



UNITED STATES OF AMERICA
RAILROAD RETIREMENT BOARD
844 NORTH RUSH STREET
CHICAGO, ILLINOIS 60611-2092

AUG 01 2008

GENERAL COUNSEL

Mr. Clay Johnson, III, Chairman
President's Management Council
1650 Pennsylvania Avenue, N.W., Room 260
Washington, DC 20503

Re: Updated Status Report
on Deficiencies pursuant to
EO 13,392

Dear Mr. Johnson:

Pursuant to Executive Order 13392 signed by President Bush on December 14, 2005, the Railroad Retirement Board (RRB) submits its updated report on deficiencies regarding its implementation of the Executive Order, "Improving Agency Disclosure of Information."

As previously reported in its FY 2007 annual report pursuant to 5 U.S.C. § 552(e) to the Office of Information and Privacy, Department of Justice, the RRB plans to complete all remaining improvements by the end of calendar year 2008.

The RRB has missed its target milestones initially established in its improvement plan for its progress on two improvement areas as set forth below (the numbers in parentheses correspond to the improvement areas as numbered in the RRB's FY 2006/2007 FOIA Improvement Plan, copy attached):

I.

1. FOIA Improvement Plan area to which this deficient milestone relates.

(7.) Electronic FOIA – receiving/responding to request electronically.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

The RRB set a target date for amending its regulations to permit Freedom of Information Act (FOIA) requests by fax and email by no later than April 2007. This date was not met due to other regulatory priorities.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

We are working with our Bureau of Information Services to establish a FOIA mailbox that the FOIA Requester Service Center will monitor for communications. Additionally, we are in the process of drafting amendments to the regulations to allow for FOIA request to be made by email and fax.

4. Future remedial steps and the dates by which the steps will be completed.

Final revisions to the amendments will be submitted and a FOIA mailbox will be created. We expect to complete this action by the end of calendar year 2008 as previously reported in our FY 2006/2007 FOIA Improvement Plan.

II.

1. FOIA Improvement Plan area to which this deficient milestone relates.

(26.) Centralization/decentralization.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

The RRB set a target date for review and revision of its Administrative Circular, IRM-2, "Privacy Act and Freedom of Information Act," by no later than June 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

This date was not met due to other legislative/litigation priorities. We continue to work to revise IRM-2 to ensure that the RRB has the best, overall FOIA administration structure for effective processing.

4. Future remedial steps and the dates by which the steps will be completed.

We expect to revise IRM-2 to complete this action by the end of calendar year 2008 as previously reported in our FY 2006/2007 FOIA Improvement Plan.

As required, please find enclosed: (1) copies of the relevant portions of Section XII of the RRB's FY2007 FOIA Annual Report which identifies the deficiency, explains the reasons for the deficiency, and describes what remedial steps will be or were taken (Enclosure 1); and (2) copies of the relevant pages of the RRB's FY 2006/2007 FOIA Improvement Plan that show the original milestones or goals that were not completed on time (Enclosure 2).

Although deficient in our overall reported target dates for the improvement areas noted above, the RRB is cognizant of its failure to meet certain milestone dates previously set. The RRB is working diligently to achieve its overall target date for completion of all selected improvement areas by the end of calendar year 2008. We are confident of our ability to achieve this task.

Sincerely,

Handwritten signature of Steven A. Bartholow in cursive script. The signature includes the name "Steven A. Bartholow" and a small mark that appears to be "by mrb" written below the name.

Steven A. Bartholow
Chief FOIA Officer/General Counsel

Enclosures

Enclosure 1: Relevant portion of Section XII of the RRB's FY2007 FOIA Annual Report.

XII. Report on FOIA Executive Order Implementation

On December 14, 2005, the President issued Executive Order 13,392, entitled "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to administration of the Freedom of Information Act. The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

This section of the annual FOIA report contains the RRB's description of its progress in implementing the milestones and goals of the RRB's FOIA Improvement Plan.

