

National Transportation Safety Board
Chief FOIA Officer Report

March 2012 to March 2013

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?

NTSB held FOIA training for staff and training to meet specific FOIA needs. Openness and transparency were discussed at length. FOIA information is posted on the NTSB portal page for staff and is periodically included in the General Counsel's newsletter.

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

FOIA professionals not only attended FOIA training given by the Department of Justice but attended training offered by the American Society of Access Professional as well as training offered by other sources.

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?

Yes, discretionary releases of exempt information were made.

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

5 U.S.C. § 552(b)(5)

4. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

The NTSB often asserts the deliberative process privilege where appropriate. In doing so, however, the agency analyzes each case for situations in which release will cause no harm, and in such cases, makes appropriate discretionary releases. Following a review of our emails we found it appropriate to make discretionary releases.

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

We continue to apply the presumption of disclosure when an appeal is received by the NTSB, records or portions of records that were previously withheld are reviewed and the presumption of disclosure is applied.

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."

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

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

Yes, the FOIA professionals are part of the Office of the Chief Information Officer (OCIO) who is also the Chief FOIA Officer. The OCIO provides the FOIA professionals with IT resources to efficiently run the FOIA program.

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

Yes, the FOIA professionals work with the Open Government Team.

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

Yes, following the assessment it was determined more staffing was needed to assist with FOIA processing.

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.

Agency FOIA professionals are evaluating off the shelf products to determine technical capabilities in streamlining the FOIA process.

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.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2012 to March 2013). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

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

Accident investigation records are posted daily to the NTSB website as well as frequently requested records under FOIA.

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, the NTSB is taking steps to make posted information more useful to the public as part of an ongoing update of our public website. As part of that effort the NTSB is using metadata to correlate data related to NTSB events, reports, safety recommendations, etc., and implementing products to improve search capability. These improvements are slated to be in place in the third quarter of FY2013.

3. If so, provide examples of such improvements.

Figure – 1 demonstrates how information related to the investigation of the PG&E pipeline rupture and fire in San Bruno, CA will be correlated by metadata, enabling stakeholders and the public to view data and information related to the event in one place rather than via a series of isolated searches into disparate data silos.

Figure – 1

Board Meeting : Pipeline Explosion and Fire, San Bruno, CA, September 9, 2010

3/10/2011 12:00 AM

The National Transportation Safety Board held a 3-day public hearing to gather additional factual information for the ongoing investigation into the natural gas pipeline rupture and explosion that occurred on September 9, 2010, in San Bruno, California.

Tuesday, March 1, 2011
Wednesday, March 2, 2011
Thursday, March 3, 2011

The hearing was open to the public and took place in the Board Room and Conference Center at 429 L'Enfant Plaza, S.W., Washington, D.C. The hearing was also telecast on the web. Archives of the hearing videos for all three days are available online at <http://www.captocconnection.net/capconline/ntsb.htm>.

The goal of the hearing was for the Safety Board to learn more about the issues identified in the San Bruno pipeline rupture accident. The Board invited expert witnesses to provide sworn testimony. Additionally, several organizations were granted "party status" to the hearing so that they could question the witnesses directly. The witnesses and parties represented a range of government and industry communities and other officials who provide oversight.

Parties to the public hearing:

- Pacific Gas & Electric
- California Public Utilities Commission
- Pipeline and Hazardous Materials Safety Administration
- City of San Bruno
- International Brotherhood of Electrical Workers Local 1245

Accident Docket

- NTSB ID Number: DCA10MP008 September 09, 2010 San Bruno, CA, United States

Reports

- Preliminary Report
- Metallurgical Group Factual Report

Hearing Transcripts

- Day 1 - March 1, 2011
- Day 2 - March 2, 2011
- Day 3 - March 3, 2011

Safety Recommendation Letters

- Pacific Gas and Electric Company
- Pipeline and Hazardous Materials Safety Administration
- California Public Utilities Commission
- Pipeline and Hazardous Materials Safety Administration

Related Press Releases

- NTSB Releases Preliminary Report on its Investigation of Pipeline Rupture Accident in California
- NTSB Releases First of Six Factual Reports on San Bruno Pipeline Rupture Investigation
- NTSB Launches Team to Investigate Apparent Gas Pipeline Explosion in California
- NTSB Issues Urgent Safety Recommendations as a Result of Preliminary Findings in San Bruno Pipeline Rupture Investigation; Hearing Scheduled for March
- NTSB Issues Update on Investigation into Fatal Pipeline Rupture in San Bruno, California
- NTSB Issues Three Safety Recommendations after it Finds Deficiencies in Emergency Notification Requirements of Pipeline Operators
- NTSB Cites Pacific Gas & Electric (PG&E) and Government Oversight in Fatal California Pipeline Rupture
- NTSB Announces Agenda and Witness List for Public Hearing on San Bruno, Calif., Pipeline Rupture Accident
- NTSB Adding Interview Transcripts to Public Docket for San Bruno Pipeline Accident

Figure – 2 demonstrates new search features, which include refinement filters to assist individuals in getting to specific detailed information.

