

2015 Chief FOIA Officer Reports

Content of 2015 Chief FOIA Officer Reports

Time frame for Report

Unless otherwise noted, your 2015 Chief FOIA Officer Report should address agency activities that have occurred since the filing of last year's Report, which was March 17, 2014, up until the filing of the 2015 Report, which will be February 6, 2015. Thus, the general reporting period for the Chief FOIA Officer Reports is March 2014 to February 2015.

*Name and Title of Agency Chief FOIA Officer:
Ruth Ann Abrams, Assistant Secretary*

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 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?

Answer: Yes.

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

Answer: One hundred percent of the Commission's FOIA professionals attended substantive FOIA training during this reporting period.

Yes. A Commission's attorney responsible for reviewing FOIA correspondence attended the FOIA and Privacy Act Interface Webinar course offered online on August 16, 2014. Our Chief FOIA Officer attended in-house training offered by the Office of the General Counsel. Another employee who works on FOIA matters attended the FOIA for Attorney and Access Professionals offered on May 13-14, 2014.

3. In the 2014 Chief FOIA Officer Report Guideline, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

Answer: We recognize the importance of having the FOIA professionals attend substantive training to keep abreast of best practices and changes in the FOIA law, regulations, and guidance from the Department of Justice. The Commission will continue to require annual training for the Chief Officer and FOIA professionals on staff, and tracks the FOIA training completed by our agency's FOIA professionals.

Discretionary Disclosures:

4. Does your agency have a distinct process in place to review records for discretionary release? If so, please briefly describe this process.

Answer: Yes. The Commission reviews all records for discretionary release with the Office of the General Counsel. Once approved by the Office of the General Counsel, the FOIA professionals then provides documents or other records identified for discretionary release for review by the Chairman and Commissioners prior to the release of these records.

5. During the reporting period, did your agency make any discretionary releases of information?

Answer: During FY 2014, the Commission received 31 requests. The Commission fulfilled or referred nearly all of the requests. Only 1 of them involved any withholding of information, and almost all of the withholding was legally mandated and non-discretionary. As a result, there were no opportunities to make a discretionary release.

6. What exemptions would have covered the material released as a matter of discretion?

Answer: Not applicable

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

Answer: Not applicable

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

Answer: During FY 2014, the Commission received 31 requests. The Commission fulfilled or referred nearly all of the requests. Only 1 of them involved any withholding of information, and almost all of the withholding was legally mandated and non-discretionary. As a result, there were no opportunities to make a discretionary release.

Other Initiatives:

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

Answer: The Commission holds periodic public meetings. The meetings are publicly broadcast and the audio recordings of these meetings are archived on the Commission's website. Technical Conferences are usually webcast and archived on the website.

The contents of all dockets, apart from certain items designated as nonpublic by submitters, are available for inspection on the Commission's website. The nonpublic records are clearly identified on the public website and are usually posted in redacted form. The Postal Service and other filers must provide specific justification for nonpublic treatment of the items to be designated as nonpublic. Any person may petition the Commission for access to specified nonpublic records, or else may petition to have the access restrictions lifted entirely.

During FY2014, the Commission was completing the development of a redesigned public website to make it easier to find and access Commission information and records. The development process focused on creating a website that would make it easier and more intuitive for the public to find information. The new website was launched on January 31, 2015.

The Commission publishes copies of its annual Congressional Budget Justifications on the public website. The FY 2016 Congressional Budget Justification was posted on February 4, 2015.

The Commission publishes detailed monthly updates to the Consumer Price Index calculations relating to the price cap on Market Dominant postal products. This is a valuable resource for the mailing industry and the public.

The Commission publishes a frequently updated summary of Negotiated Service Agreements (contracts between the United States Postal Service and private companies for special mailing agreements.) and the Mail Classification Schedule.

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.

Processing Procedures:

1. For Fiscal Year 2014, what was the average number of your days your agency reported for adjudicating requests for expedited processing?

Answer: The Commission adjudicated its one request for expedited processing in nineteen calendar days.

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.

Answer: As the Commission improved its internal process separately tracking expedited requests from the rest of the FOIA requests, we will ensure that in the future, requests for expedited processing are adjudicated within ten calendar days or less.

Requester Services:

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

Answer: Yes. The Commission's denial, partial denial and referral response letters notify requesters of the mediation services provided by OGIS.

4. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication?

Answer: Not applicable. The Commission has never charged FOIA fees to a FOIA requester.

Other Initiatives:

5. If there are 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., please describe them here.

Answer: The Commission's FOIA professionals have a weekly meeting scheduled in conjunction with other administrative activities to assess workload and response time. During these weekly assessments, process improvements are discussed to minimize response times and keeping response times within the statutory time limits for all requests. Effective communication among departments at the Commission and timely response by Commission employees to requests for records ensure that the Commission responds to all requests in an expeditious manner.

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.

Posting Material:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosures? If so, please describe your agency's process or system.

Answer: Yes. Two of the Commission's operating principles are openness and transparency. The entire staff works to identify proactive disclosures. Any identified records are reviewed and approved by the General Counsel and the FOIA professionals. Once approved, they are posted or released where appropriate.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Answer: Yes. We collaborate as needed with all internal agency staff.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

Answer: The Commission hosts a series of periodic public meetings and publicly webcasts and archives audio recordings of these meetings, hearings and technical conferences on the Commission's website. These are updated on a continual basis. Inquiries from the public or the press are examined to determine whether posting Commission records could address future inquiries of the same type.

