Chief Freedom of Information Act (FOIA) Officer's Report

Fiscal Year 2016

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Name and Title of your Agency's Chief FOIA Officer:

Donna Seymour, Chief Information Officer

Section I: Steps Taken to Apply the Presumption of Openness

FOIA Training:

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

Yes. We held OPM-wide training on March 17 – 18, 2015 as part of our Sunshine Week activities and we provided training through our periodic FOIA Council meetings.

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

We showed our pre-recorded FOIA and Privacy Act training program which was originally held on April 8-9, 2014. This training program was a very robust program incorporating all aspects of the FOIA and Privacy Act. The majority of the training was provided by the Department of Justice, Office of Information Policy and the Department of Justice, Office of Privacy and Civil Liberties, NARA, FDA, and OPM staff. The training program agenda was as follows:

- Melanie Pustay, Director, Office of Information Policy – DOJ – FOIA in the 21st Century
- Carmen Mallon, Chief of Staff, OIP, DOJ – FOIA Overview (Procedural Requirements)
- Sean O'Neill, DOJ – Appeals and Litigation
- Matthew Hurd, DON – FOIA Exemptions Overview for with a Focus on Exemptions 2, 5 and 6
- William Holzerland, FDA - FOIA Exemption (b)(4)
- Nikki Gramian, Deputy Director, OGIS – Overview on the Functions of the Office of Government Information Services
- Joo Y. Chung, DOJ – Overview of the Privacy Act
- Christopher Brannigan, OPM – OPM Policies and Procedures Regarding the Secure Handling of PII Records and FOIA/PA Processing
- Steven Pierce and Paul Houston, OPM – OPM Overview Regarding Records Management and FOIA Processing

The recording of the 2014 training program was also put onto our intranet website so that only OPM employees have access to the OPM FOIA training at any time.

OPM also has a FOIA Council, established in 2013. The FOIA Council was formed to expand upon the concept of coordination, communication, cooperation among all FOIA Officers, POCs and subject matter experts. The FOIA Council led by the Chief FOIA Officer serves as a governing body. The Council holds meetings as needed, to provide updates on the latest FOIA policies, procedures and guidance within the FOIA environs.

The following is a list of the FOIA Council meetings and the agendas for each meeting:

January 21, 2015

- DOJ Guidance: Ensuring Timely Determination on Requests for Expedited Processing
- OGC Guidance on Releasable PII
- Release of FOIA Log Information
- NARA Guidance on Managing Email
- Customer Service and FOIA Processing
- Exemption (b)(2) Overview
- How to Handle Written Inquiries: FOIA or not FOIA Requests?
- 2014 DOJ FOIA Assessment Report
- NARA Update re. Records Retention Schedule

June 25, 2015

- Federal Investigative Services, OPM FOIA and Privacy Act functions and roles

In addition, the FOIA Team holds one-on-one training meetings for Senior Management and program office teams who are in need of FOIA training. Using our OPM FOIA Overview module, training has been provided individually and for the Office of Communication's team. Training was provided to the Retirement Operations Center (ROC) team in April, 2015, as well as individual training for new hires not familiar with the basic FOIA principals.

3. If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.

N/A. Please see our response to Question #2.

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

Yes. The annual OPM-wide training program provided FOIA and Privacy Act training to the FOIA Team and other agency FOIA professionals. The training was attended by all who were interested in enhancing their FOIA and Privacy Act knowledge. This same training program was also placed on our intranet to afford OPM training to all interested OPM-only staff.

The Chief FOIA Officer attended both the Overview session and the full training updates for the Chief FOIA Officer Report and Annual Report. The members of the FOIA team attended the Advanced FOIA training for Attorneys and Access Professionals held in April and June, 2015 and

one of the "Best Practices" workshops. The FOIA Team attended OPM's "Art of Customer Service" and "Handling Difficult Customers" courses further enhancing the Team's customer service skills as FOIA professionals. The Team also attended "IT Cybersecurity Training" which provided substantial insight into the protection and securing of personally identifiable information (PII) and the handling of all PII records. The Team also attended the "Content Management" training for making non-substantive changes to program websites. The agency's FOIA POCs and the FOIA Team attended the FOIA Council meetings which provide training updates on FOIA policies, procedures and case law.

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

Approximately, 90% of the FOIA Team and FOIA POCs and other FOIA professionals attended substantive FOIA training throughout the year.

6. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A. Please see responses to Questions #4 and #5.

