

**ANNUAL PERFORMANCE REPORT  
OF THE  
U.S. OFFICE OF SPECIAL COUNSEL  
FOR  
FISCAL YEAR 2000**

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**Introduction**

The Office of the Special Counsel was first established on January 1, 1979, and became an independent federal agency, known as the United States Office of Special Counsel (OSC), after enactment of the Whistleblower Protection Act (WPA) of 1989. Basic agency authorities and operations are defined at 5 U.S.C. § 1211, *et seq.* During Fiscal Year (FY) 2000 (October 1, 1999 – September 30, 2000), OSC operated with a personnel allocation of 96 full-time equivalents (FTEs).

OSC's mission is to: (a) protect current and former federal employees and applicants for federal employment, especially whistleblowers, from prohibited employment practices and related violations of law; (b) promote compliance by government employees with the law on political activity; and (c) facilitate disclosures of wrongdoing in the federal government. OSC carries out this mission by:

- investigating possible prohibited employment practices, especially reprisal for whistleblowing, and pursuing appropriate remedies for apparent violations;
- operating an independent and secure channel for disclosure and resolution of wrongdoing in federal agencies;
- providing advisory opinions and enforcing the law on allowable and unallowable political activity under the Hatch Act;
- protecting the rights of veterans under the Uniformed Services Employment and Reemployment Rights Act; and
- promoting greater understanding of the rights and responsibilities of government employees under the laws enforced by the OSC.

**OSC's Organization**

OSC maintains its headquarters in Washington, DC, and has two field offices: one in Dallas, Texas, and one in Oakland, California. The agency has two administrative support

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Units: the Human and Administrative Resources Management Branch and the Information Systems Branch. Their functions include budget, finance, personnel, procurement, records management, and information technology services.

The Special Counsel and her staff, who are responsible for policy making and the overall management of OSC, including congressional relations and public affairs, are located within the Immediate Office of the Special Counsel (IOSC). The OSC's Outreach Specialist is assigned to the IOSC, and is responsible for developing and/or coordinating proactive outreach efforts by OSC, and for promoting compliance by federal agencies with the employee information requirement at 5 U.S.C. § 2302(c).<sup>1</sup>

The agency is organized into four operating divisions. These are: the Complaint and Disclosure Analysis Division,<sup>2</sup> the Investigation Division, the Prosecution Division, and the Planning and Advice Division. Their functions, briefly, are as follows:

**1. The Complaint and Disclosure Analysis Division** includes OSC's two principal intake units for new matters received by the agency – the Complaints Examining Unit (CEU) and the Disclosure Unit (DU).

**CEU.** This unit is the intake point for all complaints alleging prohibited personnel practices and other violations of civil service law, rule, or regulation within the OSC's jurisdiction.<sup>3</sup> The attorneys and personnel management specialists in CEU conduct an initial review of complaints to determine whether they are within OSC's jurisdiction, and whether further investigation is warranted. CEU refers all matters stating a potentially valid claim to the Investigation Division.<sup>4</sup>

**DU.** This unit is responsible for reviewing information submitted by federal whistleblowers, and for advising the Special Counsel on the appropriate disposition of the matter (including possible referral to the head of the relevant agency for investigation and a report to OSC, referral to the agency Inspector General, or closure). DU attorneys also analyze agency reports of investigation to determine whether they appear reasonable and meet statutory requirements before the Special Counsel sends them to the President and appropriate congressional oversight committees.

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<sup>1</sup> The text of this provision appears in note 18, at p. 8, below.

<sup>2</sup> This division was established during FY 2000. Its two constituent parts - the Complaints Examining Unit and the Disclosure Unit - were formerly part of the agency's Prosecution Division.

<sup>3</sup> Unless noted otherwise, all successive references to prohibited personnel practice complaints received by CEU include complaints alleging violations of civil service law, rule, or regulation listed at 5 U.S.C. § 1216, except for alleged violations of the Hatch Act. The latter are treated as a separate category of complaints, and are processed by the Hatch Act Unit (described further under "Prosecution Division," at p. 3).

<sup>4</sup> When a matter is not referred for investigation, CEU must by law provide complainants with a written statement of reasons, to which they may respond. On the basis of the response, if any, CEU decides whether to finalize its preliminary determination to close the matter or to refer the matter to the Investigation Division.

