

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 September 30, 2009. This guidance was issued in accordance with the Attorney General's FOIA Guidelines which were directed by President Obama's January 21, 2009 FOIA Memorandum (President's FOIA Memorandum).

I. Steps Taken to Applying the Presumption of Openness

1. Description

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness. As part of implementing this principle of openness, the FLRA has redesigned and reconfigured its FOIA website which was done in conjunction with a total restructure of the agency's website. To redesign the FOIA website, the agency consolidated three disorganized and overlapping FOIA pages into one page. The new FOIA home page offers the public more sources of information about the agency's FOIA process and provides the central point for FOIA information. The "FOIA Frequently Asked Questions" page provides the public with general information on filing and processing a FOIA request. The "FOIA Contact Page" provides the public with a description of the FLRA FOIA processing offices' responsibilities and contact information. A means of electronically filing FOIA requests is also provided on this page. A page entitled "Sample FOIA Letters" provides the public with necessary information to be included in request letters.

In the agency's ongoing efforts to achieve openness, the public is also provided a separate and distinct "Electronic Reading Room." This page offers the public access to a range of reference materials (i.e., links to agency opinions, regulations, manuals and instructions, briefs, FOIA materials and other related publications), as well as frequently requested materials (i.e., purchase card holders list, telephone directory). Additionally in keeping with the presumption of openness, there are links on this page to the President's FOIA Memorandum and the Attorney General's FOIA Guidelines.

The agency's processing records reflect this commitment to openness. For fiscal year 2009 the FLRA has increased to 15 the number of requests where records were released in part when compared to the 8 partial grants processed in fiscal year 2008. The number of full grants has remained consistently high for both fiscal years 2009 and 2008. Regarding discretionary disclosures, the FLRA has not had the opportunity to make any thus far because most of the FOIA exemption upon which it has relied, Exemptions 4, 6, 7(C), and 7(D), do not provide for such discretion.

2. Disclosure Comparisons

In Fiscal Year 2008, the FLRA made 43 full grants and 8 partial grants. In Fiscal Year 2009, the FLRA made 40 full grants and 13 partial grants.

II. Steps Taken to Ensure That Your Agency Has an Effective System for Responding to FOIA Requests

The agency purchased FOIA case tracking software and provided FOIA training for employees. All agency components responsible for processing FOIA requests retain and track all FOIA records electronically. This system provides a uniform method of accounting agency-wide for all incoming FOIA requests. The system automatically alerts users of impending due dates. It allows for greater coordination between offices in processing FOIA requests in a uniform and efficient manner allowing for quicker response time.

In a further measure to provide for quicker response times, the Chief FOIA Officer is in the process of instituting a program for agency processing offices to respond to all FOIA requests electronically whenever possible. As part of this initial program, the Solicitor's Office is responding to all requests electronically when possible.

III. Steps Taken to Increase Proactive Disclosures

The agency has provided information to all agency FOIA processing components regarding the Attorney General's memorandum guidance on how to implement the President's FOIA Memorandum. All agency components have also been provided with copies of the guidance issued by the Office of Information and

Privacy on how agencies are to respond to FOIA requests in order to ensure that the Government's commitment to greater transparency is carried out.

With the principle of transparency in mind, the FLRA has revamped its FOIA regulations and sought public comment. The final regulations were published in the Federal Register in October 2009. Further, as mentioned earlier in Part I, the FLRA, as a part of redesigning its FOIA page, has provided the public with access to updated frequently requested materials (i.e., purchase card holders list, telephone directory) on its "Electronic Reading Room" page.

IV. Steps Taken to Greater Utilize Technology

In keeping with the President's direction to "use modern technology to inform citizens about what is known and done by their Government," the FLRA, as mentioned Part II, has implemented an electronic agency-wide FOIA case tracking system. We are also in the process of implementing plans to respond to all requests electronically whenever possible.

Further, to fulfill our reporting requirements in this section, we provide responses to the following questions:

1.) Does your agency currently receive requests electronically?

Yes, as noted earlier, the "FOIA Contact Page" provides the public with a means of electronically filing FOIA requests.

2.) If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3.) Does your agency track requests electronically?

Yes.

4.) If not, what are the current impediments to your agency utilizing a system to track requests electronically?

Not applicable.

5.) Does your agency use technology to process requests.

Yes, the FOIA case tracking software allows for all FOIA information to be scanned and redacted electronically. The agency uses these electronic methods to process FOIA requests.

6.) If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7.) Does your agency utilize technology to prepare your agency Annual FOIA Report.

No.

8.) If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Although the FOIA case tracking software purchased by the agency was not in place to prepare the Annual FOIA Report for FY '09, the FLRA anticipates that future fiscal year reports will be prepared electronically.

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

1. Backlog Status

The FLRA's backlog is decreasing. As of the end of FY 2008, the FLRA had 10 backlogged requests, all of which had been closed by the time the FLRA issued its FY 2008 annual FOIA report. As of the end of FY 2009, the FLRA had one backlogged request, which was closed in October of 2009. The oldest pending case at the end of FY 2008 was 1061 days old. The oldest pending case for FY 2009 was 487 days old.

2. Backlog Reduction Steps

N/A.

3. Steps to Improve Timeliness

In the future, the FOIA case tracking system should provide the mechanism for assuring agency-wide that all responses to incoming FOIA requests are timely. The system automatically alerts the processing office when deadlines are approaching. Further, as mentioned above, the Chief FOIA Officer is in the process of instituting a program for agency processing offices to respond to all FOIA requests electronically whenever possible. This should provide more immediate responses for FOIA requesters.