



## Chief FOIA Officer Report

U.S. Railroad Retirement Board Phone: (312) 751-7139  
844 North Rush Street TTY: (312) 751-4701  
Chicago Illinois, 60611-2092 Web: <http://www.rrb.gov>

### FY 2011 Chief FOIA Officer Report for the U.S. Railroad Retirement Board (RRB)

The RRB submits this report for FY 2011 in response to the request in the United States Department of Justice Office of Information Policy FOIA Post, "Guidelines for 2011 Chief FOIA Officer Reports to the Department of Justice, Pursuant to Attorney General Holder's FOIA Guidelines." The report has been prepared by Karl T. Blank, General Counsel/Chief FOIA Officer, RRB.

#### **Section 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.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

The RRB is a small, independent agency in the Executive Branch of the Federal government. As the RRB's General Counsel/Chief FOIA Officer, I am responsible for the RRB's overall FOIA program. I have made certain that all FOIA staff are properly trained concerning the President's FOIA memorandum and the Attorney General's FOIA guidelines and are responsible in carrying out those responsibilities as they respond to all FOIA requests.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

The agency has a small number of staff with direct FOIA responsibilities. All of the training provided from the Office of Information Policy (OIP) incorporated the principles of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. In FY 2011, FOIA staff completed Basic Records Operation training from the National Archives and Records Administration (NARA) and FOIA training by the American Society of Access Professionals (ASAP). Additional E-Discovery training was provided by the U.S. Attorney's Office, Department of Justice.



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In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

3. Did your agency make any discretionary releases of otherwise exempt information?

The number of full grants to requests has continued to increase since FY 2007 to the present, i.e., from 34 in FY 2007 to 53 in FY 2009. In FY 2008, the agency released 48 full grants and 5 partial grants. In FY 2009, the agency released 55 full grants and 15 partial grants. In FY 2010, the agency released 62 full grants and 4 partial grants. In FY 2011, the agency released 77 full grants and 3 partial grants. The RRB did make discretionary releases during FY 2011. However, due to the nature of the records requested, as well as the small number of FOIA requests that are received by the agency, only a small number were made. However, the RRB makes it a policy to make discretionary releases whenever possible.

4. What exemptions would have covered the information that was released as a matter of discretion?

Generally, when there is a possibility of a discretionary release can be made by the RRB, exemption (b)(5) applies.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

FOIA staff review all records that are responsive to a particular FOIA request. When there is a possibility of making a discretionary release, they consult with the agency's General Counsel/ Chief FOIA Officer.

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

In Section V.B.(1) of your agency's Annual FOIA Report, entitled "Disposition of FOIA Requests – All Processed Requests" the first two columns list the "Number of Full Grants" and the "Number of Partial Grants/Partial Denials." Compare your agency's 2011 Annual FOIA Report with last year's Annual FOIA Report, and answer the following questions:

7. Did your agency have an increase in the number of responses where records were released in full?



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Yes, in FY 2011, the agency released 77 full grants, up from 62 in FY 2010.

8. Did your agency have an increase in the number of responses where records were released in part?

No, in FY 2011, the agency released 3 partial grants, down from 4 partial grants in FY 2010.

### **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests."

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

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

Yes. We continue to monitor and assess our information technology to ensure that FOIA professionals have sufficient information technology support to perform their required functions.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Yes.

3. Do your FOIA professionals work with your agency's Open Government Team?

Yes.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.



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Because the RRB receives so few FOIA requests per year, it currently has one main FOIA Officer. If the number or complexity of the FOIA requests significantly increased, the need for additional staffing would become readily apparent. At this time, the staffing level meets the agency's needs.

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

No additional steps have been taken.

### Section 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.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2011 to March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

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

The RRB annually updates its website to include current actuarial, statistical, and financial information.

2. Provide examples of the records, datasets, videos, etc., that have been posted this past year.

We continue to monitor FOIA webpage content to make sure it remains timely and consistent with current law. FOIA staff have the responsibility and authority to update the RRB website as necessary. The website offers access to copies of the agency's procedure manuals, final decisions of the three-member Board which heads the agency, rulings of the Board and legal opinions. Other information is available to the public without filing a FOIA request in the Federal Register and the RRB Group Information Locator System (GILS) website. An example of additional material provided since the issuance of the new FOIA Guidelines include a more comprehensive list of the agency's procedural manuals. Additionally, five data sets of statistical information have been added to the RRB's Open Government Initiative located at <http://www.rrb.gov/open/default.asp>.