Figure – 2

NATIONAL TRANSPORTATION SAFETY BOARD

HOME NEWS & EVENTS SAFETY ADVOCACY INVESTIGATIONS DISASTER ASSISTANCE LEGAL ABOUT PUBLICATIONS

Home > Search > Search Results

1-10 of 398 results Sort by: Relevance

Accident ID
▶ ANL.ACCIDENTID
DCA10MP008 (14)
Office
▶ ANL.OFFICE
Office of Rail... (15)
Office of Adm... (1)
Office of Comm... (1)
Office of Pipe... (1)
Result Type
▶ ANL.RESULTTYPE
Microsoft Word (194)
Web Page (90)
XML Document (27)
Web Archive (3)
show more v
Site
▶ ANL.SITE
cms.portal (216)
portal (87)
www.ntsb.gov (84)
author (49)
Modified Date
▶ ANL.MODIFIEDDATE
Past Week (1)
Past Month (8)
Past Six Months (82)
Past Year (158)
Earlier (246)
Company
▶ ANL.COMPANY

1-10 of 398 results Sort by: Relevance

- ▶ Pipeline Explosion and Fire, San Bruno, CA, September 9, 2010
Date: 10/19/2012 Size: 72KB
http://author.ntsb.gov/events/Pages/Pipeline_Explosion_and_Fire_San_Bruno_CA_September_9_2010.aspx
Similar Results
- ▶ NTSB Adding Interview Transcripts to Public Docket for San Bruno Pipeline Accident Investigation
Date: 10/19/2012 Size: 69KB
http://author.ntsb.gov/press-releases/Pages/NTSB_Adding_Interview_Transcripts_to_Public_Docket_for_San_Bruno_Pipeline_Accident_Investigation.aspx
Similar Results
- ▶ NTSB Releases First of Six Factual Reports on San Bruno Pipeline Rupture Investigation
Date: 10/19/2012 Size: 69KB
http://author.ntsb.gov/press-releases/Pages/NTSB_Releases_First_of_Six_Factual_Reports_on_San_Bruno_Pipeline_Rupture_Investigation.aspx
Similar Results
- ▶ NTSB adding documents to public docket for San Bruno pipeline accident investigation
Date: 10/19/2012 Size: 69KB
http://author.ntsb.gov/press-releases/Pages/NTSB_adding_documents_to_public_docket_for_San_Bruno_pipeline_accident_investigation.aspx
Similar Results
- ▶ NTSB adding documents to public docket for San Bruno pipeline investigation
Date: 10/19/2012 Size: 69KB
http://author.ntsb.gov/press-releases/Pages/NTSB_adding_documents_to_public_docket_for_San_Bruno_pipeline_investigation.aspx
Similar Results
- ▶ Accident Investigation: Pacific Gas and Electric Company Natural Gas Transmission Pipeline Rupture and Fire, San Bruno, CA, September 9, 2010
... a residential area in San Bruno, California. On ... Board Member on scene in San Bruno. The rupture on ... Date in the City of San Bruno. Approximately ...
Date: 12/5/2013 Size: 14KB
http://www.ntsb.gov/investigations/2010/sanbruno_ca.html
Similar Results
- ▶ News & Events - San Bruno, CA Pipeline Explosion Public Hearing

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

Staff is actively researching two new technologies that will further enhance existing publications both online and in hardcopy format. These technologies include Digital publications (DPS) and Quick Response codes (QR Codes).

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, FOIA requests can be made electronically at the NTSB.

2. If your agency is decentralized, can FOIA requests be made electronically to all components of your agency?

Not applicable.

Online tracking of FOIA requests:

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

Yes, a FOIA requester can track the status of his/her request electronically.

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.

The tracking system allows online submission of requests and acknowledges the request, provides tracking number, provides status of the request (open, closed), provides online FOI access, and requester can view entire request submission history.

5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

The tracking system does not provide an estimated date of completion.

6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

Not applicable.

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?

Yes, steps are being taken to utilize more advanced technology to facilitate overall FOIA efficiency.

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

Currently staff is researching software to identify duplicate and near duplicate records and emails.

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?

Yes, the NTSB utilizes a separate track for simple requests.

- 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?

Yes, the average number of days to process simple requests was 18.53 days.

- 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?

Not applicable.

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?

The backlog for Fiscal Year 2012 decreased by 19 requests.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

Not applicable.

- c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

The ten oldest pending requests as of the end of Fiscal Year 2011 were closed.

- 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?

Not applicable.

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?

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Administrative Appeal Backlog:

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

- 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.

Two interim releases were made during the fiscal year, even though the request was not finally closed.

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 statutory exclusions were invoked during Fiscal Year 2012.

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

Not applicable.

Spotlight on Success

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 hiring of a full-time contractor benefits the administration of the FOIA program. The implementation of the Public Access Link shortens the time for inputting requests as the request is automatically input when accessed. A requester is able to obtain the status of their requests without making telephone calls or writing letters.