



UNITED STATES OF AMERICA  
RAILROAD RETIREMENT BOARD  
844 NORTH RUSH STREET  
CHICAGO, ILLINOIS 60611-2092

BOARD MEMBERS

MICHAEL S. SCHWAETZ, CHAIRMAN

V.M. SPEAKMAN, JR., LABOR MEMBER

JEROME F. KEVER, MANAGEMENT MEMBER

JANUARY 31, 2007

The Honorable Daniel Metcalfe, Director  
Office of Information and Privacy  
Department of Justice  
Suite 570, Flag Building  
Tenth Street and Constitution Avenue, N.W.  
Washington, D.C. 20530

Dear Mr. Metcalfe:

Pursuant to 5 U.S.C. § 552(e), the Railroad Retirement Board hereby submits its report under the Freedom of Information Act for fiscal year 2006.

I. Basic Information Regarding Report.

- A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report.

Steven A. Bartholow  
General Counsel/Chief FOIA Officer  
U.S. Railroad Retirement Board  
844 North Rush Street  
Chicago, IL. 60611-2092  
312-751-4935

- B. Electronic address for report on the World Wide Web.

A copy of this report will be posted on the RRB's Web Site at [www.rrb.gov](http://www.rrb.gov).

- C. How to obtain a copy of the report in paper form.

A copy of this report may be obtained by writing to Steven A. Bartholow at the above address.

II. How to Make a FOIA Request.

The United States Railroad Retirement Board (RRB) is a federal agency charged with the administration of the Railroad Retirement and Railroad Unemployment Insurance Acts. In general, the Railroad Retirement Act replaces the Social Security Act for employment in the railroad industry. Similarly, the Railroad Unemployment Insurance Act replaces state unemployment acts for work in the railroad industry. The RRB is headquartered at 844 North Rush Street in Chicago, Illinois 60611-2092. All written requests for records should be directed to this address.

Information available from the RRB under the Freedom of Information Act (FOIA) includes the agency's procedure manuals, final decisions of the three-member Board which heads the agency, rulings of the Board, and legal opinions. Board coverage decisions and agency legal opinions are available on our web site.

Because the RRB administers a comprehensive program of railroad retirement, unemployment, and sickness benefits for railroad workers, it also maintains information about individuals that may not be disclosed in response to a FOIA request. The Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Privacy Act restrict the disclosure of information about individuals. If someone requests information about an individual, the requester must, as a general rule, provide the RRB a written authorization signed by the individual who is the subject of that record.

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

The RRB has designated the Office of General Counsel as the FOIA Requester Service Center for the agency. All requests, other than those to the Inspector General, under the FOIA should be made by writing to Steven A. Bartholow, General Counsel/ Chief FOIA Officer. No form is needed. Mark both the envelope and its contents: "FREEDOM OF INFORMATION REQUEST" or "INFORMATION REQUEST." Address your request to:

Steven A. Bartholow  
General Counsel/Chief FOIA Officer  
Railroad Retirement Board  
844 North Rush Street  
Chicago, Illinois 60611-2092

Because of the independent nature of the Office of Inspector General, requests for information from the Inspector General should be made by writing to Martin J. Dickman, Inspector General. No form is needed. Mark both the envelope and its contents: "FREEDOM OF INFORMATION REQUEST" or "INFORMATION REQUEST." Address your request to:

Martin J. Dickman  
Inspector General  
Railroad Retirement Board  
844 North Rush Street  
Chicago, Illinois 60611-2092

If someone wants to request a record that we do not publish or which we do not make available in one of our offices, the requester must give us a detailed description of the record(s) he or she wants. The requester should give us as many details as possible, such as names, dates, subject matter and location. A vague description could delay our answer or prevent us from finding the records requested. We will ask a requester to revise a request if we need information to find the record(s). A requester should include a daytime telephone number where he or she can be reached in case we have questions about the request.

- B. Brief description of the agency's response-time ranges.  
In general, the RRB responds to requests under the FOIA within 20 work days.
- C. Brief description of why some requests are not granted.

