

Pension Benefit Guaranty Corporation's FY 2007 FOIA Report to the U.S. Department of Justice

Pursuant to the Freedom of Information Act (FOIA), as amended by the “Electronic Freedom of Information Act Amendments of 1996,” and “Guidelines for Agency Preparation and Submission of Annual FOIA Reports” created by the Office of Information Policy, Department of Justice, the following information reflects the Pension Benefit Guaranty Corporation’s (PBGC) activity in administering the FOIA during fiscal year 2007.

I. Basic Information Regarding Report

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

E. William FitzGerald, Disclosure Officer
Pension Benefit Guaranty Corporation
1200 K Street, N.W.
Washington, D.C. 20005-4026
(202) 326-4040

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

<http://www.pbgc.gov/docs/foia2007.pdf>

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

A paper copy of the report can be obtained by calling the Office of the General Counsel, Disclosure Division, PBGC at (202) 326-4040 or by printing a copy at the Web address listed in I.B above.

II. How to Make a FOIA Request

A FOIA request may be filed by addressing a written request to E. William FitzGerald, Disclosure Officer, PBGC, 1200 K Street, N.W., Washington D.C. 20005-4026. The request should include a description of the requested records, an assurance that the requester is willing to pay the fees, if any, associated with processing the request, and the complete address of the requester. In addition, it is helpful to provide a phone number where the requester can be reached during business hours so that any questions regarding the scope of the request can be resolved quickly. If the requester is unsure of how to describe the records they desire or has specific questions relating to processing of a request, they should call

the FOIA staff for advice at (202) 326-4040 prior to filing their request.

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

PBGC, Office of the General Counsel
Attention E. William FitzGerald, Disclosure Officer
Suite 11101
1200 K Street N.W.
Washington, D.C. 20005-4026
Phone (202) 326-4040

- B. Brief description of the agency's response-time ranges:

For fiscal year 2007 (October 1, 2006 - September 30, 2007), the PBGC's median response time for responding to FOIA requests was **10 days**. Typically, the requests that took more than 20 days to process involved the search and review of voluminous records, or required consultation with other agencies or third parties that submitted information to PBGC. For requests accorded expedited treatment, the PBGC's median response time was **4 days**.

- C. Brief description of why some requests are not granted.

Some requests are not granted because one or more of the exemptions from FOIA's disclosure requirement applied to the records requested. In the vast majority of cases, denial of access to records involved requests by third parties for information about individuals. Generally, information about an individual will not be disclosed by PBGC if it could result in an invasion of privacy. Other denials were in response to subpoena's served on PBGC seeking information about benefits due individual participants from pension plans trusted by the PBGC.

In addition, a number of denials involved requests for confidential commercial or financial information that had been submitted to PBGC. In some instances, PBGC did not possess any of the records that were requested.

III. Definition of Terms and Acronyms Used in the Report

- A. Agency-specific acronyms or other terms:

None

B. Basic terms, expressed in common terminology.

1. **FOIA/PA 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 aspects.
5. **Multi-track processing** — A system in which simple requests requiring 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** — An 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 an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. **Complex Request** — A FOIA request that an agency using multi-track processing places 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 a 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 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, or 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 (ordinarily 20 working days from proper receipt of a “perfected” 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 agency during the current fiscal year:

A: 41 U.S.C. § 253b(m), 5 U.S.C. § 552a

B: 29 U.S.C. § 1343(f)

1. Brief description of types of information withheld under each statute:

A: Information from proposals submitted by contractors seeking to do business with PBGC.

B: Information submitted to PBGC as part of a notice of a reportable event.

2. Statement of whether a court has upheld the use of each statute:

A: We are aware of one court case not involving PBGC regarding use of 41 U.S.C. § 253b(m) as an exemption 3 statute. That case is *Hornbostel v. Department of Interior*, 304 F. Supp. 2d 21 (D.D.C. 2003).

