



Report of the Chief FOIA Officer
Federal Open Market Committee

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Report of the Chief FOIA Officer Federal Open Market Committee

Pursuant to the “Guidelines for Chief FOIA Officer Reports to the Department of Justice,” the Federal Open Market Committee (FOMC) submits this Report regarding steps taken “to improve transparency in keeping with the President’s and Attorney General’s FOIA memoranda.” Matthew M. Luecke, Chief FOIA Officer of the FOMC, has directed and participated in a comprehensive review of FOMC FOIA operations. The results of that review are set forth in the report below, in accordance with the template provided by the Department of Justice.

Part I. Steps Taken to Apply the Presumption of Openness

1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.
 - a. Describe how the President’s FOIA memorandum and the Attorney General’s FOIA Guidelines have been publicized throughout your agency.

The President’s FOIA memorandum and the Attorney General’s FOIA Guidelines have been circulated to all personnel who handle Federal Open Market Committee (FOMC) FOIA requests, including all those who receive, process, review, and approve FOIA responses on behalf of the agency. An internal website to help raise the organizational profile of FOIA is under construction, and should be accessible to staff who support the FOMC by mid-2011.

- b. What training has been attended and/or conducted on the new FOIA Guidelines?

FOMC FOIA Service Center and/or legal staff attended several Department of Justice training sessions that provided information on the new FOIA Guidelines, beginning in FY 2009. These training sessions included:

March 26, 2009 “President Obama’s FOIA Memorandum and Attorney General Holder’s FOIA Guidelines”

December 9, 2009 “Training for FOIA Liaisons”

January 12, 2010 “FOIA Training Conference”

October 12, 2010 “Refresher Training Session to go over the reporting requirements for agency Annual FOIA Reports”

January 13, 2011 “Chief FOIA Officer Meeting”

On each occasion, the staff member who attended the training session re-circulated distributed training materials to and reviewed the meeting’s key agenda items with other FOMC FOIA Service Center staff.

FOMC FOIA Service Center staff members have also regularly discussed the current FOIA process and requirements with a broader group of subject matter experts and agency officers in the process of responding to individual FOIA requests, as relevant.

- c. How has your agency created or modified your internal guidance to reflect the presumption of openness?

Staff members maintain electronic copies of current FOIA guidance from the Department of Justice, the President, and the Attorney General in a shared server location that is accessible to all FOMC FOIA Service Center personnel. An index of these documents has been created and circulated to all FOMC FOIA Service Center staff.

- d. To what extent has your agency made discretionary releases of otherwise exempt information?

The FOMC FOIA Service Center received 30 requests in FY 2010. Of these, 16 were full grants, at least seven of which included deliberative, pre-decisional items that could have been claimed as exempt from disclosure under the FOIA.

Additionally, both of the partial grants the FOMC FOIA Service Center made during FY 2010 included items that could likewise have been claimed as exempt from disclosure under the FOIA.

- e. What exemptions would have covered the information that was released as a matter of discretion?

Exemption 5 – “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.”

- f. How does your agency review records to determine whether discretionary releases are possible?

Each FOIA request undergoes a preliminary assessment by senior FOMC FOIA Service Center staff. If at any point during the research and response period, a denial or partial denial is suggested by subject matter experts and/or legal staff, the grounds for denial or partial denial are reviewed and verified by at least one FOMC officer and one FOIA attorney. No request is denied based on precedent; the FOMC FOIA Service Center conducts a *de novo* review of each request.

- g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

As warranted by the requests received, in FY 2010 staff regularly consulted with subject matter experts to re-evaluate the need for and appropriateness of applying exemption 5. These consultations facilitated the increase in discretionary disclosures noted in part 1.d. above. In addition, staff consulted with submitters of information covered by exemption 4 in an effort to facilitate releases of such information.

2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.

	Released in Full	Released in Part
FY 2009	7	0
FY 2010	16	2

Part II. Steps Taken to Ensure Agency has an Effective System for Responding to Requests

- a. Do FOIA professionals within your agency have sufficient IT support?

Yes. As reported last year, the FOMC FOIA Service Center receives IT support secured by the FOMC Secretariat for its ongoing information and database needs. In addition to the general, high-quality help desk support provided to all agency personnel, one full-time IT resource has been allocated to systems analysis and programming for FOMC document repositories.