The most common reason that a request cannot be granted is the restrictions on disclosure contained in sections 12(d) and 12(n) of the Railroad Unemployment Insurance Act (45 U.S.C. § 362(d) and (n)). Those sections restrict the disclosure of personally identifiable material (section 12(d)) and medical records (section 12(n)). Section 12(d) has been held to be an exemption 3 statute in Association of Retired Railroad Workers v. United States Railroad Retirement Bd., 830 F. 2d 331,334 (D.C. Cir. 1987).

- III. Definitions of Terms and Acronyms Used in the Report (to be included in each report).
  - A. Agency-specific acronyms or other terms.
    - 1. RRB-- Railroad Retirement Board

2. FTE—Full-time employee
3. OIG – Office of Inspector General

B. Basic terms, expressed in common terminology.

1. FOIA/PA request - - Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial Request - - a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal - - a request to a federal agency asking that it review, at a higher administrative level, a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal - - a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing - - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing - - the agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

7. Simple request - - a FOIA request that is placed in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request - - a FOIA request that is placed in a slower track based on the volume and/or complexity of records requested.
9. Grant - - an agency decision to disclose all records in full in response to an FOIA request.
10. Partial grant - - an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
11. Denial - - an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits - - the time period in the Freedom of Information Act for an agency to respond to a FOIA request.
13. "Perfected" request - - a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute - - a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number - - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. Average number - - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes.

- A. List of Exemption 3 statutes relied on by the agency during the current fiscal year.

The RRB withheld personally identifiable information regarding individuals pursuant to the restrictions on disclosure contained in sections 12(d) and 12(n) of the Railroad Unemployment Insurance Act (45 U.S.C. § 362(d) and (n)). Those sections restrict the disclosure of personally identifiable material (section 12(d)) and medical records (section 12(n)). Section 12(d) has been held to be an exemption 3 statute in Association of Retired Railroad Workers v. United States Railroad Retirement Bd., 830 F. 2d 331,334 (D.C. Cir. 1987).

1. Brief description of type(s) of information withheld under each statute.

The types of information withheld are the names, addresses, and medical records of claimants under the Acts administered by the RRB.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

Section 12(d) has been held to be an exemption 3 statute in Association of Retired Railroad Workers v. United States Railroad Retirement Bd., 830 F. 2d 331,334 (D.C. Cir. 1987).

V. Initial FOIA/PA Access Requests. Due to the independent nature of the office of Inspector General (OIG), requests for information that are directed to the OIG are handled by that office and are separately reported below.

- A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year

RRB – 0    OIG – 6

2. Number of requests received during current fiscal year

RRB – 72, OIG - 7

3. Number of requests processed during current fiscal year

RRB – 72, OIG – 9

4. Number of requests pending as of end of current fiscal year

RRB - 0, OIG – 4

B. Disposition of initial requests.

1. Number of total grants

RRB -52, OIG – 1

2. Number of partial grants

RRB – 4, OIG – 1

3. Number of denials

RRB - 4, OIG – 5

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

	RRB	OIG
(1)Exemption 1	0	0
(2)Exemption 2	0	0
(3)Exemption 3	1	0
(4)Exemption 4	0	0
(5)Exemption 5	1	0
(6)Exemption 6	2	1
(7)Exemption 7(A)	0	3
(8)Exemption 7(B)	0	0
(9)Exemption 7(C)	0	1
(10)Exemption 7(D)	0	0
(11)Exemption 7(E)	0	0
(12)Exemption 7(F)	0	0
(13)Exemption 8	0	0
(14)Exemption 9	0	0

4.	Other reasons for nondisclosure (total) -	RRB	OIG
		12	2
	a. no records	7	2
	b. referrals	1	0
	c. request withdrawn	0	2
	d. fee-related reason	3	0
	e. records not reasonably described	0	0
	f. not a proper FOIA request for some other reason	0	0
	g. not an agency record	1	0
	h. duplicate request	0	0
	i. other (specify)	0	0

