

## High-Volume Agencies Receiving More Than 50 Requests in FY16

### Content of 2018 Chief FOIA Officer Reports

#### Angel Santa, Chief FOIA Officer (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 substantive 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 or conducted and the topics covered.

- **FOIA history**
- **FOIA case laws**
- **FOIA Annual Report new requirements**
- **FOIA Improvement Act**
- **Annual FOIA Database Users Conference**

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. 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**

DOJ's [FOIA Guidelines](#) emphasize that “[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.” It is essential that agencies effectively manage their FOIA program.

1. For Fiscal Year 2017, 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 2017 Annual FOIA Report.

- ***21 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.

- ***NTSB will continue to screen expedited requests and focus on correcting issues which hinder adjudication in ten calendar 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.

- ***The NTSB conducted a self-assessment of the FOIA program using the Six Sigma technique. This included reviews of the overall FOIA process with intake of requests, acknowledging requests, obtaining records to fulfill requests, processing***

***the requests, training, and processing reports such as the FOIA Annual Report. Meetings were held with Senior Management to keep them informed of the progress and final findings.***

4. 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 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. Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.

- Approximately 100 pages

6. 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 received the annual update.***

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

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://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>

2. 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 medial (YouTube, Twitter, Facebook), advocacy events and speeches for proactive disclosures.***

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.

- **Currently some 'shelf items' (i.e. DVDs, videos, etc.) to accident dockets are available by contacting the Records Management Division. The NTSB is in the process of implementing a solution that will enable the public to readily access 'shelf item' information.**

5. 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?

- **New information available to the public is posted on the NTSB website via twitter, Facebook, and press releases to name a few. The availability of 'shelf items' (i.e. DVDs, raw data, videos) is included in the new information.**

#### **Section IV: Steps Taken to Greater Utilize Technology**

1. Has your agency identified any best practices to leverage 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? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.

- **The Advance Document Review is used to illuminate redundant emails and other records allowing shorter time in the search of responsive documents.**

2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?

- **Yes**

3. 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 2018.

- **N/A**

4. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.

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

5. If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.

- N/A

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

### **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 2017, 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 2017 that were placed in your simple track.

- **54%**

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**

#### **BACKLOGGED REQUESTS**

5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

- **No**

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:

- Any other reasons – please briefly describe or provide examples when possible.

*The FOIA Office is inundated with many more FOIA requests than its few staff can process timely for several reasons. The NTSB investigates all civil aircraft, railroad, marine, highway, and pipeline accidents. These accidents involve death, serious injury, or substantial property damage, and therefore, litigation ensues for a significant portion of accidents the NTSB investigates. Litigants frequently resort to the NTSB FOIA Office to obtain information for use in litigation. Often, multiple litigants make FOIA requests for records related to the same accident. Additionally, individual litigants often make multiple requests relating to the same accident: an initial request soon after an investigation commences, and another request when the investigation is complete. Requests are often for any and all records related to an investigation, which consists of hundreds to thousands of pages per investigation. In discussions with requesters, the FOIA Office has learned that requesters are sometimes unfamiliar with the NTSB public docket, a collection of relevant records that the NTSB proactively publishes on its website for each investigation.*

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 2017.

- **187%**

#### **BACKLOGGED APPEALS**

8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

- **No**

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:

- **The Office of the Chief Information Officer and the Office of General Counsel are in collaboration on methods to strengthen communication with the processing of appeals for completion.**

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 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."

- **27%**

### **C. Backlog Reduction Plans**

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a 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 in Fiscal Year 2017?

- *N/A*

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?

- *N/A*

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

#### **TEN OLDEST REQUESTS**

13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

- *No*

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 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- *4*

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?

- *3 requests were withdrawn. No interim responses were provided.*

#### **TEN OLDEST APPEALS**

16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

- *Yes*

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 2016 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 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

- *N/A*

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 2016 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**

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.

- ***See BACKLOGGED REQUESTS item 6.***

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 2017.

- ***The OCIO office increased FOIA support by 1 contractor and is looking to further increase FOIA support by also offering opportunities within the NTSB.***

## **F. Success Stories**

- The NTSB General Counsel and Record Management offices updated its' FOIA regulations, 49 CFR Part 801 with revisions that emphasized the availability of the accident investigation public dockets on the NTSB website.
- The NTSB acquired additional staff thru contractual support to aid in reducing the backlog. These efforts will assist requesters with requests and in reducing the FOIA backlog.