Chief Freedom of Information Act Officer's Report 2015

Submitted by:
Donna Seymour,
Chief Information Officer
& Chief FOIA Officer

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a New Day for Federal Service

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Section I: Steps Taken to Apply the Presumption of Openness

Training:

1.   Did your agency conduct FOIA training during the reporting period for FOIA professionals? Yes. OPM held its first OPM-wide two-day Freedom of Information Act / Privacy Act (FOIA/PA) training program on April 8 - 9, 2014. OPM also holds FOIA Council meetings for all FOIA Points of Contact (POC) throughout OPM. The FOIA Council was established two years ago to establish uniformity, collaboration and conformity in the application of internal and external FOIA procedures and policies. These meetings are held to provide updates from the DOJ, NARA/OGIS, and OMB to the FOIA/PA POCs on any changes in policies, procedures and law, both internal and external to OPM.

2.   If yes, please provide a brief description of the type of training conducted and the topics covered.

The table below outlines the types of training provided, the topics covered, and the estimated number of attendees.

	Topics Covered	Number of Attendees
OPM-wide FOIA Training Program	Training provided by DOJ/OIP: • FOIA Overview • DOJ Overview of the Privacy Act • FOIA Appeals and Litigation • FOIA Exemptions Training provided by NARA/OGIS: • Introduction to OGIS and discussion on the use of the OGIS language after an appeal Training provided by OPM: • OPM Records Management Policy • Policy on the Handling of Personally Identifiable Information and Security Issues	Approximately 70 attendees

	Topics Covered	Number of Attendees
FOIA One-on-One Training	Tailored training presentation providing an overview of the Act, exemptions, FOIA review and redacting, fees, Attorney General's guidelines, need for proactive disclosures where possible, the use for the appeal language, strategy on handling the request, sample letter styles, time extensions, need for proper closing-out of the request, OPM FOIA Processing Service Center review of all draft response packages and the FOIA tracking system.	10 sessions in 2014 including: 2 Senior Executives 4 senior managers/staff 1 new FOIA POC 3 Program Offices
FOIA Council Meetings/Training and Updates	Sample letter writing, use of appropriate FOIA exemptions, how to review and redact records, updates on processes, emphasis on proactive and discretionary disclosures	15 to 20 attendees per meeting

3. Did your FOIA professionals attend any FOIA training or conferences during the reporting period such as that provided by the Department of Justice?

Yes. Our FOIA professionals attended the two-day training program in which the majority of the courses were provided by DOJ's OIP staff. They also attended the OIP Annual and Chief FOIA Officer's report training updates, the "Freedom of Information Act for Attorneys and Access Professionals" training and the "Reducing Backlogs and Improving Timeliness" training.

4. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

There was 100% attendance by the OPM FOIA Processing Team who attended substantive FOIA training program, with different members of the team attending DOJ training programs as needed, during this reporting period. 100% of the FOIA/PA specialists and technicians at the Federal Investigative Services dialed-in to attend the OPM-wide, two day training program.

5. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

In keeping with the Chief FOIA Officer guidelines, OPM conducted its first OPM-wide FOIA training offered to all FOIA professionals and interested staff. The entire two-day FOIA training program was attended by close to seventy staff and it was also video recorded. The recording has been placed on our intranet website and is available to any OPM staff that seeks to learn or update their comprehension of the FOIA/PA policies and procedures. Every other year, OPM

plans to hold a live training program for OPM staff and record it so that it will be available to anyone unable to attend. On the alternate years, the recorded training program will be played.

Outreach:

6. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Yes. OPM engaged in several outreach activities and dialogue with the requester community regarding OPM's administration of FOIA requirements. On May 6, 2014, the FOIA Processing Team conducted an information forum presenting various materials designed to educate the public on the Freedom of Information Act and the roles and duties of the team. Flyers were designed and handed out as a reference tool and means of promulgating FOIA to the public.

The Chief, FOIA Officer regularly attends the monthly federal Open Government working group. The meetings of this working group are open to the public as well as representatives from the requester community and civil society on a quarterly basis. The focus of the working group is to encourage and support new initiatives to promote transparency of information in the government.

We also solicit comments from the public via the OPM website at OPM.gov. We take pride in providing good customer service and respond to each comment and make sure that these issues, whether FOIA related or not, are provided to the proper program office for response.