Outreach:

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

On March 19, 2015, OPM's FOIA Team hosted a Meet & Greet outreach program, complete with refreshments. This outreach program was held in honor of Sunshine Week. This was OPM's first outreach program. The program was designed to provide our customers with information regarding the entire FOIA process. There were numerous discussions as to what the Freedom of Information Act is, how requests were processed, why the Freedom of Information Act is important and the difference between the FOIA and Privacy Acts. We reached out to more than 100 people. The Records Management and Open Government Teams were also in attendance providing additional information on the functionality of their respective programs and how each program interacted with the other.

On September 29, 2015, the FOIA Team held another outreach program coordinated under the Chief Information Officer. This was another opportunity to provide information regarding the Freedom of Information Act. A FOIA Overview tri-fold which had been updated for this event and future events was also distributed to the public. This tri-fold is a useful tool providing an overview of the FOIA, its exemptions and FOIA POCs throughout OPM.

In response to OPM's cybersecurity incidents, OPM expanded its outreach to the public. OPM has created a dedicated area on its website to disseminate information pertaining to the breach. This website is called Cybersecurity Resource Center is located online at https://www.opm.gov/cybersecurity . This site provides the public with the means to sign up for various services, such as credit and identity monitoring, identity restoration, identity theft insurance, as well get assistance from the Verification Center.

The public can also utilize the following resources to be provided with information relative to the breach and other things at OPM:

- RSS Feed
- Social Media sites
- Widgets and Badges that other agencies can use on their web sites to direct their users to the Cybersecurity Resource Center.
- Director's Blog

In addition, OPM has two FOIA hotline numbers to receive comments, questions, and direction on the FOIA and Privacy Act process, and to receive comments on non-FOIA issues, including comments from the public relating to the PII breach. One hotline is manned by the Chief FOIA Officer who is also the FOIA Public Liaison. The calls are responded to within 24 hours from the receipt of the message. OPM's FOIA Team places an emphasis on providing excellent customer service (while simultaneously observing appropriate safeguards against releasing information protected by the Privacy Act or other statutes and honoring important privileges). We have received numerous accolades and positive responses from the public for responding immediately or within the same day. Most callers are surprised to get an immediate response that is not automated and even more surprised to get a return follow-up call responding to issues that are often outside OPM's parameters.

We often receive public comments via the OPM website at https://www.opm.gov/FAQs . The FOIA Team often engage in in-depth discussions with frequent requesters regarding different issues pertaining to the FOIA process, delay concerns and areas for improvement. We take pride in providing good customer service and are committed to bringing any issues and concerns, whether FOIA related or not, to the attention of the proper program office for an appropriate response. As the Central FOIA Processing Team our role is to constantly revise our internal processes to make sure that they are responsive to the needs of the public and federal agencies. We are in a state of constant improvement. It is our common practice to contact customers for clarification as to what is being requested. Often, staff at federal agencies and members of the general public, believe that OPM maintains the personnel records of every federal employee and military serviceperson, which is not the case. We follow-up on problematic issues and provide specific, detailed information to direct the requester to the proper agency for responsive records. In providing extensive assistance to the customer, we provide information on better ways to expressly state what records are being sought, contact numbers, email addresses and alternatives should they still not obtain the requisite records.

These additional efforts establish excellent working relationships, satisfied customers and a true definition of providing excellent customer service to the requester community.

8. If you did not conduct any outreach during the reporting period, please explain why.

N/A

Discretionary Releases:

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

Yes. OPM's FOIA policy and internal training emphasizes the need to review all responsive records in order to consider whether making discretionary releases is appropriate. Discretionary disclosures are difficult as the majority of our records contain the PII of current and former federal employees, which is protected under exemption (b)(6), and human resource information and policies, which is protected under exemption (b)(2). The FOIA Team also promotes the need for making discretionary disclosures whenever possible. OPM processes FOIA in a centralized fashion. During the Quality & Assessment (Q&A) of the final response package, the Central FOIA Processing Team works closely with each program office subject matter expert to seek possible areas for discretionary disclosures. We continue to seek areas for making discretionary disclosures, wherever possible, without causing a violation of an individual's personal privacy rights under FOIA or the Privacy Act or disclosing PII. In lieu of discretionary disclosures, OPM continues to proactively put more information on the web.

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

Yes. In responding to specific questions posed to the agency as well as trying to provide timely updates concerning the cybersecurity incidents, OPM provided additional information on an ongoing basis on its website at www.opm.gov/cybersecurity/ updates/. Also, please see links to additional material released proactively under section III, 6. below.

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

Some of the information provided may have fallen under the deliberative process privilege of FOIA exemption (b)(5).

12. 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.

