

Chief FOIA Officer Report for the National Transportation Safety Board
March 15, 2010

I. Steps Taken to Applying the Presumption of Openness

1. Description

As an independent agency with no regulatory authority, our reputation is of paramount importance. Thus, the work of the agency historically has been complete and open so the public can have confidence in the agency's conclusions.

Nonetheless, in the May 2009 edition of the General Counsel's Newsletter, which is distributed to everyone in the agency, an article described the documents issued by the President's administration and emphasized greater transparency of the work of the agency. Furthermore, as offices held their training updates, for example an all-hands meeting of the Rail, Pipeline and Hazardous Materials office and the senior regional investigators of the Office of Aviation Safety, members of the General Counsel's staff and/or the FOIA office explained the administration's philosophy. Finally, both the FOIA Officer and the Office of General Counsel have taken the opportunity to enlighten individuals in the agency on numerous occasions when the subject of FOIA or transparency was the topic of discussion, which conversations take place on almost a daily basis. With an agency of about 400 people, that alone covers a significant portion of our employees.

As for the release of records, being an investigative agency in which frank analytical deliberations predominate, we particularly focus on the use of the (b)(5) exemption, and redact only as much as is absolutely necessary to protect our deliberative privilege, rather than withholding entire records.

2. Disclosure Comparisons

	Full Grants	Partial Grants
2008	81	122
2009	41	72

II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to FOIA Requests

As part of the NTSB's overall FOIA Improvement Plan, the NTSB has reengineered its FOIA request-handling process, supplemented existing Government staff with contract staff support, and has taken steps to proactively disclose information to our

customer base. In addition, the NTSB has developed and implemented a comprehensive training program to ensure that everyone at the NTSB recognizes their responsibilities with respect to FOIA and takes the necessary time and effort to ensure that they fulfill their FOIA responsibilities.

The NTSB is a small, independent Federal agency. As is the case with many small agencies, individuals often wear two or more hats. The NTSB's Chief FOIA Officer is also the agency's Chief Information Officer (CIO). This arrangement creates a number of "advantages" that may not be present in other organizations. The FOIA staff is part of the CIO organization and, as such, specific performance goals are set that require the assistance of Information Technology (IT) resources. NTSB's FOIA staff has sufficient IT resources to operate a FOIA program that no longer has a backlog, is capable of producing Annual FOIA reports in required formats, and is operating at a performance level that will continue to ensure that a backlog does not recur.

III. Steps Taken To Increase Proactive Disclosures

The NTSB has taken a number of steps to increase the amount of material available to our customers. Some of these steps were implemented as part of the NTSB's FOIA improvement plan, in anticipation of future guidance, as well as in response to the recent Open Government Directive.

As of June 1, 2009, the NTSB began posting accident dockets (documents, photographs, etc., that support the report of an accident investigation) on its public website at http://www.nts.gov/dockets/foia_fri-dockets.htm. As of the filing of this report a total of 1,312 dockets have been posted. In addition, the Office of Aviation Safety provides a list of estimated release dates for investigations, in which it provides an estimate of the release of the final report of the probable cause of a given accident. This list is available at <http://www.nts.gov/avweb/>.

In response to the Open Government Directive, the NTSB has created an "Open" page at <http://www.nts.gov/open.htm>. This page provides a one-stop location for most of the NTSB's key data and information. In addition, NTSB customers now have the ability to download data sets for aviation accident and incident information and for aviation statistics reports. NTSB is in the process of making additional information available for download as part of its overall Open Government Plan.

IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically.

Not applicable.

3. Does your agency track requests electronically?

Yes.

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically.

Not applicable.

5. Does your agency use technology to process requests?

Yes.

6. If not, what are the current impediments to your agency utilizing technology to process requests.

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

Yes, the NTSB uses an electronic database to prepare its Annual FOIA Report.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report.

Not Applicable.

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. Backlog Status

Backlog requests	2009	48 requests
	2008	36 requests

Backlog appeals	2009	3 appeals (oldest 6/09)
	2008	1 appeal (oldest 9/08)

2. Backlog Reduction Steps

Not Applicable.

3. Steps to Improve Timeliness

The agency has not had an issue regarding timely responses to FOIA requests. This past year, however, we experienced a 30% increase in the number of requests. To continue a timely response, we added a contract position this year. The agency historically has not received a significant proportion of appeals. As with requests, this past year we also experienced an increase in the number of appeals and a delay in responding to them. We are currently devising a plan to improve this timeliness.