B: n/a

V. Initial FOIA/PA Access Requests

A. Number of initial requests:

1. Number requests pending as of the end of the preceding fiscal year	121
2. Number of requests received during current fiscal year	3,926
3. Number of requests processed during current fiscal year	3,819
4. Number of requests pending as of the end of current fiscal year	228

B. Disposition of initial requests:

1. Number of total grants	2,996
2. Number of partial grants	181
3. Number of denials	59

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

<i>Exemption 1</i>	0
<i>Exemption 2</i>	1
<i>Exemption 3</i>	3
<i>Exemption 4</i>	37
<i>Exemption 5</i>	13
<i>Exemption 6</i>	191
<i>Exemption 7(a)</i>	0
<i>Exemption 7(b)</i>	0
<i>Exemption 7(c)</i>	0
<i>Exemption 7(d)</i>	0
<i>Exemption 7(e)</i>	0
<i>Exemption 7(f)</i>	0

	<i>Exemption 8</i>	0
	<i>Exemption 9</i>	0
4. Other reasons for nondisclosure		583
a. No records		41
b. Referrals		7
c. Request withdrawn		12
d. Fee-related reason		4
e. Records not reasonably described		2
f. Not a proper FOIA request for some other reason		30
g. Not an agency record		2
h. Duplicate request		179
i. Other (specify)		
The requester did not submit proper authorization to receive access to another individual's records and did not respond to PBGC's request for proper authorization or other identifying information.		306

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals:

1. Number of appeals received during fiscal year
We attribute this low number of appeals in part to sound and easy- to-understand written and oral communications with requesters providing adequate explanations of basis of any full or partial denials of access to records. 2
2. Number of appeals processed during the fiscal year 3

B. Disposition of appeals:

1. Number completely upheld 2
2. Number partially reversed 1
3. Number completely reversed 0
 - a. Number of times each FOIA exemption used (counting each exemption once per appeal)

<i>Exemption 1</i>	0
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<i>Exemption 2</i>	0
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<i>Exemption 3</i>	1	
<i>Exemption 4</i>	2	
<i>Exemption 5</i>	0	
<i>Exemption 6</i>	0	
<i>Exemption 7(a)</i>	0	
<i>Exemption 7(b)</i>	0	
<i>Exemption 7(c)</i>	0	
<i>Exemption 7(d)</i>	0	
<i>Exemption 7(e)</i>	0	
<i>Exemption 7(f)</i>	0	
<i>Exemption 8</i>	0	
<i>Exemption 9</i>	0	
4. Other reasons for nondisclosure		0
a. No records		0
b. Referrals		0
c. Request withdrawn		0
d. Fee-related reason		0
e. Records not reasonably described		0
f. Not a proper FOIA request for some other reason		0
g. Not an agency record		0
h. Duplicate request		0
i. Other (specify)		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)	
Note: PBGC does not have a multiple-track system.	
a. Number of requests processed	N/A
b. Median number of days to process	N/A
2. Complex requests (specify for any and all tracks used)	
a. Number of requests processed	3,805
b. Median number of days to process	10

- 3. Requests accorded expedited processing
 - a. Number of requests processed 14
 - b. Median number of days to process 4

B. Status of pending requests:

- 1. Number of requests pending as of end of current fiscal year 228
- 2. Median number of days that such requests were pending as of that date 6

VIII. Comparisons with Previous Year(s)

The number of FOIA requests received in FY 2007 (**3,926**) continued to increase over FY 2006 (**2,560**). Thus a **54%** increase in number of requests received in FY 2007 over FY 2006. This was in part due to the continued large number of participants coming into PBGC from large plan terminations that took place in FY 2005 & FY 2006 as well as greater use of our “FOIA Guide” on PBGC’s website which explains how to file a FOIA request.

The median number of days required to process a request decreased from **13** in FY 2006 to **10** in FY 2007 due to the more efficient use of electronic FOIA software and other improvements noted below in the discussion of PBGC’s FOIA Improvement Plan.

We received **0** requests for expedited processing but granted **14** requests expedited treatment based on descriptive information contained in each request.

