



**National Transportation Safety Board
Chief FOIA Officer Report**

FY 2019

2019 Chief FOIA Officer Report
National Transportation Safety Board
Chief FOIA Officer: Angel Santa (Chief Information Officer)

Section I: Steps Taken to Apply the Presumption of Openness

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?

- Yes

2. Angel Santa, Chief FOIA Officer

B. FOIA Training

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

- Yes

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

- *FOIA Xpress User's Conference AINS*
- *FOIA history*
- *FOIA case laws*
- *FOIA Annual Report new requirements*
- *Chief FOIA Officer Report new requirements*

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

- **100%**

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 pervious question is less than 80% of your FOIA professionals attending 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*

C. Outreach

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

- **No**

D. Other Initiatives

8. 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 and the process and procedures to follow when sending records to the FOIA office.***
- ***Directors are provided updates regarding their requested records.***
- ***FOIA Tips Newsletter is distributed as needed for updated FOIA information.***
- ***Currently FOIA-related performance standards are not part of the performance standards of those outside of the FOIA office, however, it is under discussion for future consideration.***

9. 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: Effective System in Place for Responding to Requests

A. Processing Procedures

DOJ's FOIA Guidelines emphasize that "application 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 request." It is essential that agencies effectively manage their FOIA program in order to eliminate backlogs and improve timeliness when responding to FOIA requests.

1. For Fiscal Year 2018, what was the average number of your agency reported for adjudicating requests for expedited processing? (**Section VII.A**)
 - **169 days**
2. If your agency's average was above 10 days to adjudicate requests for expedited processing, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.
 - ***NTSB will continue to screen all FOIA requests at the time of receipt to determine whether expedited processing has been requested. We will also establish procedures with other offices who will be involved in making a timely determination on a request for expedited processing to ensure the adjudication is made within 10 days.***
3. 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.
 - ***Yes. The NTSB modified its entire FOIA process, re-accessing the roles of the FOIA federal employees and contract staff. This improved the overall work flow process which includes: the intake of requests, acknowledging requests, obtaining records to fulfill request, processing, training, and processing reports such as the FOIA Annual Report and the FOIA Quarterly Report.***
4. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017. Please provide a total number or an estimate of the number.
 - **0**

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

- ***Program developer and IT staff are consistent with system oversight. Challenges are ensuring updates to the FOIA database are implemented and information is captured correctly.***

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.
 - Purchase cardholders: <https://foiarequest.nts.gov/App/ReadingRoom.aspx>
 - Accident Investigation Records: <https://dms.nts.gov/pubdms/>
 - Frequently requested items (FOIA Reading Room):
<https://foiarequest.nts.gov/App/ReadingRoom.aspx>
 - Published Reports:
<https://nts.gov/investigations/AccidentReports/Pages/AccidentReports.aspx>
 - Safety Recommendations:
<https://nts.gov/layouts/nts.recsearch/RecTabs.aspx>
2. Describe how your agency identifies records that have requested and released three or more times (required to be proactively disclosed pursuant to 5 U.S.C. 552 (a) (2) (D)).
 - ***Records are identified through the FOIA tracking system and are published to the Reading Room.***
3. 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?
 - ***Yes***
4. If yes, please provide examples of such improvements.
 - ***The NTSB is in the process of implementing a process by which the public can download information directly from the website. Also, currently we provide a link to the accident dockets in which the requesters can readily have access to public information.***

Other Initiatives

5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.
 - ***New information available to the public is posted on the NTSB website via Twitter, Facebook, and press releases. Also, the availability of shelf items such as DVD's, raw data, and videos.***

Section IV: Steps Taken to Greater Utilize Technology

Making Material Posted Online More Usable

1. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used.
 - ***Yes. The Advance Document Review is used to illuminate redundant emails and other records allowing shorter processing times when conducting a search for responsive documents. IT staff is also utilized for conducting extensive searches through email systems and databases.***

Other Initiatives

2. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in OIP's guidance on FOIA websites?
 - ***Yes.***
3. Did your agency successfully post all four quarterly reports for FY 2018?
 - ***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 FY 2019.
 - ***N/A***
5. Please provide the link to the posting of raw data for your agency's Fiscal Year 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.
 - ***https://www.nts.gov/about/foia/Pages/foia_reports.aspx***
6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.
 - ***Utilizing electronic communications for requesters including sending responses and responsive records in electronic formats via email. This is more customer friendly and an efficient method of communication for both agency and requesters.***