OPM also has two FOIA telephone customer service numbers where we respond to queries from the general public seeking assistance on FOIA and non-FOIA issues. In providing excellent customer service, we have received many positive responses from the public. Many of them are surprised to reach a federal employee when calling rather than an automated response or voice mail, and most of the callers are very appreciative of getting the direction or the help that they need, even if the request is non-FOIA related or outside of OPM's domain.

7. If you did not conduct any outreach during the reporting period, please describe why?

N/A

Discretionary Releases:

8. Does your agency have a distinct process or system in place to review records for discretionary release?

OPM's FOIA policy and training addresses the need to review all responsive records with a potential for making discretionary releases whenever possible. Although the majority of our records contain the PII of former federal employees, which is protected under exemption (b)(6), and human resource information and policies, which can be withheld under exemption (b)(2),

OPM continues to put more information on the web. We continue to make discretionary disclosures of information, wherever possible, without causing unwarranted invasion of an individual's personal privacy.

The concept of making discretionary releases has been promoted at each FOIA Council meeting and included in all of the slide presentations. The FOIA Team has also promoted the need for making discretionary disclosures whenever possible and works closely with each program office subject matter expert during the review process and final overall review of each FOIA request to seek possible areas for discretionary disclosures. .

9. During the reporting period, did your agency make any discretionary releases of information?

Yes.

10. What exemption(s) would have covered the material released as a matter of discretion?

There has been a noted decrease in records that would have been withheld under exemption (b)(5) as being pre-decisional and deliberative . There has also been a decrease in the use of exemption (b)(2), as the discretionary disclosures were found not to cause any foreseeable harm.

11. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

Under FOIA #2013-03633, 2015-00216 and 2015-00115, discretionary disclosures were made with regards to HR forms, HR instructions on those HR forms, and interview questions. We also continue to disclose more deliberative and pre-decisional information such as reports, data and information that normally would have been withheld.

12. If your agency was not able to make any discretionary releases of information, please explain why.

N/A

Other Initiatives:

13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

Although we have established relationships with our FOIA professionals, the majority of our staff involved with processing FOIA requests as subject matter experts (SMEs), are non-FOIA professionals. The FOIA Processing Team works very closely in providing one-on-one and team training as well as guidance to all who are in need of assistance. Formal training is available and the video recording of the formal, two-day FOIA training course has been placed on our web site for additional learning opportunities. FOIA Council meetings are held on a consistent basis and are open to all who want to attend. Extensive notices of FOIA training and Council meetings are

also published throughout OPM. We have also begun to use our intranet site to provide additional information about our FOIA achievements (e.g., DOJ's 2014 FOIA Assessment).

14. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

Please see our response to Question 5 under Section III *Other Initiatives.*

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

Personnel:

1. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

All OPM FOIA Supervisors, team leads and specialists within OPM have either been hired or converted to the General Schedule (GS) 306 – Government Information Specialist series. It is our plan to continue to hire all FOIA professionals under the GS 306 series.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

N/A

Processing Procedures:

3. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing?

The average number of days to adjudicate requests for expedited processing was one day.

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

5. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

N/A

6. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.

The Chief FOIA Officer, in conjunction with the OPM FOIA Processing team, revised its standard operating procedures for a more effective flow in processing FOIA requests, including misdirected requests. The revised process includes procedures for 1) clarifying the request, which helps to identify the proper program office or federal agency for processing the request; 2) contacting the proposed program office or federal agency to ensure that it will process the request based upon first in first out procedures; and 3) following-up with the program office to resolve any issues which may arise during the processing of the request and that the program has the records responsive to the request. Assessments are also conducted by the OPM FOIA processing team to revise the process whenever an issue arises that has a negative impact on the processing of FOIA requests and misdirected FOIA requests.

Requester Services
7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?

Yes. OPM includes the contact information for OGIS and the services it offers is provided in every appeal response letter. The need for providing the OGIS contact information is discussed every year during one of the FOIA Council Training meetings. OGIS also provided this information at the two-day formal FOIA training program this year.

8. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester?

Yes. A breakdown of the fees is provided as to what fees were charged, the amount of search/review time expended, duplication and any other applicable cost.

9. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?