# Chief FOIA Officer Report

## High-Value Data Sets

The RRB identified and published online in an open format five high-value data sets and registered those data sets via Data.gov. Going forward, the RRB will consider existing published data for conversion to open format for publication to Data.gov.

## High Value Information and Data Set Inventory

The RRB High-Value Information and Data Set Inventory details the underlying data sets that are in an open format and accessible directly via Data.gov.

High-Value Information and Data Set Inventory		
Information/Data Set Name	Description	URL
Active Employees and Railroad Retirement Act Beneficiaries by State, 2008	A breakdown of Active Employees and Railroad Retirement Act Beneficiaries by State	<a href="http://www.data.gov/details/1331">http://www.data.gov/details/1331</a>
Longevity of Railroad Retirement Beneficiaries	Calculations of life expectancies of Railroad Retirement beneficiaries.	<a href="http://www.data.gov/details/1332">http://www.data.gov/details/1332</a>
Railroad Retirement Act Annuitants and Active Railroad Employees by Congressional District	A breakdown of Railroad Retirement Act Annuitants and Active Railroad Employees by Congressional District.	<a href="http://www.data.gov/details/1330">http://www.data.gov/details/1330</a>
Total Number of Railroad Employees by State and Last Railroad Employer, 2007	A breakdown of Railroad employees by State and Last Railroad Employer.	<a href="http://www.data.gov/details/455">http://www.data.gov/details/455</a>
Total Railroad Employment by State and County, 2007	A breakdown of Railroad employees by State and County.	<a href="http://www.data.gov/details/456">http://www.data.gov/details/456</a>

## Open Government Webpage

The RRB’s Open Government Webpage ([www.rrb.gov/open](http://www.rrb.gov/open)) serves as the gateway for agency activities related to the Open Government Directive. The site allows the



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public to provide input about the agency's Open Government Plan, give feedback regarding the quality of published information, and provide input about what information should be prioritized for publication to RRB staff via E-mail.

### Transparency

The RRB's long history of transparency is evident by the extensive amount of information frequently published on its website ([www.rrb.gov](http://www.rrb.gov)). To uphold and advance this strong commitment to transparency in the future, the RRB will continue to publish information in support of its mission to administer retirement/survivor and unemployment/sickness insurance benefit programs for railway workers and their families under the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

### Agency Plans, Management and Reports

The RRB Strategic Plan details the RRB's long and distinguished history of excellent customer service and the continuation of that tradition by calling for the attainment and maintenance of high levels of accuracy and timeliness in paying retirement, survivor, unemployment and sickness insurance benefits. The Agency Management and Reports webpage provides information on the RRB's structure, responsibilities to the public, and communication methods. The RRB Annual Report provides information on agency operations that are distributed to officials of railway management and labor, members of Congress, officials of the Federal Government, and requesting libraries

[http://www.rrb.gov/general/plan\\_rpt\\_inv.asp#fair](http://www.rrb.gov/general/plan_rpt_inv.asp#fair)

[http://www.rrb.gov/mep/agency\\_mgt.asp](http://www.rrb.gov/mep/agency_mgt.asp)

[http://www.rrb.gov/opa/AnnualRprt/Ann\\_Rpt\\_toc.asp](http://www.rrb.gov/opa/AnnualRprt/Ann_Rpt_toc.asp)

### Agency Procedure Manuals

The Agency Procedure Manuals webpage is an index of the chapters in the various manuals used by the RRB in the processing of claims under either the Railroad Retirement or Railroad Unemployment Insurance Acts

[http://www.rrb.gov/general/admin\\_manuals\\_index.asp](http://www.rrb.gov/general/admin_manuals_index.asp)

### Board Coverage Decisions



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Board Coverage Decisions are the determinations of the three-member Board as to the status of various companies or persons with respect to coverage as employers or employees under the Railroad Retirement and Railroad Unemployment Insurance Acts.

[http://www.rrb.gov/blaw/bcd/cov\\_introduction.asp](http://www.rrb.gov/blaw/bcd/cov_introduction.asp)

### Congressional Requests

The Congressional Inquiry Section of the RRB's Office of Administration is responsible for responding to all inquiries from congressional offices concerning constituents, benefit claims or applications filed with the agency.