In response to the many inquiries regarding the PII cybersecurity breaches, OPM created an incident resource center at www.opm.gov/cybersecurity. This website provided information pertaining to the cybersecurity breach with continual updates as to the events, as they

unfolded. This is a specific instance in which information that under normal circumstances, due to the policies and sensitivities of the information would have been protected and withheld under exemption (b)(5). OPM provided this information and updates as a means of providing transparency in keeping the public informed with regards to the cybersecurity breaches.

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

N/A

Other Initiatives:

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

We have established excellent working relationships with our non-FOIA proccessionals. The majority of staff involved with processing FOIA requests are subject matter experts (SMEs), who 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 published on our intranet "THEO" and we also encourage, whenever the opportunity presents itself, one-on-one training and group training using our OPM FOIA training module which was designed to provide an overview of the Freedom of Information Act.

15. 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 under Section III, Other Initiatives, Question 8

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

Processing Procedures:

1. For Fiscal Year 2015, 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.

2. 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

3. 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

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 OPM Center FOIA Processing Team has a revised standard operating procedure for a more effective flow in processing FOIA requests, including misdirected requests. The revised process includes 1) clarifying the request immediately upon receipt or upon receipt of a need for further clarification by the potential responding program office, 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 remind it to 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 find out whether 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.

4. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

It is part of our overall FOIA Processing Procedures to follow up with customers to determine if they are still interested in their request being processed. We do this first telephonically and follow up in writing either by email or by post. We hold- off on closing the request until the 30 day deadline has past. In most cases, we maintain a very robust, interactive discourse with our customers until the closing of the request. We continue to respond to status updates with our customers and also let them know as soon as it can be determined the proposed length of time that it will take to process their request and the reason why. In this manner, for highly complex, multitrack, voluminous requests, the requester is well aware of potential delays and issues. This process has been in place since 2013.   This is all part of our providing the best customer service that we can while meeting our obligations under law.

Requester Services:

5. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

The Chief FOIA Officer also serves as the OPM's FOIA Public Liaison. As mentioned earlier, we have two hotlines to respond to the public's questions. In particular, the Public Liaison hotline receives an average of 3 - 5 telephone calls from the public on a daily basis. Telephone calls often pertain to status updates, request issues, or proper placement of a FOIA request. These are just some of the types of questions that are received on a daily basis. These calls are almost always handled immediately and except for holidays or leave, are handled no less than 24 hours from receipt of the call. We take great pride in being responsive to the public and in following up with respect to questions and issues even if they do not belong with OPM. As mentioned above in our response to Question #4, we work extensively to make sure that our customers are fully informed with regards to the OPM FOIA processes, potential processing times and issues that may have a major effect on the request. In keeping to our mission of providing excellent customer service, we follow-up with each customer, whether internal or external, returning emails and telephone, in most cases within 24 hours or less. This greatly helps to reduce misunderstandings, appeals and provides great satisfaction to our customers. They know that they are being given the best assistance and treatment with respect to their FOIA request and inquiries.

Other Initiatives:

6. 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 reviews and revises, as necessary, its standard operating procedures for a more effective flow in processing FOIA requests. Although we made revisions and updates to our FOIA processing flow charts, process narratives supporting the flow charts and other program-to-FOIA Office processes in 2014, we constantly assess our internal processes and make the necessary revisions to provide a 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 may have a negative impact or to respond to changes in policy by DOJ or NARA, case law, or specific events having a major impact on the overall FOIA process.

We have also undergone a 2014 OIG audit, and the reviews conclude that our processes are satisfactory and effective. We have responded positively to make the necessary revisions as recommended by OIG to further enhance the OPM FOIA processes.

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a) (2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

At present, we do not have a knowledge management system that would allow us to identify records that were both frequently requested and produced on multiple occasions 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. Training has been provided as well to remind the FOIA POC's and Subject Matter Experts (SME's) about the possibility of making proactive and discretionary disclosures. Our Office of the General Counsel also assists the FOIA Team and program office with respect to posting frequently requested records.

In the interim, at the request of the FOIA Team, we have developed a utility tool presently called "Document Count." This tool, developed in May, 2015, is designed to allow the customer to review all of the latest website information that is proactively placed on the OPM website. It can be accessed via https://www.opm.gov/utilities/document-count/. The instructions are as follows:
1. Once you navigate to the URL above, please click inside the "Start Date" field.
2. A small calendar will pop up and you can just choose which date you want to start your search from.
3. Next, you will also need to choose an "End Date" in the second field.
4. Once you have both the start and end date selected, please click on the "Search" button.
5. After just a few seconds, the data will display on the same page, below the Search button. Two tables will be displayed:
- New Content: This lists all of the brand new content that was added and published to the live site within your date parameters.
- Updated Content: This lists all of the pages where content was edited within your date parameters. This could mean additional content or links were added or current content was updated. It basically accounts for ANY kind of change to the page or document.