- b. Describe how your agency's FOIA professionals interact with your Open Government Team.

FOMC FOIA Service Center staff members worked in coordination with the Open Government Team of the Board of Governors of the Federal Reserve to develop a Federal Reserve Open Government Directive; the FOMC does not maintain a separate Open Government Team.

- c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

The FOMC FOIA Service Center receives approximately 30-40 FOIA requests per year. Service Center staff members meet regularly with the Chief FOIA Officer to review the current case load, to consider what steps must be taken in order to respond to any open requests, and to assign appropriate resources to completing these responses. In addition to the Chief FOIA Officer, in FY 2010 two additional staff members had sufficient training to enable them to process simple requests, thus expediting the processing of the majority of requests received. In response to an uptick in FOIA volume, and a corresponding rise in the complexity of requests received, two additional staff members are undergoing FOIA-related training in FY 2011.

- d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The FOMC FOIA Service Center takes a proactive approach to processing FOIA requests. Requests are disseminated to appropriate end users quickly after receipt, and staff assigned to processing those requests closely monitor processing to ensure adequate internal time for review and determination during the initial 20-business day processing period. In FY 2011, the FOMC FOIA Service Center has developed document templates to accelerate the response time for common types of letters to requesters (e.g., referrals, full grants, and acknowledgement letters).

In addition, the FOMC publishes a host of historical information on its public website, including minutes and Records of Policy Actions back to 1936. This is intended to reduce, and has reduced, the number of FOIA requests we receive for this type of information.

Part III. Steps Taken to Increase Proactive Disclosures

Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.

- a. Has your agency added new material to your agency website since last year?

Yes. The public website now includes historical minutes and Records of Policy Actions back to 1936. Since last year's report, pre-meeting staff analyses, meeting transcripts and meeting agendas have also been added for the years 2004 and 2005. Meeting transcripts from 1976 and 1977 were likewise posted on the public website, thus completing the public record of historical FOMC meeting transcripts. Finally, current meeting minutes and policy statements continue to be posted to the website on a regular basis. Altogether, approximately 16,000 pages have been added to the public website since last year, bringing the total number of pages of FOMC material available online to more than 96,000.

- b. What types of records have been posted?

During FY 2009 and FY 2010 (to date), the FOMC FOIA Service Center has posted recent and historical materials including FOMC meeting minutes, transcripts, and agendas, as well as policy statements, summaries of economic projections, and several categories of staff analyses prepared for the FOMC.

- c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.

Meeting agendas and pre-meeting staff analyses were not posted on the public website prior to 2008, but used to be available solely through the FOIA. Over the course of the past five years, the number of FOMC document series available on the agency's public website has expanded from four to eleven. Additionally, the FOMC Secretariat has expanded the range of website coverage to include records from each year of the FOMC's history from 1936 to the present.

- d. What system do you have in place to routinely identify records that are appropriate for posting?

Over the last several years, we have been pursuing a phased plan to release additional documents series on the agency's public website. Documents targeted for posting included many record types that had been requested in the past, as well as those that staff thought would be useful in understanding the functioning of the FOMC. The final documents identified in the plan were added to the website in January 2011. Further evaluations of possible additions of FOMC materials to the website are planned for FY 2011.

- e. How do you utilize social media in disseminating information?

The FOMC FOIA Service Center does not currently utilize social media to disseminate information.

- f. Describe any other steps taken to increase proactive disclosures at your agency.

Staff actively consider whether particular materials (whether or not requested under FOIA) should be posted on the FOMC's website. As a result of this evaluation, we expect the FOMC Secretariat to post additional information on the agency's website concerning the actions and deliberations of the FOMC.

Part IV. Steps Taken to Greater Utilize Technology

1. Electronic receipt of FOIA requests:

- a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?

100%

**** Note:** The FOMC has no components; all responses to questions in Part IV therefore refer to the FOMC FOIA Service Center, through which all FOMC FOIA requests are handled.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

The FOMC FOIA Service Center had this capability as of the time of our last Chief FOIA Officer Report.

- c. What methods does your agency use to receive requests electronically?

Our electronic FOIA Service Center employs a web form which allows requesters to enter key information. When requests are submitted, the contents of each form are automatically forwarded to all FOMC FOIA Service Center staff via electronic mail.

2. Electronic tracking of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?

100%

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

The FOMC FOIA Service Center had this capability as of the time of our last Chief FOIA Officer Report.

