

# **U.S. Office of Personnel Management**

## **Chief FOIA Officer Report**

### **March 2011**

In the following report, the U.S. Office of Personnel Management's (OPM's) Chief Freedom of Information Act (FOIA) Officer provides the current status of the agency's FOIA program and its continual progress in improving FOIA operations to facilitate information disclosure. This report follows the template provided by the Department of Justice and provides OPM's response to the questions.

#### **I. Steps Taken to Ensure 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.*

a. *Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.*

Shortly after issuance, OPM's FOIA Coordinator promptly distributed the President's FOIA memorandum and the Attorney General's FOIA Guidelines by e-mail message to all Program Office FOIA Contacts. The OPM FOIA Coordinator has subsequently reiterated the intent of the new Guidelines in a variety of ways including providing training in the FOIA Contacts Meeting and through routine communication with various Program Office contacts.

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

OPM's FOIA Coordinator attended FOIA training sponsored by the U.S. Department of Justice (DOJ). In June 2010, OPM's Office of the General Counsel (OGC) hosted FOIA training for Senior Executives and Program Office FOIA Contacts. The training was conducted by the Director of DOJ's Office of Information Policy. In November 2010, the FOIA Team and OGC partnered to conduct the first bi-monthly FOIA Contacts meeting. The FOIA Contacts meeting is the conduit for ongoing training with the agency's FOIA points of contact. In addition, the agency's FOIA coordinator routinely reinforces the importance of openness through providing daily coaching and advising for the points of contact on their responses to FOIA requests.

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

The OPM FOIA Team is currently in the process of revising its FOIA regulations and creating standard operating procedures that will include the new guidance on the presumption of transparency and openness.

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

OPM has made discretionary releases of otherwise exempt information; however, since OPM's FOIA application does not currently capture this type of information, it is difficult to quantify the number of discretionary releases that could be viewed as a result of the implementation of the new Guidelines.

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

Generally, the type of information that OPM has discretionarily released would have been exempt under (b)(5).

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

Under OPM's new FOIA standard operating procedures, requests for records that are potentially exempt from disclosure will undergo a minimum of a two-level review. The responsive program office will review the records, indicate the exemption that they believe applies and then forward the case file to the FOIA team. At that point, the FOIA team will conduct a second level of review applying the foreseeable harm standard.

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

The agency's Chief FOIA Officer frequently meets with Senior Executives about the openness initiative. He routinely reminds them of their responsibilities and encourages senior leadership to proactively identify and publish documents of interest to the public. In addition, the Chief FOIA Officer met with members of the agency's Information Technology (IT) Investment Review Board (IRB) and reminded them of their responsibilities for incorporating Open Government principles and compliance in their own organizations. The IRB is a group of the agency's senior-most executives who advise the agency head on the agency's use of information technology. In this capacity, their role in implementing the openness initiative is essential to the agency's success.

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 in FY2009 – 3,021

Released in Full in FY2010 – 2,872

Released in Part in FY2009 – 62

Released in Part in FY2010 – 82

This slight decrease in the number of requests granted in full can be explained by the nature of the requests received at OPM. Most of OPM's requests are for records containing personally identifiable information (PII). Due to the PII contained in such records, there may not be a way to release information in full and simultaneously protect sensitive personal information.

## **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.*

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

The FOIA Team is located with the Records Management Division of The Chief Information Officer, and as such, receives full support from the CIO and the IT Department.

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

The agency's Chief FOIA Officer, who is also the agency's Chief Information Officer (CIO), leads the agency's implementation of the President's Openness Initiative. In addition, there is a member of the Records Management division that actively participates in meetings with the Open Government Team.

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

OPM has in-sourced its FOIA support by hiring two employees that are directly responsible for all FOIA duties. Our newly centralized FOIA office proactively works with requesters to perfect the requests. This proactive approach has allowed to the agency to increase its efficiency in responding to requests.

The FOIA Team has asked our program offices to identify frequently requested documents that need to be posted to our electronic reading room. As part of this initiative, a list of OPM's "purchase card holders" is now publicly available. In

addition, OPM is currently reviewing OPM held contracts to determine if those can also be posted to our electronic reading room.