VI. Appeals of Initial Denials of FOIA/PA Requests.

A. Number of appeals.	RRB	OIG
1. Number of appeals received during fiscal year	0	0
2. Number of appeals processed during fiscal year	0	0
B. Disposition of appeals.		
1. Number completely upheld	0	
2. Number partially reversed	0	
3. Number completely reversed	0	
a. number of times each FOIA exemption used (counting each exemption once per appeal)		
(1)	Exemption 1	0
(2)	Exemption 2	0
(3)	Exemption 3	0
(4)	Exemption 4	0
(5)	Exemption 5	0
(6)	Exemption 6	0
(7)	Exemption 7(A)	0



	(8)	Exemption 7(B)	0
	(9)	Exemption 7(C)	0
	(10)	Exemption 7(D)	0
	(11)	Exemption 7(E)	0
	(12)	Exemption 7(F)	0
	(13)	Exemption 8	0
	(14)	Exemption 9	0
4.	Other reasons for nondisclosure (total).	RRB	OIG
	a. no records	0	0
	b. referrals	0	0
	c. request withdrawn	0	0
	d. fee-related reason	0	0
	e. records not reasonably described	0	0
	f. not a proper FOIA request for some other reason	0	0
	g. not an agency record	0	0
	h. duplicate request	0	0
	i. other (specify)	0	0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1.	Simple requests (if multiple tracks used).	RRB	OIG
	a. number of requests processed	72	9
	b. median number of days to process	10	8
2.	Complex requests (specify for any and all tracks used).	RRB	OIG
	a. number of requests processed	0	0
	b. median number of days to process	0	0

3. Requests accorded expedited processing.

	RRB	OIG
a. number of requests processed	0	0
b. median number of days to process	0	0

B. Status of pending requests

1. Number of requests pending as of end of current fiscal year

RRB	OIG
0	4

2. Median number of days that such requests were pending as of that date.

RRB	OIG
0	306

VIII. Comparisons with Previous Year(s)

A. Comparison of numbers of requests received.

The number of requests decreased slightly compared to prior years.

B. Comparison of numbers of requests processed.

The agency continues to process requests within the statutory time limits.

C. Comparison of median numbers of days requests were pending as of end of fiscal year.

The median number of days for the RRB to respond to a request remained the same. The OIG's processing time significantly increased.

D. Other statistics significant to agency

The agency received no requests for expedited processing and none were granted.

- E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

We have posted the names, addresses, and telephone numbers of the agency's IMPAC credit card holders on our web site.

IX. Costs/FOIA Staffing

A. Staffing levels.

- 1. Number of full-time FOIA personnel  
RRB - 0           OIG - 0
- 2. Number of personnel with part-time or occasional FOIA duties (in total work-years)  
RRB - 0.33 work years           OIG - 0.03 work years
- 3. Total number of personnel (in work-years)  
RRB - 0.33 work years           OIG - 0.03 work years

B. Total costs (including staff and all resources).

- 2. FOIA processing (including appeals)  
RRB - \$32,200           OIG - \$750
- 3. Litigation-related activities (estimated)  
RRB - 0           OIG - 0
- 4. Total costs  
RRB - \$18,750           OIG - \$750

C. Statement of additional resources needed for FOIA compliance.

No additional resources are needed at this time.

X. Fees

- A. Total amount of fees collected by agency for processing requests  
RRB - \$351.87           OIG - \$0.

- B. Percentage of total costs  
RRB – 1%                      OIG – 0%

XI. FOIA Regulations (Including Fee Schedule)

Enclosed is the section of the Board's regulations setting forth the fee schedule. The Board's FOIA regulations are linked to the Board's web page and may be found at [www.rrb.gov](http://www.rrb.gov).

XII. Report on FOIA Executive Order Implementation

On December 14, 2005, the President issued Executive Order 13,392, entitled "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to administration of the Freedom of Information Act. The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

This section of the annual FOIA report contains the RRB's description of its progress in implementing the milestones and goals of the RRB's FOIA Improvement Plan, including highlights of each component's achievements.

The reporting period for Section XII is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2006. The reporting period for this section concerning Executive Order implementation activities includes progress made by components through January 2007.

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

Not applicable.

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

The RRB has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period.