Questions about proposed railroad retirement legislation, the status of pending legislation, or congressional schedules, hearings or committee jurisdiction should be directed to the Office of Legislative Affairs ([ola@rrb.gov](mailto:ola@rrb.gov)).

[http://www.rrb.gov/opa/rrbcongress\\_contacts.asp](http://www.rrb.gov/opa/rrbcongress_contacts.asp)

### Federal Register

The Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. Descriptions of agency organization, procedures for the public to obtain information, statements of agency function, rules of procedure, descriptions of agency forms, substantive rules of general applicability and statements of general policy, and any changes in material required to be published are available through the Office of the Federal Register, National Archives and Records Administration (NARA).

<http://www.gpoaccess.gov/fr/index.html>

[http://www.rrb.gov/irm/fedreg\\_notices.asp](http://www.rrb.gov/irm/fedreg_notices.asp)

[http://www.rrb.gov/irm/fedreg\\_regs.asp](http://www.rrb.gov/irm/fedreg_regs.asp)

### Financial, Actuarial and Statistical Data

The RRB Financial, Actuarial and Statistical Data webpage consists of the following sections:

Annual Railroad Retirement Act and Railroad Unemployment Insurance Act Data

Budget and Financial Reports: Current and Projected



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Earnings Limits, Tax Rates and COLA's

Monthly and Quarterly Railroad Retirement Act and Railroad Unemployment Insurance Act Data

Performance and Accountability Reports

[http://www.rrb.gov/mep/fin\\_act\\_stat.asp](http://www.rrb.gov/mep/fin_act_stat.asp)

Forms and Publications

The Railroad Retirement Handbook provides a comprehensive single source of authoritative information on the development and character of the railroad retirement and railroad unemployment insurance systems. The Benefit Forms and Publications webpage provides information on Unemployment & Sickness Benefits, Retirement & Survivor Benefits, Medicare, Income Tax, Protests and Appeals, and Work/Earnings. The Employer Forms and Publications webpage provides content from the Exhibits Section of the Labor Reporting, Employer Reporting and Sickness Reporting Instructions, and publications in the format of Employer Exchange Newsletters and Office of the Labor Member Questions and Answers.

<http://www.rrb.gov/general/handbook/toc.asp>

[http://www.rrb.gov/mep/ben\\_forms.asp](http://www.rrb.gov/mep/ben_forms.asp)

[http://www.rrb.gov/mmo/rail\\_forms.asp](http://www.rrb.gov/mmo/rail_forms.asp)

Freedom of Information Act (FOIA)

The RRB is required under the Freedom of Information Act (FOIA) to disclose records requested in writing by any person. However, we may withhold information under certain exemptions and exclusions provided by the statute. In addition, the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Privacy Act restrict disclosure of information about individuals.

<http://www.rrb.gov/blaw/foia/foia.asp>

Information Dissemination

In accordance with Section 3506(d) of the Paperwork Reduction Act and Section 515 of Public Law 106-554 the RRB has developed a procedure to allow one to seek and obtain correction of certain information RRB maintains and disseminates. Procedures to seek correction of information under section 515 do not replace other established procedures for challenges to disseminated information. Challenges to



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information disseminated in the course of rulemaking should be made through the channels established for that purpose.

<http://www.rrb.gov/bis/section515/introduction.asp>

<http://www.rrb.gov/bis/section515/guidelines.asp>

<http://www.rrb.gov/bis/section515/correct.asp>

### IMPAC Credit Card Holders List

The RRB receives frequent requests under the Freedom of Information Act for a list of the IMPAC credit card holders at the agency. In accord with section 4 of the Electronic Freedom of Information Act Amendments of 1996 (P.L. 104-231), the RRB posts the list of credit card holders.

<http://www.rrb.gov/general/impac.asp>

### News Releases

The RRB News webpage provides access to periodic news releases distributed to editors of railway publications and major newspapers, officials of railway management and labor, and requesting agencies and organizations in and outside of the Federal Government.

[http://www.rrb.gov/mep/news\\_releases.asp](http://www.rrb.gov/mep/news_releases.asp)

### Paperwork Reduction Act

The RRB is essentially compliant with the information dissemination requirements of the PRA.

