

**REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY,
INCLUDING THE AUTHORITY, THE GENERAL COUNSEL,
AND THE FEDERAL SERVICE IMPASSES PANEL**

**PUBLIC INFORMATION REQUESTS -- FOR THE PERIOD OCTOBER 1, 2006
THROUGH SEPTEMBER 30, 2007**

This report of the Authority, the General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel with regard to public information requests during the period October 1, 2006 through September 30, 2007 is made in accordance with § 552(e) of Title 5, United States Code, 5 U.S.C. § 552(e) (2000), as amended by the Electronic Freedom of Information Act Amendments of 1996, Pub. L. No. 104-231, 110 Stat. 3048-3054 (codified at 5 U.S.C. § 552 (2000)).

I. Basic Information Regarding This Report

A. FLRA contact person for questions about the FLRA's Annual FOIA Report for Fiscal Year 2007 (10/1/06-9/30/07): William R. Tobey, Acting Executive Director and Chief FOIA Officer, Federal Labor Relations Authority, Suite 300, 1400 K Street, N.W., Washington, D.C. 20424, Tel: 202-218-7908; FAX: 202-343-1007.

B. Electronic address for this report on the FLRA's World Wide Web site:

<http://www.flra.gov/reports/foia2007.html>.

C. How to obtain a paper copy of this report: download it from the FLRA's web site (see I.B. above) or request it from the FLRA contact person (see I.A. above).

II. How to Make a FOIA Request

A. See the [FLRA Information Guidebook](#) and the FLRA's FOIA regulations, codified at [5 C.F.R. pt. 2411](#), for information about how to make a FOIA request. For the appropriate contact information, including names, addresses, and telephone numbers, consult the [FLRA Information Guidebook](#), or click on one of the following agency components/offices: [Office of the Authority](#), [Office of the General Counsel](#), and the [Federal Service Impasses Panel](#).

B. During FY 07, the FLRA response time for FOIA requests generally ranged from one day to 467 working days.

C. Like all federal agencies, the FLRA is required under the FOIA to disclose records upon receiving a written request for them, except for those records that are protected from disclosure by the nine exemptions and three exclusions of the FOIA. The FLRA, for example, will not grant requests for documents the release of which would constitute a clearly unwarranted invasion of personal privacy (see V.B.3. below).

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms and other terms

1. FLRA -- Federal Labor Relations Authority
2. FY -- Fiscal Year
3. FOIA -- Freedom of Information Act (5 U.S.C. § 552)
4. PA -- Privacy Act (5 U.S.C. § 552a)

B. Basic terms, expressed in common terminology

1. FOIA/PA Request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial Request -- a request to the FLRA for access to records under the FOIA.
3. Appeal -- a request to the FLRA asking that it review at a higher administrative level a full denial or partial denial of a FOIA request, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal -- a request or appeal for which the FLRA has taken a final action on the request or the appeal in all respects.
5. Multi-track Processing -- a system in which simple requests requiring minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. Note: The FLRA does not have multi-track processing as it generally responds to requests on a timely basis. A requester who has an urgent need for records may request expedited processing (see III.B.6. directly below).
6. Expedited Processing -- the FLRA will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records that warrants prioritization of his or her request over other requests that were made earlier.
7. Simple Request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested. As noted above, the FLRA does not have multi-track processing.
8. Complex Request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested. As noted above, the FLRA does not have multi-track processing.
9. Grant -- an FLRA decision to disclose all records in full in response to a FOIA request.
10. Partial Grant -- an FLRA decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

11. Denial -- an FLRA decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the FLRA to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time Limits -- the time period in the FOIA for an agency to respond to a FOIA request, ordinarily 20 "working days" from proper receipt of a "perfected" FOIA request (see III.B.13. below).
13. "Perfected" Request -- an FOIA request for records that adequately describes the records sought, that has been received by the FLRA component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 Statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median Number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. Average Number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
17. Working Days -- days except Saturdays, Sundays, and legal public holidays. The FLRA's response times in Part VII below are given in median working days.

IV. Exemption 3 Statutes

The FLRA did not rely on an Exemption 3 statutes during the fiscal year covered by this report (FY 07).

