

Report of the Chief FOIA Officer Defense Nuclear Facilities Safety Board

I. Steps Taken to Apply the Presumption of Openness

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

The FOIA professionals reviewed President Obama's January 21, 2009, memorandum, and Attorney General Holder's March 19, 2009, FOIA guidelines. The Defense Nuclear Facilities Safety Board (Board)'s Offices of the General Manager and General Counsel process all FOIA requests filed with the agency.

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

The FOIA professionals attended training seminars during 2010, and continually met with the agency's Chief FOIA Officer to discuss new requirements, to ensure that these requirements are being considered during the processing of all FOIA requests. No training has been conducted in-house.

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

In support of the President's Open Government Initiative Plan, a link from the Board's main webpage was made available to both Board staff and the public. The public has been requested to respond to the plan, while we continue to formulate public feedback. Additionally, a link was added, which allows all users immediate access to the Board's FOIA webpage.

- 4. To what extent has your agency made discretionary releases of otherwise exempt information?**

The Board has not made discretionary releases of otherwise exempt information.

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

None.

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

Each FOIA request is reviewed on a case-by-case basis by a FOIA Officer, logged into a generic database, distributed to appropriate staff members, and the Office of General Counsel.

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

The Board developed a "What's New" Site on our main webpage, which links the public to the most recent Board formal recommendations, correspondence, technical reports and documents, staff issue reports, weekly site representative reports, reports to Congress, strategic plans and performance reports, policy statements, rule makings, testimonies, speeches, Federal Register notices, and other federal reports (including the annual FOIA report). Additionally, the Board provides live video streaming of public meetings and hearings. The video is available for ninety days following the hearing.

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

In 2009, sixteen FOIA requests were received and processed, four were full grants; and one was a partial grant/partial denial. In 2010, nineteen FOIA requests were received and processed, four were full grants (the same as in 2009); however, there was an increase from one to four partial grants. The partial grants used Exemptions 4 and 6.

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

- A. **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." Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. 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. 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, the Board's FOIA staff has sufficient IT support.

- 2. Describe how your agency's FOIA professionals interact with your Open Government Team.**

The Chief Information Officer directs the Information Technology group on what will be posted on the Board's Open Government links. A FOIA staff member works with the IT for posting new FOIA materials. Recently, the annual FOIA report was posted on the Board's Open Government link.

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

In 2009, the Board's median response time to FOIA requests was 5.5 days. In 2010, the Board's median response time to FOIA requests was 5 days. Since the Board receives a small number of FOIA requests (16 in 2009; 19 in 2010), there has not been a reason to hire additional staff.

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

No other steps have been taken at this time.

III. Steps Taken To Increase Proactive Disclosures

- A. 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 to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.**

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

In addition to the development of "What's New" on our main webpage, the Board continues to post the most requested agency record from the public on the FOIA webpage.

2. What types of records have been posted?

The “What’s New” Site on our main webpage links the public to the most recent Board formal recommendations, correspondence, technical reports and documents, staff issue reports, weekly site representative reports, reports to Congress, strategic plans and performance reports, policy statements, rule makings, testimonies, speeches, Federal Register notices, and other federal reports (including the annual FOIA report).

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

The Board posts the log of FOIA requests made to the Board from 2006 through present, and a list of the Board’s credit card holders.

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

A library management specialist identifies and directs the IT team to place records on the Board’s FOIA website page.

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

A video streaming link is available on our main page which enables the public to view live and current Board public meetings. The video is available for ninety days following the hearing.

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

Currently, the Board’s Information Technology team is working to restructure the website to provide more “user-friendly” service.

IV. Steps Taken To Greater Utilize Technology

- A. 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. In 2010 agencies reported widespread use of technology in handling FOIA requests. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:**

B. Electronic receipt of FOIA requests:

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

One percent.

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

The number of components that have the capability to receive FOIA requests electronically has not increased since the filing of last fiscal years' Chief FOIA Officer Report.

- 3. What methods does your agency use to receive requests electronically?**

All electronic FOIA requests are received by the FOIA Officer by email. Upon receipt, each request is electronically transferred to a FOIA staff member for distribution to appropriate Board personnel. Distribution is made by copying the request using an internal form letter designed to relay case log number, date of receipt, and the date due back to the requestor.

C. Electronic tracking of FOIA requests:

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

None.

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

The number of components that have the capability to track FOIA requests electronically has not increased since the filing of last fiscal years' Chief FOIA Officer Report.

- 3. What methods does your agency use to track requests electronically?**

Currently, the Board does not electronically track or process requests because of the small number of FOIA requests received.

D. Electronic processing of FOIA requests:

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

None.

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

There has not been an increase of components.

- 3. What methods does your agency use to process requests electronically?**

None.

E. Electronic preparation of your Annual FOIA Report:

- 1. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.**

The Board's FOIA report is prepared using a generic data processing system.

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

We are satisfied with our existing system used to prepare the annual FOIA report. In the future, if FOIA requests dramatically increase, we will update our system.

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

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are both ongoing agency efforts. The President and the Attorney General have emphasized the importance of improving timeliness in responding to

requests. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals for the past two fiscal years. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In this section you should address the following elements.

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

The Board has never had a backlog of FOIA requests.

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

- 1. Is the backlog increase a result of an increase in the number of incoming requests or appeals?**

Not applicable.

- 2. Is the backlog increase caused by a loss of staff?**

Not applicable.

- 3. Is the backlog increase caused by an increase in the complexity of the requests received?**

Not applicable.

- 4. What other causes, if any, contributed to the increase in backlog?**

Not applicable.

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

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

Yes, one person tracks each FOIA request.

2. Has your agency increased its FOIA staffing?

No.

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

No.

4. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?

The Chief FOIA Officer receives, reviews, and responds to the employee who maintains the FOIA Case Log on each request that is sent to the Board.

VI. Success Story for 2010

On October 7 and 8, 2010, the Board held a public meeting concerning the Department of Energy's Hanford site in Richland, Washington. A video streaming link was made available for the public, as well as other interested federal employees, to view the hearings in their entirety. For the first time, the Board published a link on our main webpage entitled "Hanford Waste Treatment and Immobilization Plant Public Hearing and Meeting" which links interested users directly to an archive of the video, Federal Register notices, Agenda, and up-to-date coverage of related correspondence. This has reduced the number of FOIA and non-FOIA requests that our agency receives and processes for public meeting materials.