Specifically, the RRB's implementation of its plan with respect to its chosen improvement areas is as follows:

In the area of affirmative disclosure, the RRB is currently working, through combined efforts of its FOIA staff, Bureau of Information Services and Office of Programs (Policy and Systems), to complete its goal of placing its staff manuals and instructions to staff on its web site by the end of 2007, therefore allowing public dissemination of this required material. Additionally, the RRB examines its web site regularly to insure that Legal Opinions and GILS information are up-to-date.

In the area of overall FOIA web site improvement, the RRB reviews its web site regularly to continue to provide current information and updates as necessary to ensure user-friendly formats and navigation for the public.

In the area of electronic FOIA processing (receiving and responding to request electronically), the RRB is currently working to amend its regulations to permit FOIA requests by fax or email. Additionally, the RRB plans to create a FOIA mailbox to use the Internet as another means of receiving (and in some cases responding to) FOIA requests.

In the area of agency program personnel cooperation, as set forth in the RRB's FY2006-2007 FOIA Improvement Plan, on December 29, 2006, the RRB met its stated goal of releasing, by the end of calendar year 2006, an "Annual FOIA Awareness Notice" to all RRB employees concerning the disclosure of documents under the FOIA. Our goal in increasing staff understanding of the FOIA process is to further decrease the number of days it takes to respond to a request.

In the area of centralization/decentralization, the RRB is currently working to revise its Administrative Circular, IRM-2, "Privacy Act and Freedom of Information Act," to reflect the recent changes in FOIA responsibility and the new reporting requirements pursuant to Executive Order 13,392. Our goal is to ensure that the RRB has the best, overall FOIA administration structure for effective processing.

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

Not applicable.

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

Not applicable.

E. Concise descriptions of FOIA exemptions.

The FOIA provides access to all federal agency records except for those records (or portions of those records) that are protected from disclosure by any of nine exemptions or three exclusions (reasons for which an agency may withhold records from a requester).

The exemptions cover:

- (1) classified national defense and foreign relations information,
- (2) internal agency rules and procedures,
- (3) information that is prohibited from disclosure by another law,
- (4) trade secrets and other confidential business information,
- (5) inter-agency or intra-agency communications that are protected by legal privileges,
- (6) information involving matters of personal privacy,
- (7) certain information compiled for law enforcement purposes,
- (8) information relating to the supervision of financial institutions, and
- (9) geological information on wells.

The three exclusions, which are rarely used, pertain to especially sensitive law enforcement and national security matters.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

February 2, 2005 to September 27, 2005.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable.

G. Attachment: Agency improvement plan (in current form).

A copy of the Board's FY 2006-2007 FOIA Improvement Plan is attached.

Sincerely,

Handwritten signature of Michael S. Schwartz in cursive script.

Michael S. Schwartz

Handwritten signature of V. M. Speakman, Jr. in cursive script.

V. M. Speakman, Jr.

Handwritten signature of Jerome F. Kever in cursive script.

Jerome F. Kever

Enclosures

Fee Schedule.

20 CFR 200.4(g).

The Railroad Retirement Board (RRB) may charge the person or persons making a request for records under paragraph (f) of this section a fee in an amount not to exceed the costs actually incurred in complying with the request and not to exceed the cost of processing a check for payment. Depending on the category into which the request falls, a fee may be assessed for the cost of searching for documents, reviewing documents to determine whether any portion of any located documents is permitted to be withheld, and duplicating documents.

- (1) Fee schedule: To the extent that the following are chargeable, they are chargeable according to the following schedule:
  - (i) The charge for making a manual search for records shall be the salary rate, including benefits, for a GS-7, step 5 Federal employee;
  - (ii) The charge for reviewing documents to determine whether any portion of any located document is permitted to be withheld shall be the salary rate, including benefits, for a GS-13, step 5 Federal employee;
  - (iii) The charge for making photocopies of any size document shall be \$.10 per copy per page;
  - (iv) The charge for computer-generated listings or labels shall include the direct cost to the RRB of analysis and programming, where required, plus the cost of computer operations to produce the listing or labels. The maximum computer search charge shall be \$2,250.00 per hour (\$37.50 per minute). Search time shall not include the time expended in analysis or programming where these operations are required.
  - (v) There shall be no charge for transmitting documents by regular post. The charge for all other methods of transmitting documents shall be the actual cost of transmittal.



