

# CHIEF FOIA OFFICER REPORT QUESTIONS: MEDIUM-VOLUME AGENCIES

## Agencies Receiving 50-1,000 Requests in FY2015

### National Transportation Safety Board

#### Content of 2017 Chief FOIA Officer Reports

Angel Santa, Chief Information Officer

#### Section 1: Steps Taken to Apply the Presumption of Openness

##### **A. FOIA Training**

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

- **Yes**

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

- **FOIA history**
- **FOIA case laws**
- **FOIA Annual Report new requirements**
- **FOIA Improvement Act of 2016**

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

- **100%**

4. 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**

## ***B. Outreach***

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

- **No**

## ***C. Other Initiatives***

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

- **Staff are sent emails describing the requested records, the procedure/process for maintaining the records and the procedure/process for sending the record to the FOIA Office.**

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

- **During the appeal process review, the NTSB applies the presumption of disclosure to previously withheld NTSB records or portions of records.**

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

### ***A. Processing Procedures***

1. For Fiscal Year 2016, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2016 Annual FOIA Report.

- **58 days**

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.

- **The NTSB will continue to screen expedited requests and will focus on the complex issues so processing can occur within ten calendar days or less.**

3. *OPTIONAL*: During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

- **Using the reports generated from the FOIA database a self-assessment of the FOIA program was accomplished. From this assessment, it was determined to improve logging and scanning procedures.**

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

- **29**

#### ***B. Requester Services***

5. *OPTIONAL*: Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

- **FOIA requesters can contact the FOIA Public Liaison or FOIA Requester Service Center with comments they may have regarding their request or any service they may have received.**

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

- **Approximately six requesters sought assistance from the FOIA Public Liaison.**

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

- [https://www.nts.gov/about/foia/Pages/foia\\_requests.aspx](https://www.nts.gov/about/foia/Pages/foia_requests.aspx)

### ***C. Other Initiatives***

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

- **The FOIA database was upgraded which improved reporting and search capabilities.**

### **Section III: Steps Taken to Increase Proactive Disclosures**

Both the President's and DOJ's FOIA memoranda focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

#### ***A. Posting Material***

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

- **FOIA logs are monitored for "frequently requested" records.**

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.

- **The NTSB daily posts accident investigation reports, published reports, and recommendations to the public website. This effort is accomplished by NTSB staff including assistance and collaboration from records management and legal personnel.**

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

- **No.**

4. If so, briefly explain those challenges and how your agency is working to overcome them.

- **N/A**

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

- **Purchase Cardholders:** [https://www.nts.gov/about/foia/Pages/foia\\_err.aspx](https://www.nts.gov/about/foia/Pages/foia_err.aspx)
- **Accident Investigation Records:** <https://dms.nts.gov/pubdms/>
- **Published Reports:**  
<https://www.nts.gov/investigations/AccidentReports/Pages/AccidentReports.aspx>
- **Safety Recommendations:** [https://www.nts.gov/\\_layouts/nts.recsearch/RecTabs.aspx](https://www.nts.gov/_layouts/nts.recsearch/RecTabs.aspx)

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

- **Yes, the NTSB uses press releases, press conferences, web postings, fliers, social media (YouTube, Twitter, Facebook), advocacy events and speeches for proactive disclosures.**

### ***B. Other Initiatives***

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

- N/A

### ***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.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

#### ***A. Making Material Posted Online More Useful***

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

- **The NTSB is currently revising its website to increase the transparency of information and to optimize usability.**

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

- **The new website will better highlight investigation information of interest to the public, and better integrate investigative documentation for public consumption.**

### ***B. Other Initiatives***

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

- **Yes**

4. 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 2017.

- **N/A**

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

The President's [FOIA Memorandum](#) and the DOJ's [2009 FOIA Guidelines](#) have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report 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, appeals, and consultations.

*For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2016 Annual FOIA Report and, when applicable, your agency's 2015 Annual FOIA Report.*

#### ***A. Simple Track***

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.

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

- **Yes**

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

- **No.**

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

- **5%**

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**

### ***B. Backlogs***

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

### **BACKLOGGED REQUESTS**

5. If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

- **Yes, the backlog decreased from the end of Fiscal Year 2015.**

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

- **N/A**

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 2016.

- **127.8%**

## **BACKLOGGED APPEALS**

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

- **The backlog remained the same.**

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

- **Technical issues with opening closed cases;**
- **Reprocessing a case;**
- **Re-uploading records into database and completing redactions; and**
- **Identifying the location of files**

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 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

- **57%**

### ***C. Status of Ten Oldest Requests, Appeals, and Consultations***

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

## **TEN OLDEST REQUESTS**

11. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

- **Yes.**

12. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

**N/A**

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

- **Two of the 10 requests were withdrawn due to interim responses.**

#### **TEN OLDEST APPEALS**

14. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

- **No.**

15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- **Six of the ten oldest appeals were closed.**

#### **TEN OLDEST CONSULTATIONS**

16. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

- **N/A**

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- **N/A**

***E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans***

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

- **Workload and lack of staffing contributed to the obstacles faced in completing the processing of the ten oldest requests and appeals.**

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

- N/A

20. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2017.

- **The OCIO office currently has a pending request to hire FOIA contract support and has reassigned OCIO staff to assist.**