Yes. We provide a cost estimate to the requester in advance, if we know that the fees will be beyond the agreed to amount designated by the requester. This notice allows us to seek approval to continue the FOIA process or see if the requester would like to narrow the scope of the request. Fee negotiations are followed-up in writing as to the discussion regarding the fees and/or narrowing of the scope of the request. The requester then confirms their agreement in writing and the processing of the request continues. If the fees are more than $250.00, we seek advanced payment before the responsive records are provided. All checks are made payable to the Department of Treasury with the identifiable FOIA tracking number for reference. We also provide the requester with a breakdown of the fees in our response letter to them.

Other Initiatives:

10. If there are 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, eliminating redundancy, etc., please describe them here.

The Chief FOIA Officer, in conjunction with the OPM FOIA Processing team, frequently revises its standard operating procedures for a more effective flow in processing FOIA requests. In April 2014, our FOIA processing flow charts, process narratives supporting the flow charts and other program-to-FOIA Office processes were further defined, revised and/or clarified. Attention was focused on internal processes and inter-office processes, including interaction with the Office of General Counsel, Retirement Operations Center, and the Federal Investigative Services. The final outcome was a more interactive, inclusionary format that helped to integrate the entire FOIA processes allowing for a faster and more effective process and response time. Assessments are also conducted by the OPM FOIA processing team to revise the process whenever an issue arises that has a negative impact on the referral and consultation process.

We have also undergone a recent OIG audit, and the initial reviews conclude that our processes are satisfactory and only minor revisions have been recommended to further enhance the FOIA processes.

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

At present, we do not have a knowledge management system that would allow us to identify records for proactive disclosure. However, we have a distinct process in place for reviewing potential FOIA request records for posting on our website. We maintain a Bi-weekly Pending report on all incoming requests and use this report to make suggestions to program office FOIA POCs and management with regards to potential items for posting on their web site or on the newly revised electronic reading room. We have provided training as well as reminder notices on proactive and discretionary disclosures and emphasis on the need to increase the placement of information on the OPM web as part of the overall goal of transparency and Open Government.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

The posting of potential FOIA requests is a collaborative effort. Each program office as the originators of the responsive records to a FOIA request works with the FOIA Processing Team

as to what is posted or not posted. The OGC and senior management also provides further insight and approval as to whether the subject matter warrants placement on the website and the location of where the information is placed. Our program offices place a good deal of information on line prior to a FOIA request even being made. We follow DOJ's policy for placing information on line irrespective of there being less than two requests for the same information.

3. Describe your agency's process or do you have a system for identifying "frequently requested" records that should be posted online.

OPM does not have an electronic system that would identify frequently requested records. Due to the nature of the records that we produce, in most instances, we do not have repetitive requests. Information that has the potential to be sought by the public is published on the OPM website. The majority of our records, such as background investigations and retirement benefits, contain PII, and disclosure would create an unwarranted invasion of PII.

We do use our Pending Bi-Weekly Report to identify trends in the types of records that are frequently requested or in the subject matter of records that would be of interest to the public. A collaborative effort is made with the FOIA POCs and their management to proactively disclose responses to FOIA requests.

4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

OPM has been a consistent advocate of Open Government and has strongly encouraged that the responsive records to each FOIA request be viewed in keeping with making more proactive and discretionary disclosures, to the greatest extent possible. OPM has several FOIA items for posting on our website. They should be posted by the end of this calendar year and we will continue to post these items as they reviewed and made 508 compliant.

- http://www.opm.gov/policy-data-oversight/pay-leave/claim-decisions/decisions/#url=2014
- Information on the representation of minorities in the annual Federal Government in the "Federal Equal Opportunity Recruitment Program (FEORP) Report" at http://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reports/#url=Federal-Equal-Opportunity-and-Recruitment-Program
- Information on the representation of people with disabilities in the Federal Government and agencies' best practices in the annual "Employment of People with Disabilities in the Federal Executive Branch Report" at http://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reports/#url=Employment-Statistical-Reports
- Information on the representation of Hispanics in the Federal Government and agencies' best practices in the annual "Hispanic Employment Statistical Report" at http://www.opm.gov/policy-data-and-oversight/diversityinclusion/reports/#url=Hispanic-Employment-Program
- Government-wide demographic data about hiring, group attrition, employee inclusion and overall accountability in regards to diversity and inclusion efforts in the federal

"Workforce at a Glance" at http://www.opm.gov/policy-data-oversight/diversity-and-inclusion/federal-workforce-at-a-glance/.

