

Federal Retirement Thrift Investment Board (Agency)  
Fiscal Year 2006 Annual  
Freedom of Information Act (FOIA) Report

*I. Basic Information Regarding this Report*

- A. Contact person for questions about the Agency's annual FOIA report for Fiscal Year 2006 (10/1/05-9/30/06): James B. Petrick, FOIA Officer, Federal Retirement Thrift Investment Board, Suite 200, 1250 H Street, NW. Washington, DC 20005-3952, Tel: 202-942-1630; TDD: 800-877-8339; FAX: 202-942-1676.
- B. Electronic address for this report on the Agency's World Wide Web site: <http://www.frtib.gov>.
- C. How to obtain a paper copy of this report: download it from the Web site (see I.B. above) or request it from the contact person (see I.A. above).

*II. How To Make a FOIA Request*

FOIA requests to the Agency should be in writing and include the requester's name, address and telephone number. Requests submitted by email will not be accepted. The request should reasonably describe the records being sought. (See Freedom of Information Act Guide at <http://www.frtib.gov>).

*III. Definitions of Terms and Acronyms Used in this Report*

- A. Agency-specific acronyms and other terms.
  - 1. FOIA -- Freedom of Information Act (5 U.S.C. § 552)
  - 2. FY -- Fiscal Year
  - 3. Agency -- Federal Retirement Thrift Investment Board
  - 4. OGC -- Office of the General Counsel

B. Basic Terms.

1. FOIA Request -- Freedom of Information Act request, a FOIA request is generally a request for disclosure of records concerning a third party, an organization, or a particular topic of interest.
2. Initial Request -- a request to the Agency for records under the Freedom of Information Act.
3. Appeal -- a request to OGC asking that it review a full denial or partial denial of a FOIA request, 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. Note: The Agency does not have multi-track processing as it generally responds to requests on a timely basis. A requester who has an urgent need for records may request expedited processing.
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 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 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 in part.
11. Denial -- a Agency decision not to release any part of a record(s) in response to a FOIA request. This may occur because all of 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 or 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 business days from proper receipt of a "perfected" FOIA request).
13. "Perfected" -- a FOIA request for records which adequately describes the records sought, which has been received by Agency's FOIA office, 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. In Part VII below, the Agency's response times are given in median calendar days.
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 current fiscal year. None.

#### *V. Initial FOIA Requests*

- A. Number of initial requests.

1. Number of requests pending as of end of preceding fiscal year. 0
2. Number of requests received during current fiscal year. 12
3. Number of requests processed during current fiscal year. 12
4. Number of requests pending as of end of current fiscal year. 0

B. Disposition of initial requests.

1. Number of total grants. 4
2. Number of partial grants. 0
3. Number of denials. 2
  - a. Number of times each FOIA exemption used.
    - (1) Exemption 1: 0
    - (2) Exemption 2: 0
    - (3) Exemption 3: 0
    - (4) Exemption 4: 2
    - (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). 6
  - a. No records. 3
  - 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). 3 Privacy Act

VI. *Appeals of Initial Denials of FOIA Requests*

- A. Number of appeals.
  - 1. Number of appeals received during FY 06. 0
  - 2. Number of appeals processed during FY 06. 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). 0
  - a. No records. 0
  - b. Referrals. 0
  - c. Request withdrawn. 0
  - d. Fee-related reasons. 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 FY 06

- 1. Simple requests (if multiple tracks used) (Note: the Agency **does not have multi-track processing**).

- a. Number of requests processed: 12
  - b. Median number of working days to process: 22
- 2. Complex requests.
  - a. Number of requests processed: 0
  - b. Median number of days to process: 0
- 3. Request accorded expedited processing.
  - a. Number of requests processed: 0
  - b. Median number of days to process: 0
- B. Status of pending requests as of end of FY 06.
  - 1. Number of requests pending as of the end of FY 06 (9/30/06): 0
  - 2. Median number of days that such requests were pending as of that date: 0

VIII. *Comparisons with Previous Year(s) (Optional)*

- Agencies should state comparisons both in total number and in percentage of change.
  - A. Comparison of numbers of requests received: 21 in FY 05/12 in FY 06 means 43% fewer received in FY 06.
  - B. Comparison of number of requests processed: 21 in FY 05/12 in FY 06 means 43% fewer processed in FY 06.
  - C. Comparison of median numbers of days requests were pending as of end of fiscal year: We had no requests pending as of the end of FY 05 or FY 06.
  - D. Comparison of processing time: a median of 21 days in FY 05/a median of 22 days in FY 06 means an increase of 5% in the median number of days to process. We did not receive any requests for expedited processing; thus we did not process any.
  - E. Other narrative statement 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 processing request, training activities; public availability of new categories of records): N/A.