IX. Costs/FOIA Staffing

A. Staffing levels:

- 1. Number of full-time FOIA personnel 8.5
- 2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 0.5
- 3. Total number of personnel (in work-years) 9.0

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

- 1. FOIA processing (including appeals) \$967,630
- 2. Litigation-related activities (estimated) n/a
- 3. Total costs \$967,630

4. Comparison with previous year(s) (including percentage of change)

Between FY 2006 (\$766,372) and FY 2007 (\$967,630) a **26%** increase in processing costs occurred. This increase can be largely attributable to the 2.64% increase in salary for federal employees, addition of one full-time individual, one part-time individual and increase in non-personnel (contract processing) and IT support costs .

C. Statement of additional resources needed for FOIA compliance:

Pension reforms may have a direct impact on our FOIA processing by increasing the potential need by participants and unions for document related to terminating defined benefit pension plans. In addition, numerous recent OMB requirements regarding security of personally identifiable information, use of Social Security numbers and recent FOIA legislation places additional reporting responsibilities on the existing FOIA staff. Finally, the continued influx of large numbers of new participants in terminating pension plans in FY 2006 will more than likely foster an even larger number of FOIA requests in the coming year. In order to keep up with this increased demand on our FOIA staff, we will more that likely need additional staffing devoted to processing FOIA requests in FY 2008.

X. Fees

A. Total fees collected by agency for processing requests

The majority of fees associated with participants requesting their own records as well as records relating to their pension plan were waived. \$5,811

B. Percentage of total costs < 0.6%

XI. FOIA Regulations (Including Fee Schedule)

PBGC FOIA regulations are available online at:

<http://www.pbgc.gov/docs/foia2007.pdf>

XII. Additional Reporting Requirements

Note: This section is presented in the format suggested by the Department of Justice.

A. Description of supplementation/modification of agency improvement plan:

No modification

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

PBGC's Disclosure Officer provided mandatory FOIA/PA and Identity Theft training to all of PBGC's field offices and several departments within PBGC's headquarters. We are currently arranging for FOIA/PA and Identity Theft training for the balance of PBGC's employees and contractors. We expect this to be completed by the end of FY 08.

Our electronic FOIA tracking system was modified to maintain additional information about the type of FOIA requests received, timing of response and related processing information. We can now produce reports that provide statistics on aging of all types of requests and this will allow us to meet the requirements of the 2007 Amendments to the Freedom of Information Act signed into law on December 31, 2007.

The Disclosure Officer worked with the PBGC's Office of Information and Technology (OIT) to perform required research to identify potential solutions and the estimated cost of implementing an electronic document retrieval center. Our research has provided us with a no-cost alternative for creating an electronic document retrieval center now in use daily by our FOIA analysts. The improved access to frequently requested records allows more efficient processing of requests.

The Disclosure Officer conducted discussions with IT personnel on the feasibility of expanding the size of attachments that Disclosure Division employees can send outside the agency via e-mail and/or seek assistance in performing research to identify other means and of transferring large amounts of electronic files to requesters and the estimated costs of implementing an alternative solution. We have developed a plan for an FTP site that will allow us to send and receive oversized electronic documents when necessary. This site will be operational by June, 2008.

With regards to our goals covering forms of communications with requesters/acknowledgement letters, we prepared a report on the feasibility of expanding the size of e-mail attachments and, as listed above, we have developed a plan for an FTP site that will be operative by June 2008. In the interim, we are loading large electronic files on a CD, encrypting and password protecting as required. These disks are sent to requesters "certified," and applicable follow-up calls are made to provide needed passwords.

In a continuing effort to speed up processing of FOIA requests, a designate from each department has been appointed to act as a point of contact for Disclosure Division employees seeking records that may be responsive to a FOIA request. These points of contact have proven invaluable in locating documents and thus, speeding up access to documents.

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

None

- D. Additional narrative statement regarding other executive order-related activities:

n/a

- E. Concise descriptions of FOIA exemptions:

An agency may withhold information from disclosure if the information requested is the kind described in any of the nine exemptions listed in the FOIA.

