Chief Freedom of Information Act (FOIA) Officer Report 2014

March 2013 through March 2014

March 2014

a New Day for Federal Service

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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. The Office of Personnel Management (OPM) has taken deliberate and proactive steps to ensure the presumption of openness is being applied to all decisions involving FOIA.

<u>Training</u>

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

   The Office of Personnel Management (OPM) held in-house classroom-style training and one-on-one training for its employees, and conducted monthly FOIA Council meetings for its network of FOIA officers.

2. If so, provide the number of conferences or trainings held, a brief description of the topics covered and an estimate of the number of participants from your agency who were in attendance.

   OPM developed a training program and chartered a FOIA Council to provide greater comprehension of the FOIA and Privacy Act (FOIA/PA) to OPM staff. The FOIA training module provides a valuable resource tool for OPM staff who has limited exposure in the processing of FOIA requests. The OPM FOIA Processing Service Center provided five successful training sessions to different program offices within OPM. One-on-one training sessions were provided throughout the year to individual senior managers and other staff who sought to understand the FOIA process, the exemptions and how they are used, as well as their responsibilities.

   The FOIA Team works very closely to ensure new FOIA Program Office Contacts (POCs) s are well versed in the FOIA process and the use of FOIA exemptions. The team developed a strategy for responding to requests, including sample response letters, and assisted each other in redacting or justifying withholding of exempted records and discretionary disclosures of records. We continue to receive training requests from other OPM program offices. These training opportunities provide consistency in the comprehension and application of the FOIA statute, exemptions, and proactive disclosure; and OPM internal policies and processes.

   The table below outlines the types of training provided, the topics covered, and the estimated number of attendees.

Types of Training	Topics Covered	Number of Attendees
FOIA Overview Training	Formal training presentation providing an overview and history of the Act, exemptions, FOIA review and redacting/withholding process, fees, need for scope clarification, Attorney General's guidelines, need for proactive disclosures where possible, the need to use the Office of Government Information Services (OGIS) and appeal language, appeal process, strategy on handling the request, sample letter styles, time extensions, FOIA processing timelines and due dates, need for proper closing-out of the request, annual report, and the need to coordinate with the OPM FOIA Processing Service Center for review of draft response packages.	5 major sessions with an average attendance of 15 - 20 employees. The program offices were: • Healthcare and Insurance • Planning, Policy and Analysis • Employee Services • National Healthcare • USAJOBS Additional sessions were provided for various smaller groups of employees.
FOIA One-on-One Training	Tailored training presentation providing an overview of the Act, exemptions, FOIA review and redacting/withholding process, fees, need for scope clarification, Attorney General's guidelines, need for proactive disclosures where possible, the need to use the OGIS and appeal language, appeal process, strategy on handling the request, sample letter styles, time extensions, FOIA processing time lines and due dates, need for proper closing-out of the request, annual report and the need to coordinate with the OPM FOIA Processing Service Center for review of draft response packages and the FOIA tracking system.	1 senior executive 4 senior managers/staff 3 new FOIA POCs
FOIA Council Meeting/Training and Updates	Formal meetings providing updates on the latest FOIA and FOIA-related policies, case law, procedures, application of the FOIA guidelines such as fees, due dates, personally identifiable information (PII) and security breaches, records retention schedules, and related HR policies.	Average of 15 - 20 attendees, generally held on a monthly basis, or as needed.

3. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

   Yes. OPM staff attended various training sessions and seminars, such as the U.S. Department of Justice (DOJ) "Introduction to FOIA" class, Privacy Act and applications

provided by the Department of Homeland Security, DOJ training on the Annual and Chief FOIA Officer's Reports, and DOJ-sponsored information technology and FOIA work group meetings.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

   80% of the team members have attended formal FOIA training provided by DOJ or the IT or FOIA workgroup sessions sponsored by DOJ. Approximately 58% of the FOIA/PA specialists and technicians at the Federal Investigative Services location have taken formal FOIA training.

5. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015.

   In keeping with the Attorney General's guidance to provide agency training at least once each year, OPM scheduled an agency-wide, two-day FOIA Training Program, the first of its kind, to be held December 10 -11, 2013. Unfortunately, the training was canceled due to the government closure for inclement weather conditions. A new training program will take place on April 8 - 9, 2014. The first day of training will be provided by senior staff from the DOJ, Office of Information Policy, covering all aspects of the Freedom of Information Act. On the second day, the training will cover a variety of FOIA and Privacy Act subject areas, such as the use of the (b)(4) exemption, Privacy Act, OGIS, Records Management and PII. This two-day training event will be webcasted to all local and remote OPM program offices. To ensure that substantive FOIA training is available to all FOIA professionals at least once each year, this two-day training program will be recorded and available to all OPM local and remote locations. The plan is to hold updated live DOJ FOIA training bi-annually. This will be a cost effective method of providing updated training with interim training opportunities throughout OPM.

