

# Freedom of Information Act Guide

## 1. Guide to FOIA & Public Records

This Guide describes the public information and official records of the Federal Retirement Thrift Investment Board (Board). It also explains how you can gain access to various agency records or copies of them. This guidance was prepared in accordance with the Electronic Freedom of Information Act (FOIA) Amendments of 1996. Most of this information is codified at 5 CFR Part 1631, "Availability of Records."

## 2. Description of the Board

The Board was established as an independent agency by the Federal Employees' Retirement System Act (FERSA) of 1986 (5 U.S.C. 8472). It is one of the smaller Executive Branch agencies, with just over 100 employees. It was established to administer the Thrift Savings Plan (TSP), which provides Federal employees the opportunity to save for retirement. The TSP is a tax-deferred defined contribution plan similar to a private sector 401(k) plan. The TSP is one of the three parts of the Federal Employees' Retirement System (FERS) (5 CFR Parts 1600-1699).

FERSA vests responsibility for the agency in six named fiduciaries: the five Board members and the Executive Director. As part of its mission to operate the TSP and manage its investments solely in the interest of TSP participants and beneficiaries, the Board performs the following duties:

- Maintains an account for each TSP participant;
- Establishes investment policies for the Government Securities Investment (G) Fund, Fixed Income Index Investment (F) Fund, Common Stock Index Investment (C) Fund, Small Capitalization Stock Index Investment (S) Fund, International Stock Index Investment (I) Fund;
- Provides employing agencies with sufficient information regarding the various aspects of the Plan to facilitate informed decision-making on the part of their employees;
- Makes loans to participants from their own accounts;

- Pays benefits to separated participants and beneficiaries, including: 1) direct payments, 2) transfer of accounts to eligible retirement plans, and 3) purchase of annuities; and
- Provides guidance to the employing agencies on the implementation of the TSP.

### **3. Means of Access to Certain Board Records**

The primary means of access to Board records is through FOIA requests, as described below. The Board also maintains two Web sites that provide information concerning the agency. The Web site <http://www.tsp.gov> provides information on the TSP that is of particular interest to TSP participants. It provides TSP features, rates of return, calculators, current information, and downloadable forms and publications. It also allows participants to access information concerning their own accounts and to provide comments regarding the Web site.

The Web site <http://firtib.gov> contains administrative information, such as job vacancy announcements, procurement announcements, and records subject to the electronic reading room requirements of the FOIA.

The Board will treat requests from TSP participants about their own accounts and from third parties about individual participant TSP account records as Privacy Act requests, and will process them under the Board's Privacy Act regulations. Requests from participants and third parties about TSP records other than individual participant account records may be processed under the FOIA.

### **4. Obtaining Records Through FOIA Requests**

The Freedom of Information Act, 5 U.S.C. 552, as amended, allows persons access to records regarding how their government operates. The FOIA applies to existing records only and does not require agencies to create new records to comply with a request. The FOIA also does not require agencies to collect information they do not have or to do research or analyze data for a requester. Moreover, FOIA requests must be specific enough to permit a Board employee familiar with the subject matter to locate records in a reasonable period of time.

Under the FOIA, certain records may be withheld in whole or in part from the requester if they fall within one of nine FOIA exemptions [see U.S.C. 552(b)(1)-(9)]. In some cases, the Board is able to provide copies of all of the records requested. However, in other instances, part or all of the information requested falls under an exemption and is therefore withheld as permitted under the FOIA.

In the event that the Board relies on one or more FOIA exemptions to deny a requester access to records, the Board will inform the requester of this in its response letter. The letter will also notify the requester of the right to administratively appeal the initial denial determination to the Board's General Counsel. The appeal must be in writing, made within 30 calendar days of the date of receipt of the FOIA Officer's written determination, labeled a FOIA appeal, and mailed to the address shown in section 5 of this Guide. The General Counsel must act upon an appeal of a denial of a request for records within 20 days of receipt.

## **5. How to Make a FOIA Request**

FOIA requests may be submitted by one of the following methods:

(1) In writing addressed to FOIA Officer, Federal Retirement Thrift Investment Board, 77 K Street N.E., Suite 1000, Washington, DC 20002. The words ``FOIA Request`` must be clearly marked on both the letter and the envelope.

(2) By electronic mail at *FOIAREQUEST@tsp.gov*. The subject must include the words ``FOIA Request.``

(3) By facsimile, Attn: FOIA Officer, at (202) 942-1676. The facsimile must be clearly marked with the words ``FOIA Request.``

The request should reasonably describe the records being sought, including, when known: the entity or individual originating the record, the date of the record, the subject matter, the type of document, the location of the record, and other pertinent information which would assist in locating the record(s).

For fee assessment/waiver purposes, the requester should also describe the type of entity it is as described at 5 CFR § 1631.11. The FOIA Officer can respond faster to a request for specific records than to a request for "all information" on a particular subject. Also, fees for a more specific and limited request are likely to be lower.

FOIA requesters may have to pay fees covering some or all of the costs of processing their requests, unless the fees are waived or reduced. Requesters should include in their request letters the maximum dollar amount they are willing to pay. If the fees exceed the maximum amount stated, the FOIA Officer will contact the requester before filling the request. The following specific fees may be charged for services rendered to the public in connection with the release of information under the FOIA:

- Searching for records, per hour or fraction thereof @ salary rate (basic pay of researcher plus 23.5% overhead)
- Other facilitative searches, index assistance, and a computer search (actual cost)
- Copies made by duplicating (\$.15 per page)
- Attestation of each record as a true copy (\$0.75)
- Certification of each record as a true copy under the seal of the agency (\$1.00)
- Signed statement of negative search for records (\$1.00)

Generally, fees will be collected after the records are supplied to the requester. Fees may only be paid by check or money order made payable to the Federal Retirement Thrift Investment Board.

The requester may ask for a waiver or reduction of fees. If that request is denied, the FOIA Officer will state in writing the basis for the fee assessment, the fees, and the procedures for appealing the denial to the Board's General Counsel. The General Counsel must respond to an appeal of denial within 20 business days of receiving it.

The requester may ask for expedited processing. When the FOIA Officer receives a request for expedited processing, he or she will determine within 10 business days whether to process

the request on an expedited basis. If a request for expedited processing is denied, the requester may appeal the denial to the Board's General Counsel. The General Counsel must act on such an appeal within 5 days.

The FOIA Officer should respond to a request for records within 20 business days of receiving it. If the FOIA Officer is unable to respond within 20 business days, he or she must acknowledge receipt of the request in writing and may extend the time for the decision for up to 10 additional business days by written notice to the requester. If the Board will be unable to process the request within this additional time period, the requester will be notified and given the opportunity to limit the scope of the request or arrange with the FOIA Officer an alternative time frame for processing the request.