### Privacy Act - Privacy Act Systems of Records

The RRB Privacy Act webpage provides information on one's right to records which the RRB maintains about individuals, including individuals in the railroad industry. The text of all of the RRB's Privacy Act Systems of Records, as published in the Federal Register, are available for study.

[http://www.rrb.gov/bis/privacy\\_act/introduction.asp](http://www.rrb.gov/bis/privacy_act/introduction.asp)

[http://www.rrb.gov/bis/privacy\\_act/SORNList.asp](http://www.rrb.gov/bis/privacy_act/SORNList.asp)

### Records Management



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The RRB records schedules are in transition. We will post updated RRB records schedules to [www.rrb.gov](http://www.rrb.gov) upon completion of all remaining NARA Bulletin 2006-02-related RRB/NARA appraisal work later in FY 2010.

### RRBVision

The RRBVision service allows users to view video presentations with accompanying training materials, such as PowerPoint presentations or online screens. Presentations can be viewed in real time or saved for later viewing. These presentations covered instructions in filing for sickness and unemployment benefits under the Railroad Unemployment Insurance Act, filing for retirement benefits under the Railroad Retirement Act, completing a variety of compensation-reporting forms and navigating the Board's Web site.

[http://www.rrb.gov/rrbvision/video\\_library.asp](http://www.rrb.gov/rrbvision/video_library.asp)

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

Many of the records posted on the agency website were created specifically to be made available to the public, such as press releases, reports, and other RRB-produced material. Many of the records online have traditionally been widely disseminated by the agency.

4. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

Yes. The RRB now provides a video library for railroad employers and benefit online services, such as online application filing, for railroad employees

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

No other steps have been taken.

### Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies



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should also be exploring ways to utilize technology in responding to requests. In 2010 and 2011, agencies reported widespread use of technology in handling FOIA requests. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

The RRB receives requests electronically via mail, fax and email through its E-FOIA system created by the RRB's Bureau of Information Services.

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

RRB's FOIA operations are centralized in the RRB's headquarters location. The RRB officials who have primary responsibility for the administration of program areas are located at RRB Headquarters in Chicago, Illinois. Numerous programs, however, are administered at the local level through 12 Networks, headed by Network Managers who oversee the operation of all RRB program areas in their jurisdiction. RRB's primary FOIA operation is located in the FOIA Requester Service Center located within the Office of General Counsel (OGC). The OGC is comprised of nine attorneys (a General Counsel, two Assistant General Counsels, and 6 staff attorneys), a paralegal specialist, and three administrative support personnel. One General Attorney is primarily responsible for reviewing incoming FOIA requests, providing the requestor with an acknowledgment of the request, determining whether documents are likely to be located at Headquarters, and either initiating a search at RRB Headquarters' program offices or refer the request to a Network Manager, or non-Headquarters program-specific office, as appropriate. The General Attorney is also responsible for reviewing the program office's recommendation concerning the releasability of documents, redacting material subject to FOIA exemptions, and preparing a draft response letter to the requester for the General Counsel/Chief FOIA Officer. Two additional General Attorney's have secondary responsibility to provide back-up assistance to the primary General Attorney for FOIA requests. The three support staff personnel at Headquarters are responsible for logging in the average 100 or so FOIA requests received at Headquarters annually, including inputting pertinent information into an electronic tracking system. Support staff also perform ancillary functions, such as filing, record archiving, and time and attendance.

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?



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Yes. A FOIA requester is provided a tracking number through the Board's E-FOIA system and can email for a status update.

4. If not, is your agency taking steps to establish this capability?

See number 3 above. Not Applicable.

Use of technology to facilitate processing of requests:

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Currently, the RRB does not use technology to process requests. Due to the average number of requests received within a given year, currently around 100, the RRB has determined that utilizing an electronic system for responding to requests is unnecessary at this time. We will continue to evaluate this option. However, to the extent practical and subject to valid restrictions, the RRB will continue to use its website to disseminate useful information, rather than waiting for specific requests under FOIA.

6. If so, describe the technological improvements being made.

See number 5 above. Not applicable.

### **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs**

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests and appeals. For the figures required in this Section, please use those contained in the specified sections of your agency's 2011 Annual FOIA Report.

