

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT



# Chief Freedom of Information Act (FOIA) Officer Report

March 2010

*A New Day for the Civil Service*

# OPM Chief Freedom of Information Act (FOIA) Officer Report

March 9, 2010

In the following report, the U.S. Office of Personnel Management's (OPM's) Chief Freedom of Information Act (FOIA) Officer provides a summary of the agency's FOIA program and the steps taken to improve FOIA operations and facilitate information disclosure. The report includes Department of Justice instructions and OPM's response.

## **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

OPM has taken the following steps to ensure that the presumption of openness is being applied to all decisions involving the FOIA by publicizing the President's FOIA memorandum of January 21, 2009, and the Attorney General's FOIA Guidelines through email and in a training class with the agency's workforce of FOIA points of contact. In addition, the agency's FOIA coordinator has reinforced the importance of openness in coaching and advising the points of contact on their responses to FOIA requests.

Furthermore, the agency's Chief FOIA Officer, who is also the agency's Chief Information Officer (CIO), leads the agency's implementation of the President's Openness Initiative. In that context, he meets frequently with senior most executives of OPM and has routinely reminded them of their responsibilities to proactively identify and publish documents of interest to the public. We are projecting to include the requirements from the Open Government Plan into this initiative.

In addition to ongoing discussions with the agency's senior leadership about the openness initiative, the Chief FOIA Officer met with members of the agency's Information Technology (IT) Investment Review Board (IRB) on February 24, 2010, and reminded them of their responsibilities for incorporating Open Government principles and compliance in their own organizations. The IRB is a group of the agency's senior-most executives. They advise the agency head on the agency's use of information technology; therefore, their role in implementing the openness initiative is key to the agency's success.

### 2. Disclosure Comparisons

The number of requests for which records were released in full in FY2009, compared with the numbers reported in the FY2008 Annual FOIA Report, has declined from 6,708 in FY2008 to 3,021 in FY2009. The number of perfected FOIA request has also declined in a way that keeps the percentage of grants in full the same year over year. OPM is working to understand the decline. However we do know that most of OPM's requests

are for records containing personally identifiable information (PII). Due to the PII contained in such records, there may not be a way to release information in full and simultaneously protect sensitive personal information.

## **II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests**

In January 2010, as a part of the agency's reorganization, the position of Chief FOIA Officer, which is held by the agency's Chief Information Officer (CIO), was elevated. The CIO now reports directly to the agency head and is in daily contact with senior most executives who influence the response to FOIA requests. In addition, as part of the reorganization, the CIO established a records management unit led by a senior official with extensive government wide experience in personnel records policy, thereby integrating the review of personnel records disclosures (a frequent type of request received by OPM) with broader management of the FOIA program. The change is expected to increase efficiencies in the review and processing of FOIA requests and in the management of the agency's records program.

## **III. Steps Taken To Increase Proactive Disclosures**

We have asked our program offices to identify frequently requested material to be posted to our electronic reading room. We have begun to give public access to our "purchase card holders" and are looking to do the same with OPM held contracts. Once these materials have been identified we will post them on an ongoing basis.

## **IV. Steps Taken To Greater Utilize Technology**

1. Does your agency currently receive requests electronically?

Yes, OPM currently receives FOIA requests electronically by email at the following address: [foia@opm.gov](mailto:foia@opm.gov)

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

Not applicable. As noted above, OPM currently receives FOIA requests electronically.

3. Does your agency track requests electronically?

Yes, OPM tracks requests electronically using a software product developed and maintained for that purpose.

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

Not applicable. As noted above, OPM tracks FOIA requests electronically.

5. Does your agency use technology to process requests?

Yes, OPM uses technology to process requests, using internal email correspondence to alert record owners of requests for records, and search functions in email and word processing tools to locate records requested. The agency also uses technology to send responses and other correspondence by email to FOIA requesters and receive replies.

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

Not applicable. As noted above, OPM uses technology to process FOIA requests.

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

Yes, OPM uses technology to prepare the agency's Annual FOIA Report. For example, the agency uses reports prepared through the agency's FOIA tracking system to prepare statistics for the reports. The agency also uses email to correspond with officials throughout OPM in reviewing and publishing the report.

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

Not applicable. As noted above, OPM uses technology in preparing the agency's Annual FOIA Report.

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

1. Backlog Status

OPM has consistently and significantly reduced its backlog of FOIA requests. For example, at the end of FY2008, OPM's backlog of FOIA requests consisted of ninety-nine (99) cases. By the end of FY2009, the backlog had been reduced to fifty-five (55) cases. As of March 1, 2010, OPM had a backlog of 25 cases. The oldest pending request in FY08 was from 2001. The oldest current pending request is from 2008.

Furthermore, at the end of FY2008, OPM had a backlog of three (3) administrative appeals pending, which declined to a backlog of one (1) administrative appeal pending at the end of FY2009.

2. Backlog Reduction Steps

Not applicable. As noted above, OPM's backlog of FOIA requests has significantly and consistently declined.

3. Steps to Improve Timeliness

OPM is taking several steps to improve timeliness in responding to FOIA requests and administrative appeals. For example, OPM has obtained on contract the services of a full time FOIA coordinator who carefully reviews incoming FOIA requests and works with requesters to perfect them. By working with requesters to perfect the requests, the agency has been able to increase its efficiency in responding to requests. In addition, the agency sends incoming requests to the office with all incoming material which allows the subject matter expert to respond more efficiently than in the past when such information was not consistently provided to the expert.