

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
CHIEF FOIA OFFICER REPORT
2010**

Part I: Steps Taken to Apply the Presumption of Openness

1. Describe the steps your agency has taken to ensure that the presumption is being applied to all decisions involving the FOIA.
 - All FOIA requests are received and processed by the Chief FOIA Officer, who operates under the presumption of disclosure.
 - Where the agency is in possession of responsive records, it has had 100% disclosure in both the current 2010 fiscal year, as well as the preceding 2009 fiscal year.
 - Because the agency has released all records in full since the issuance of the new FOIA Guidelines, it has nothing to report at this time regarding discretionary disclosures.
2. Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

As stated above, the agency has had 100% full disclosure both in the current and prior fiscal years. In FY 2008, the agency received 61 FOIA requests. The agency had no information in response to 2 requests and one request was withdrawn. Of the remaining 58 requests processed, full disclosure was provided. In FY 2009, the agency received 46 requests. The agency had no information in response to 5 requests and another Federal agency provided the information in response to one other request. Of the remaining 40 requests, full disclosure was provided.

Part II: Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient.

All FOIA requests are handled by the Chief FOIA Officer, thereby ensuring consistent handling and processing. The Chief FOIA Officer works directly with pertinent staff to obtain responsive records in a timely fashion. Where records are available in electronic format, those records are transmitted electronically to the requester enabling prompt disclosure.

The agency has an IT professional on-site who provides IT support to all agency employees, including FOIA officials. In addition, the Chief FOIA Officer is responsible for the agency's website content and works closely with the Federal agency which provides the agency's website support.

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's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

In FY2008, the agency underwent a major overhaul of its website to ensure that the information available is correct and to provide as much relevant information that would be of interest to the public. In that regard, the agency took steps to ensure that all administrative law judge and Commission decisions were added to its site promptly. Audio recordings of the Commission's public meetings and oral arguments are likewise available online. All reports required of the agency are also made available on its website, including budget-related material, FOIA, EEO and other record-keeping requirements. In addition, weekly updates of the number of new cases filed are posted to the website.

Pursuant to the Open Government Directive, the agency has created a new web page to serve as a portal for information dissemination. A new monthly report summarizing the cases pending before the Commission on appeal was created and added to the agency's site. The agency is also working on creating an online form where comments and questions can be submitted and will be responded to.

Part IV: Steps Taken to Greater Utilize Technology

A. Electronic receipt of requests:

1. Does your agency currently receive requests electronically?

Yes, via email. The email address is provided on the agency's website.

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

Given the low number of requests, the agency's 100% on time response rate and the centralized handling and processing of all

FOIA requests by the Chief FOIA Officer, the agency does not see the need for greater utilization of technology at this time.

B. Electronic tracking of requests:

3. Does your agency track requests electronically?

The agency's FOIA liaison logs all FOIA requests into an Excel spreadsheet and updates the status as requests are completed. That log is posted to the agency's website and is updated monthly.

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

Given the low number of requests, the agency's 100% on time response rate and the centralized handling and processing of all FOIA requests by the Chief FOIA Officer, the agency does not see the need for greater utilization of technology at this time.

C. Electronic processing of requests:

5. Does your agency use technology to process requests?

Currently, the only technology utilized is email, where applicable.

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

Given the low number of requests, the agency's 100% on time response rate and the centralized handling and processing of all FOIA requests by the Chief FOIA Officer, the agency does not see the need for greater utilization of technology at this time.

D. Electronic Preparation of Annual FOIA Report:

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

The only technology used is a word processing software. All calculations are done manually via a calculator.

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

Given the low number of requests, the agency's 100% on time response rate and the centralized handling and processing of all

FOIA requests by the Chief FOIA Officer, the agency does not see the need for greater utilization of technology at this time.

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

This section is not applicable to our agency given our ontime performance rate.