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If



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your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

- a. Does your agency utilize a separate track for simple requests?

No.

- b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

Not applicable.

- c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

Yes. The average number of days to process simple requests was 15.86 days .

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

The number of backlogged requests from FY 2010 to FY 2011 remained constant at one backlogged request at the end of the fiscal year.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

The number of backlogged appeals remained at zero for FY 2010 and FY 2011.

- c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?



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No. One pending perfected requests remained at the end of FY 2011.

d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

Yes.

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

No.

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

No.

c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

Yes.

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

Administrative Appeal Backlog:

e. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Not applicable.

f. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

Not applicable.



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- g. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

Not applicable.

- h. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

Not applicable.

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

The agency's FOIA Officer continually monitors the progress of the FOIA caseload and responds to requests in a timely manner.

2. Has your agency increased its FOIA staffing?

No.

3. Has your agency made IT improvements to increase timeliness?

During the last year, the RRB began using a database for its FOIA log. Although this does not directly increase response time, it does increase the efficiency of the agency's FOIA operations with respect to tracking requests.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

The RRB does not routinely receive consultations from other agencies on FOIA matters.



### Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2011?

No.

2. If so, what is the total number of times exclusions were invoked?

Not applicable.

### Spotlight on Success

Out of all the activities undertaken by your agency since March 2011 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts.

#### Flagship Initiative - Customer Satisfaction Web-Based Survey

Starting in May 2010, the Railroad Retirement Board began participating in a customer satisfaction survey of visitors to the agency's website. The survey specifically measures the visitors' perception of "Online Transparency" among other things. Unlike previous surveys the agency has conducted at a single point in time, this survey will be ongoing for at least a year. Each month, the survey questions can be adjusted to obtain customer feedback on potential enhancements thus providing a vehicle for customer participation. Each quarter we will receive an analytical report which will help us determine which website improvements will yield the greatest return on satisfaction and on our investment. This approach will also allow us to determine the importance of website elements to our customers—based on their input—so we can make informed decisions about website improvements and other online investments. The ability to adjust both the survey and the website along the way provides an ongoing measure of improved transparency and effectiveness. Depending on the level of public participation, funding availability, and the RRB's ability to respond to the feedback, we will consider extending the survey for another year or more, and/or obtaining additional analytical services to further improve website performance and openness, and ultimately efficiency and effectiveness of operations, as well as customer satisfaction.



## Chief FOIA Officer Report

U.S. Railroad Retirement Board Phone: (312) 751-7139  
844 North Rush Street TTY: (312) 751-4701  
Chicago Illinois, 60611-2092 Web: <http://www.rrb.gov>

### Overall Nature of RRB's FOIA Operations

In the 1930's, Congress established the RRB as an independent agency in the executive branch of the federal government. The primary duty of the RRB is to administer retirement/survivor and unemployment/sickness insurance benefit programs under the Railroad Retirement Act and the Railroad Unemployment Insurance Act. These programs provide income protection during old age and in the event of disability, death or temporary unemployment and sickness. The RRB also administers aspects of the Medicare program and has administrative responsibilities under the Social Security Act and the Internal Revenue Code.

During fiscal year 2011, retirement-survivor benefits of some \$10.9 billion were paid to about 578,000 beneficiaries, while net unemployment-sickness benefits of \$101 million, including almost \$9 million in temporary extended unemployment benefits under the American Recovery and Reinvestment Act of 2009 and the Worker, Homeownership, and Business Assistance Act of 2009, were paid to more than 28,000 claimants. At the end of fiscal year 2011, the average annuity paid to retired rail employees was some \$2,265 a month, spouse benefits averaged \$840 a month, and benefits for aged widow(er)s averaged \$1,365 a month. The maximum biweekly rate for unemployment and sickness benefits was \$660.

The RRB staff currently includes approximately 898 employees as of December 31, 2011. The agency's headquarters is located at 844 North Rush Street, Chicago, Illinois 60611-2092 and the agency has 53 field offices nationwide. The agency's small size and concise mission result in on average around 100 FOIA requests annually. Our average processing time for FOIA requests last year was around 15.86 days. In 2005, the RRB launched a redesigned website ([www.rrb.gov](http://www.rrb.gov)) that is more user-friendly and makes publicly available many of the categories of documents that used to result in FOIA requests.

