



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

JUN 1 3 2006

BOARD MEMBERS:

MICHAEL S. SCHWARTZ, CHAIRMAN
V.M. SPEAKMAN, JR., LABOR MEMBER
JEROME F. KEVER, MANAGEMENT MEMBER

The Honorable Rob Portman, Director
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, N.W.
Washington, DC 20502

Dear Mr. Portman:

Pursuant to Executive Order 13392 signed by President Bush on December 14, 2005, requiring all agencies to review their respective Freedom of Information Act (FOIA) operations and, based on the review, to develop a FOIA improvement plan, the Railroad Retirement Board (RRB) has prepared its FOIA Improvement Plan for fiscal years 2006 and 2007. The RRB prepared its plan pursuant to the requirements of Executive Order 13392 and guidance issued by the Office of Information and Privacy of the U.S. Department of Justice. A copy of the agency's plan is enclosed.

Sincerely,

Beatrice Ezerski

FOR THE BOARD
Beatrice Ezerski
Secretary to the Board

Enclosure



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) 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 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, 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.