

**FOIA PLAN AND REPORT OF THE
DEPARTMENT OF LABOR**

REQUIRED UNDER EXECUTIVE ORDER 13392

Plan Modification

December 8, 2006

Submitted to:

U.S. Department of Justice
and the
Office of Management and Budget

Submitted by:

Robert A. Shapiro
Chief FOIA Officer
U.S. Department of Labor
200 Constitution Ave., NW
Washington, D.C. 20210

Background: On June 14, 2006, the U.S. Department of Labor (DOL) submitted its FOIA Plan and Report pursuant to Executive Order 13392 (“Improving Agency Disclosure of Information”). As part of the implementation process, the Department has been assessing the various components of the Plan. The Department has also received useful input from the U.S. Department of Justice and the U.S. Government Accountability Office. As a result, the Department has decided to modify the portion of its Plan dealing with initial requests. The objective of this modification is to set specific outcome oriented goals to reduce any backlogs, and provide timetables for the achievement of these goals. This will be done by having agencies identify their oldest pending requests, and to set percentage targets for the reduction of these requests. In addition, agencies will be asked to develop ongoing monitoring systems with an “early alert” system for any growing backlogs.

Accordingly, the Department’s FOIA Plan and Report is modified as follows.

1. *Section VI. A. (pages 15-16) should now read as follows:*

One matter of central concern to requesters is the timeliness of agency responses to FOIA requests and appeals. Increasing timeliness and appeal processing capacity are complex matters, since many factors often contribute to agency performance, including, for example, the variable volume and complexity of incoming initial FOIA requests and appeals, and changing FOIA staff. While our review indicates that backlogs and timeliness within DOL are a more substantial issue at the administrative appeals level, it is important for the Department to monitor and address initial requests that are pending for extended periods of time. Individual agencies need to continuously monitor their own performance so they can proactively identify and remedy any problems that may arise – before the problems become serious. Vigorous efforts must also be made to increase capacity and timeliness at the appeals level.

A. Initial Requests.

Goals and Objectives. Agencies will develop and implement a system to monitor backlogs on a real-time basis. They will report to the Chief FOIA Officer the steps they have taken to assure the early detection of growing backlogs and the development of any timeliness issues. They will regularly report their backlogs to the Chief FOIA Officer. In conjunction with this effort, agencies will complete action on older requests in accordance with a specific schedule.

Timetables.

1. In conjunction with the steps taken to improve FOIA tracking and control systems described in Part III of the Plan, agencies will provide the Chief FOIA Officer a table showing the number and age of its older requests. This report will be completed by the end of CY 2006.

2. By the end of CY 2006, each agency will develop and implement a system to monitor the size of its initial request docket and identify requests pending more than 30 days. The agencies will report on this system to the Chief FOIA Officer.
3. By the end of the first quarter of CY 2007, the Chief FOIA Officer will provide guidance to DOL agencies on identifying factors, in addition to the age of a request, that need to be monitored to avoid backlogs.
4. By the end of the second quarter of CY 2007, the Department will:
 - a. Reduce by 75% the number of initial requests pending prior to January 1, 2005.
 - b. Reduce by 50% the number of initial requests pending prior to July 1, 2005.
 - c. Reduce by 40% the number of initial requests pending prior to January 1, 2006.
5. By the end of CY 2007, the Department will:
 - a. Reduce by 100% the number of initial requests pending prior to January 1, 2005.
 - b. Reduce by 90% the number of initial requests pending prior to July 1, 2005.
 - c. Reduce by 75% the number of initial requests pending prior to January 1, 2006.
 - d. Reduce by 50% the number of initial requests pending prior to July 1, 2006.

The Department will use as its baseline, the number of requests pending in each of the categories identified in #'s 4 and 5 above as of December 31, 2006. The Department will be monitoring its progress on these goals throughout 2007, and will determine appropriate goals for future years.

2. *The portion of the report listing "Improvement Areas Anticipated to be Completed by December 31, 2006" for "Increase Appeals Capacity, Backlog Reduction and Improve Timeliness/Initial Requests" (pages 19-20) is modified as follows:*

1) Initial Requests

- In conjunction with the steps taken to improve FOIA tracking and control systems described in Part III of the Plan, agencies will provide the Chief FOIA Officer a table showing the number and age of its older requests.
- Agencies will develop and implement a system to monitor the size of its initial request docket and identify requests pending more than 30 days. The agencies will report on this system to the Chief FOIA Officer.

3. *The portion of the report listing “Improvement Areas Anticipated to be Completed by December 31, 2007” for “Increase Appeals Capacity, Backlog Reduction and Improve Timeliness/Initial Requests” (page 21) is modified as follows:*

- By the end of the first quarter of CY 2007, the Chief FOIA Officer will provide guidance to DOL agencies on identifying factors, in addition to the age of a request, that need to be monitored to avoid backlogs.
- By the end of the second quarter of CY 2007, the Department will: a) reduce by 75% the number of initial requests pending prior to January 1, 2005; b) reduce by 50% the number of initial requests pending prior to July 1, 2005; and c) reduce by 40% the number of initial requests pending prior to January 1, 2006.
- By the end of CY 2007, the Department will: a) reduce by 100% the number of initial requests pending prior to January 1, 2005; b) reduce by 90% the number of initial requests pending prior to July 1, 2005; c) reduce by 75% the number of initial requests pending prior to January 1, 2006; and reduce by 50% the number of initial requests pending prior to July 1, 2006.

4. *The portion of the report listing “Improvement Areas Anticipated Continue Beyond December 31, 2007” for “Increase Appeals Capacity, Backlog Reduction and Improve Timeliness/Initial Requests” (page 22) is modified as follows:*

- Each agency shall continue to report to the Chief FOIA Officer on its backlog, if any.
- The Department will be monitoring its progress on achieving the specific backlog reduction goals throughout 2007, and will determine appropriate goals for future years.