

## **2018 Chief FOIA Officer Report for The Federal Labor Relations Authority**

The Federal Labor Relations Authority (“FLRA” or “agency”) Chief Freedom of Information Act (“FOIA”) Officer Report describes activities that show how the agency has implemented the guiding principle underlying the FOIA aimed at the presumption of openness. Consistent with executive-branch guidance, the FLRA is committed to accountability and transparency. As part of the aim of achieving openness, the Office of Information and Privacy (“OIP”), Department of Justice (“DOJ”) issued guidelines for the 2018 Chief FOIA Officer Reports, requiring agencies to report on their FOIA activities. This report addresses the questions raised in the most recent guidance.

### **Time Frame for Report**

The reporting period for this report is from March 2017 to March 2018.

*Name and Title of Agency Chief FOIA Officer:*

- The Agency – Federal Labor Relations Authority.
- The Chief FOIA Officer – Solicitor Fred B. Jacob.

### **Section I: Steps Taken to Apply the Presumption of Openness**

The guiding principle underlying DOJ’s FOIA Guidelines is the presumption of openness.

#### *A. FOIA Training*

- 1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?**

Yes, since our 2017 Report, the agency’s FOIA professionals attended FOIA trainings.

- 2. If yes, please provide a brief description of the type of training attended and the topics covered.**

The agency held an internal mandatory FOIA training session for all its FOIA professionals on December 19, 2017. This training provided information on the implementation of the FOIA Improvement Act of 2016 and the agency’s newly enacted FOIA regulations. The training also focused on processing requests using the FOIAonline system.

- 3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

During the reporting period, approximately 95% of the agency's FOIA professionals and staff attended at least one substantive training.

- 4. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.**

N/A.

*B. Outreach*

- 5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?**

No.

*C. Other Initiatives*

- 6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?**

In this past year of many transitions at the agency, the Chief FOIA Officer briefed agency leadership about the overall performance of the FOIA program and also notified them about the agency's responsibilities under the FOIA Improvement Act of 2016 and the agency's updated FOIA regulations.

- 7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.**

The Chief FOIA Officer periodically reviews the agency's FOIA website to determine if there are additional materials beyond those covered by FOIA requests which are appropriate for posting. This past year, the agency again worked with its partners at FOIAonline to determine ways to improve the public's ability to electronically access information, freeing up resources to allow the partner agencies to more efficiently handle other requests. The Chief FOIA Officer also periodically contacts the IT unit and other key agency personnel to determine if there are additional materials appropriate for posting on the agency's FOIA website.

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

DOJ's FOIA Guidelines emphasize that "[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.

- 1. For Fiscal Year 2017, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2017 Annual FOIA Report.**

The FLRA maintained an average of 5.95 days to adjudicate the requests it received for expedited processing. The Chief FOIA Officer has set up a system of reminding FOIA staff assigned requests for expedited processing to respond to them within 10 calendar days rather than first addressing them in response to the underlying FOIA requests.

- 2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

N/A.

- 3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.**

As a member agency using FOIAonline, agency FOIA professionals are in periodic contact throughout the year with the FOIAonline administrators looking for ways to streamline FOIA processing and to make it more efficient. Additionally, key members of the FOIA professional staff periodically review incoming requests made throughout the country to ensure matters are being processed properly and to work against incurring any backlogs.

- 4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison during FY 2017.**

Although the agency does provide the additional notification, the agency is unaware of any requesters seeking assistance from the agency's FOIA Public Liaison.

- 5. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.**

As noted in the agency's 2017 Chief FOIA Officer Report, as a national coordinator for the agency's FOIAonline case-tracking system, the Chief FOIA Officer has access to each agency FOIA processing unit's requests and processing information about these requests. FOIAonline and the Chief FOIA Officer's regular monitoring of the system help ensure that all FOIA requests are handled in a uniform and timely manner. Additionally, the agency's FOIA professionals work with its FOIAonline partners across the government to continually improve the case-tracking system.

### **Section III: Steps Taken to Increase Proactive Disclosures**

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

- 1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.**

The agency continuously updates the website with the most recent FLRA, ALJ, and FSIP decisions and Solicitor's Office briefs. It also regularly updates the FLRA Telephone Directory. This is a link to the agency's electronic reading room:

<http://www.flra.gov/elibrary>.

- 2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.**

The agency provides a variety of RSS newsfeeds, which provide interested subscribers with timely notices of records as they are posted to the agency's website. The agency also periodically issues press releases to disseminate significant information regarding its decisions and records, and informs the public of where that information can be found on the agency's website.