2. The **Investigation Division (ID)** investigates complaints referred after the preliminary inquiry by CEU. (The division also investigates matters referred by the Prosecution Division's Hatch Act Unit.) Investigators prepare a report or summary of investigation, which the Prosecution Division uses as the basis for its analysis of the legal merits of a complaint.

3. The **Prosecution Division (PD)** consists of the General Law and Litigation Unit and the Hatch Act Unit (HAU).

**General Law and Litigation Unit.** Attorneys from this unit review all completed investigations to determine whether the inquiry has established any violation of law, rule or regulation, and whether a request for a stay or enforcement action is warranted.<sup>5</sup> If a negotiated resolution with the agency involved cannot be reached, unit attorneys conduct any necessary litigation before the U.S. Merit Systems Protection Board (MSPB). The unit also represents the Special Counsel when OSC intervenes or otherwise participates in other proceedings before the MSPB.

**HAU.** This unit is responsible for administration of Hatch Act restrictions on political activity by federal, and certain state and local, government employees. The unit issues advisory opinions to requesters seeking information about the application of the act's provisions to specific activities. It also receives and reviews complaints alleging Hatch Act violations, referring complaints when warranted to the Investigation Division for further inquiry.

4. The **Planning and Advice Division** provides legal advice and support to the OSC on general administrative matters; engages in strategic planning and policy development, including with respect to outreach and education activities; and manages the agency's Freedom of Information/Privacy Act and ethics programs.

### **OSC'S Strategic Goals (Fiscal Years 1998-2003)**

In furtherance of its mission, the five-year strategic plan covering OSC operations during FY 2000 (Tab 2) sets forth four long-term agency goals, as follows:

1. To consistently provide high quality services that expeditiously resolve matters brought before OSC within the time guidelines set by Congress.

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<sup>5</sup> The term "enforcement actions" includes corrective action proceedings against an agency, or disciplinary action proceedings against an individual, initiated by OSC before the U.S. Merit Systems Protection Board, based on the apparent commission of a prohibited personnel practice or other violation of law or regulation within OSC's jurisdiction.

2. To fulfill congressional intent that OSC be more aggressive in protecting federal employees from prohibited personnel practices, particularly those who have suffered reprisal for whistleblowing.
3. To raise federal employees' and managers' awareness of their rights and responsibilities under the statutes enforced by OSC.
4. To develop and maintain OSC's human resources, systems and processes to support a continually improving, highly effective organization with the vigor to meet demanding program needs.

The complete text of the annual performance plan for OSC's implementation of these strategic plan goals in FY 2000 appears at [Tab 3](#).

<b>A. RESULTS UNDER STRATEGIC GOAL 1: TO CONSISTENTLY PROVIDE HIGH QUALITY SERVICES THAT EXPEDITIOUSLY RESOLVE MATTERS BROUGHT BEFORE OSC WITHIN THE TIME GUIDELINES SET BY CONGRESS.</b>
<b><i>FY 2000 PERFORMANCE GOALS</i></b>
Ensure that no more than 50% of caseload pending in CEU is more than 30 days old.
Ensure that no more than 40% of pending caseload has been in ID for more than 120 days.
Ensure that no more than 46% of pending caseload has been in PD for more than 90 days.
Maintain timely and accurate response to all HA advisory opinion requests.
Maintain timely and appropriate processing of all HA enforcement matters.
Ensure that no more than 69% of pending DU matters are more than 15 days old.
Evaluate effectiveness of modifications to case-handling procedures to ensure that OSC is meeting its goal of consistently providing timely, high quality services. Continue to identify and implement additional improvements to case-handling procedures.

A significant obstacle to the achievement of OSC's first strategic goal has been the longstanding backlogs of pending prohibited personnel practice complaints and whistleblower disclosures.<sup>6</sup> These backlogs have rendered OSC unable in many cases to meet statutory timetables for the processing of such matters, frustrating OSC's ability to deliver high-quality service to its customers.<sup>7</sup>

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<sup>6</sup> Lengthy delays in OSC's ability to process incoming matters have been a concern at least since the early 1990s. In fact, it was because of these delays that Congress, in 1994, imposed a 240-day time frame for OSC processing and investigation of prohibited personnel practice complaints.