The reporting period for Section XII is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2007. The reporting period for this section concerns Executive Order implementation activities.

- A. Description of supplementation/modification of agency improvement plan (if applicable).

Not applicable.

- B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The RRB has not met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392, that were to be completed for this reporting period.

Specifically, the RRB's implementation of its plan with respect to its chosen improvement areas is as follows:

of drafting amendments to the regulations to allow for FOIA request to be made by email and fax. We expect to complete this action by the end of calendar year 2008.

- b. 1. Centralization/decentralization.
 2. The RRB set a target date for review and revision of its Administrative Circular, IRM-2, "Privacy Act and Freedom of Information Act," by no later than June 2007.
 3. This date was not met due to other legislative/litigation priorities.
 4. We continue to work to revise IRM-2 to ensure that the RRB has the best overall FOIA administration structure for effective processing. We expect to complete this action by the end of February 2008.
- c. 1. Affirmative Disclosure.
 2. In the area of affirmative disclosure, the RRB, through combined efforts of its FOIA staff, Bureau of Information Services, and Office of Programs (Policy and Systems), completed its goal, albeit two weeks behind schedule, of placing its staff manuals and instructions to staff on its web site by the end of 2007, therefore allowing public dissemination of this required material.
 3. This goal was completed on January 15, 2008. Additionally, the RRB continues to examine its web site regularly to insure that administrative staff manuals, Legal Opinions and GILS information are up-to-date.
 4. There are no future remedial steps to be taken.

The RRB is cognizant of its failure to meet certain milestone dates previously set in our FY 2006 FOIA Improvement Plan. The RRB will, however, make every effort to achieve its overall target date for completion of all selected improvement areas by the end of Fiscal Year 2008. We are confident of our ability to achieve this task.

Enclosure 2: Relevant pages of the RRB's FY2006/2007 FOIA Improvement Plan.

D. List all areas chosen as improvement areas for agency plan.

1. Affirmative disclosure.

The RRB is required to place its staff manuals and instructions to staff on its web site. Our review disclosed that this information is not currently available to the

public on its web site. By the end of 2007, the RRB will, through combined efforts of its FOIA staff, Bureau of Information Services and Office of Programs (Policy and Systems) place its staff manuals and instructions to staff directly on its web site, therefore allowing the public dissemination of this required information. In addition, the RRB will consider posting final agency decisions regarding individual cases (once sanitized for privacy concerns). Last, the RRB will examine its web site to insure that Legal Opinions and GILS information are up-to-date.

3. Overall FOIA Web site improvement.

The RRB will review our web site annually to continue to provide current information and updates as necessary to ensure user-friendly formats and navigation for the public.

7. Electronic FOIA – receiving/responding to request electronically.

The RRB will amend its regulations to permit FOIA requests by fax or email. The RRB will ask its Bureau of Information Services to establish a FOIA mailbox that the FOIA Requester Service Center would monitor for communications. Our goal in creating a FOIA mailbox is to use the Internet as another means of receiving (and in some cases responding to) FOIA requests. We plan to complete this action no later than April 2007.

18. Process by which necessary cooperation is obtained from agency “program personnel.”

By the end of December 2006, the RRB will develop and transmit an annual reminder to all employees concerning the disclosure of documents under the FOIA. We plan to provide to all agency staff revised internal FOIA procedures emphasizing the critical role program offices play in ensuring timely, complete FOIA responses by the agency. Our goal in increasing staff understanding of the FOIA process is to further decrease the number of days it takes to respond to a request.

26. Centralization/decentralization.

The RRB will review and revise its Administrative Circular, IRM-2, “Privacy Act and Freedom of Information Act,” to reflect the recent changes in FOIA responsibility and the new reporting requirements pursuant to Executive Order 13392. Our goal is to ensure that the RRB has the best, overall FOIA-administration structure for effective processing. The RRB will review/revise its Administrative Circular regarding FOIA no later than June 2007.