# **FREEDOM OF INFORMATION ACT IMPROVEMENT PLAN RAILROAD RETIREMENT BOARD**

**JUNE 2006**

In December 2005, the President issued Executive Order 13392, which is intended to improve agency disclosure of information under the Freedom of Information Act (FOIA). The Executive Order requires the Railroad Retirement Board (RRB) to review its FOIA operations and, based on the review, to develop a FOIA improvement plan that will make the processing of FOIA requests more streamlined and effective and increase public awareness of FOIA processing. The RRB has completed its review and developed a FOIA Improvement Plan for fiscal years 2006 and 2007. The Board's FOIA Improvement Plan is as follows:

- A. Characterize overall nature of agency's FOIA operations (degree of detail optional), with optional reference to areas preliminarily considered for agency review. Agencies may also describe any particular FOIA challenges that they face.

In the 1930's, Congress established the RRB as an independent agency in the executive branch of the federal government. The primary duty of the RRB is to administer retirement/survivor and unemployment/sickness insurance benefit programs under the Railroad Retirement Act and the Railroad Unemployment Insurance Act. These programs provide income protection during old age and in the event of disability, death or temporary unemployment and sickness. The RRB also administers aspects of the Medicare program and has administrative responsibilities under the Social Security Act and the Internal Revenue Code.

During fiscal year 2005, retirement-survivor benefits of nearly \$9.2 billion were paid to about 634,000 beneficiaries, while net unemployment-sickness benefits of \$73 million were paid to some 29,000 claimants. At the end of fiscal year 2005, the average annuity paid to retired rail employees was \$1,750 a month, spouse benefits averaged \$640 a month, and benefits for aged widow(er)s averaged \$1,070 a month. The maximum biweekly rate for unemployment and sickness benefits was \$560.

The RRB staff currently includes approximately 945 employees. The agency's headquarters is located at 844 North Rush Street, Chicago, Illinois 60611-2092 and the agency has 53 field offices nationwide. The agency's small size and concise mission result in fewer than 100 FOIA requests annually. Our average processing time for FOIA requests last year was 10 days. In 2005, the RRB launched a redesigned website ([www.rrb.gov](http://www.rrb.gov)) that is more user-friendly and makes publicly available many of the categories of documents that used to result in FOIA requests.

Internet availability of these documents has reduced the number of FOIA requests. This allows us to focus on the remaining requests, which tend to be somewhat more complex. Information available from the RRB under the FOIA includes the agency's procedure manuals, final decisions of the three-member Board which heads the agency, rulings of the Board and legal opinions. Legal opinions since 1997 and Board Coverage Decisions are periodically posted to the RRB web site and available without a request under the Freedom of Information Act.

Because the RRB administers a comprehensive program of railroad retirement, unemployment, and sickness benefits for railroad workers, it also maintains information about individuals which may not be disclosed in response to a FOIA request. The Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Privacy Act restrict the disclosure of information about individuals. If a request is made for information about an individual, as a general rule, the requester must provide the RRB a written authorization signed by the individual who is the subject of that record.

B. List all areas selected for review.

We reviewed the entire FOIA program and considered specifically the following areas:

1. Affirmative disclosure.
2. Proactive disclosure.
3. Overall FOIA Web site improvement.
4. Improvement of agency's FOIA Reference Guide.
5. Automated tracking capabilities.
6. Electronic FOIA – automated processing.
7. Electronic FOIA – receiving/responding to requests electronically.
8. Multi-track processing.
9. Troubleshooting of any existing problems (even minor ones) with existing request tracking.
10. Case-by-case problem identification.
11. Expedited processing.
12. Backlog reduction/elimination.
13. Politeness/courtesy.
14. Forms of communication with requesters.
15. Acknowledgement letters.
16. System of handling referrals.
17. System of handling consultations.
18. Process by which necessary cooperation is obtained from agency “program personnel.”
19. Improvement ideas from field office personnel (where applicable).
20. Additional training needed (formal and/or on-the-job).
21. In-house training on “safeguarding label”/FOIA exemption distinctions.
22. Increased staffing (where applicable).