<sup>7</sup> In addition to the 240-day time frame enacted in 1994 for the processing and investigation of prohibited personnel practice complaints, the statute also provides that OSC will make a determination within 15 days as to whether there is a substantial likelihood that information received by the DU is the type of information that qualifies as a whistleblower disclosure defined by law. OSC outlined the history of the complaint processing backlogs in a 1999 report to Congress, cataloguing the number and status of prohibited personnel practice matters pending for more than 240 days.

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To put OSC in a position to attain the goal of processing cases more quickly, without compromising quality, the Special Counsel implemented several measures between FY 1998-1999 designed to streamline case processing.<sup>8</sup> She also sought a significant increase in staffing authority for FY 2000 – *i.e.*, 20 FTEs, or a 22% increase in staffing.

In an effort to create an objective measure of its progress in reducing the backlog, the Special Counsel also revised OSC's strategic and annual performance plans for FY 2000 to set specific case processing targets and numerical benchmarks. These targets and benchmarks were established on the basis of the statutory time frames for processing complaints and disclosures. Further modifications to case-handling procedures were also defined as a performance goal.

When OSC established the numerical goals and standards in FY 1998, it noted several assumptions that would affect its ability to meet those targets. First, OSC assumed that staff resources would, as it requested, increase substantially in FY 2000. Second, OSC assumed a fairly level case intake for the same year, with the usual mix of cases.

Neither of these conditions occurred. First, OSC succeeded in obtaining only a modest staffing increase of five new FTEs in FY 2000.<sup>9</sup> Second, case intake increased substantially over the previous year. The increase was especially pronounced in the types of matters that require the most time-consuming staff review – *i.e.*, prohibited personnel practice complaints (increased by 14%), whistleblower disclosures (increased by 14.3%), and Hatch Act complaints (increased by 38%). The distribution of the increased intake during FY 2000 is shown in the following table:

ANNUAL RECEIPTS (REQUESTS FOR OSC ASSISTANCE OR ACTION)							
FY	PPP Complaints	Hatch Act Complaints	Requests for Hatch Act Advice <sup>10</sup>	Whistleblower Disclosures	DOL Referrals <sup>11</sup>	MSPB Referrals <sup>12</sup>	Total

<sup>8</sup> These included establishment in FY 1999 of an Accelerated Case Team (ACT) pilot project within the Investigation Division to streamline the processing of cases involving less serious personnel actions; reduction of the number of cases in which attorneys draft lengthy prosecution recommendations; elimination of preliminary determination letters by complaint examiners in cases in which OSC lacks jurisdiction; and establishment of a policy of closing DU matters involving *de minimis* allegations of wrongdoing.

<sup>9</sup> One of these FTEs was assigned to DU, two to the Prosecution Division's General Law and Litigation Unit, one to ID, and one to the newly created OSC Mediation Program.

<sup>10</sup> Approximate number, based on the number of responses issued for the year.

<sup>11</sup> This column refers to matters involving alleged discrimination against members of the Armed Forces Reserve, National Guard, or other uniformed services, referred by the U.S. Department of Labor to OSC for possible litigation, pursuant to the Uniformed Services Employment and Reemployment Rights Act, (codified at 38 U.S.C. § 4301).

<sup>12</sup> This column lists matters referred by MSPB to OSC for possible disciplinary action, when – after hearing an individual right of action appeal – MSPB finds reason to believe that a federal employee may have committed a prohibited personnel practice. *See* 5 U.S.C. § 1221(f)(3).

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1999	1,716	71	2,283	369	7	4	4,450
2000	1,958	98	2,810	422	8	4	5,300

As a result, OSC was unable to meet FY 2000's numerical performance goals. (See [Tab 4.](#)) On the one hand, the Prosecution Division's General Law and Litigation Unit (operating with two of the five new FTE) succeeded in reducing the percentage of matters pending in the division for more than 90 days by 18%. In addition, the division's HAU nearly halved the time taken to issue written advisory opinions to requesters over the previous year.<sup>13</sup> On the other hand, OSC was unable to meet other specific timeliness goals established for FY 2000 with respect to prohibited personnel practice complaints and whistleblower disclosures. OSC began the year with 1,003 matters pending, and ended the year with 1,394 matters pending.