Exemption 1 — Pertains to national security information.

Exemption 2 — Information pertaining to purely internal matters and law enforcement manual

Exemption 3 — Information prohibited from disclosure by statute

Exemption 4 — Trade secrets and confidential commercial or financial information

Exemption 5 — Inter- or intra-agency memoranda or letters that would not be disclosed in litigation

Exemption 6 — Information pertaining to an individual where release would clearly invade the individual's privacy

Exemption 7(A) — Law enforcement information: Release would interfere with on going proceedings

Exemption 7(B) — Law enforcement information: Release would jeopardize a fair trial

Exemption 7(C) — Law enforcement information: Release could reasonably invade an individual's privacy

Exemption 7(D) — Law enforcement information: Release would expose confidential sources

Exemption 7(E) — Law enforcement information – Release would expose law enforcement techniques or procedures

Exemption 7(F) — Law enforcement information – Release would jeopardize personal safety

Exemption 8 — Bank examiner information

Exemption 9 — Oil well information

F. Additional Statistics

1. Ten Oldest Pending FOIA Requests (as of 1/1/2008)

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	Dec 19 Dec 11 Dec 11 Dec 10 Dec 3 Dec 3 Nov 27 Nov 26 Nov 20 Nov 16

2. Consultations

A. Number of consultations received, processed, and pending

Consultations Received from Other Agencies During FY07	Consultations Received from Other Agencies that were Processed by PBGC during FY07 (including those received prior to FY07)	Consultations Received from Other Agencies that were Pending at PBGC as of October 1, 2007 (including those received prior to FY07)
0	0	0

B. Ten oldest pending consultations received from other agencies

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan

June 9, 2006 (as posted on our web page)

**Pension Benefit Guaranty Corporation
Freedom of Information Act (FOIA) Report
Improvement Plan under Executive Order 13,392**

A. Characterize Overall Nature of PBGC's FOIA operations

The Pension Benefit Guaranty Corporation was established in 1974 under the Employee Retirement Income Security Act ("ERISA") to protect the pensions of workers and retirees in private-sector defined benefit pension plans. PBGC is responsible for paying monthly retirement benefits, up to a guaranteed maximum, to about 683,000 retirees in 3,595 pension plans that terminated without enough money to pay promised benefits. Including those who have not yet retired and participants in multiemployer plans receiving financial assistance, PBGC is responsible for the current and future pensions of about 1,300,000 people. Last fiscal year, PBGC paid out approximately \$3.7 billion in pension benefits. PBGC operations are financed largely by insurance premiums paid by the sponsors of defined benefit pension plans, by investment income and by the assets of failed pension plans. PBGC receives no funds from general tax revenues.

The PBGC employs approximately 800 full time employees (FTEs) in its offices in Washington D.C. The Disclosure Division of PBGC's Office of the General Counsel is responsible for PBGC's FOIA program. The Disclosure Division employs 6 FTEs and received over 1,600 FOIA requests in fiscal year 2005. PBGC expects to process over two thousand FOIA requests in 2006. The increase is primarily due to the termination of a number of large pension plans in 2004 and 2005 for which PBGC became responsible for paying pension benefits. The majority of PBGC's FOIA requests are made by participants and beneficiaries in failed pension plans seeking information about how PBGC calculated the amount of their benefits under ERISA's pension plan termination insurance program.

To process the increasing number of requests each year in a timely manner, and to make records available electronically as required by the Electronic Freedom of Information Act Amendments of 1996, PBGC invested in FOIA processing software. The software permits PBGC to track incoming FOIA requests, acquire responsive

documents maintained by PBGC in an electronic format, convert responsive paper documents into electronic files, and review and redact those documents electronically. Since FY 2000, the PBGC's cost of processing a FOIA request has been reduced by over 36% even though the number of FOIA requests received annually has increased exponentially.