- c. What methods does your agency use to track requests electronically?

The FOMC FOIA Service Center uses a database created by staff to track FOIA requests electronically.

3. Electronic processing of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?

100%

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

The FOMC FOIA Service Center had this capability as of the time of our last Chief FOIA Officer Report.

- c. What methods does your agency use to process requests electronically?

A large majority of FOMC records have been scanned and made text searchable, or were born digital. These records are routinely searched in response to incoming FOIA requests, through the digital repositories or file

servers in which they reside. Specialized search tools have been created by the IT personnel who support the FOMC FOIA Service Center. During the last two years, several projects have been completed to create electronic indices to track legacy FOMC documents that have not yet been digitized.

4. Electronic preparation of your Annual FOIA Report:

- a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.

Figures for the FOMC's Annual FOIA Report are drawn from the FOMC FOIA Service Center's tracking database, and are prepared in multiple formats using standard office spreadsheet and word-processing applications.

- b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.

The system and procedures employed by the FOMC FOIA Service Center are considered appropriate to meet current needs.

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

1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.

In FY 2009, the FOMC FOIA Service Center had no backlogged requests or administrative appeals. As of the close of FY 2010, one backlogged FOIA request was reported by the FOMC FOIA Service Center, resulting in an increase of one in the backlog from FY 2009 to FY2010. No administrative appeals were pending at the conclusion of FY 2010.

No pending requests or appeals were closed in FY 2010 from the prior fiscal year, as there was no backlog in FY 2009.

2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:

a. Is the backlog increase a result of an increase in the number of incoming requests or appeals?

The increase from zero to one backlogged request was not due to an increase in the number of incoming requests or appeals.

b. Is the backlog increase caused by a loss of staff?

The increase from zero to one backlogged request was not due to a loss of staff.

c. Is the backlog increase caused by an increase in the complexity of the requests received?

The increase from zero to one backlogged request was not due to an increase in the complexity of the requests received.

d. What other causes, if any, contributed to the increase in backlog?

Ongoing litigation regarding requests similar or identical to a request received by the FOMC FOIA Service Center contributed to the delay in resolving the single backlogged request.

3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.

a. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes. FOIA tracking represents a regular agenda item at daily/weekly FOMC Secretariat staff meetings, conducted by the agency's Chief FOIA Officer. The goal of FOMC FOIA Service Center staff is to provide high-quality identification, search, retrieval, and review of responsive material as efficiently as possible.

- b. Has your agency increased its FOIA staffing?

Yes. FOMC FOIA Service Center staff members dedicated more time to FOIA matters than in recent years, in response to the rise in complexity of the requests received. In FY 2009, the number of equivalent full-time FOIA employees was reported at .44; in FY 2010, staffing levels increased to 1.03 equivalent full-time FOIA employees.

- c. Has your agency made IT improvements to increase timeliness?

Yes. The FOMC FOIA Service Center has engaged in an initiative to shift FOIA request tracking and processing into an enterprise document management system. In FY 2010, early stages of this document management initiative allowed FOMC FOIA Service Center staff members to rapidly convey large numbers of documents for review to Federal Reserve personnel in alternate locations. Future plans include the potential deployment of workflow/job scheduling features to further improve timeliness.

- d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?

Yes. The FOMC's Chief FOIA Officer regularly reviews the status of FOIA processing, and adjusts staffing to respond to open requests.

Spotlight on Success

Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.

In FY 2010 and FY 2011, the FOMC Secretariat added a large amount of material, completing a multi-year plan to proactively release important FOMC document series on the agency's public website. As mentioned in Part III of the Chief FOIA Officer Report above, as a result of this transparency initiative, more than 96,000 pages of historical and recent FOMC material are now available online.

Records of the FOMC's meeting deliberations for the 75 years of its existence are now not only available to the public through the agency's website, but have been rendered fully text-searchable and may be browsed by meeting date. Adjustments have likewise been made in the last year to the agency's advanced search engine to permit high-quality search and retrieval of this growing volume of linked material.

Staff continue to actively consider whether particular materials (whether or not requested under FOIA) should be made available through the agency's public website. We expect the FOMC Secretariat to post additional information on its website concerning its actions and deliberations going forward. It is anticipated that the provision of this large amount of readily-available electronic information will obviate the need for many formal FOIA requests.