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

Answer: The Commission has used Twitter and press releases to announce the release of work of the Commission, and these announcements typically provide links to the underlying documents – <https://twitter.com/postalregulator>.

The link to the press release page will change shortly with publication of the redesigned website.

Other Initiatives:

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

Answer: The Commission publishes:

- Detailed monthly updates to the Consumer Price Index calculations relating to the price cap on Market Dominant postal products. This is a valuable resource for the mailing industry and the public.
- A statistical tabulation of Negotiated Service Agreements (mailing contracts between the Postal Service and private companies).
- A regularly updated Library of Workshare Cost Avoidance Models, which is helpful to the mailing industry and the public.
- Materials distributed at Commission-sponsored technical conferences.
- Informative Workpapers filed as part of Commission dockets.
- Mail Classification Schedule

*links to these resources will change soon due to the revision of the Commission website and thus are not provided here.

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.

Making Material Posted Online More Useful:

1. 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?

Answer: Yes. The Commission provides an online customer service form for members of the public to submit comments. In addition, in response to requests from the public, the Commission implemented an improved search function for its website. This easier-to-use search engine supplements the more complex search system used by frequent users of the site. The Commission also requires that all correspondence and legal documents filed with the Commission be processed with Optical Character Recognition (OCR), and thus are both electronically keyword searchable and more compliant with section 508 of the Rehabilitation Act.

2. If yes, please provide examples of such improvements.

Answer: In response to requests from the public, the Commission implemented an improved search function for its website. This easier to use search engine supplements the more complex search system used by frequent users of the site. The Commission has also taken steps to ensure that most document filings are processed with OCR, and thus are both electronically keyword searchable and more compliant with section 508 of the Rehabilitation Act.

3. 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.

Other Initiatives:

4. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Answer: Yes.

5. Do your agency's FOIA professional use e-mail or other electronic means to communicate with requesters whenever feasible?

Answer: Yes.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce 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. Does your agency utilize a separate track for simple requests?

Answer: The Commission receives relatively few FOIA requests, and most are simple. However, we do track separately the occasional complex requests when they are received.

2. If so, for your agency overall, for Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

Answer: Yes

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

Answer: 100% of the requests received and processed in Fiscal Year 2014 were placed in the simple track.

4. 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: No

The Commission tracks simple and complex requests.

Backlogged Requests: Refer to Sections 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 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with Fiscal Year 2013?

Answer: N/A

The Commission had no backlog of requests at the end of FY 2014.

Backlogged Appeals:

6. If you had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

Answer: N/A

The Commission had no backlog of requests or administrative appeals at the end of either FY 2013 or FY 2014.

Ten Oldest Requests

7. In Fiscal Year 2014, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2013?

Answer: N/A

The Commission had no pending requests at the end of FY 2013.

8. 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 2013 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

The Commission had no pending requests at the end of FY 2013.

Ten Oldest Appeals

9. In Fiscal Year 2014, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2013?

Answer: N/A

The Commission had no pending administrative appeals at the end of FY 2013.

10. 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 2013 Annual FOIA Report.

Answer: N/A

The Commission had no pending administrative appeals as of the end of FY 2013.

Ten Oldest Consultations

11. In Fiscal Year 2014, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2013?

Answer: N/A

The Commission had no any pending consultations as of the end of FY 2013.

12. 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 2013 Annual FOIA Report.

Answer: N/A

The Commission had no pending consultations as of the end of FY 2013.

Reasons for Any Backlogs:

3. If you answered “no” to any of the above questions, describe why that has occurred. 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?

Answer: N/A

The Commission had no backlog of requests at the end of FY 2013.

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

Answer: N/A

The Commission had no backlog of requests at the end of FY 2013.

- 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

The Commission had no backlog of requests at the end of FY 2013.

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

Answer: N/A

The Commission had no backlog of requests at the end of FY 2013.

“Ten oldest” Not Closed

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

Answer: N/A

The Commission had no backlog of requests nor appeals from FY 2013.

- 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

The Commission had no backlog of requests nor appeals from FY 2013.

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

6. 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 these “ten oldest” requests, appeals, and consultations during Fiscal Year 2015.

Answer: N/A

The Commission had no pending requests at the end of FY 2014.

If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2014, provide your agency’s plan for achieving backlog reduction in the year ahead.

Answer: N/A

The Commission had no backlog of pending requests at the end of FY 2014.

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

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

Answer: Yes. The Commission provides an interim response when appropriate.

8. If your agency had a backlog in Fiscal Year 2014, provide an estimate of the number 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: The Commission had no backlog in FY 2014.

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 2014?

Answer: No, the Commission did not invoke a statutory exclusion during FY 2014.

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

*Answer: N/A
The Commission invoked no statutory exclusions during FY 2014.*

Spotlight on Success

Describe one success story that you would like to highlight as emblematic of your agency's efforts.

Success Story:

In response to requests from the public, the Commission updated its website's search engine capabilities, affording the public an improved search functionality. This easier to use search function supplements the more complex search options used by frequent users of the site. Part of the mission of the Commission is to provide transparency to the public, and proactive disclosure is integral to this mission.

With limited staff resources and a high volume of other duties, the Commission provided responses to all simple requests within the statutory deadline of 20 business days. The Commission prides itself on the high priority given to responding completely and properly to all requests, and how fully, professionally and quickly we respond to FOIA.

Because the Commission publishes most of its records on its website, and clearly identifies any proprietary or confidential information, this openness reduces the number of records requests sent to the Commission.

This proactive openness by the Commission, we believe, exemplifies the objectives of the law and guidance relating to FOIA.