   OPM updates its FOIA training module to fit the individual needs and emphasis of each program office. This module, while used for internal formal FOIA training, is also provided to individuals to refresh their FOIA knowledge. This e-learning module is updated in keeping with DOJ and OPM's FOIA policies and procedures.

   Finally, the OPM FOIA Council, chartered on November 5, 2012, is a means of providing monthly, or as needed, updates on FOIA policies, procedures and case law. The FOIA Council is composed of Government Information Specialists, designated program office personnel, senior management officials who have oversight on the processing of FOIA requests within their respective program offices, attorneys from the Office of General Council and the Chief FOIA Officer. The Council serves as another training mechanism for the dissemination of FOIA policies and procedures. Various guest speakers, internal and external to OPM, are invited to provide information and resource materials on a variety of subject areas pertinent to the FOIA and Privacy Act. These sessions have resulted in better comprehension of the FOIA process, policies and applications within the agency.

Outreach

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

    Yes. The Chief FOIA Officer is presently a member of the National Action Plan – FOIA workgroup. This workgroup is composed of both civilian requesters, media, public interest organizations, and federal agency FOIA representatives. The focus is to improve the FOIA process and make agency information more accessible and open to the general public.

    OPM solicits comments from the public via the OPM website at OPM.gov. There has been a noted increase in comments since the beginning of FY14. The majority of comments are about annuity and USAJOBS related issues and are not truly related to the FOIA process. In keeping with creating and maintaining good customer service, we take pride in responding to each comment and make sure that these issues, whether FOIA related or not, are provided to the proper program office for response.

    OPM also has a FOIA telephone hotline in which we respond to queries from the general public seeking assistance on FOIA-related issues and other problems. We have received many positive responses from the public. Many of them are surprised to reach a federal employee when calling rather than an automated response or voice mail, and most of the callers are very appreciative of getting the direction or the help that they need.

    In March 2013, OPM hosted a Liberian delegation of FOIA professionals who met to discuss best practices for the implementation of the Freedom of Information Act. Liberia needed advice on how to implement their own version of FOIA throughout their nation. It was a wonderful opportunity for cross-cultural sharing about the formal process and challenges with dissemination of government records to the public.

    OPM FOIA officials attended IT and FOIA workgroup sessions sponsored by DOJ and participated in discussions on various issues raised throughout each session. Although these sessions were not open to the general public, the sessions dealt with the need to better the use of each agency's website to increase information available to the public as well as the role and need for IT to improve the FOIA process and provide requesters access to the status of their requests.

Discretionary Disclosures

Attorney General Holder's FOIA Guidelines strongly encouraged agencies to make discretionary releases of information, and OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

7. Does your agency have a formal process in place to review records for discretionary releases? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

OPM's FOIA policy and training addresses the need to review all responsive records with a potential for making discretionary releases whenever possible. Although a good majority of our records contain the PII of former federal employees, which is protected under exemption (b)(6) and human resource information and policies which can be withheld under exemption (b)(2), OPM continues to put more information on the web and continues to make discretionary disclosures of information, wherever possible, without causing unwarranted invasion of an individual's personal privacy.

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

    Yes. OPM made a discretionary disclosure of a Diversity and Inclusion presentation paper. OPM continues to provide disclosure or release of information found in various HR records by segregating and/or aggregating data that can be disclosed. Previously, these same records and data would have been withheld in their entirety.

9. What exemptions would have covered the information that was released as a matter of discretion?

    The Diversity and Inclusion presentation paper would have been withheld under exemption (b)(5) and the HR records would have been withheld in their entirety under (b)(2).Data or responsive records were disclosed where formerly such information would have been withheld under FOIA exemptions (b)(2), (b)(5) and (b)(6).

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

    Answered above in the response to Question 8.

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

    Answered above in the response to Question 8.

Other Initiatives

12. Did you're agency post all of the required quarterly reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal year 2014.

    Yes. OPM posted its fiscal year 2013 quarterly reports, but the reports were not viewable by the public. This issue has now been rectified for fiscal year 2014. The first quarterly report has been posted in the proper URL and confirmed by DOJ as being successfully posted.

13. Describe any other initiative undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

OPM has been a proponent of open government and has strongly encouraged that the responsive records to each FOIA request be viewed in keeping with making more proactive and discretionary disclosures, to the greatest extent possible. We have demonstrated an increase in putting more commonly requested information on our website. A listing of the types of information put out on our website is provided under our response to Question 8.