These results were not unexpected. As noted previously, the strategic and annual performance plans for FY 2000 included additional staffing and budget levels, and relative stability in intake levels, as factors affecting results under these goals.<sup>14</sup>

While OSC was not successful in meeting its numerical targets, it did meet its goal of identifying and implementing additional changes in its procedures to improve case handling quality. These included the application of greater rigor to reviews and analyses of pending matters, consistent with the Special Counsel's emphasis on a more proactive and aggressive approach to analyzing prohibited personnel practice complaints.

In addition, OSC's mediation pilot project became a permanent program in FY 2000. Screening of prohibited personnel practice complaints for possible mediation (after referral by CEU to the Investigation Division) began in March of 2000. Further experience with the program is needed before firm conclusions can be drawn as to the impact of mediation on case processing.

**B. RESULTS UNDER STRATEGIC GOAL 2:  
TO FULFILL CONGRESSIONAL INTENT THAT OSC BE MORE AGGRESSIVE IN PROTECTING FEDERAL EMPLOYEES FROM PROHIBITED PERSONNEL PRACTICES, PARTICULARLY THOSE WHO HAVE SUFFERED REPRISAL FOR WHISTLEBLOWING.**

<sup>13</sup> In view of the presidential and other elections in 2000, OSC detailed a series of Prosecution Division attorneys from the General Law and Litigation Unit to the HAU throughout the year to assist with the anticipated influx of larger numbers of requests for oral and written Hatch Act advisory opinions.

<sup>14</sup> OSC has adjusted its strategic and annual performance plans for FY 2001 in light of the reduced number of additional FTEs it received in FY 2000. Strategic and annual performance plans for FY 2002 and beyond are also being re-evaluated, with a view towards refining a meaningful system of case prioritization, developing more meaningful quality goals and measures, and achieving a better balance between productivity and quality goals.

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<i><b>FY 2000 PERFORMANCE GOALS</b></i>
Bring before the MSPB more cases in which OSC believes that a prohibited personnel practice (especially reprisal based on whistleblowing) has occurred.
Seek more stays, corrective actions, and disciplinary actions in cases in which OSC believes that a prohibited personnel practice (especially reprisal based on whistleblowing) has occurred.
Identify and enter appearances in cases in which OSC's expertise could enhance protections for victims of prohibited personnel practices, with a particular emphasis on favorable developments in whistleblower protection law.

OSC's FY 2000 performance goals measured success in meeting its second strategic goal by reference to the number of enforcement actions, negotiated dispositions after investigation, and appearances in matters concerning prohibited personnel practices in which OSC was not a party.<sup>15</sup> OSC results under its FY 2000 performance goals are shown at Tab 5.<sup>16</sup>

In summary, OSC met all three targets in connection with prohibited personnel practice complaints, especially those involving whistleblower reprisal allegations. It did so by increasing the number of enforcement actions it brought, and the number of favorable dispositions it negotiated with agencies. Further, 87% of the negotiated dispositions resulted from complaints in which employees alleged reprisal for whistleblowing. OSC also continued to identify matters in which it might enhance legal protections for victims of prohibited personnel practices, intervening in two matters before MSPB on behalf of employees who alleged reprisal for whistleblowing.<sup>17</sup>

<b>C. RESULTS UNDER STRATEGIC GOAL 3: TO RAISE FEDERAL EMPLOYEES' AND MANAGERS' AWARENESS OF THEIR RIGHTS AND RESPONSIBILITIES UNDER THE STATUTES ENFORCED BY OSC.</b>
<i><b>FY 2000 PERFORMANCE GOALS</b></i>
Implement training / enhanced awareness program based on results of FY 1999 survey of employing agencies' compliance with Congressionally mandated training requirement.
Enhance training and education materials for use by OSC and employing agencies.
Include systemic training at employing agencies as part of corrective action settlements.
Maintain and enhance OSC Web page on the Internet and other information technologies.
Continue to convene practitioners' forums.

<sup>15</sup> The Special Counsel has placed greater emphasis upon the proactive development of the laws that the OSC enforces. Therefore, in addition to remedies sought after receiving complaints, OSC also seeks to uphold legal protections against prohibited personnel practices (especially reprisal for whistleblowing) through active involvement in litigation filed by federal employees – either by intervention in the matter (with the employee's consent), or by the filing of a brief (known as an *amicus* brief) in support of the employee's position.