PBGC prides itself on providing outstanding customer service. All employees are required to take customer service training and abide by the PBGC's customer service pledge that is posted on PBGC's website at <http://www.pbgc.gov/workers-/header-footer-general/content/page13337.html>. Even before the issuance of Executive Order 13,392, one phone call to the Disclosure Division would allow a requester to receive information on the status of his or her FOIA request. PBGC's web page has a very useful Freedom of Information Act Guide for individuals interested in making an FOIA request. In addition, the web page has a FOIA Electronic Reading Room, which contains useful information and frequently requested records. Finally, we requester with a FOIA appeal rate is less than one half of one percent. Overall we feel that PBGC's FOIA program is efficient, customer-friendly, and fulfills the spirit and intent of E.O. 13,392.

B. Areas Selected for Review

In undertaking the review required under E.O. 13,392, PBGC started with the fact that PBGC processed 1,487 FOIA requests in fiscal year 2005 and that the median number of days to respond to a FOIA request was 17 days. PBGC does not carry a significant backlog of requests pending for more than 20 days. The challenge facing request given that the number of FOIA requests it receives annually will inevitably continue to increase which PBGC becomes responsible for paying pension benefits increases. As part of its review, PBGC considered:

- 1. Affirmative Disclosure under 5 U.S.C. § 552(a)(2)**
- 2. Proactive Disclosure of Information**
- 3. Improvement of Agency's FOIA Reference Guide**
- 4. Automated Request Tracking/Electronic FOIA Processing**
- 5. Multi-Track Processing**
- 6. Expedited Processing**
- 7. Politeness/Courtesy**
- 8. Forms of Communication with Requesters/Acknowledgment Letters**
- 9. Cooperation with Agency Program Personnel**
- 10. Mandatory FOIA/Privacy Act/Identity Theft Training for Certain PBGC Personnel**

C. Results of Review

- 1. Affirmative Disclosure under 5 U.S.C. § 552(a)(2)**

Our review of PBGC's reading and electronic reading room materials reveals that

PBGC is maintaining and is updating required materials. PBGC recently added to its website a searchable database of decisions issued by the PBGC's Appeals Board. The database is accessible through PBGC's electronic reading room. See: <http://www.pbgc.gov/media/key-resources-for-the-press/content/page13687.html>. No further action is required.

2. Proactive Disclosure of Information

Detailed information on PBGC's insurance programs is available on PBGC's web site. These documents include annual reports and facts sheets relative to PBGC's insurance programs. Nevertheless, PBGC is exploring ways to make more information available to the public on its website. For example, participants and beneficiaries in failed pension plans trusted by the PBGC often seek copies of the pension plan document. If plan documents were routinely posted on PBGC's website, the number of FOIA requests or the amount of information that must be processed for disclosure under FOIA could be reduced. **Additional actions outlined in categories D&E.**

3. Improvement of Agency's FOIA Reference Guide

As part of Implementing E.O. 13,392, PBGC reviewed its FOIA reference guide and amended it to identify the PBGC's Chief FOIA Officer, PBGC's FOIA Requester Service Center, and PBGC's FOIA Public Liaison. No further action is necessary.

However, PBGC can take additional steps to inform its customers who do not have access to PBGC's website about the process. PBGC periodically sends newsletters to participants and beneficiaries receiving benefits from PBGC. PBGC will explore the possibility of including information about making FOIA requests in periodic newsletters or other communications with PBGC customers or stakeholders.

4. Automated Request Tracking/Electronic FOIA Processing

As noted above, PBGC has implemented FOIA processing software that tracks the status of incoming FOIA requests and to review and redact responsive records electronically. All employees in the Disclosure Division have access to the system and can respond to an inquiry on the status of any request in a concise and efficient manner. PBGC's Office of Information Technology (OIT) supports the FOIA processing software and is able to modify the system to suit the Disclosure Division's needs or to resolve any problems that occur.

