See links to reports located at http://www.stb.dot.gov/stb/foia.html.) Please note that, while technical difficulties prevent the data from appearing on FOIA.gov, the Board is currently working with DOJ to resolve those issues for future quarterly reports.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

    Answer:

    The Board's website continues to provide for the electronic filing of FOIA requests. (http://stb.dot.gov/stb/efilings.nsf/FOIARequest?OpenForm.)   This interface is currently being upgraded, as discussed further below. In addition, the Board's website continues to provide easy access to all of the Board's decisions and the parties' filings, all of which are searchable. (http://www.stb.dot.gov/home.nsf/EnhancedSearch?OpenForm.)   It also provides a section for Rail Customer Assistance. (http://www.stb.dot.gov/stb/rail/consumer_asst.html.) Our website also provides FOIA reports and reference materials, including a link to OIP's website and the FOIA guide. (http://stb.dot.gov/stb/foia.html.)

    Moreover, the FOIA Officer is a member of the Agency's Open Government Team, which works to identify additional information that can be posted on our website and to increase the utility of the information that is already posted there.

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." It is essential that agencies effectively manage their FOIA program.

Describe here the steps your agency has taken to ensure that your management of your FOIA program 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.

Personnel:

During Sunshine Week 2012 OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

   Answer:

   No.

2. If not, what proportion of personnel has been converted to the new job series?

   Answer:

   None.

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

   Answer:

   The agency currently has no plan to convert to the Government Information Series any of its staff assigned FOIA responsibilities. The Board's FOIA staff is comprised of two high-level attorneys in the General Counsel's office, as well as the General Counsel, who serves as the Board's Chief FOIA Officer. The Board typically receives less than 40 FOIA requests per year, and both of the STB attorneys, who handle the day-to-day work of responding to requests, have other significant non-FOIA related duties and responsibilities and spend less than half of their time on FOIA work. Therefore, it would be inappropriate to convert either of these attorneys to the new job series. Moreover, their current job series descriptions provide appropriate recognition for the professional nature of their work in the FOIA program, as well as their non-FOIA related duties and responsibilities.

Processing Procedures:

4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

   Answer:

   N/A.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

   Answer:

   The Board has not entered into an agreement with another agency concerning FOIA. We have had no significant consultations and few referrals in the last three years, and no problems that

would have led us to initiate such an agreement. The Board continues to process requests within the required deadlines, and we respond in a timely manner to the few referrals that we receive.

Requester Services:

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

   Answer:

   Yes. The Board uses e-mail whenever possible to communicate with requesters. Email facilitates our ability to assist requesters in perfecting or clarifying their requests to ensure that they get what they want. During the reporting period, a majority of the Board's FOIA requests were received by email. The Board also provides electronic means for submitting FOIA requests through its website, which is the second most frequent way that requesters submitted their FOIA requests in FY 2013.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

   Answer:

   Yes. A link to information about OGIS's mediation services is on our website. In addition, a letter denying an administrative appeal will include information about these services.

8. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc.

   Answer:

   Although the Board had to postpone rolling out its new website during the reporting period (discussed in last year's report), the Board contracted with a software/web development company to redesign its internal databases and interconnect its electronic communications and files. This new system will incorporate all FOIA functions into a single internal database. In doing so, it will significantly improve FOIA staff's ability to internally track all FOIA data, including tracking FOIA requests, assignments, and responses and other data necessary to complete the FOIA Annual Report. This will make our FOIA work more efficient and effective and eliminate some redundancy. While this database will not be accessible by the public, it will improve and integrate FOIA requests made electronically from the Board's website.

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 that have been made during this past reporting period (i.e., from March 2013 to March 2014).

In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

   Answer:

   Yes.

2. If so, describe the system that is in place.

   Answer:

   As required, if an item is requested three times, or if we anticipate that it might be frequently requested, the Board posts that material on our website. For example, in this reporting period, the Board posted the procedures for certifying the annual reports required of large, class I railroads (http://stb.dot.gov/stb/industry/econ_reports.html).

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

   Answer:

   Since the late 1990's, the Board has posted on its website all non-confidential filings submitted in its proceedings. (http://www.stb.dot.gov/filings/all.nsf/WebFilingDate?openform.) Specifically, the Board has posted all original and subsequent pleadings filed with the Board (except materials containing sensitive personal or commercial information). It posts all Board decisions in both rulemakings and adjudications proceedings and all recordations required to be filed with the Board (i.e., documents filed with the Board to perfect a security interest in rail or water carrier equipment). (http://www.stb.dot.gov/decisions/readingroom.nsf/WebServiceDate?openform.) In addition, the Board has added links to filings in many earlier significant proceedings. (http://www.stb.dot.gov/stb/elibrary/stb_reports.html.) The Board also provides links to important environmental documents, including large Environmental Assessments and Environmental Impact Statements related to proceedings before the Board. (http://www.stb.dot.gov/stb/environment/key_cases.html.) And the Board posts non-confidential economic reports or economic data from reports filed annually and/or quarterly by the Class I railroads. (http://www.stb.dot.gov/stb/industry/econ_reports.html.) Finally, in FY 2013, the Board began to post, for the first time, the Independent Accountants' Certifications of Railroad Annual Report, which are required reports by independent accountants stating that specified data in the railroad's R-1 Annual Report of Finances and Operations have been examined using agreed-upon procedures and have been found to be in compliance with the Uniform System of Accounts for Railroad Companies, Title 499 CFR Part 1201. (http://www.stb.dot.gov/stb/docs/Economic%20Data/EP%20460%20Certification.pdf.)

Making Posted Material More Useful:

4. Beyond posting new material, is your agency taking steps to make the posted 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 posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?

