

2011 Chief FOIA Officer Report for the Federal Labor Relations Authority

The Federal Labor Relations Authority (FLRA) Chief Freedom of Information Act (FOIA) Officer Report set forth below has been rendered pursuant to requirements contained in guidance issued by the Office of Information and Privacy, Department of Justice (DOJ) on January November 16, 2010. This guidance was issued in a continuing effort to implement the ideals of transparency and openness as expressed in the Attorney General's FOIA Guidelines which were directed by President Obama's January 21, 2009 FOIA Memorandum (President's FOIA Memorandum). In the FLRA's efforts to implement these principles, it, among other things, seeks new ways to proactively release FLRA information so that the public is fully informed of our operations.

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.

1. Description of the steps FLRA has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

- a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.

As we noted in our 2010 Chief FOIA Officer Report (2010 Report), the agency's Chief FOIA Officer has provided copies of the Attorney General's FOIA Guidelines and the President's memorandum to all agency components. The Chief FOIA Officer has provided guidance to all agency FOIA processing components on how to implement this information in responding to FOIA requests in order to ensure that the Government's commitment to greater transparency is carried out. Since there have been no problems encountered in complying with this guidance, no further steps have been taken to publicize the information.

- b. What training has been attended and/or conducted on the new FOIA Guidelines?

Since our 2010 Report, specific training has not been attended and/or conducted on the new FOIA Guidelines.

- c. How has your agency created or modified your internal guidance to reflect the presumption of openness?

The agency has maintained its general guidance reflecting the presumption of openness.

- d. To what extent has your agency made discretionary releases of otherwise exempt information?

The agency has generally encouraged such discretionary releases but does not have enough specific information to estimate the extent to which discretionary releases have been made.

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

Generally, FOIA exemptions 2 and 5 would cover the information that is released as a matter of discretion.

- f. How does your agency review records to determine whether discretionary releases are possible?

All FOIA processing components are encouraged to review on a case-by-case basis their FOIA responses to determine if discretionary record releases are possible.

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

The Chief FOIA Officer will implement a plan to periodically contact the IT unit and other key FLRA personnel to determine if there are additional materials beyond those covered by FOIA requests which are appropriate for posting on the agency's FOIA website.

2. Disclosure Comparisons

In Fiscal Year 2009, the FLRA made 40 full grants and 13 partial grants. In Fiscal Year 2010, the FLRA made 29 full grants and 19 partial grants.

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.” Set forth below are responses to questions showing how the FLRA ensures that its FOIA system is efficient and effective.

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

FOIA professionals have limited IT support, however with the purchase of the new FOIA case tracking software, the agency has gained more access to such support.

- b. Describe how your agency’s FOIA professionals interact with your Open Government Team.

The senior official in charge of the FLRA’s Open Government program oversees the CIO and his IT team, and the agency’s FOIA professionals interact with the Chief FOIA Officer and IT team on a regular basis.

- c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

The agency has not undertaken such an assessment.

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

As we noted in the FLRA’s 2010 Report, the FLRA purchased FOIA case tracking software which provides a mechanism for tracking agency-wide the agency’s FOIA processing operations. Using this case tracking system, each agency FOIA processing unit scans and inputs processing information about each request. The Chief FOIA Officer has access to this information and uses it to assure that all FOIA requests are handled in a uniform and timely manner.

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.

In response to questions listed below, the FLRA describes steps it has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines.

- a. Has your agency added new material to your agency website since last year?

The agency has added new information.

- b. What types of records have been posted?

The agency has posted the updated OGC Case Law Outline, the Chief FOIA Officer's Report for 2010, and the revised ULP Case Handling Manual.

- c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.

The agency makes available the FLRA telephone directory and purchase card holders list which are examples of records that previously were available by FOIA request only.

- d. What system do you have in place to routinely identify records that are appropriate for posting?

The FOIA case tracking software provides the agency's Chief FOIA Officer as well as other key FOIA processing personnel with the capability to review requested records subject to FOIA requests and determine if those records should be posted on the website.

- e. How do you utilize social media in disseminating information?

Although the agency has not used social media to disseminate information, it holds periodic town hall meetings with the public and issues press releases to disseminate significant information regarding its operations.