- 3. 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?**

As noted above, the agency holds periodic meetings with the public and issues press releases to disseminate significant information regarding its operations. Through these communication channels the agency has obtained feedback about, among other things, the website content and presentation. The agency then decides which of the suggestions to implement.

- 4. If yes, please provide examples of such improvements.**

The agency continues to place the most recent decisions, training, and news announcements on the home page of the website. For example, the website has been updated to provide the public information on key agency leadership and upcoming agency trainings. At trainings, the agency has sought feedback about presentation materials, which the agency now proactively posts to its website. This is done to provide the public easier access to key agency information.

- 5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.**

The Chief FOIA Officer and FOIA staff reviewed the agency's FOIA web pages and worked with key agency personnel to determine if there were additional materials beyond those covered by FOIA requests that are appropriate for posting.

#### **Section IV: Steps Taken to Greater Utilize Technology**

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

- 1. Has your agency identified any best practices to leverage 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? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.**

As noted above, the agency takes an active role coordinating with its partners at FOIAonline, which is a cost effective FOIA request tracking system. Due to FOIAonline's success, the number of agencies using the tracking system continues to grow, leading to additional investments and the development of enhanced system

functioning. Additionally, the Chief FOIA Officer works closely with top-level agency officials to ensure that any agency publications or materials that would be subject to the FOIA are available to the public and posted to the agency's "electronic reading room" and its website pages dedicated to the agency's decisions, manuals, and other appropriate materials. Currently, there is a process in place to automatically include certain records to the publicly-accessible agency website.

**2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?**

Yes, the agency timely posted all of the required quarterly reports for Fiscal Year 2017 on its website at <https://www.flra.gov/elibrary>.

**3. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2016.**

N/A.

**4. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.**

2016 – <https://go.usa.gov/xndyS>

2017 – <https://go.usa.gov/xndV3>

**5. If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.**

As noted above and below, the agency continues to work with its partners at FOIAonline to streamline and improve the performance of processing FOIA requests electronically.

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report 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.

*A. Simple Track:* 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.

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

Yes.

**2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?**

Yes, the average number of days was fewer than 20 working days; the average was 7 working days.

**3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.**

Approximately 90%.

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

N/A. The agency does track simple requests separately.

*B. Backlogs:* 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. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

*Backlogged Requests*

**5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?**

The agency had no backlog of requests in either Fiscal Year 2016 or Fiscal Year 2017.

6. **If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.**

N/A.

7. **If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2017.**

N/A.

#### *Backlogged Appeals*

8. **If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?**

The agency had no backlog of administrative appeals in either Fiscal Year 2016 or Fiscal Year 2017.

9. **If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.**

N/A.

10. **If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."**

N/A.

#### *C. Backlog Reduction Plans*

11. **In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2017?**

N/A.

**12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?**

N/A.

*D. Status of Ten Oldest Requests, Appeals, and Consultations:* 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 Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

*Ten Oldest Requests*

**13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

N/A. In Fiscal Year 2017, there were no pending FOIA requests from Fiscal Year 2016.

**14. 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 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

N/A. There were no pending requests at the start of Fiscal Year 2017.

**15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?**

The closed requests were not withdrawn by the requesters.

*Ten Oldest Appeals*

**16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

The agency had no pending appeals at the end of Fiscal Year 2016.

**17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2016 Annual**

**FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

As stated above, the agency had no pending appeals at the end of Fiscal Year 2016.

*Ten Oldest Consultations*

**18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

The agency did not have any pending consultations as of the end of Fiscal Year 2016.

**19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

As mentioned above, the agency did not have pending consultations at the end of Fiscal Year 2016.

*E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:*

**20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.**

N/A.

**21. If your agency was unable to close any of its ten oldest requests 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.**

N/A.

**22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2017.**

N/A.

#### *F. Success Stories*

- As in prior years, one of the major success stories is the agency's continued participation in FOIAonline, which is a cost effective FOIA request tracking system. Due to FOIAonline's success, the number of agencies using the tracking system continues to grow, leading to additional investments and the development of enhanced system functioning.
- The FLRA completely updated its FOIA regulations in Fiscal Year 2017 and timely published them within six months pursuant to the FOIA Improvement Act of 2016. The agency also worked with and trained all the FOIA professionals to ensure compliance with the new law and its newly issued regulations.