As a result of its review, PBGC intends to modify the tracking system to collect additional information as to the type of each FOIA request. The PBGC will use the additional information, along with information about problems reported to PBGC's Disclosure Officer, the FOIA Requester Service Center, or its FOIA Public Liaison, to identify areas where its FOIA processing procedures may be improved to further reduce processing times and prevent backlogs. **Additional actions outlined in categories D&E.**

5. Multi-Track Processing

PBGC has not adopted multi-track processing. Based on the relatively few requests that require review of voluminous records and the limited number of FTE's in PBGC's disclosure division, PBGC concluded that establishing a separate track for voluminous requests would be administratively burdensome. Instead, the Disclosure Division relies on frequent communications with requesters seeking voluminous records to refine the scope of the request and keep them apprised of the status of their request. No further action required.

6. Expedited Processing

All media and congressional FOIA requests are routinely processed on an expedited track. No further action required.

7. Politeness/Courtesy

As mentioned above, all PBGC employees are trained on customer service standards, including politeness and courtesy when dealing with the public. Additional or refresher training on this subject is not a PBGC priority at this time.

8. Forms of Communication with Requesters/Acknowledgment Letters

As mentioned above, our review indicates that PBGC's FOIA response letters are clear and concise and provide the requester with a full explanation of any exemption relied upon to withhold records. Disclosure Division employees routinely send acknowledgment letters to requesters within 72 hours after the receipt of a request. The letters include a point of contact for questions. In the case of a voluminous request, a Disclosure Division employee will contact the requester by telephone to clarify the request and discuss ways to reduce its scope. PBGC will continue to monitor communications with the requester and the public to make improvements when appropriate.

FOIA requests require PBGC to release numerous pages of records. Although records are processed for release electronically, PBGC must save the disclosable records on a disc or convert the records to paper. This is because limitations imposed on the size of e-mail attachments under PBGC's e-mail system require PBGC to mail or fax materials to requesters. To enhance efficiency and improve customer satisfaction, we intend to explore with PBGC's OIT the feasibility of expanding the size of attachments that Disclosure Division employees can send outside the agency via e-mail or to implement some other means of transferring large amounts of electronic files to requesters. **Additional actions outlined in categories D&E.**

9. Cooperation with Agency Program Personnel

Some requests take a significant amount of time to process because Disclosure Division personnel may have a difficult time locating responsive records. Program personnel are subject to heavy workloads and cooperation with Disclosure Division employees to respond to a FOIA request does not always receive the immediate required attention. To prevent this problem and reduce the time needed to obtain responsive records, the Chief FOIA Officer will ask PBGC program managers to designate a point of contact who will be responsible for assisting Disclosure Division employees in locating the records that may be responsive. The Disclosure Officer will train the points of contact on PBGC's obligations in responding to FOIA requests. **Additional actions outlined in categories D&E.**

10. Mandatory FOIA/Privacy Act/Identity Theft Training for Certain PBGC Personnel

Although PBGC offers FOIA, Privacy Act (PA), and Identity Theft training annually to new and other interested PBGC employees, we intend to make annual training mandatory for employees in agency components that regularly interact with the public and for employees of contractors that staff and maintain PBGC's Field Benefit Administration offices. **Additional actions outlines in categories D&E.**

D. Areas Selected for Improvement

- 2. Proactive Disclosure of Information**
- 4. Automated Request Tracking/Electronic FOIA Processing**
- 8. Forms of Communication with Requesters/Acknowledgment Letters**
- 9. Cooperation with Agency Program Personnel**
- 10. Mandatory FOIA/Privacy Act/Identity Theft Training for Certain PBGC Personnel**

E. Improvement Plan For Areas Selected

2. Proactive Disclosure of Information

a. Objective:

Study the feasibility of designing and implementing an electronic FOIA document retrieval center to permit public access to large volumes of records that are subject to multiple FOIA requests.

b. Steps and Milestones:

- i. By December 31, 2006, or earlier, perform research to identify potential solutions and estimated costs of implementing an electronic document retrieval center.
- ii. By December 31, 2007, or earlier, if a potential solution is identified at a reasonable cost and funds are available, begin the process of seeking formal approval to purchase any necessary goods or services under

applicable PBGC policies and directives.

c. Means of Measurement or Success:

- i. During calendar year 2006, prepare and submit to the Chief FOIA Officer a summary of the research on potential solutions and estimated costs of implementing an electronic document retrieval center.
- ii. For calendar year 2007, if a potential solution is identified at a reasonable cost and agency funds are available, prepare and submit a recommendation to the Chief FOIA Officer to begin the process of seeking formal approval to make the required purchases in accordance with applicable PBGC policies and directives.

