

Federal Maritime Commission

2013 Chief FOIA Officer Report

I. Steps Taken to Apply the Presumption of Openness

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period? Did your FOIA professional attend any FOIA training, such as that provided by the Department of Justice?

The Office of the Secretary (OS) continues to make every effort to communicate and to stress the importance of responding to FOIA requests with a clear presumption of openness to Federal Maritime Commission (Commission or FMC) employees. To further those efforts, in calendar year 2013 we plan to implement a Commission-wide FOIA training program. The training will review FOIA requirements and employee responsibilities generally, and include a more tailored section to cover specific FOIA issues unique to each Bureau/Office.

The Commission's FOIA Professional attended the Department of Justice, Office of Information Policy's refresher training session on the reporting requirements for Fiscal Year 2012 Annual FOIA Reports and 2013 Chief FOIA Officer Reports, the FOIA Administrative Forum on June 6, 2012, and Advanced FOIA Training on April 11, 2012.

2. Did your agency make any discretionary releases of otherwise exempt information?

No. Except in limited instances, the nature of the FOIA requests received and processed this past year did not provide significant opportunity to make discretionary releases. As always, the Commission processed all FOIA requests with an eye towards disclosure whenever possible, balancing the application of an exemption against harm of disclosure.

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

N/A

4. Provide a narrative description, or some examples of the types of information that your agency released as a matter of discretion.

N/A

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

As mentioned above, during calendar year 2013 we will implement a Commission-wide FOIA training program for all Commission employees which will emphasize to all the importance of the presumption of openness. We will also emphasize that conducting a thorough search for responsive documents and providing all responsive documents is essential.

II. Steps Taken to ensure that the FMC has an Effective System in Place for Responding to Requests

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

Yes.

2. Do your FOIA professionals work with your agency's Open Government Team?

When there is a need to do so, the FOIA Professional has unrestricted access to the Open Government Team.

3. Has your agency assessed whether adequate staffing is being devoted to FOIA administration.

Yes. During the past year the Commission increased staffing for its FOIA program, by converting the FOIA Professional's position from part-time to a full-time Government Information Specialist, and restructuring the duties and responsibilities of this position so that they are now devoted almost exclusively to FOIA duties.

4. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.

The OS continuously works to improve and streamline the Commission's FOIA processes. The Chief FOIA Officer, the FOIA Liaison, and the FOIA Professional work together as a team to identify and implement improvements to internal guidance, outgoing correspondence, document review, tracking, and processing of FOIA requests.

III. Steps Taken to Increase Proactive Disclosures

1. Provide examples of materials that your agency has posted this past year.

In addition to the large number of documents posted to the Commission's website Electronic Reading Room, the Commission completed compilation and website posting of 28 bound volumes of historical Commission decisions issued between 1919 and 1987. These historical decisions are no longer in publication in bound volume form, however with the completion of this project, the entire body of historical Commission decisions is now available on the FMC's website in "electronic volumes." Making this information readily available to the public in electronic form has proven to be a useful and cost effective resource, especially for attorneys practicing before the Commission.

2. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?

The Commission promotes transparency and accountability by evaluating, developing, and implementing improvements to the Commission's website on a continuing basis. In April 2012, the Commission launched a newly designed website. This new design and layout significantly improved content organization to render a more citizen-centered website, enhanced navigation, added more social networking/communications capabilities, and further improved search engine optimization that will better assist the public to locate Commission services and information. The redesign followed a process of gathering valuable input from representatives of the shipping industry, intermediaries, the public, and the media, to improve the quality, clarity, and accessibility of information that the Commission provides to the public. Also, during 2012, the OS began a project to identify and re-post website material in a more accessible form to give better access to citizens using assistive technology.

3. If so, provide examples of such improvements.

As mentioned above, with the April 2012 launch of its newly designed website, the Commission added more social networking/communications capabilities, and improved search engine optimization and navigation pathways.

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

On an ongoing basis the Commission posts new information on its website on specific topics and issues related to the agency's activities and important to stakeholders and the media. For example, during 2012 we proactively published alerts warning about consumer complaints against certain household goods movers, advice on proper documentation needed when boarding an international cruise, etc. These informative online resources provide easy public access to useful information and resources and, increase public awareness of how the FMC is involved with daily events.

IV. Steps Taken to Greater Utilize Technology

1. Can FOIA requests be made electronically to your agency?

Yes. The FMC has the capability to receive all FOIA requests electronically.

2. If your agency is decentralized, can FOIA requests be made electronically to all components of your agency?

N/A

3. Can a FOIA requester track the status of his/her request electronically?

No.

4. If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing,

such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.

N/A

5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

N/A

6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

Yes. The OS is in the process of developing a template and plans to begin in the future to periodically post a list of open FOIA requests on the Commission's website to enable the requester to see the status of their request.

7. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

As mentioned in previous Chief FOIA Annual Reports, the Commission does not receive the volume of FOIA requests to justify the cost of specialized software to process FOIA requests. Additionally, the Commission does not have the employee resources to develop such technology. However, the Commission's Information Technology Advisory Board, for which the Chief FOIA Officer is a member, continues to explore alternative document sharing/storing platforms for possible future agency consideration.

8. If so, describe the technological improvements being made.

N/A

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

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

a. Does your agency utilize a separate track for simple requests?

Yes.

b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer?

Yes.

c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

N/A

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report –Backlogged Requests/Appeals," show the numbers of any backlog of pending requests for pending appeals from Fiscal Year 2012 as compared to Fiscal Year 2011. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 20101 and Fiscal Year 2012 should be used for this section.

a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

Yes.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

N/A

c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

Yes.

d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011?

N/A

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog: N/A

a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

- b. Was the lack of a reduction in the request backlog caused by a loss of staff?
- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?
- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

Administrative Appeal Backlog: N/A

4. OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

One.

Use of FOIA's Law Enforcement "Exclusions"

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

Yes.

2. If so, what is the total number of times exclusions were invoked?

Once.

Spotlight on Success

During 2012 the Commission completed work and launched a redesigned website. This new graphic design and layout for the Homepage and interior pages significantly improved content organization to render a more citizen-centered website, enhanced navigation, added more social networking/communications capabilities, and further improved search engine optimization to better assist the public in locating Commission's services. In fiscal year 2014, contingent on appropriate agency funding, the Commission will develop and implement a mobile-optimized version of the FMC's main website, which will be accessible on mobile devices such as smart phones and tablets. Development of a mobile-optimized website will improve the public's ability to access critical FMC information e.g., the OTI searchable database.