    Answer:

    Yes.

5. If so, provide examples of such improvements.

    Answer:

    A few years ago, the Board undertook a major redesign of its website. The new website will substantially improve the advanced search function for all Board filings and decisions. While some improvements have been delayed due to insufficient funding, the Board has taken steps this reporting period to prepare its databases so that such improvements may be made more effectively. In addition, during this reporting period, certain webpages on the current website were reorganized to make them more user-friendly. Also, the Board continued to make efforts to improve its website to work better with mobile devices.

    FOIA staff has made specific suggestions to other offices at the Board about how they could present their material to make it more easily identified by the user public. For example, the blank reporting forms for the required economic reports filed by Class I carriers were hard to find on the Board's website. The relevant webpage was reorganized to make the forms easier to locate.

    Additionally, the new FOIA database will make the public's electronic submission of FOIA requests more user-friendly. The new form will make it more clear what the user must submit to make a perfected request and more clearly provide for relevant attachments (if necessary or desired).

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

    Answer:

    Yes. The Board posts all its decisions on its website in a searchable database (http://www.stb.dot.gov/decisions/readingroom.nsf/WebServiceDate?openform.) It also issues to the media and posts on our website press releases for significant decisions, hearing and other rulings (http://www.stb.dot.gov/stb/news/whatsnew.html), posts testimony and speeches (http://www.stb.dot.gov/stb/news/speeches_testimony.html), and allows the public to sign up to receive press releases by email (http://www.stb.dot.gov/stb/news/mailing_list.html). The Board has not begun to use social media.

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

    Answer:

    No.

8

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

   Answer:

   Because our FOIA Officer is also our PRA Officer, she is well aware of the information collected by the agency and is always on the lookout for opportunities to make proactive disclosures.

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." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

Online tracking of FOIA requests:

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

   Answer:

   No, but, as discussed above, the Board communicates directly with requesters and is able to meet all FOIA deadlines. Therefore, we generally do not receive inquiries regarding the status of FOIA requests.

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

   Answer:

   N/A.

3. 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:

   N/A.

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

   Answer:

   N/A.

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

    Answer:

    No. Online tracking of requests does not appear to be cost effective for the Board at this time. The Board receives less than 40 FOIA requests a year. Further, it receives very few, if any, status requests in a given year. This is likely due to the fact that the Board quickly makes determinations on whether to grant requests and quickly releases the responsive documents. Moreover, the Board is under significant budgetary constraints at this time.

Use of technology to facilitate processing of requests:

6. 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.

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

    Answer:

    As discussed above, for the past year, the Board has been actively engaged in developing a new internal FOIA database that will provide a new interface for making FOIA requests on the Board's website. The new FOIA database will then internally track FOIA requests from beginning to end. It also will allow the Board's FOIA staff to enter even hard copy FOIA requests so that all FOIA data, communications, and documents are in one place. FOIA staff will also be able to make almost any type of report based on the data in this database, allowing us to continually review and analyze our efforts. We expect this database to be operational this fiscal year.

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

    Answer:

    Yes, as discussed above, the Board had intended to have a new and modern website running by now, but budgetary constraints have not allowed this to happen. However, additional technologies are not necessarily required given the number of FOIA requests that we receive and how efficient we are at processing them from beginning to end.

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report*.

Simple Track Requests:

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

       Answer:

       No.

    b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?

       Answer:

       N/A.

    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.

Backlogs and "Ten Oldest" Requests, Appeals and Consultations:

2. Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests –Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2012 and 2013 when completing this section of your Chief FOIA Officer Report.

    <u>Backlogs</u>

    a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

       Answer:

       The STB had no backlog of requests at the close of FY 2012 or FY 2013.

    b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

       Answer:

       N/A.

Ten Oldest Requests

c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

   Answer:

   N/A. There were no requests pending at the end of FY 2012.

d. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" requests.

   Answer:

   N/A.

Ten Oldest Appeals

e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

   Answer:

   N/A. The Board had no appeals in FY 2013.

f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

   Answer:

   N/A.

Ten Oldest Consultations

g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

   Answer:

   N/A. The Board had no consultations in FY 2013.

h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.

   Answer:

   N/A.

Reasons for Any Backlogs:

3. If you answered "no" to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeal Backlog

a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

Answer:

N/A.

b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

Answer:

N/A.

c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

Answer:

N/A.

d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

Answer:

N/A.

"Ten oldest" Not Closed

e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

Answer:

N/A. At the end of FY 2012, there were no pending requests, appeals or consultations.

f. If your agency was unable to close any of its ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Answer:

N/A.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2014.

    Answer:

    N/A.

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency's plan for achieving backlog reduction in the year ahead.

    Answer:

    N/A.

Interim Responses:

OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

    Answer:

    Yes. While the Board is able to close all requests within the 20-day deadline, it is our policy to provide interim responses (when requested) regarding large FOIA requests.

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage 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:

    N/A.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2013?

    Answer:

    No.

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

Answer:

N/A.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2013 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer:

During the reporting period, FOIA staff has worked a substantial number of hours evaluating and improving the new FOIA database, which will create a more efficient system internally and an improved website FOIA request interface externally. Staff worked hard to provide multiple layers of feedback so that the system would capture all of the Board's FOIA materials, including requests, correspondence, responsive records, and all data related to each FOIA request. We believe that this new FOIA database will allow the Board's FOIA staff to track and access every facet of a FOIA request easily, thereby improving the efficiency our office. Because the design of the database was, to a large extent, guided by staff itself, we will be immediately comfortable with its uses and capabilities. This was a very significant effort by FOIA staff.