Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

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.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

    Our Agency did not hold an Agency-wide FOIA training session during this period. The FOIA was discussed amongst the Agency's FOIA team in the Office of the General Counsel (OGC).

    Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

    Yes. Our FOIA Officer attended the training conducted by DOJ on December 17-18, 2012.

    In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

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

    The Agency has not yet made releases of otherwise exempt information because the majority of the information withheld from FOIA requests are that of personal and confidential information that would constitute a clearly unwarranted invasion of personal privacy.

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.

    The Agency is proactive at posting information online in advance of any public request.

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

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests."

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

   Yes, our Agency does have sufficient IT support. To date, because the Agency does not receive a significant number of FOIA requests, the Agency has not required significant support from its IT staff as OGC has been able to process all FOIA requests in a timely and thorough manner. However, OGC does collaborate with the Agency's IT staff occasionally in order to post certain FOIA material at FRTIB.gov.

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

   Since our Agency is so small, there is no distinction between our FOIA professionals and an Open Government Team. It is in itself, the same group.

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

   Yes. Compared with most federal agencies, our Agency receives few FOIA requests. Our FOIA Officer works closely with the Assistant General Counsel to respond to these requests and forwards requests, when necessary, to other departments in the Agency for assistance. Our staffing has always been adequate for the amount of requests that we have received.

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.

   Periodically our FOIA team discusses ways on how to improve our FOIA system operations, however; we feel that currently no additional steps are needed.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

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

- Informational videos on YouTube that address new plan features (Roth TSP) and existing topics that traditionally are misunderstood by participants (e.g. 10% Early Withdrawal Penalty Tax, How to change an account address).
- New Roth section added to website that compares Roth and Traditional TSP contributions for participants.
- Developed a new Contribution Comparison calculator to help participants visualize how the tax treatment of different types of employee contributions (Roth or traditional) affects their paycheck.
- More than 80% of Web pages on TSP.gov were rewritten to introduce and define Roth contributions to participants and include references to Roth materials wherever appropriate.

- Technology and Enterprise Support Services (TESS) acquisition site was created to assist in the presentation of information related to this very large procurement effort. General information, presentations and secure and non-secure documentation are available. Secure documentation has a controlled access which requires registration and a login to retrieve the documents.
- FRTIB.gov Facelift (new look) - the re-designed site was done in efforts to make it more user friendly. Content was not changed, just reorganized.

2. 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, 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.?

   Yes

3. If so, provide examples of such improvements.

   - Feedback is solicited and reviewed daily through the comments form on TSP.gov.
   - Mobile deployment of TSP.gov, as either a stand alone application or an HTML5 version of our site, is in the research phase and will most likely be a 2013 deliverable.
   - On the re-designed FRTIB.gov site, information is now organized and presented using style sheets and integrated graphics. This allows easier interaction between the participants, beneficiaries and the site and a more visually stimulating presentation.
   - The TESS Acquisition site controls access to secure information by requiring registration and login credentials to retrieve documents. This prevents unauthorized viewing of secure materials.

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

   The Agency is proactive at posting information online in advance of any public request.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 and 2011, agencies reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2013, as we did in 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency? Yes.
2. If your agency is decentralized, can FOIA requests be made electronically to *all* components of your agency? N/A

Online tracking of FOIA requests:

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

No. For now requestors must call or email to request a status update. However, the FOIA team has discussed the possibility of offering an online tracking system in the near future.

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?

   N/A

Use of technology to facilitate processing of requests:

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?

   No. Our FOIA team has not discussed the need for more advanced technology in order to improve FOIA efficiency. As our Agency grows it may be an issue, but currently it is not.

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

   N/A

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2012 Annual FOIA Report.*

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 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?

       No

    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?

       N/A

    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?

       No. The Agency's average number of days for processed non-expedited requests was 22.

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 or 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 2011 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?

       No. The backlog increased.

    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:

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

       No

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

No

c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

Yes

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

None

Administrative Appeal Backlog:

e. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

N/A. Our Agency had no administrative appeals in FY2012.

f. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

N/A

g. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

N/A

h. What other causes, if any, contributed to the lack of a decrease in the 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. By providing rolling releases to requesters agencies facilitate access to the requested information. 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.

No interim responses were provided.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

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

   No

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

   N/A

<u>Spotlight on Success</u>

Out of all the activities undertaken by your agency since March 2012 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas.

The two most significant projects for our Agency since March 2012 are the redesign of FRTIB.gov and the TESS Acquisition site. The Agency launched the re-designed site in July 2012. The re-design was done to make it more user friendly and to utilize current technology to achieve a more visually appealing appearance. Content was not changed, just reorganized and better presented. However, content is constantly updated to stay current with the needs of the participants and beneficiaries.

Technology and Enterprise Support Services (TESS) acquisition site was created to assist in the presentation of information related to this very large procurement effort. General information, presentations and secure and non-secure documentation are available. Secure documentation has a controlled access which requires registration and a login to retrieve the documents.