23. Changes to personnel practices (job series, grades, etc.) needed.
24. Contracting out/hiring of contract employees.
25. Purchase of new equipment needed.
26. Centralization/decentralization.
27. Recycling of improvement information gleaned from FOIA Requester Service Centers.

C. Include narrative statement summarizing results of review.

1 and 2. Affirmative and proactive disclosure. The agency has established and regularly updates the FOIA Reading Room located at the RRB headquarters office located at 844 North Rush Street, Chicago, Illinois 60611-2092. The room offers access to copies of the agency's procedure manuals, final decisions of the three-member Board which heads the agency, rulings of the Board and legal opinions. Other information is available to the public without filing a FOIA request. Information is available in the Federal Register, on the Board's website at [www.rrb.gov](http://www.rrb.gov) and the RRB Group Information Locator System (GILS) website.

3. Overall FOIA Web site improvement. The RRB reviewed and upgraded the FOIA web pages as part of the agency's website redesign in 2005. We continue to monitor FOIA webpage content to make sure it remains timely and accurate. FOIA staff have the responsibility and authority to update the RRB website as necessary.
4. Improvement of agency's FOIA Reference Guide. When the RRB upgraded the FOIA web pages, we also reviewed and updated the FOIA Reference Guide. We continue to update the FOIA Reference Guide as necessary. For example, we recently added contact information for the agency's newly designated Chief FOIA Officer and Public Liaison.
5. Automated tracking capabilities. Due to the relatively small number of FOIA requests received annually, the RRB uses its Office of General Counsel's Correspondence Tracking Log to track FOIA requests and provide information to FOIA requesters about the status of their request. We will continue to monitor this process to provide effective and efficient processing of FOIA requests.
6. Electronic FOIA – Automated processing.

Based on the relatively small number of FOIA requests received, we do not currently see a need for the use of additional automated processing technologies. We will continue to examine the efficiencies that can be achieved by installing such systems to maximize FOIA efficiency.

7. Electronic FOIA – receiving/responding to requests electronically. The RRB does not currently routinely accept electronic submission of FOIA requests via its web site. We receive the majority of our FOIA requests through written submission. We do, however, also receive and respond to FOIA requests electronically via email.

8. Multi-track processing.

The RRB does not currently have, or reasonably anticipate, any backlogs of FOIA requests.

9. Troubleshooting of any existing problems (even minor ones) with existing request tracking.

The RRB does not currently experience any tracking problems with FOIA requests. Since the majority of requests are processed by a couple of staff members, strict accountability is maintained.

10. Case-by-case problem identification.

The RRB has a practice of automatically considering generic solutions that can broadly be applied to its FOIA operations whenever individual problems of any type are identified and solved.

11. Expedited processing.

The RRB, with very limited exceptions, processes FOIA requests within 10 calendar days.

12. Backlog reduction/elimination.

As stated previously, the RRB does not currently have, or reasonably anticipate, any backlogs of pending FOIA requests.

13. Politeness/courtesy.

The RRB strives to provide excellent customer service in all areas of its operations, including in its FOIA processing.

14. Forms of communication with requesters.

The RRB carefully drafts each response to a FOIA request with particular attention and detail to the specific information requested by the requester.

15. Acknowledgement letters.

The RRB's Customer Service Plan, available on the RRB's web site at [www.rrb.gov](http://www.rrb.gov), requires that when a requester submits an inquiry to us by letter, he/she will receive a reply within 15 days of the date we receive the inquiry. If for any reason we cannot reply within that time frame, we will acknowledge his/her letter and tell the requester how long it will be before we can answer the requester's questions fully.

16. System of handling referrals.

The RRB receives a very limited number of FOIA referrals from other agencies; therefore this is not an area for special consideration.

17. System of handling consultations.

As stated previously, the RRB receives a very limited number of referrals from other agencies; therefore this does not contribute to agency backlogs of pending requests.

18. Process by which necessary cooperation is obtained from agency "program personnel."

The RRB will develop and transmit an annual reminder to all employees concerning the disclosure of documents under the FOIA.

