



2014 Chief FOIA Officer Report for the U.S. Railroad Retirement Board

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>

The RRB submits this report for 2014 in response to the request in the United States Department of Justice Office of Information Policy FOIA Post, "Guidelines for 2014 Chief FOIA Officer Reports." 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.

FOIA Training:

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

No. 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. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

Not applicable.

3. Did your FOIA professionals attend any FOIA training during the reporting period 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 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. No additional training was attended in 2013.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

None.

5. OIP has issued guidance that **every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year**. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.



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We continue to monitor our FOIA training opportunities annually and provide for the necessary training as required. FOIA personnel are advised of training opportunities conducted by the Department of Justice.

Outreach:

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

No.

Discretionary Disclosures:

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.

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

Yes. 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 to determine that all records that are withheld under an exemption are reviewed for discretionary disclosure. We make it a policy that, whenever possible, all responsive FOIA records that could technically be withheld should be reviewed a second time for discretionary release.

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

In FY 2013, the agency released 67 full grants and 7 partial grants. The RRB did make discretionary releases during FY 2013. 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.

9. 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.

10. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

An example of a discretionary release by the RRB last year was a release of certain travel records for the RRB's headquarters and field office locations.

11. If your agency was not able to make any discretionary releases of information, please explain why.

Not applicable.

Other Initiatives:



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12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

No. The RRB is currently working to correct its omission in posting the required quarterly report for FY 2013, Quarter 4. We expect to accomplish this in the very near future.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

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.

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." It is essential that agencies effectively manage their FOIA program.

Describe here the steps your agency has taken to ensure that your management of your FOIA program 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.

Personnel:

During Sunshine Week 2012 OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

No.

2. If not, what proportion of personnel has been converted to the new job series?

None.

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

Not applicable. See Overall Nature of RRB's FOIA Operations below.

Processing Procedures:



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4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Not applicable.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

No.

Requester Services:

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Yes.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

Yes.

8. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc.

We periodically review our entire FOIA processing system to identify any improvements and efficiencies which can be made.

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 2013 to March 2014). 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.

Posting Material:

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?



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Yes.

2. If so, describe the system that is in place.

The RRB annually updates its website to include current actuarial, statistical, and financial information concerning active and retired railroad employees.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

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>.

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	http://www.data.gov/details/1331
Longevity of Railroad Retirement Beneficiaries	Calculations of life expectancies of Railroad Retirement beneficiaries.	http://www.data.gov/details/1332
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.	http://www.data.gov/details/1330
Total Number of Railroad Employees by State and Last Railroad Employer, 2007	A breakdown of Railroad employees by State and Last Railroad Employer.	http://www.data.gov/details/455
Total Railroad Employment by State and County, 2007	A breakdown of Railroad employees by State and County.	http://www.data.gov/details/456

Open Government Webpage



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The RRB's Open Government Webpage (www.rrb.gov/open) serves as the gateway for agency activities related to the Open Government Directive. The site allows the 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). 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/mep/agency_mgt.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

Board Coverage Decisions

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

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).



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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_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

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

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/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.



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<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 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

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/SORNList.asp

Records Management

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

RRBvision



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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

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.

Making Posted Material More Useful:

4. Beyond posting new material, is your agency taking steps to make the posted 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 posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?

Yes. See "Spotlight on Success" below.

5. If so, provide examples of such improvements.

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

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

Yes, the RRB "spotlights" the release of new information on its website, www.rrb.gov. The RRB is not currently using Twitter, or Facebook to publicize disclosures.

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

No.

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

The RRB is currently in the process of digitizing, indexing, and cataloging 258 binders of Legal Opinions maintained in the Board's Office of General Counsel so they are electronically retrievable by Board staff and the public through www.rrb.gov, including attorneys, claimants, railroad employers, etc.

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 should also be exploring ways to utilize technology in responding to requests. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and



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preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

Online tracking of FOIA requests:

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

No. This option is not currently available to a requester.

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

Not applicable.

3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.

Not applicable.

4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his/her request?

No.

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.

Yes.

Use of technology to facilitate processing of requests:

6. 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.

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

The RRB plans to purchase an eFOIA software product to automate FOIA and Privacy Act processing as soon as funding allows.

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?



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Yes.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing 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, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

Simple Track Requests:

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

No.
 - b. If so, for your agency overall, for Fiscal Year 2013, 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 was 13.63.

Backlogs and "Ten Oldest" Requests, Appeals and Consultations:

2. Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

Backlogs

- a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?



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No. The RRB had 3 pending requests at the end of FY 2013. The RRB had zero pending requests at the end of FY 2012.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

The RRB had zero appeals pending at the end of both FY 2012 and FY 2013.

Ten Oldest Requests

- c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

Not applicable. See above.

- d. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" requests.

Not applicable. See above.

Ten Oldest Appeals

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

Not applicable. See above.

- f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

Not applicable. See above.

Ten Oldest Consultations

- g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

The RRB did not have any consultations pending in both FY 2012 and FY 2013.

- h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.

Not applicable. See above.

Reasons for Any Backlogs:



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3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeal Backlog

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

No. The three pending requests were in the Board’s Office of Inspector General.

- b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

No.

- c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

No.

- d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

Not applicable. See above.

“Ten oldest” Not Closed

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

Not applicable. See above.

- f. If your agency was unable to close any of its ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Not applicable. See above.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014.



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Not applicable. See above.

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency's plan for achieving backlog reduction in the year ahead.

Not applicable. See above.

Interim Responses:

OIP has issued **guidance** encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Yes.

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

3 cases reported by the RRB's Office of Inspector General.

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 2013?

No.

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

Not applicable.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2013 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency **success stories** will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Flagship Initiative - Customer Satisfaction Web-Based Survey

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.



2014 Chief FOIA Officer Report for the U.S. Railroad Retirement Board

U.S. Railroad Retirement Board Phone: (312) 751-7139
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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.

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 2013, retirement-survivor benefits of some \$11.6 billion were paid to about 568,000 beneficiaries, while net unemployment-sickness benefits of \$91 million, including almost \$7 million in temporary extended unemployment benefits under the American Recovery and Reinvestment Act of 2009 and subsequent reauthorizing legislation were paid to more than 26,000 claimants. At the end of fiscal year 2012, the average annuity paid to retired rail employees was nearly \$2,450 a month, spouse benefits averaged \$915 a month, and benefits for aged widow(er)s averaged \$1,475 a month. The maximum biweekly rate for unemployment and sickness benefits was \$680.

The RRB staff currently includes approximately 865 employees as of December 31, 2013. 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. In 2005, the RRB launched a redesigned website (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 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 eight attorneys (a General Counsel, two Assistant General Counsels, and 5 staff attorneys), two paralegal specialists, and four 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



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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 four 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.

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