The tables include the name of each page, the URL of each page with a hyperlink to the page and the date the page was created and/or modified.
This tool allows the requester to search on line for frequently requested information reducing the amount of FOIA requests received by the agency.

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

OPM's process to identify other records for proactive disclosure is a collaborative effort. Each program office, as the originators of the records responsive to a FOIA request, works with the FOIA Processing Team to determine 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 requested records.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

Our FOIA professionals are not involved in the coding of the records for Section 508 of the Rehabilitation Act compliance except to submit these records for coding compliance. Our interaction is limited except for the placement of the request within our ticketing system used for tracking posting requests and for follow-up and interaction with the web team until the respective requests are on line. The time line for involvement can vary depending upon the number of requests in the processing queue, funding availability and the approval processes which take place prior to the placement of information on the OPM website. This is done so that any substantive changes to the website are consistent with OPM posting web policies and management.

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

Yes. OPM, by its very mission and functions has encountered challenges that make it difficult to post records.

5. If so, please briefly explain those challenges.

A great majority of our records contain sensitive PII information or other sensitive information such as examination materials, health benefits information, retirement records, and background investigation records. .

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

OPM has posted cybersecurity updates on an ongoing basis at:
https://www.opm.gov/cybersecurity

As stated in Section III, Posting Material, the following link will direct the requester to our Document Count tool which incorporates all of our latest proactive postings for the year:
https://www.opm.gov/utilities/document-count/

Using the dates 11/2/15 – 12/8/15 the following materials and dates were recently posted, inclusive of the links. There are hundreds of records being proactively posted. Below is a sample of some of the items proactively posted that are frequently requested.

RS Open Season Virtual Town Hall	https://www.opm.gov/retirement-services/landing-spotlight/rs-open-season-virtual-town-hall/	12/7/2015 12/7/2015
15-104	https://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2015/15-104.pdf	12/7/2015 12/7/2015
Multi-State Plan Program Operations at Premera BlueCross BlueShield of Alaska 1M-GA-00-15-005	https://www.opm.gov/our-inspector-general/reports/2015/multi-state-plan-program-operations-at-premera-bluecross-blueshield-of-alaska-1m-ga-00-15-005.pdf	12/4/2015 12/4/2015
15-210a6	https://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2015/15-210a6.pdf	12/3/2015 12/4/2015

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

Yes. Information pertaining to the PII breach was released on the agency's Cybersecurity Resources Center, Director's blog, an email list; RSS feed social media, and widgets and badges for other agencies' use.

Other Initiatives:

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

We continue to work with the program offices to encourage the posting of frequently requested records on the Reading Room. Although we do post frequently requested records on the Document Count tool, we also work towards putting additionally sought records on the Reading Room site. We are presently in the process of placing frequently requested information on the web and making it 508 compliant. It is anticipated that the placement may take place in the Spring, 2016.

Section IV: Steps Taken to Greater Utilize Technology

Making Material Posted Online More Usable:

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

Yes.

2. If yes, please provide examples of such improvements.

OPM is committed to posting information to the public that is easy to locate and easy to pull. As mentioned above in Section III, Posting Materials we have developed a utility application called "Document Count." This tool allows the customer to review all of the latest website information that is proactively placed on the OPM website. The time frame parameters are easy to set and the data is easily accessible and easy to use. We also post a great deal of information as to the activities that OPM is working on using a wide-range of social media sites, director's blog and mediums.

The method as to how easy this tool works has been provided under Section III, Question #1.

3. 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?

Yes. The Chief information Officer's Web Services group, in conjunction with the Office of Communications, worked collaboratively to implement a content management system (CMS).

This CMS allows for providing minor, non-substantive revisions to content posted on the web. This is another example of using technology to post items and update the placement of items on the web.

Use of Technology to Facilitate Processing of Requests:

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools?

Although there was no training on specific FOIA related processing tools, the FOIA Team was included in the overall training of the new "Content Management" system for non-substantive revision of items posted on the web, reducing some of the time consuming steps required for the posting of revised items, including FOIA-related information on the web. We also attended the numerous update meetings provided to OPM and CIO regarding the establishment of a new IT enterprise architecture system, its functionalities and implementation stages. Please refer to our response to Question #3 above.

5. Beyond using technology to redact documents, is your agency taking steps to use 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?

Yes. OPM is taking steps to use more advanced technology which will have an overall FOIA efficacy.

If yes, describe the technological improvements being made.