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]application 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."

Personnel

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

    Yes. All OPM FOIA Supervisors and team leads and specialist within OPM have either been hired or converted to the General Schedule (GS) 306 – Government Information Specialist series. It is our intent and plan to continue in the future to hire all FOIA professionals under the GS 306 series.

2. If not, what proportion of personnel has been converted to the new job series?

    Not applicable, please see the response to Question 1.

3. If not, what is your plan to ensure that all FOIA professional's position descriptions are converted?

    Not applicable.

Processing Procedures

4. For Fiscal Year 2013, did your agency maintain an average of ten or less calendar days to adjudicate requests for expedite processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

    Yes. OPM's average number of days to adjudicate requests for expedited processing is one day.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective?

    The Chief FOIA Officer, in conjunction with the OPM FOIA Processing team, revised its standard operating procedures for a more effective flow in processing FOIA requests. The revised process includes procedures for 1) clarifying the request, which helps identify the proper program office or federal agency for the referral or consultation; 2) contacting the proposed program office or federal agency to ensure it will accept the referral or consultation; and, 3) following-up with either a telephone call or an email to make sure that the referral or consultation was received to reduce any delay. Assessments are also conducted by the OPM FOIA processing team to revise the process whenever an issue arises that has a negative impact on the referral and consultation process.

Requester Services

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

    The OPM processing team's first priority to reduce any delay in the FOIA process, as well as responding to any issues or concerns raised by the requester, is to contact the requester telephonically. An e-mail is sent to follow-up with the requester or whenever the requester cannot be reached by telephone. This form of communication ensures a more rapid response, decreasing delays and miscommunications.

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

    Yes. In all response letters, OPM includes DOJ-requested appeal language along with contact information for OGIS and the services it offers to a requester.

8. Describe any other steps your agency has under taken 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.

    To ensure that the OPM FOIA process operates efficiently and effectively, the Chief FOIA Officer, in conjunction with the OPM FOIA Processing team, conducts assessments and makes revisions to the standard operating procedures and other internal procedures. Assessments are done on every aspect of the FOIA process inclusive of disseminating referral and consultation requests, closing-out FOIA requests, eliminating redundancy and refining search parameters, reducing non-responsive records, making more timely responses to the requester and providing status updates. These revisions, as implemented throughout OPM, reduce delays and improve customer service.

<center>**Section III: Steps Taken to Increase Proactive Disclosures**</center>

OPM has increased the amount of material that is available on the agency website, and the usability of that information.

<center>## **Posting Material**</center>

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

   Yes. Routine notices are sent to program offices reminding them of the need to proactively disclose data and records. The Chief FOIA Officer, in conjunction with the OPM FOIA Processing team, systematically reviews OPM records for potential posting on the web site. Examples of proactive disclosure for Fiscal Year 2013 are provided in response to Question 8, Section I.

2. If so, describe the system that is in place.

   Please see the response to Question 1.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

   OPM continues to demonstrate its commitment to apply proactive disclosures of records without waiting for specific requests from the public. OPM uses technology to increase the frequency of proactive disclosures and reduce backlog requests for information.

   Examples of materials recently posted include:

   OPM's Strategic Plan outlines the steps required to achieve agency goals (http://www.opm.gov/about-us/budget-performance/strategic-plans/2010-2015-strategic-plan.pdf).

   OPM's annual Congressional Budget Justification shows how it plans to use the budgetary resources allocated by Congress to achieve its mission (http://www.opm.gov/about-us/budget-performance/budgets/#url=Congressional-Budget-Justification).

   OPM's Agency Financial Report (AFR) provides an overview of financial performance and results to help the President, Congress, and the public assess our stewardship over the financial resources entrusted to us (http://www.opm.gov/about-us/budget-performance/performance/2012-agency-financial-report.pdf).

   OPM's Annual Performance Report (APR) provides information on actual performance and progress towards achieving the goals and the Strategic Plan and performance budget (http://www.opm.gov/about-us/budget-performance/performance/2012-annual-report.pdf).

   OPM's Summary of Performance and Financial Information (SPFI) provides key information from both the AFR and APR in a brief with user-friendly format http://www.opm.gov/about-us/budget-performance/performance/2012-summary.pdf).

OPM's 2012 Customer Service Plan provides a strategy to understand customer experience and satisfaction (http://www.opm.gov/about-us/our-people-organization/support-functions/planning-and-policy-analysis/2012-customer-service-plan.pdf). Customer service is at the forefront of our work at OPM, and we continue to seek ways to improve the customer experience. Our goal at OPM is to create the best workforce for the American people.