19. Improvement ideas from field personnel (where applicable).

The RRB's Office of General Counsel has been designated as the Board's FOIA Requester Service Center and therefore all FOIA requests are processed through a centralized point. FOIA staff work closely with agency staff in all locations in expediting handling of FOIA requests.

20. Additional training needed (formal and /or on-the-job).

The RRB will continue to monitor, attend, and hold training classes as necessary to perform the FOIA processing functions as required.

21. In-house training on "safeguarding label"/FOIA exemption distinctions.

The RRB does not generally use "safeguarding labels" in the regular course of business, therefore this is not applicable to our agency.

22. Increased staffing (where applicable).

The RRB has sufficient staff allocated to handle FOIA requests.

23. Changes to personnel practices (job series, grades, etc.) needed.

FOIA functions and responsibilities are covered in position descriptions for employees with such responsibilities. Such responsibilities are reflected in the job grades for these employees.

24. Contracting out/hiring of contract employees.

The RRB does not have a current need, based upon the number of annual FOIA requests, to contract out or hire contract employees.

25. Purchase of new equipment needed.

The RRB currently has the necessary equipment to effectively and efficiently process FOIA requests. We will continue to monitor this area.

26. Centralization/decentralization.

As stated previously, the RRB has designated its Office of General Counsel as its FOIA Requester Service Center for the purpose of facilitating better agency communication with FOIA requesters. Since the RRB is a relatively small agency, we believe this centralized approach is the most effective FOIA-administration structure.

27. Recycling of improvement gleaned from FOIA Requester Service Centers.

The RRB will pay particular attention to customer feedback received from the newly established FOIA Requester Service Center and will use this information for the making of generic improvements in order to achieve the type of improvements that Executive Order 13392 calls for.

D. List all areas chosen as improvement areas for agency plan.

1. Affirmative disclosure.

The RRB is required to place its staff manuals and instructions to staff on its web site. Our review disclosed that this information is not currently available to the

public on its web site. By the end of 2007, the RRB will, through combined efforts of its FOIA staff, Bureau of Information Services and Office of Programs (Policy and Systems) place its staff manuals and instructions to staff directly on its web site, therefore allowing the public dissemination of this required information. In addition, the RRB will consider posting final agency decisions regarding individual cases (once sanitized for privacy concerns). Last, the RRB will examine its web site to insure that Legal Opinions and GILS information are up-to-date.

3. Overall FOIA Web site improvement.

The RRB will review our web site annually to continue to provide current information and updates as necessary to ensure user-friendly formats and navigation for the public.

7. Electronic FOIA – receiving/responding to request electronically.

The RRB will amend its regulations to permit FOIA requests by fax or email. The RRB will ask its Bureau of Information Services to establish a FOIA mailbox that the FOIA Requester Service Center would monitor for communications. Our goal in creating a FOIA mailbox is to use the Internet as another means of receiving (and in some cases responding to) FOIA requests. We plan to complete this action no later than April 2007.

18. Process by which necessary cooperation is obtained from agency “program personnel.”

By the end of December 2006, the RRB will develop and transmit an annual reminder to all employees concerning the disclosure of documents under the FOIA. We plan to provide to all agency staff revised internal FOIA procedures emphasizing the critical role program offices play in ensuring timely, complete FOIA responses by the agency. Our goal in increasing staff understanding of the FOIA process is to further decrease the number of days it takes to respond to a request.

26. Centralization/decentralization.

The RRB will review and revise its Administrative Circular, IRM-2, “Privacy Act and Freedom of Information Act,” to reflect the recent changes in FOIA responsibility and the new reporting requirements pursuant to Executive Order 13392. Our goal is to ensure that the RRB has the best, overall FOIA-administration structure for effective processing. The RRB will review/revise its Administrative Circular regarding FOIA no later than June 2007.

F. For the entire plan, group the improvement areas into the following time periods.

1. Areas anticipated to be completed by December 31, 2006.

On or before December 31, 2006, the RRB will release a reminder to all agency employees reminding them of disclosure policies and procedures.

2. Areas anticipated to be completed by December 31, 2007.

All remaining improvements will be completed by the end of calendar year 2007.

3. Areas anticipated to be completed after December 31, 2007.