<sup>16</sup> Disciplinary actions filed in connection with OSC's Hatch Act enforcement responsibilities are not addressed by these goals, but are listed at Tab 5.

<sup>17</sup> Ganski v. Dept. of the Interior, 86 M.S.P.R. 32 (2000) (reversing prior MSPB ruling, and holding that disclosures of apparent violations of personnel laws, rules, or regulations are protected disclosures under the Whistleblower Protection Act); Schmittling v. Dept. of the Army, 2/21/00, CB-1221-96-0362-W-2 (matter still pending).

The Special Counsel has made increasing federal employees' and managers' awareness of their rights and responsibilities under title 5 of the U.S. Code a high priority for OSC. This commitment is based on two considerations. First, federal agency heads are required by law to ensure, in consultation with the OSC, that employees are informed of rights and remedies available to them under the laws enforced by OSC.<sup>18</sup> Second, full and effective compliance by agencies with this requirement could result in fewer violations of the law and fewer complaints to OSC and its sister agencies (*i.e.*, MSPB, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission).

FY 2000 results under this strategic goal are summarized below, by reference to each of the performance goals for the year:

**Implement training / enhanced awareness program based on results of FY 99 survey of employing agencies' compliance with Congressionally mandated training requirement.**<sup>19</sup>

- Surveyed federal agencies with personnel systems covered under the statute enforced by OSC about steps taken to comply with §2302(c).<sup>20</sup> Survey responses indicated that few federal agencies have comprehensive education programs for their employees and managers, and produced requests from agencies seeking assistance in designing an education program.
- Initiated plans for OSC certification of agency informational programs, with development of necessary training materials for certification.

**Enhance training and education materials for use by OSC and employing agencies.**

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<sup>18</sup> Sec. 2302(c) of title 5, enacted into law in 1994, provides that:

The head of each agency shall be responsible for the prevention of prohibited personnel practices, for the compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title. Any individual to whom the head of an agency delegates authority for personnel management, or for any aspect thereof, shall be similarly responsible within the limits of the delegation.

<sup>19</sup> The formal survey of agencies referred to in this performance goal actually occurred in FY 2000. (Other information collected by OSC in FY 1999 about compliance by agencies with § 2302(c) was described in OSC's annual performance report for that year.) OSC sent the survey to the heads of approximately 100 federal agencies identified by the Office of Personnel Management. Copies of the survey were also sent to the agencies' personnel directors. Responses were received from the majority of agencies surveyed.

<sup>20</sup> These included the Department of Commerce (with respect to each of the department's component agencies); the Department of Justice; the Federal Mine Safety and Health Review Commission; and the National Aeronautics and Space Administration. OSC efforts to assist to those agencies and others based on the survey are occurring in FY 2001, and will be described in the next annual performance report.



- Updated Power-Point training program used at most OSC outreach events (also accessible through OSC Web site).
- Updated OSC training presentations to include interactive case scenarios.
- Posted outline of Hatch Act provisions on OSC Web site (used by several agencies to e-mail Hatch Act information to employees).
- Updated and reissued OSC's Federal Hatch Act poster.

**Include systemic training at employing agencies as part of corrective action settlements.**

- Negotiated nine corrective actions including agency agreements to train employees on their rights and responsibilities under the laws enforced by OSC (a nearly five-fold increase over FY 1999 results).

**Maintain and enhance OSC Web page on the Internet and other information technologies.**

- Recorded 231,342 user sessions at OSC Web site for the year (compared to 175,444 user sessions in FY 1999). FY 2000 enhancements included addition of information about the new OSC mediation program, and current Hatch Act advisory opinions on topics of recurring interest.
- Issued 34 press releases (exceeding 26 releases in FY 1999), announcing significant case developments, such as settlements and litigation outcomes.
- Special Counsel participated in frequent radio call-in programs and print media interviews on topics including OSC's role in protecting federal whistleblowers.

**Continue to convene practitioners' forums.**

- Provided speakers for 80 presentations at 75 events (an increase over FY 1999, when OSC speakers participated in 76 presentations at 51 events). Examples of events organized by OSC, alone or in cooperation with other agencies, included the following:
  - Six town meetings co-sponsored by OSC and the Federal Labor Relations Authority, and attended by federal managers, employees and labor relations specialists nationwide.