OPM is undergoing the development of an entirely new enterprise architecture that will provide numerous e-tools and eventually, a case management system that will help in the overall conducting of the search for responsive records as well as the storage of such records. It is still in the development phase; implementation will be done in phases anticipated to begin in 2016 – 2017. Under the OPM's Strategic IT Plan, major revisions are planned which should 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. In the interim, many program offices have been procuring the Adobe Pro redacting tool to help expedite the review and redaction of their FOIA requests.

Technology was used to automate all of our FOIA response letters including the overall agency response to the high volume of cybersecurity related Privacy Act access requests. The automated letters greatly reduced our response time, reduced addressing errors and allowed for a one-step process for FOIA intake.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

Although emphasis has been placed on creating a new overall IT enterprise architecture, we also anticipate obtaining a de-duplication system for the agency. The de-duplication software will help to reduce the voluminous repetitive quantity of emails and other electronic records responsive to a request. The continued procurement of the Adobe Pro redacting tool by the remaining program offices, will allow for a more efficient manner of reviewing and redacting withheld information.

Other Initiatives:

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

Yes. All four quarters were posted for FY 2015.

8. 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 2016.

N/A

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

Yes.

If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

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.

If decentralized, please indicate whether all components use email or other electronic means to communicate with requesters.

N/A

10. If your agency does not communicate electronically with requests 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

If decentralized, please indicate whether any of your agency's components have specific limitations or restrictions for the use of such means and if those components have informed requesters of such limitations.

N/A

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

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

Yes.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

2.4 days

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

72.6%

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 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

No. Our backlog did not decrease. We ended FY 2014 with a backlog of 66 requests. Our backlog at the end of FY 2015 was 77.

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

We did experience an increase in the number of FOIA requests received. Some of the requests that we received in FY 2015 were multi-track, highly complex requests requiring the review of voluminous records for potential redactions.

7. 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 2015.

We received a total of 10,720 requests, inclusive of Retirement Operations Center (ROC) and the Federal Investigative Services (FIS), in FY 2015. The backlog represents 0.72% (less than 1%) of the requests we received in FY 2015.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

At the end of FY 2014, there were 2 backlogged appeals. Both backlogged appeals were closed during FY 2015. At the end of FY 2015, there were 17 backlogged appeals, thus there was an increase in backlogged appeals.

 9. If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

OPM received a sizeable increase in appeals in FY 2015 from the previous FY year (41 received in FY 2015 vs. 17 received in FY 2014). The increase in number as well as the complexity of the appeals contributed to OPM not reducing the number of backlogged appeals.

10. 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 2015.

49%

Backlog Reduction Plans:

11. In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2014 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year?

N/A

If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2015.

N/A

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2015, what is your agency's plan to reduce this backlog during Fiscal Year 2016?

N/A

Status of Ten Oldest Requests, Appeals, and Consultations:

TEN OLDEST REQUESTS

13. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Yes. They were all closed.

14. 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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A

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

N/A

TEN OLDEST APPEALS

16. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Yes. There were only two appeals reported pending in FY 2014, and they were both closed.

17. 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 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

We did not have any pending consultations at the end of FY 2014.

19. 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 2014 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:

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

The 10 oldest requests, appeals and consultations from FY 2014 were all closed.

21. 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

22. 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 2016.

The 10 oldest were all closed.

Interim Responses:

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

Yes. The policy and practice is to negotiate with the requester to agree upon times for interim responses and send interim responses on requests that are voluminous and/or highly complex.

24. If your agency had a backlog in Fiscal Year 2015, 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 23 – 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

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c) (1), (2), (3), during Fiscal Year 2015?
No.

2. If so, please provide the total number of times exclusions were invoked.

Success Story

OPM now has developed a new tool called Document Count. This tool, developed in May, 2015, is designed to allow the customer to review all of the latest website information that is proactively placed on the OPM website. This easy-to-use, proactive tool allows the public access to hundreds of records reducing the need for filing a FOIA request.

The Chief information Officer's Web Team, in conjunction with the Office of Communications, worked collaboratively to implement a Content Management system (CMS). This CMS allows for the tracking of minor, non-substantive revisions to content posted on the web. This is another example of using technology to post items and update the placement of items on the web.

Finally, the automating of our FOIA response letters has clearly reduced the FOIA intake processing time and reduces the potential for human error as the requester's address is pulled from data entered in the tracking system.

All of these advancements in technology, while minimal in cost and development and production time, have greatly improved the overall FOIA processes and allow OPM to continue to provide its customers, both internal and external, with the best possible FOIA service.

U.S. Office of Personnel Management

Office of the Chief Information Officer

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