

Federal Retirement Thrift Investment Board

2011 Chief FOIA Officer Report

I. Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.

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.

b. What training has been attended and/or conducted on the new FOIA Guidelines?

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.

c. How has your agency created or modified your internal guidance to reflect the presumption of openness?

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.

d. To what extent has your agency made discretionary releases of Otherwise exempt information?

The Agency has not yet made releases of otherwise exempt information because the majority of the information withheld from FOIA requests are that of personal and confidential information that would constitute a clearly unwarranted invasion of personal privacy.

e. What exemptions would have covered the information that was released as a matter of discretion? N/A

f. How does your agency review records to determine whether discretionary releases are possible?

Before records are released to the FOIA requestor, they are reviewed by the Office of the General Counsel. Often time it goes through the hands of several attorneys before a decision is made on what information can be released and what

information should be withheld.

g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

The Agency is proactive at posting information online in advance of any public request.

2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.

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 2009 the Agency had 8 full grants and 0 partial grants. In 2010 the Agency had 4 full grants and 7 partial grants.

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

a. Do FOIA professionals within your agency have sufficient IT support?

Yes, our Agency does have sufficient IT support. 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.

b. Describe how your agency's FOIA professionals interact with your Open Government Team.

N/A. Because our Agency is so small, there is no distinction between our FOIA professionals and an Open Government Team. It is in itself, the same group.

c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

Our Agency receives on average, twenty five FOIA requests per year. Our FOIA Officer works closely with the Assistant General Counsel to respond to these requests and forwards requests, when necessary, to other departments in the Agency for assistance. Our staffing has always been adequate for the amount of requests that we have received.

d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

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. We have also set up a calendar in Outlook specifically for FOIA requests that sends reminders when a response is due.

III. Steps Taken To Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

a. Has your agency added new material to your agency website since last year?

The Agency launched a new Web site in July 2010 and is constantly updating items to stay current with the needs of the participants and beneficiaries.

b. What types of records have been posted?

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.

c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.

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 launched a new version of tsp.gov in July 2010. Its improved navigation (e.g., targeted tabs such as "Life Event") ensures that Agency information is more widely disseminated.

d. What system do you have in place to routinely identify records that are appropriate for posting?

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.

e. How do you utilize social media in disseminating information?

The Agency does not utilize social media in disseminating information. 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.

f. Describe any other steps taken to increase proactive disclosures at your agency.

No other steps were taken.

IV. Steps Taken To Greater Utilize Technology

1. Electronic receipt of FOIA requests:

a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?

FRTIB does not have any component agencies. 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 electronic mail, in the spirit of openness, the Agency will process and respond to the request.

b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

N/A.

c. What methods does your agency use to receive requests electronically?

In the spirit of openness, FRTIB will allow FOIA requests by e-mail or by fax.

2. Electronic tracking of FOIA requests:

a. What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?

FRTIB does not have any components. The Agency tracks its FOIA requests electronically.

b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

N/A.

c. What methods does your agency use to track requests electronically?

The Agency uses a generic data/word processing system to track its FOIA requests, along with a spreadsheet.

3. Electronic processing of FOIA requests:

a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?

N/A

b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

N/A

c. What methods does your agency use to process requests electronically?

The Agency uses a generic data/word processing system 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.

4. Electronic preparation of your Annual FOIA Report:

a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific

or a generic data-processing system.

The Agency uses its own generic data-processing system to help create its FOIA report. This report is then placed in the Agency's "Reading Room" at www.FRTIB.gov.

- b. **If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year. N/A**

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

1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.

Our Agency had one backlog in 2009 and one in 2010. Both have been closed, neither were administrative appeals. The pending request from FY2009 was closed in FY 2010.

2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:

- a. **Is the backlog increase a result of an increase in the number of incoming requests or appeals? No**
- b. **Is the backlog increase caused by a loss of staff? No**
- c. **Is the backlog increase caused by an increase in the complexity of the requests received? No**
- d. **What other causes, if any, contributed to the increase in backlog? N/A**

3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.

- a. **Does your agency routinely set goals and monitor the progress of your FOIA caseload? Yes**
- b. **Has your agency increased its FOIA staffing? No**
- c. **Has your agency made IT improvements to increase timeliness? No**
- d. **Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests? Yes**

Spotlight on Success

Consistent with the President's FOIA Memorandum's and the Open Government Initiative's policy of greater government transparency, FRTIB launched a new Web site in July 2010 and is constantly updating items to stay current with the needs of the participants and beneficiaries. The new website allows our participants to sign up for email subscription notice that will notify you when there is new Thrift Savings Plan Information. Also, because of consistent requests for our FOIA log, we are now working on preparing a version that is viewable to the public and will be posting this to our website within the next few months.