Pending items in process of being posted on the OPM website are as follows:
- OPM FOIA Log and future FOIA log quarterly postings
- Additional posting of pay claim decisions on pay-leave/claim-decisions as they are compiled
- Certain Parts of the proposed rule for Federal Employees Health Benefits Program Modification of Eligibility to Certain Employees on Temporary Appointments and Certain Employees on Seasonal and Intermittent Schedules"
- Federal Employee name, job title, grade level, position description, duty station and salary.

We also post additional information proactively through our social media sites. The links are listed below under *Other Initiatives* – Question 5.

Other Initiatives:

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

The Chief FOIA Officer, in collaboration with the FOIA team, consistently works to promote Open Government and the need for making proactive disclosures to the public. There has been proactive and discretionary disclosure training, five notifications sent to the program office FOIA POCs emphasizing the need for potential items to be proactively disclosed on the OPM website, proactive disclosure status reports and one-on-one meeting between our OGC and program offices regarding potential items for proactive disclosure.

OPM also utilizes social media to discuss its initiatives, policies, resources, and other information that is helpful to Federal employees, retirees, job seekers, and the general public. Director Archuleta is very active on social media and has accounts on Twitter, FaceBook, LinkedIn, and Instagram. She also has her own blog. Additionally, OPM uses several social media platforms including USOPM's Twitter, FaceBook, LinkedIn, and Instagram. The agency has various program specific accounts including:

FedsHireVets: www.facebook.com/fedshirevets and www.twitter.com/fedshirevets
CFC: www.facebook.com/combinedfederalcampaign and www.twitter.com/federalcfc
PMF: www.facebook.com/presidentialmanagementfellows
Retirement: www.twitter.com/fedretireinfo
Open Season: www.facebook.com/fedbenefits www.twitter.com/insurefeds
HRU: www.facebook.com/HRUniversity www.twitter.com/HRUniversity
USAJOBS: www.facebook.com/USAJOBS www.twitter.com/USAJOBS
CHCO Council: www.facebook.com/CHCOCouncil www.Twitter.com/CHCOCouncil

Section IV: Steps Taken to Greater Utilize Technology

Online Tracking of FOIA Requests and Appeals:

1. Can a member of the public track the status of his or her request or appeal electronically? Not at this time; however, OPM maintains two telephone hotline numbers, (202) 606-3642 and (202) 606-1153, which allow requesters to obtain status information on their FOIA requests as well as seek answers to a variety of questions, including OPM FOIA processing and policy questions. OPM also maintains an e-mailbox, FOIA@OPM.Gov, for receiving FOIA requests, and responding to requester questions.

2. If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?

N/A

3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details throughout the course of the processing, such as "search commenced" or "documents currently in review."

N/A

4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?

N/A

5. If your agency does not provide online tracking of requests or appeals, is your agency taking steps to establish this capability? If not, please explain why?

Yes. The Chief Information Officer and the new IT Strategic Plan has provided for numerous revisions in the overall architecture of its platforms and systems. An inventory has been completed and emphasis is drawn to providing a knowledge management system where data can be shared throughout the agency. Subject to funding availability, a platform will be developed to allow for the development of a FOIA web portal where a requester can track their requests and submit FOIA requests.

Making Material Posted Online More Useful:

6. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

The Chief FOIA Officer has worked to promote a more user friendly and inviting design to the OPM website. We have received comments from the public concerning difficulties in searching for information or locating FOIA contacts, updating information and making revisions to make the FOIA web site more user-friendly and easier to locate specific information. Every page of the website includes a feedback tab that allows the public to provide comments on the usefulness of the information that is published on the web. Our process includes notifying the requesters that we are making the revisions per their comments. This helps to solidify our relationship and public outreach.

7. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.

Yes. Examples of improvements being made per public commentaries are as follows:
- Updating information about the FOIA program on our internet.
- Making sure that the Annual and Chief FOIA Officer's reports are in chronological order and easy to locate.
- Providing contact information for the Public Liaison who is also the Chief, FOIA Officer.
- Presently, in the process of putting proactive information in the electronic reading room.

8. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

The posting of information on the FOIA website, and in the near future on the electronic reading room, is a collaborative effort with members of the web team, Office of Communications, CIO and program offices. We work together on revising the information that is published on the web as well as the location and manner in which the information is posted.

9. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness?