OPM's 2012 Conference Spending Report shows expenses in excess of $100,000 for a single conference and the net conference spending (http://www.opm.gov/about-us/budget-performance/other-reports/2012-conference-spending-report.pdf). In keeping with the Government's efforts to safeguard Federal funds, OPM continues to focus on exercising discretion and judgment in incurring expenses related to conference sponsorship.

OPM's Federal Program Inventory describes each of OPM's programs and shows how the programs support the OPM Strategic Plan (http://www.opm.gov/about-us/budget-performance/other-reports/federal-program-inventory.pdf).

OPM's Information Resource Management Plan establishes an agency-wide vision, a direction, and priorities for OPM's investment in information and records management, and IT operations (http://www.opm.gov/about-us/budget-performance/other-reports/2010-2013-information-resource-management-plan.pdf).

OPM's Cloud Strategy focuses on identification of specific approaches and strategies to adopt cloud computing (http://www.opm.gov/about-us/budget-performance/other-reports/opmcloudstrategy.pdf). Cloud computing will enable OPM's IT to respond more effectively to the changing business needs and provide agency users access to incremental computing resources (especially those with applications that support dynamic workloads) at significantly lower cost.

Making Posted Material More Useful

4. 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, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?

   OPM implemented a new, user friendly website. Every page of the website includes a feedback tab that allows the public to provide comments on the usefulness of the information that is published on the web.

5. If so, provide examples of such improvements.

   The new OPM website includes enhanced search capabilities, and information is structured by subject matter to make it faster and easier to find information.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

OPM does not publicize or highlight proactive disclosures, but does use social media to provide information to the public, for government closures.

7. 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.

Due to the mission of OPM, many of our records contain PII that is protected under FOIA exemption (b)(6) and cannot be discretionarily disclosed. OPM protects the PII of federal employees and annuitants to prevent an unwarranted invasion of their personal privacy. However, OPM can and does post aggregated information based on these records, which avoids the disclosure of PII.

8. Describe any other steps taken to increase proactive disclosures at your agency.

Proactive disclosure in keeping with the President and the Attorney General's open government and transparency policy is strongly encouraged at each monthly FOIA Council meeting. The OPM FOIA training module and FOIA Council meetings has provided great opportunities to encourage proactive disclosure whenever possible.

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."

<u>Online Tracking of FOIA Requests</u>

1. Can a FOIA requester track the status of his/her request electronically?

No. At present, OPM's tracking system does not allow a requester to track the status of requests electronically. In the interim, OPM maintains two telephone hotline numbers, (202) 606-3642 and (202) 606-1153, which allow requesters to obtain status information on their FOIA requests as well as seek answers to a variety of questions, including OPM FOIA processing and policy questions. OPM also maintains an e-mailbox, FOIA@OPM.Gov, for receiving FOIA requests, and responding to requester questions.

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

Not applicable.

3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.

Not applicable.

4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

    Not applicable.

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

    The National Action Plan - FOIA Workgroup is also considering a more effective and efficient tracking system format that can possibly be used by federal agencies. OPM is participating in the workgroup and will await an outcome by the workgroup before considering its own system.

Use of Technology to Facilitate Processing of Requests

6. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced 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?

    See response to Question 5. The new Chief Information Officer will lead OPM's effort to modernize and increase automation for all administrative services, including FOIA processing, tracking and reporting, in accordance with OPM's IT governance and architecture.

7. If so, describe the technological improvements being made.

    In the interim, improvements to the present tracking system are made, as needed, to allow for better reporting capabilities and data compilation.

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA programs?

    Yes. OPM is looking into de-duplicating software to reduce review and redacting time for email chains.

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

Simple Track Requests

1. Refer to Section VII.A of your Annual FOIA Report for figures on FOIA Requests – Response Time for All Processed Requests

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

        Yes. OPM makes use of a separate to process requests that are simple and can be completed within the 20 day or less time period.

b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?

No. The average number of days to process simple requests was 22 days; however, the median was 15.

c. 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?

Not applicable.

Backlogs

2. Refer to Sections XII.A of your Fiscal Year 2012 and 2013 Annual FOIA Report for figures on backlogged requests/appeals.

a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

OPM's backlog of requests increased by approximately 86% (36) from FY 2012 (42) to FY 2013 (78). OPM experienced an increase of approximately 18% (1,669) in received requests from FY 2012 (9,519) to FY 2013 (11,188).

b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

OPM's backlog of administrative appeals for FY 2012 was 4 and increased for FY 2013 to 6.

