

*Content of 2015 Chief FOIA Officer Report
National Transportation Safety Board
Robert Scherer, Director, Office of the Chief Information Officer*

Section I: Steps Taken to Apply the Presumption of Openness

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. 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%.**

3. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

- **FOIA training is included in each NTSB FOIA professionals performance plan. Funds are made available to attend this training.**

Outreach:

- **N/A**

Discretionary Releases:

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

- **Yes, each responsive record is individually reviewed for discretionary release.**

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

- **Yes.**

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

- **5 U.S.C. § 552(b)(5)**

7. 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.

- **The NTSB continues to assert the deliberative process privilege where appropriate. Each case is analyzed for situations in which release will cause no harm, and in such cases, appropriate discretionary releases are made. Following reviews of emails, we found it appropriate to make discretionary releases.**

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

- N/A

Other Initiatives:

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.

- **When an appeal is received 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

Personnel:

Not required, but agencies may answer the questions for this section if they have information they would like to include

1. In the *2014 Chief FOIA Officer Report Guidelines*, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

- **100%.**

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

- N/A

Processing Procedures:

1. For Fiscal Year 2014, 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 2014 Annual FOIA Report.

- **409 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.

- **Every effort is made to expedite processing. The majority of requests are complex and cannot be completed in the ten calendar day or less time-frame. If the time-frame cannot be meant the requester is provided with an estimated time for completion.**

3. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?

- **Yes.**

4. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? See OIP Guidance, "*The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications.*" (Nov. 22, 2013)

- **Yes.**

5. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester? See *id.*

- **Yes.**

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.

- **NTSB is looking into implementing an advanced document review module into the FOIA system. The module will, among other things, assist with speeding up the document review time, identify duplicate documents and email to name a few.**

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

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

- **Yes, proactive disclosures are made daily.**

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

- **Yes, NTSB staff are sometime consulted to clarify responsive record content.**

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

- **Tracking is in place to recognize those records that are "frequently requested".**

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

- **Purchase Cardholders:** http://www.nts.gov/about/foia/Pages/foia_err.aspx
- **Accident Investigation Records:** <http://dms.nts.gov/pubdms/>

Other Initiatives:

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

- **The NTSB continues to use press releases and press conferences, web postings, and advocacy events and speeches to increase proactive disclosures.**

Section IV: Steps Taken to Greater Utilize Technology

Not required, but agencies may answer the questions for this section if they have information they would like to include

1. Can a member of the public track the status of his or her request or appeal electronically?

- **Yes.**

2. If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?

- **The tracking feature is provided through the NTSB's Public Access Link via the NTSB website.**

3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature.

- **The online tracking feature tells the requester when their request is "in processing" and when it is "closed".**

4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?

- **No.**

5. If your agency does not provide online tracking of requests or appeals, is your agency taking steps to establish this capability? If not, please explain why?

- **N/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?

- **Recently a new website was deployed which included a more robust search engine for information. Feedback is welcomed through the website for suggestions of improvement.**

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

- *If your agency is already posting material in its most useful format, please describe these efforts.*
- **NTSB has an Investigative Products Reinvention Team tasked with re-inventing product development and disseminations. The goal is to produce products that are more responsive to the needs of requesters with regard to format, ease of use and depth.**

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

- N/A

4. If so, please briefly explain what those challenges are.

- N/A

Use of Technology to Facilitate Processing of Requests:

Not required, but agencies may answer the questions for this section if they have information they would like to include

- N/A

Other Initiatives:

5. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

- Please see OIP's *guidance* for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website but not appearing on FOIA.gov, please contact OIP in order to resolve the issue.)
- **No.**

6. 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 2015.

- **Technical difficulties arose when posting the quarterly reports which went undetected. A process is currently in place where reviews will be made to ensure the correct posting of the report.**

7. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "*The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications.*" (Nov. 22, 2013) If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters?

- **E-mail and FAX.**

8. If your agency does not communicate electronically with requesters 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? See *id.*

- 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 2014, 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 2014 that were placed in your simple track.

- **30%**

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 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

- **No, due to an increase in the number of new requests received and an increase in the complexity of the requests.**

6. 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 2014. If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."

- **48%**

BACKLOGGED APPEALS

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

- **The backlog did not decrease due to an appeal being overlooked and the complexity of the appeals received.**

8. *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 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with "N/A."*

- **18%**

Backlog Reduction Plans:

Not required, but agencies may answer the questions for this section if they have information they would like to include

- **N/A**

Status of Ten Oldest Requests, Appeals, and Consultations:

9. *In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

- **No.**

10. *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 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

- **Nine out of 10 requests were closed.**

11. *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?*

- **0**

TEN OLDEST APPEALS

12. *In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

- **Yes.**

13. 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 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- N/A

TEN OLDEST CONSULTATIONS

14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

- N/A

15. 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 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

- N/A

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

- **Increase in FOIA backlog due to the FOIA Public Access Link**
- **Lack of staff to handle the increase and complexity of requests**
- **Staff not responding to request for records in a timely manner**

17. 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

18. 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 2015.

- **Contractors were hired to assist with the backlog of requests.**

Interim Responses:

Not required, but agencies may answer the questions for this section if they have information they would like to include

- **N/A**

Use of the FOIA's Law Enforcement Exclusions

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?

- **N/A**

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

- **N/A**

Success Story

Not required, but agencies may answer the questions for this section if they have information they would like to include

- **N/A**