OPM does put out notices of information that will be published on the web via our various social media sites. Please see our response under Section III *Other Initiatives*

10. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes.

11. If so, please briefly explain what those challenges are.

The Chief FOIA Officer and management are collaboratively working to proactively disclose records that might be of interest to the public. The review and collaborative process is on a case-by-case basis. All issues such as funding, Section 508 compliancy of the Rehabilitation Act of 1973 and public interest are also elements of the review process.

Use of Technology to Facilitate Processing of Requests:

12. 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? If yes, describe the technological improvements being made.

Funding has been requested this year to procure de-duplication software which will help to reduce the voluminous repetitive quantity of emails and other electronic records responsive to a request.

13. Are there additional tools that could be utilized by your agency to create further efficiencies? Under the OPM's Strategic IT Plan, major revisions are planned which will have a positive effect on the development of potential tools to produce efficiencies throughout OPM, inclusive of the FOIA program. During this process, the Chief FOIA Officer has, and will continue to, re-evaluate the processing needs of the FOIA team and program office FOIA POCs.

Other Initiatives:

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

A great improvement in the timely placing of the quarterly reports has been confirmed by DOJ. All quarters have been posted.

15. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

N/A

16. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?

Yes. The FOIA Processing team communicates and/or follows-up with requesters by email. A chronology of activities and communications is also maintained and placed in our tracking system for each request. Final responses are sent to the requester electronically in accordance with the Paperwork Reduction Act and E-FOIA. Larger files may be sent to the requester on thumb drives and CDs.

17. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

N/A

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

Simple Track:

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

Yes.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

The average number of days to complete single track requests is 7.4 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

5,669 of the 8,673, or 65.4% of the requests processed were placed in the simple track.

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

N/A

Backlogged Requests:

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

Yes. FY 2013 ended with 78 backlogged requests. FY 2014 ended with 66 backlogged requests. We reduced our backlog by 12 requests despite a reduction in staff for 8 out of 12 months and the government furlough.

6. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2014.

66 requests of the 8,302 requests that we received in FY 2014 amounted to 0.795%

Backlogged Appeals:

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

Yes. FY 2013 ended with a backlog of 6 appeals. FY 2014 ended with a backlog of 2 appeals.

8. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014.

We had a backlog of 2 appeals out of 17 appeals received in FY 2014 which amounted to 11.8%

Backlog Reduction Plans:

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead.

We did not have a backlog of over 1,000 requests but our backlog plan is always to push the program offices for timely responding to FOIA requests, making sure that the requests are properly closed-out and assisting the program offices to help address the bottleneck that can arise when processing FOIA requests.

10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?

N/A

Status of Ten Oldest Requests, Appeals, and Consultations

Ten Oldest Requests:

11. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No.

12. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2013 Annual FOIA Report.

OPM closed 9 out of 10 of the oldest requests.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester.

None

If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

N/A

Ten Oldest Appeals:

14. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes. We had 6 oldest appeals at the end of FY 2013. All of these appeals were closed in FY 2014.

15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

Ten Oldest Consultations:

16. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes.

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:
18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

The majority of the emails and records responsive to the request are highly complex and voluminous, requiring the review of a subject matter expert, most of whom no longer work at OPM.

19. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

20. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2015.

The program office has designated a SME who can review the records. The FOIA team will work closely with the designated SME on any problematic areas, seeking proactive and discretionary disclosures, wherever possible.

Interim Responses:

21. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Yes. OPM has a policy and practice for good customer service to negotiate with the requester to send interim responses on requests that are voluminous and/or highly complex.

22. If your agency had a backlog in Fiscal Year 2014, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Approximately 25% of our requesters favored receiving interim responses. The majority of our requesters chose to receive the responsive records as a whole.

Use of the FOIA's Law Enforcement Exclusions:

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?

No

Success Story

OPM held a successful two-day, OPM-wide FOIA training program widely attended by over close to 70 participants. The majority of the training was provided by the Department of Justice staff, including Melanie Pustay, Director of OIP. This was a monumental occasion demonstrating our desire to continue to educate the OPM staff on all elements of the Freedom of Information Act and the application of the Privacy Act. This training program was open to all and was video recorded. The recorded program was placed on our intranet for direct access and training for anyone in need of substantial training.

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT

Chief Information Officer
& Chief FOIA Officer

1900 E Street, NW
Washington, DC 20415