Ten Oldest Requests

2. Refer to Section VII.E. of your Fiscal Year 2012 and 2013 Annual FOIA Report for figures on your ten oldest requests

c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

Yes. OPM closed its ten oldest requests from Fiscal Year 2012. OPM closed its ten oldest requests two years in a row – Fiscal Year 2011 and 2012.

d. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year.

Not applicable.

The Oldest Appeals

2. Refer to Section VI.C(5) of your Fiscal Year 2012 and 2013 Annual FOIA Report for figures on your ten oldest appeals

    e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

       Yes. OPM eliminated its 4 backlogged appeals.

    f. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year.

       Not applicable.

Ten Oldest Consultations

2. Refer to Section XII.C of your Fiscal Year 2012 and 2013 Annual FOIA Report for figures on your ten oldest consultations.

    g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

       Yes.

    h. If no, please provide the number of these consultations your agency did close.

       Not applicable, please see response to Question 2.g.

3. If you answered "**no**" to any question in "item 2," answer the following questions and include any additional explanation:

    Request and/or Backlog:

    a. Was the lack of reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

       Yes. OPM's backlog of requests increased from 42 requests in FY 2012 to 78 requests in FY 2013. At the same time, OPM had an increase in new requests received from 9,519 in FY 2012 to 11,188 in FY 2013. While the number of backlog cases increased slightly, there was an increase in actual processing of these requests. The backlog increase was due to requests being more extensive and complex. The CIO is implementing a plan to reduce these backlogs during FY 2014.

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

Not applicable.

c. Was the lack of reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests and/or appeals received?

Yes. OPM's backlog of administrative appeals for FY 2012 was 4 and increased for FY 2013 to 6. The backlog increase was due to the appeals being more extensive and complex to resolve. We also had an increase in the number of appeals received for FY 2013 which was 41. In FY 2012, we received 30 appeals.

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

Not applicable.

"Ten Oldest" Not Closed

e. Briefly explain the obstacles your agency faced in closing its ten oldest request, appeals, and consultations from Fiscal Year 2012.

Not applicable.

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 send the consultation, and the date when you last contacted the agency where the consultation was pending.

Not applicable.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations, and Reducing Backlogs

4. 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 those "ten oldest" requests, appeals, and consultations during Fiscal Year 2014.

Not applicable.

5. If your agency had a backlog of more than 1,000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency's plan for achieving backlog reduction in the year ahead.

Not applicable.

Interim Responses

OIP issued guidance encouraging agencies to make interim releases on requests that involve a voluminous amount of material or require searched in multiple locations.

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

   Yes. OPM reviews each request to determine if an interim response is warranted based on the volume of records to be retrieved, the location of the records, the amount of data to be reviewed/redacted, and the needs of the requester.

7. If your agency had a backlog in Fiscal Year 2013, 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.

   OPM had 78 backlogged FOIA requests at the end of FY 2013 and provided interim responses for approximately 25 of those requests.

   a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

      In 2011, OPM had 166 backlogged requests pending. In 2012, the backlog was reduced by approximately 75% (124) to 42 requests.

   b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

      In 2011, OPM had 8 backlogged appeals pending. In 2012, the backlog was reduced by 50% (4) to 4 appeals.

   c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

      Yes.

   d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011?

      Yes.

Use of FOIA's Law Enforcement "Exclusions"

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

   No.

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

   Not applicable.

Spotlight on Success

OPM has two success stories to highlight: The first success story focuses on OPM's efforts to increase transparency and proactive disclosure. The second success story focuses on OPM's effectively improving the administrative process of FOIA processing.

Success Story 1:

OPM delivered on its commitment to proactive disclosures by publishing 10 key documents to the OPM website. Additionally, OPM discretionarily disclosed additional papers and segregated and aggregated information to allow disclosure of additional records that would otherwise not have been released. See our response in Section III, Question 3 and Section I, Question 8.

Success Story 2:

OPM's FOIA Council effectively improved FOIA processes. The FOIA Council, chartered in November 2012, and comprised of FOIA professionals, senior managers, attorneys, and POCs, plays a major role in OPM's FOIA process. The FOIA Council is composed of Government Information Specialists, designated program office personnel, senior management officials who have oversight on the processing of FOIA requests within their respective program offices, attorneys from the Office of General Council and the Chief FOIA Officer. The Council serves as another training mechanism for the dissemination of FOIA policies and procedures. Various guest speakers, internal and external to OPM, are invited to provide information and resource materials on a variety of subject areas pertinent to the FOIA and Privacy Act. These sessions have resulted in better comprehension of the FOIA process, policies and applications within the agency.

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