

MARCH 15, 2010

MEMORANDUM FOR: THE OFFICE OF INFORMATION POLICY (DEPT.
OF JUSTICE)

FROM: THE FEDERAL RETIREMENT THRIFT
INVESTMENT BOARD

SUBJECT: CHIEF FOIA OFFICER REPORT RE: ATTORNEY
GENERAL HOLDER'S FOIA GUIDELINES

I. Steps Taken to Apply the Presumption of Openness

1. In order to uphold the Freedom of Information Act's (FOIA) presumption of openness, President Obama's January 2009 Memorandum and Attorney General Holder's March 2009 FOIA Guidelines were circulated among Agency FOIA staff. The Agency's FOIA staff also attended Department of Justice training in October 2009 which discussed President Obama's memorandum and Attorney General Holder's guidelines. Per its regulations, the Agency handles all of its FOIA requests with a presumption of disclosure. See 5 C.F.R. § 1631.2 (unless prohibited by law the Agency will even release Privacy Act research when doing so is in the interest of the Thrift Savings Plan.) Per President Obama's memorandum, the Agency continues to uphold this standard.
2. As the Agency has consistently applied a presumption of openness to its FOIA requests, the Agency has not changed its FOIA policy. Therefore, the Agency has not seen a change in the nature of the requests it has received. As far as specific numbers, in 2008 the Agency had 12 full grants and 8 partial grants. In 2009 the Agency had 8 full grants and 0 partial grants.

II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

1. In 2008, the Agency transferred its FOIA function from the Office of Administration to the Office of General Counsel (OGC) in order to provide for more efficient FOIA processing. Since this transfer, the Agency has effectively handled its FOIA requests and forwarded requests, when necessary, to other departments in the Agency for assistance. To date, because the Agency does not receive a significant number of FOIA requests, the Agency has not required

significant support from its IT staff as OGC has been able to process all FOIA requests in a timely and thorough manner. However, OGC does collaborate with the Agency's IT staff occasionally in order to post certain FOIA material at FRTIB.gov.

III. Steps Taken to Increase Proactive Disclosures

1. The Agency uses its Web sites (both tsp.gov and FRTIB.gov) to provide for proactive information dissemination to the public and its participants and beneficiaries. For example, the Agency publishes notice of its proposed regulations on FRTIB.gov in addition to posting such regulations at regulations.gov. If the Agency notices that a specific item is being requested by several individuals or would be of interest to the public, the Agency then posts that information to its website. For example, the Agency proactively posted its Board member biographies at FRTIB.gov and, since the release of President Obama's 2009 memorandum, posted two critical reports – the 2008 TSP Participant Survey Results (March 2009) and the I Fund Benchmark Report (February 2009). In order to provide members of the public, as well as participants in the TSP, with greater information regarding the Agency and the TSP, the Agency is currently in the process of launching a new version of tsp.gov. This new site, which was very well received by a group of beta testers, should be launched by May 2010. Its improved navigation (e.g., targeted tabs such as "Life Event") will ensure that Agency information is more widely disseminated.

IV. Steps Taken to Greater Utilize Technology

1. Per its regulations, the Agency requires that its FOIA request be submitted in writing and addressed to the Agency's mailing address. 5 C.F.R. § 1631.6 (a). However, if a FOIA request is received via facsimile or other means, in the spirit of openness, the Agency will process and respond to the request.
2. Other than the Agency's current regulatory requirements, there is no impediment to the Agency receiving requests in other formats (e.g., e-mail).
3. The Agency uses a Microsoft Access database to track its FOIA requests.
4. NA.
5. The Agency uses Microsoft Access and Microsoft Word to respond to its FOIA requests. The Agency also has a dedicated "FOIA"

folder on its network drive which has a dedicated subfolder for each FOIA request. Agency staff is able to review and edit (when necessary) each FOIA request via this network drive.

6. NA.
7. The Agency uses its software packages to help create its FOIA report. This report is also placed at the Agency's "Reading Room" at FRTIB.gov.
8. NA.

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. The Agency has consistently responded to FOIA requests in a timely fashion and had only one backlog item for 2009.
2. NA.
3. NA.