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

As a part of the agency's reorganization last fiscal year, the position of Chief FOIA Officer, which is held by the agency's Chief Information Officer (CIO), was elevated. The CIO now reports directly to the agency head and is in daily contact with senior most executives who influence the response to FOIA requests. In addition, as part of the reorganization, the CIO established the Records Management unit led by a senior official with extensive government wide experience in personnel records policy, thereby integrating the review of personnel records disclosures (a frequent type of request received by OPM). The Chief of the Records Management division is responsible for the broader management of the FOIA program. This organizational change has increased efficiencies in the reviewing and processing of FOIA requests.

### **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.*

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

Yes.

b. *What types of records have been posted?*

Some of the types of records that have recently been added to OPM's OPEN Government site are the Federal Capital Human Survey, various FedScope cubes (consisting of current federal employee data and trends), and Federal Employee and Survivor Annuitant data.

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.*

The types of data we have made available are records related to the composition of the federal workforce. However many of OPM's requests are individualized requests that prohibit proactive posting for public dissemination.

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

We have asked the individual teams that make up each program office to identify commonly requested records or records which would be of public interested. The

program offices present these records in coordination with the FOIA office to their respective senior executives for distribution to the OPM website.

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

Several offices within OPM, including the Office of the Director, use Twitter, Facebook and blogs to publicize and inform the public regarding key initiatives. Among these initiatives are Feds Hire Vets, Hiring Reform, Feds Feed Families, Federal Benefits and Feds get fit.

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

In an effort to assist the public and provide the public with information of OPM key initiatives, we have highlighted key data on the OPM website and data.gov.

#### **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?*

Two of the three OPM program offices that can directly receive a FOIA request are capable of doing so.

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

This has increased by one since the last Chief FOIA Officer's Report.

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

OPM utilizes the following email addresses [foia@opm.gov](mailto:foia@opm.gov) and [FISFOIPARRequests@opm.gov](mailto:FISFOIPARRequests@opm.gov) to receive FOIA requests electronically.

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?*

All of OPM's program offices that can receive requests have access to the FOIA tracking system.

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

No change from the last Chief FOIA Officer's Report.

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

OPM currently uses a non-FOIA specific database. This system has been tailored to meet several needs within the agency including FOIA request tracking.

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?*

All of OPM's program offices that can receive requests have the capability to process the requests electronically.

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

No change from the last Chief FOIA Officer's Report.

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

The agency uses email to send responses and other correspondence to FOIA requesters.

4. *Electronic preparation of your Annual FOIA Report:*

a. *What type of technology does your agency use to prepare your agency Annual FOIA Report?*

OPM uses the agency's FOIA tracking system to prepare statistics for the reports. OPM also uses email to correspond with officials throughout OPM in reviewing and publishing the report.

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.*

Not applicable. As noted above, OPM uses technology in preparing the agency's Annual FOIA Report.

## **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.*

OPM has consistently and significantly reduced its backlog of FOIA requests. For example, in FY2009, OPM's backlog of FOIA requests consisted of ninety-nine (99) cases. At the beginning of FY2010, the backlog had been reduced to fifty-five (55) cases. As of March 1, 2011, OPM had a backlog of 12 cases. The oldest current pending request is from FY2010. We have closed all of the 10 oldest requests pending in the last fiscal year.

2. *If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred.*

Not applicable. As noted above, OPM's backlog of FOIA requests has significantly and consistently declined.

3. *Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals.*

OPM is taking several steps to improve timeliness in responding to FOIA requests and administrative appeals. One of the steps that OPM uses is sending incoming requests to the office with all incoming material which allows the subject matter expert to respond more efficiently than in the past when such information was not consistently provided to the expert.

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

Yes, both within the Records Management division and as part of the Capital Investment.

b. *Has your agency increased its FOIA staffing?*

Yes. Last fiscal year OPM hired two fulltime federal employees that make up the FOIA Team.

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

Yes, the FOIA Team is continually working with technical support to review and revise the database used to track FOIA requests. This effort is to ensure that required data is recorded, refine reporting capabilities and improve the ease of use.

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

The FOIA office reports directly to the Chief FOIA Officer. The FOIA office is in daily collaboration with the Chief FOIA officer.

### **Spotlight on Success**

We have made the OPM FOIA website more practical and informative. We have pushed an agency wide initiative for transparency and openness that has culminated in OpenOPM <http://www.opm.gov/open/>.