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

Simple Track

1. Does your agency utilize a separate track for simple requests?
 - **Yes**
2. If so, was your FY 2018 average time for simple requests 20 working days or fewer.
 - **No**
3. Provide the % of requests processed in FY 2018 that were placed in your simple track.
 - **Approximately 51%**
4. If your agency does not track simple requests separately, was the average number of days for non-expedited requests twenty working days or fewer.
 - **N/A**

Backlogs-Requests

5. If your agency had a backlog of requests at the close of FY 2018, did that backlog decrease as compared to the end of FY 2017?
 - **Yes**
6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017.
 - **N/A**
7. If your agency's backlog increased, explain why. Indicate if any of the following were contributing factors:
 - **N/A**
8. If your agency had a request backlog, report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2018.
 - **126%**

Section V: Backlogs- Appeals

9. If your agency had a backlog of appeals at the close of FY 2018, did that backlog decrease as compared to the end of FY 2017?

- **Yes**

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

- **N/A**

11. If your agency's appeal backlog increased, explain why. Indicate if any of the following were contributing factors:

- **N/A**

12. If you had an appeal backlog, report the percentage of appeal that make up the backlog out of the total number of appeals received by your agency in FY 2018.

- **7%**

Section V: Backlog Reduction Plans

13. Last year, any agency with a backlog of over 1,000 requests in FY 2017 was asked to provide a backlog reduction plan. Did your agency implement its backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction FY 2018.

- **N/A**

14. If your agency had a backlog of more than 1,000 requests in FY 2018, what is your backlog reduction plan for FY 2018?

- **N/A**

Section V: 10 Oldest Requests

15. In FY 2018, did your agency close its 10 oldest pending requests from FY 2017?

- **No.**

16. If no, provide the number of these requests your agency was able to close by the end of the FY. If you had less than 10 total oldest requests to close, please indicate that.

- 9

17. Of the requests your agency closed from your 10 oldest, indicate how many were closed because the request was withdrawn? If any were withdrawn, did you provide any interim responses prior to the withdrawal.

- 0

18. Beyond working on the ten oldest requests, please describe any steps your agency took to reduce overall age of your pending requests.

- ***The NTSB is committed to reducing the FOIA backlog by acquiring resources to aid in the administration, scanning, reviewing and the posting of responsive documents. This includes cross-training other NTSB staff to provide additional support; leveraging technology to aid in reducing the reviewing process and time reporting requirements.***

19. In FY 2018, did your agency close its 10 oldest pending appeals from FY 2017?

- Yes

20. If no, provide the number of these appeals you were able to close by the end of the FY. If you had less than 10 total oldest appeals to close, please indicate that.

- N/A

21. Beyond working on the ten oldest appeal, please describe any steps your agency took to reduce the overall age of your appeals.

- ***The Office of the Chief Information Officer in collaboration with the Office of General Counsel devised a plan to make sure information is shared with the FOIA office regarding appeals when completed. The General Counsel's office was also given access to the FOIA tracking system to view requested information and responsive documents.***

Section V: 10 Oldest Consultations

22. In FY 2018, did your agency close its 10 oldest pending consultations from FY 2017?

- *N/A*

23. If no, provide the number of these consultation you were able to close by the end of the FY. If you had less than 10 oldest consultations to close, please indicate that.

- *N/A*

Section V: Additional Information on 10 Oldest

24. Explain any obstacles in closing your 10 oldest requests, appeal, and consultations.

- *Voluminous records*
- *Lack of staff*
- *Requester feedback*

25. If unable to close any of your 10 oldest requests because you were waiting to hear back on consultations provide the date request was initially received, date you sent the consultation, and the date the agency last contacted the agency where the consultation was pending.

- *N/A*

26. If your agency did not close its ten oldest pending requests, appeals, or consultation, provide a plan describing how your agency intends to close those ‘ten oldest’ requests, appeals, and consultations during FY 2019.

- *The OCIO office will hire additional FOIA contract staff to increase time spent processing FOIA requests.*

Success Story

- Hired additional FOIA contract staff to reduce backlog;
- Revised the FOIA Standard Operating Procedures to maintain clear directions for the FOIA process including resolutions to address issues/triggers known to increase the backlog;
- Requesters receive electronic responses via email in lieu of paper mailing;
- Implemented extensive backlog reduction efforts. From this effort we closed three years of backlogged requests.