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests

1. Number of requests pending as of the end of the preceding fiscal year (FY 06): 15*
*Due to administrative error one pending FOIA request was not recorded in the FLRA's FY 2006 Annual Report.
2. Number of requests received during FY 07: 96
3. Number of requests processed during FY 07: 97
4. Number of requests pending as of the end of FY 07: 14

B. Disposition of initial requests

1. Number of total grants: 44
2. Number of partial grants: 16
3. Number of denials: 5

a. Number of times each FOIA exemption used (counting each exemption once per request)

(1) Exemption 1: 0

(2) Exemption 2: 6

(3) Exemption 3: 0

(4) Exemption 4: 0

(5) Exemption 5: 15

(6) Exemption 6: 0

(7) Exemption 7(A): 3

(8) Exemption 7(B): 0

(9) Exemption 7(C): 10

(10) Exemption 7(D): 13

(11) Exemption 7(E): 0

(12) Exemption 7(F): 0

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for nondisclosure (total): 32

a. No records: 13

b. Referrals: 13

c. Request withdrawn: 1

d. Fee-related reason: 1

e. Records not reasonably described: 0

f. Not a proper FOIA request for some other reason: 0

g. Not an agency record: 0

h. Duplicate request: 0

i. Other (specify): 4 (admin. closed)

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals

1. Number of appeals received during FY 07: 3
2. Number of appeals processed during FY 07: 3

B. Disposition of appeals

1. Number of responses to initial requests completely upheld: 2
2. Number of responses to initial requests partially reversed: 1
3. Number of responses to initial requests completely reversed: 0
 - a. Number of times each FOIA exemption used (counting each exemption once per appeal)
 - (1) Exemption 1: 0
 - (2) Exemption 2: 1
 - 3) Exemption 3: 0
 - (4) Exemption 4: 0
 - (5) Exemption 5: 2
 - (6) Exemption 6: 0
 - (7) Exemption 7(A): 0
 - (8) Exemption 7(B): 0
 - (9) Exemption 7(C): 2
 - (10) Exemption 7(D): 2
 - (11) Exemption 7(E): 0
 - (12) Exemption 7(F): 0
 - (13) Exemption 8: 0
 - (14) Exemption 9: 0
4. Other reasons for nondisclosure (total): 0
 - a. No records: 0

- b. Referrals: 0
- c. Request withdrawn: 0
- d. Fee-related reason: 0
- e. Records not reasonably described: 0
- f. Not a proper FOIA request for some other reason: 0
- g. Not an agency record: 0
- h. Duplicate request: 0
- i. Other (specify): 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during FY 07

- 1. Total for all requests (note: the FLRA does not have multi-track processing)
 - a. Number of requests processed: 97
 - b. Median number of working days to process: 16

- 2. Requests accorded expedited processing
 - a. Number of requests processed: 0
 - b. Median number of working days to process: 0

B. Status of pending requests

- 1. Number of requests pending as of the end of FY 07: 14

Median number of working days that such requests were pending as of that date: 124

VIII. Expedited Processing Requests

There were no requests for expedited processing pending at the beginning of FY 07, and none were received during the year. Accordingly, no such requests were granted.

IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time or occasional FOIA duties (in estimated total work-years):
.104
3. Total number of personnel (in estimated work-years): .104

B. Total costs (including staff and all resources)

1. FOIA processing (estimated -- including appeals): \$11228
2. Litigation-related activities (estimated): \$0
3. Total costs (estimated): \$11228

X. *Fees*

A. Total amount of fees collected by the FLRA for processing requests: \$208.09

B. Percentage of total estimated costs: 2%

XI. *FOIA Regulations (Including Fee Schedule)*

The FLRA's FOIA regulations, including the fee schedule, are codified at [5 C.F.R. pt. 2411](#)

XII. *Development And Implementation of FLRA's Improvement Plan Under Executive Order 13392*

A. Description of supplementation/modification of agency improvement plan (if applicable).

Not applicable.

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

Work in three improvement areas targeted for completion by December 31, 2007, was ongoing at the end of the calendar year. The three improvement areas concerned: 1) the agency's web page; 2) case tracking for FOIA requests; and 3) a customer feedback survey.

With regard to the improvement and redesign of the FOIA web pages on the agency's website, a prototype is being developed on a test version of the website for review by agency management and the Chief FOIA Officer. After the prototype is completed, it will be circulated to agency components responsible for responding to FOIA requests for further comments and suggestions.