*IX. Costs/FOIA Staffing*

A. Staffing levels.

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

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

1. FOIA processing (estimated -- including requests and appeals): \$20,600
2. Litigation -- related activities (estimated): \$0
3. Total costs (estimated): \$20,600
4. Comparison with previous year(s) (including percentage of change) (Optional): \$40,000 in FY 05/\$20,600 in FY 06 means 48% less expense in FY 06.

C. Statement of additional resources needed for FOIA compliance (optional): None

*X. Fees*

- A. Total amount of fees collected by the Agency for processing requests: \$0.00
- B. Percentage of total costs: 0%

*XI. FOIA Regulations (Including Fee Schedule)*

The Agency's FOIA regulations, including the fee schedule, are codified at 5 C.F.R. 1631.



*XII. Report on Agency's Plan under Section 3(b) of Executive Order 13392 (New)*

**SECTION XII. REPORT ON EXECUTIVE ORDER 13,392 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 Federal Retirement Thrift Investment Board's (FRTIB) description of its progress in implementing the milestones and goals of the Agency's FOIA Improvement Plan.

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 through January 2007.

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

No changes were made.

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

The FRTIB meet its goals and milestones established in the report submitted in response to Executive Order 13392 to be completed for this reporting period.

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

Not applicable.

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

Not applicable

Section E. Concise descriptions of FOIA exemptions.

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal 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) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

Section F. Additional Statistics:

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

November 20, 2006 to January 31, 2007

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

None pending.

Section G: Attachment: FRTIB improvement plan (in current form)

The FRTIB's Implementation of the President's Executive Order 13392, "Improving Agency Disclosure of Information"

This document is in response to the President's Executive Order 13392, "Improving Agency Disclosure of Information". FERSA limits the Board's obligation to comply with executive orders because the Board must act as a fiduciary solely in the interests of the participants and beneficiaries. We have determine that this executive order creates no apparent conflict with FERSA and

the Agency already has a FOIA officer and files annual FOIA reports.

The order requires the following actions:

- Designation of a Chief FOIA Officer.

The Federal Retirement Thrift Investment Board (the Agency) administers the Thrift Savings Plan (TSP) for Federal Employees. For the Fiscal Year 2005, a total of 21 FOIA requests were submitted and processed by the Agency. With a staffing level of approximately 65 people, responses to FOIA requests are coordinated among the appropriate Agency staff with oversight responsibility for the functional area addressed by that FOIA request. The Chief Financial Officer (Mr. James Petrick) has the final responsibility for the Agency's response. Mr. Petrick is a member of the Senior Executive Service.

- Completing the Review and Plan, and Reporting.

We have determined that conducting the request review and filing this report is in the interest of our participants and beneficiaries because it will help ensure that the Agency runs its FOIA program consistent with applicable requirements and thereby avoid litigation and possibly bearing the costs incurred by a plaintiff.

FOIA requests to the Agency are frequently for TSP account data associated with a specific participant or beneficiary. As such, we do not intend to publish FOIA responses on the Agency's Web site or establish a FOIA Requester Service Center. However, we will designate a FOIA Public Liaison person and provide that individual's name and contact information on the Agency's public web site. In addition, the Agency's public web site at [www.FRTIB.gov](http://www.FRTIB.gov) already provides all Requests for Proposals, press releases including contract awards, employment opportunities and minutes from the monthly Board meetings.

All participants of the Thrift Savings Plan have access to their specific account information on the Thrift Savings Plan web site at [www.TSP.Gov](http://www.TSP.Gov), as well as the Plan Summary and other booklets and fact sheets addressing topics of interest to our participants. Account information is also available from a voice response system (the "ThriftLine").

## FRTIB Improvements

As an improvement to our FOIA activity, we will establish in FY2007 a FOIA reading room at the Agency's headquarters and the FOIA reading room information will be added to the Agency's web site. Contact information for access to the reading room will be provided on the web site.

Any questions regarding this memorandum should be addressed to Anne Beemer of my staff, her email address is [Anne.Beemer@tsp.gov](mailto:Anne.Beemer@tsp.gov) and her phone number is 202-942-1634.