Internet availability of these documents has reduced the number of FOIA requests. This allows us to focus on the remaining requests, which tend to be somewhat more complex. Information available from the RRB under the FOIA includes the agency's procedure manuals, final decisions of the three-member Board which heads the agency, rulings of the Board and legal opinions. Legal opinions since 1997 and Board Coverage Decisions are periodically posted to the RRB web site and available without a request under the Freedom of Information Act.

Because the RRB administers a comprehensive program of railroad retirement, unemployment, and sickness benefits for railroad workers, it also maintains information about individuals which may not be disclosed in response to a FOIA request. The Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Privacy Act restrict the disclosure of information about individuals. If a request is made for information about an individual, as a general rule, the requester must provide the RRB a written authorization signed by the individual who is the subject of that record.

RRB's FOIA operations are centralized in the RRB's headquarters location. The RRB officials who have primary responsibility for the administration of program areas are



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located at RRB Headquarters in Chicago, Illinois. Numerous programs, however, are administered at the local level through 12 Networks, headed by Network Managers who oversee the operation of all RRB program areas in their jurisdiction. RRB's primary FOIA operation is located in the FOIA Requester Service Center located within the Office of General Counsel (OGC). The OGC is comprised of nine attorneys (a General Counsel, two Assistant General Counsels, and 6 staff attorneys), a paralegal specialist, and three administrative support personnel. One General Attorney is primarily responsible for reviewing incoming FOIA requests, providing the requestor with an acknowledgment of the request, determining whether documents are likely to be located at Headquarters, and either initiating a search at RRB Headquarters' program offices or refer the request to a Network Manager, or non-Headquarters program-specific office, as appropriate. The General Attorney is also responsible for reviewing the program office's recommendation concerning the releasability of documents, redacting material subject to FOIA exemptions, and preparing a draft response letter to the requester for the General Counsel/Chief FOIA Officer. Two additional General Attorney's have secondary responsibility to provide back-up assistance to the primary General Attorney for FOIA requests. The three support staff personnel at Headquarters are responsible for logging in the average 100 or so FOIA requests received at Headquarters annually, including inputting pertinent information into an electronic tracking system. Support staff also perform ancillary functions, such as filing, record archiving, and time and attendance.

The Headquarters primary FOIA attorney handles all legal issues related to Headquarters FOIA requests, including researching and reviewing issues related to the applicability of exemptions, resolving fee waiver determinations, deciding requests for news media status, and responding to questions from Headquarters program staff. The primary FOIA attorney is responsible for resolving all issues that arise within Headquarters regarding responsiveness and adequacy of search by Headquarters offices. In addition, the Headquarters FOIA legal staff serves in an advisory role to the over 53 decentralized RRB offices, responding to challenging questions on processing, applicability of exemptions, interpretation of the FOIA, and the handling of non-routine FOIA requests. The Headquarters FOIA attorneys are also responsible for supervising the Headquarters FOIA Specialist processing staff, including the review and editing of all of the approximately 100 plus FOIA response letters sent by Headquarters annually. All FOIA responses are signed by the General Counsel/Chief FOIA Officer of the OGC. Supervisory duties performed by one attorney in the Headquarters FOIA Requester Service Center include assignment of cases to the FOIA attorneys, preparation of performance appraisals, progress reviews and all other personnel functions related to supervision of the non-attorneys in the FOIA Requester Service Center.

RRB's FOIA operations outside of Headquarters are administered or supervised by OGC. Each Network Manager has responsibility to forward all FOIA requests related to documents physically located within either the Network Office or district field offices within the Network Manager's jurisdiction.



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It should also be noted that due to the independent nature of the RRB's Office of Inspector General (OIG), handling and reporting statistics concerning FOIA requests received by that office, is the responsibility of the OIG. However, those statistics are reflected herein for purposes of this report.

As the designated Chief FOIA Officer for the RRB, I am pleased to submit this report. This report is directed to ensuring that the RRB's administration of the FOIA is not only, at a minimum, in compliance with the law and the policies set forth in the President's Memorandum, but also that the RRB strives to continuously improve its FOIA operations and exceed the expectations of its FOIA requesters.

/s/ Karl T. Blank  
RRB General Counsel/Chief FOIA Officer