4. Automated Request Tracking/Electronic FOIA Processing

a. Objective:

To identify areas where FOIA processing procedures may be improved to reduce processing times and prevent backlogs.

b. Steps and Milestones:

- i. By December 31, 2006, modify PBGC's electronic tracking system to classify the type of request. Categories of requesters include, but are not limited to plan participants and beneficiaries; media; educational or research institutions; auditors, actuarial firms or other pension practitioners; state unemployment, child support enforcement, or housing agencies that seek verification of pension payments made to an individual; unions seeking information on members; Congressional inquires; and pension plan sponsor inquires.
- ii. By December 31, 2007, or earlier, use the data collected about the type of requester and the time for processing the request to determine the mean number of days required to process specific types of requests. Use that data to identify areas where PBGC procedures can be improved or modified to reduce processing times for each type of request.
- iii. By December 31, 2008, implement new or revised procedures to reduce the time for processing each type of request.

c. Means of Measurement or Success:

- i. For calendar year ending 2007, identify the mean number of days to process each type or request to use as a baseline for comparison.
- ii. For calendar year 2007, reduce the mean number of days to process each type of request.

8. Forms of Communication with Requesters/Acknowledgment Letters

a. Objective:

Work with PBGC's OIT to study the feasibility of implementing procedures to permit the Disclosure Officer to release records to a FOIA requester by e-mail with an attachment that exceeds the current size limit on e-mail attachments.

b. Steps and Milestones:

- i. By December 31, 2006, or earlier, complete discussions with OIT on the ways to expand the size of attachments that Disclosure Division employees can send outside the agency via e-mail, and/or work with OIT to perform necessary research to identify other means of transferring large amounts of electronic files to requesters and the estimated costs of implementing an alternative solution.
- ii. If it is determined that IT enhancements are necessary to expand the size of attachments that Disclosure Division employees can send outside the agency via e-mail, the purchase of such enhancements, if obtainable at a reasonable cost (and funds are available), will be made by September 30, 2007.

c. Means of Measurement of Success:

- i. For calendar year 2006, prepare and submit to the Chief FOIA Officer a summary of OIT's view concerning the feasibility of expanding the size of attachments that Disclosure Division employees can send outside the agency via e-mail, and/or research on other means of transferring large amounts of electronic files to requesters and the estimated costs of implementing an alternative solution.
- ii. By the end of FY2007, if feasible, expand the size of attachments that Disclosure Division employees can send outside the agency via e-mail. If expanding the size of e-mail attachments is not feasible, submit a recommendation to the Chief FOIA Officer on whether to pursue other means of transferring large amounts of electronic files to requesters based on the research, anticipated costs, and the availability of agency funds.

9. Cooperation with Agency Program Personnel

a. Objective:

To assist in locating records that may be responsive to a FOIA request, designate a point of contact in each PBGC department to serve as a point of contact for Disclosure Division employees.

b. Steps and Milestones:

i. By December 31, 2006, or earlier, the Chief FOIA Officer will send a memorandum asking Department Directors to designate a knowledgeable employee to act as a point of contact for Disclosure Division employees seeking records that may be responsive to a FOIA request.

ii. By December 31, 2006, or earlier, the Disclosure Officer will brief each point of contact on PBGC's obligations in responding to FOIA requests.

c. Means of Measurement or Success:

For calendar year 2006, points of contacts will be designated for each department and briefed by the Disclosure Officer on PBGC's obligations in responding to FOIA requests.