With regard to the development of an agency-wide FOIA tracking system, the agency has conducted a survey of alternatives from the private and public sectors. The agency now is exploring the possibility

of adopting another agency's software. Based on systems currently in use by government agencies and commercially available products, we feel confident of our ability to establish a new FOIA tracking system by the end of the calendar year. Our greatest challenge is to integrate our planned Case Management system with our future FOIA tracking system since many FOIA requests are directly related to our cases. This approach will leverage the key principles of E-government while enhancing our day to day operations. Our effort in this area is on-going and timed to meet our stated deadline.

With regard to development of a customer feedback survey, this improvement area is targeted for final implementation following completion of work to improve the FOIA web pages on the agency's website, and implement an agency-wide FOIA tracking system. A draft of the survey has been developed. Following review by agency management and the Chief FOIA Officer, the survey, designed to be available on the agency's website, will be submitted for clearance by the Office of Management and Budget, since the survey involves the collection of information from nongovernmental individuals.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

1. Agency Web Pages

a. FOIA Improvement Plan area to which the deficient milestone relates.

Redesign of FLRA website.

b. Deficient milestone and the original target date from the FOIA Improvement Plan

Improve and redesign the agency's web pages to enhance user capabilities to obtain and understand FOIA-related information, by December 31, 2007. This milestone was not met because the agency is currently considering whether to outsource the agency's website activities under the President's Management Agenda.

c. Steps taken to correct the deficiency and the dates by which the steps were completed.

A prototype of the redesigned web pages was prepared, and submitted to the agency's webmaster on November 20, 2007. A test version of the redesigned web pages was installed on the agency's intranet on December 7, 2007.

d. Future remedial steps and the dates by which the steps will be completed.

Complete development of redesigned web pages, by August 1, 2008. Obtain agency and

Chief FOIA Officer comments and suggestions, by August 31, 2008. Implement the redesigned agency web pages, by December 31, 2008.

2. Case Tracking

a. FOIA Improvement Plan area to which the deficient milestone relates.

Upgrade of FOIA case tracking system.

b. Deficient milestone and the original target date from the FOIA Improvement Plan.

Develop and implement an agency wide case-tracking system to permit greater coordination among the various agency components and improve analysis and tracking of FOIA requests and thus the ability to assess utilization of agency resources, by December 31, 2007. The milestone was not met because the agency is currently exploring the possibility of adopting another agency's software. In addition, the issue of integrating our planned Case Management system with our future FOIA tracking system has delayed implementation of the FOIA tracking system.

c. Steps taken to correct the deficiency and the dates by which the steps were completed.

Met with private vendors of FOIA case tracking systems and obtained information on all alternatives, completed December 4, 2007.

d. Future remedial steps and the dates by which the steps will be completed.

Make decision regarding which FOIA software package to procure, by June 31, 2008. Resolve coordination issues concerning the FOIA tracking system and the planned Case Management system, by September 30, 2008. Implement the FOIA tracking system, by December 31, 2008.

3. Customer Feedback Survey

a. FOIA Improvement Plan area to which the deficient milestone relates.

Development of a customer feedback survey.

b. Deficient milestone and the original target date from the FOIA Improvement Plan.

Develop and post an online customer feedback survey, by December 31, 2007. This milestone was not met because the decision was made to coordinate the survey's posting with the redesigned web pages and implementation of the new FOIA case tracking system.

c. Steps taken to correct the deficiency and the dates by which the steps were completed.

Draft customer survey completed on December 5, 2007. Prototype of online customer survey placed on the agency's test site on December 6, 2007.

d. Future remedial steps and the dates by which the steps will be completed.

Obtain internal approval of proposed survey to be placed on the FLRA's website, by June 15, 2008. Begin OMB clearance process, by June 30, 2008. Obtain OMB approval and post survey on the agency's website, by December 31, 2008.

D. Additional narrative statement regarding other executive order-related activities (optional).

Not applicable.

E. Concise descriptions of FOIA exemptions:

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional statistics:

1. Ten Oldest Pending FOIA Requests

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending requests as of January 1, 2008. Please list the requests by date.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests					July 7 August 9 August 17	March 3	February 21 July 19	March 19 April 3 April 25 May 24

2. Consultations:

The FLRA's tracking system is unable at this time to compute any of these numbers regarding consultations.

G. Attachment:

The FOIA Improvement Plan for the FLRA is attached.

<http://www.flra.gov/FOIA%20plan.pdf>