- f. Describe any other steps taken to increase proactive disclosures at your agency?

As noted earlier, the Chief FOIA Officer plans to periodically contact the IT unit and other key FLRA personnel to determine if there are additional materials beyond those covered by FOIA requests that are appropriate for posting.

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. The FLRA’s response to the following questions indicates how the agency is meeting these goals:

1. Electronic receipt of FOIA requests:

- a. What proportions of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?

All agency components that respond to FOIA requests have the capability to respond electronically.

- b. To what extent have you increased the number of components doing so since the filing of the 2010 Chief FOIA Officer Report?

The proportion has remained the same.

- c. What methods does your agency use to receive requests electronically?

All FOIA responding components have the capability to receive the requests by email through the agency’s computer system or by fax.

2. Electronic tracking of FOIA requests:

- a. What proportions of components within your agency which receive FOIA requests have the capability to track such requests electronically?

All agency components that receive FOIA requests can track them electronically.

- b. To what extent have you increased the number of components doing so since the filing of the 2010 Chief FOIA Officer Report?

There has been no increase since the 2010 Report.

- c. What methods does your agency use to track requests electronically?

The agency uses a commercial off the shelf FOIA case tracking software to track requests electronically.

3. Electronic processing of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?

All agency processing components can process FOIA requests electronically.

- b. To what extent have you increased the number of components doing so since the filing of the 2010 Chief FOIA Officer Report?

There has been no increase since the 2010 Report.

- c. What methods does your agency use to process requests electronically?

Agency components can process requests by using the off the shelf FOIA software.

4. Electronic preparation of your Annual FOIA Report:

- a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system?

The agency manually prepared the Annual FOIA Report for FY '10.

- b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.

The agency anticipates using the FOIA case tracking software to prepare future fiscal year reports electronically.

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

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are both ongoing agency efforts. The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses these goals.

1. The one backlogged request pending at the end of the Fiscal Year 2009 was closed. The agency had no backlogged appeals pending at the end of Fiscal Year 2009. On the Fiscal Year 2010 FOIA Annual report, the agency reported no backlogged requests. Although the agency reported two backlogged appeals pending on the 2010 report, the remaining backlogged appeals were closed in November 2010.

2. Set forth are the FLRA's responses to questions on why a backlog reduction has not occurred.

- a. Is the backlog increase a result of an increase in the number of incoming requests or appeals?

No.

- b. Is the backlog increase caused by a loss of staff?

No.

- c. Is the backlog increase caused by an increase in the complexity of the requests received?

Yes.

- d. What other causes, if any, contributed to the increase in backlog?

None.

3. Set forth are the FLRA's responses to questions that provide a description of the steps it is taking to improve timeliness when responding to FOIA requests.

- b. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

The agency Chief FOIA Officer has the capability to review on an agency-wide basis all FOIA request processing to monitor response times and set goals.

- c. Has your agency increased its FOIA staffing?

There has been no increase in FOIA staffing.

- d. Has your agency made IT improvements to increase timeliness?

As noted in the FLRA's 2010 Report, it purchased FOIA case tracking software which provides automatic alerts to users of impending due dates. Further, the agency's Chief FOIA Officer as well as other key FOIA processing personnel has the capability to review FOIA request processing to assure timely responses.

- e. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?

The new FOIA processing system provides the Chief FOIA Officer with the capability to track all FOIA records electronically allowing for a uniform method of accounting agency-wide for all incoming FOIA requests. This allows the Chief FOIA Officer to implement greater coordination between offices in processing FOIA requests.

VI. Spotlight on Success

The agency implemented a new FOIA computerized system which was noted in the FLRA's 2010 Report. In our ongoing efforts to assure the success of the new system, the FLRA conducted a survey of all agency FOIA processing offices to get feedback on how the new system is working and to get suggestions on improvements. The agency is in the process of meeting with our FOIA computer system's representatives to implement changes and improvements suggested by the survey information.

The FLRA has also met with our FOIA computer system's representatives to work toward the goal of implementing a FOIA portal on the website for the public to use to track FOIA requests. The goal is to implement the portal this fiscal year.