10. Mandatory FOIA/Privacy Act/Identity Theft Training for Certain PBGC Personnel

a. Objective:

To heighten awareness and accountability of FOIA/PA and Identify Theft for all PBGC's employees, provide expanded mandatory annual FOIA/PA and Identify Theft training for specific departments that deal directly with the public.

b. Steps and Milestones:

i. By December 31, 2006, work with PBGC's Training Institute to develop a training plan and schedule to provide expanded mandatory FOIA/PA and Identify Theft training to employees of PBGC's Human Resources Department (HRD), the Benefit Payment and Administration Department (BAPD), and for the contractors that staff PBGC's Field Benefit Administration (FBA) offices at least once every two years.

ii. By December 31, 2007, develop FOIA/PA and Identity Theft presentations tailored to different duties and responsibilities of HRD and BAPD employees, and FBA contractors. Present the tailored briefings to these separate audiences. Present a tailored briefing to contractors at one or more of the FBA sites.

c. Means of Measurement or Success:

i. For calendar year 2006, prepare and submit to the Chief FOIA Officer a summary of the training plan and schedule developed with PBGC's Training Institute for providing mandatory FOIA/PA and Identify Theft to training to HRD employees, BAPD employees, and FBA contractors at

least once every two years.

ii. Prepare and present expanded FOIA/PA and Identity Theft presentations tailored to HRD and BAPD employees. Present a tailored briefing to contractors at one or more of the FBA sites.

F. Improvement Areas by Time Period

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

a. PBGC's electronic FOIA tracking system will be modified to maintain information about type of FOIA requests received.

b. The Disclosure Officer will work with the PBGC's OIT to perform required research to identify potential solutions and the estimated cost of implementing an electronic document retrieval center.

c. The Disclosure Officer will seek PBGC's OIT views on the feasibility of expanding the size of attachments that Disclosure Division employees can send outside the agency via e-mail, and/or seek assistance in performing research to identify other means and of transferring large amounts of electronic files to requesters and the estimated costs of implementing an alternative solution.

d. With PBGC's Training Institute, the Disclosure Officer will develop a training plan and schedule to provide mandatory FOIA/PA and Identity Theft training to employees of PBGC's HRD, and BAPD, and for the contractors that staff PBGC's FBA offices at least once every two years.

e. The Chief FOIA Officer will send a memorandum asking Department Directors to designate a knowledgeable employee to act as a point of contact for Disclosure Division employees seeking records that may be responsive to a FOIA request. The PBGC's Disclosure Officer will brief the points of contact on PBGC's obligations in responding to FOIA requests.

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

a. The Disclosure Officer will use data from PBGC's electronic FOIA tracking system on the type of request received and the time for processing each request to determine the mean number of days required to process each type of request. The information will be used to identify areas where PBGC procedures can be improved or modified to reduce processing times for each type of request.

b. If a potential solution is identified for implementing an electronic document retrieval center at a reasonable cost, and if funds are available, then the Disclosure Officer will begin the process of seeking formal approval to make the

required purchases under applicable PBGC policies and directives.

c. If feasible, OIT will expand the size of attachments that Disclosure Division employees can send outside the agency via e-mail. If expanding the size of e-mail attachments is not feasible, and if a potential solution is identified at a reasonable cost and funds are available, then the Disclosure Officer will begin the process of seeking formal approval to make the required purchases in accordance with applicable PBGC policies and directives.

d. The Disclosure Officer will develop an expanded FOIA/PA and Identity Theft presentations tailored to different duties and responsibilities of HRD and BAPD employees, and of FBA contractors. The Disclosure Officer will present the briefings to separate groups of HRD and BAPD employees. The Disclosure Officer will present a briefing to contractors at one or more of the FBA sites.

3. Areas anticipated to be completed by December 31, 2008.

a. The Disclosure Officer will implement new or revised procedures identified by determining the mean number of days required to process each type of FOIA request received.

b. The Disclosure Officer will continue to present an expanded FOIA/PA and Identity Theft presentations to separate groups of HRD and BAPD employees who were unable to attend in 2007. The Disclosure Officer will present a briefing to contractors at one or more of the FBA sites that did not receive a briefing in 2007.