- Eight Hatch Act forums conducted by OSC nationwide to explain the laws governing political activity by federal employees.

OSC goals for FY 2001 are the same as for FY 2000, and continue to emphasize aggressive outreach program efforts.

<b>D. RESULTS UNDER STRATEGIC GOAL 4: TO DEVELOP AND MAINTAIN OSC'S HUMAN RESOURCES, SYSTEMS AND PROCESSES TO SUPPORT A CONTINUALLY IMPROVING, HIGHLY EFFECTIVE ORGANIZATION WITH THE VIGOR TO MEET DEMANDING PROGRAM NEEDS.</b>
<b><i>FY 2000 PERFORMANCE GOALS</i></b>
Continue to eliminate inefficiencies in the case-handling process.
Provide a work environment that fosters interdivisional cooperation and superior work performance from each OSC employee.
Implement plan for necessary upgrades of technology infrastructure, together with staff training.

Strategic goal 4 largely concerns internal agency operations and processes. OSC met all of its annual performance goals in 2000. Results for the year are outlined below, by reference to each goal:

**Continue to eliminate inefficiencies in the case-handling process.**<sup>21</sup>

- Mediation program and Investigation Division's ACT process implemented on a permanent basis.
- OSC complaint and disclosure forms revised to make them more informative to potential filers, by providing threshold information about the OSC's jurisdiction and legal authority to act on various types of matters.<sup>22</sup>

**Provide a work environment that fosters interdivisional cooperation and superior work performance from each OSC employee.**

- OSC-wide conference held in June, at which employees attended seminars on the laws enforced by OSC, investigative policies and procedures, legal and other writing skills, settlement and negotiation skills, evidentiary requirements, and updated OSC non-discrimination and grievance policies and procedures.

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<sup>21</sup> This goal was intended to advance OSC's ongoing effort to make progress against longstanding case backlogs. It is related to the last goal discussed under strategic goal 1 – *i.e.*, continuing to identify and implement additional improvements to case-handling procedures (discussed previously at p. 8).

<sup>22</sup> OSC issued the revised forms in FY 2001. Objectives for revision of the forms included the possible filtering out of matters over which OSC would have no jurisdiction, conserving staff resources for the processing of matters stating a violation within OSC's jurisdiction.

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- Six one-day training sessions on alternative dispute resolution awareness for all OSC employees, and one-week mediator training program for first group of employees (approximately 25) interested in serving as co-mediators in OSC-sponsored sessions, conducted by OSC mediation program coordinators.
- OSC employees trained, on-site and through outside vendors, on subjects including basic employee relations, staffing and placement (basic, and for supervisors), advanced interviewing, trial skills, the new federal EEO complaint process, EEO counseling, introduction to supervision, introduction to human resource management for supervisors, and leadership development.

**Implement plan for necessary upgrades of technology infrastructure, together with staff training.**

- New, Y2K-compliant case information tracking system successfully installed by Information Systems Branch (ISB), which trained staff on use of the system, and established ongoing user group to consult with ISB on needed refinements and improvements.
- CD-Rom server acquired to support additional legal and other research capabilities; servers for two field offices also upgraded.
- Installation of computers and telephone equipment needed to support new employees hired and new office space acquired in FY 2000 coordinated by ISB. Branch is also on-target with OSC's five-year replacement cycle for office automation equipment generally.
- Agency plan developed for implementation of Government Paperwork Elimination Act in FY 2003.<sup>23</sup>

**Conclusion**

As set forth above, OSC generally met its performance goals for FY 2000, except for the numerical targets established for reduction of overage cases. OSC's inability to meet these numerical goals was based upon the facts that OSC was unable to secure sufficient staffing for FY 2000, a year in which the agency received a substantially increased number of requests for assistance.

OSC did, however, secure 10 additional FTEs for FY 2001. Once these new employees have been trained, and are fully productive, OSC expects to make significant progress toward its goal of reducing the backlog of overage cases.

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<sup>23</sup> Contingent upon adequate funding and training, OSC plans to design architecture, install infrastructure, and train technical staff on support of a system permitting electronic completion and filing of agency complaint, disclosure, and survey forms, and of requests for information under the Freedom of Information and/or Privacy Acts.