

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Chief of Freedom of Information Act (FOIA) Officer's Report

Fiscal Year 2017



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David DeVries, Chief FOIA Officer

Section I: Steps Taken to Apply the Presumption of Openness

A. FOIA Training

1. Did your Freedom of Information Act (FOIA) professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice (DOJ)?

Yes our FOIA professionals and those personnel who have FOIA responsibilities did attend FOIA training.

2. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

In honor of Sunshine Week, a one-day FOIA and Privacy Act training program was held OPM-wide on April 6, 2016. Training was provided by the Department of Justice, Office of Information Policy (OIP) Senior staff. The Privacy Act course was provided by certified Privacy Officer – Todd Walls, Department of Agriculture, APHIS. The training agenda was as follows:

- Achieving a New Era of Open Government – Melanie Pustay, Director DOJ, OIP
- Overview of Procedural Requirements – Carmen Mallon, DOJ, OIP
- Overview of FOIA Exemptions – Matthew Hurd, DOJ, OIP
- FOIA Appeals and Litigation – Sean O’Neill, DOJ, OIP
- The Privacy Act of 1974 – Todd Walls, U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS)
 - i. Overview
 - ii. Comparison of the Privacy Act vs. FOIA
 - iii. Exemption
 - iv. Pertinent Court Decisions
 - v. OMB Policy Guidance
- Questions and Answers

3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

100% of the FOIA professionals attended substantive FOIA training during fiscal year 2016. The FOIA professionals attended the 2016 OPM-wide FOIA training, DOJ Annual and Chief FOIA Officer’s Report training and DOJ Advanced FOIA training. Approximately 80% of the agency’s staff who work on FOIA requests, or are new to the FOIA processes, attended or dialed-in to the FOIA training program or attended one-on-one FOIA overview training provided by the OPM FOIA Team.

OPM has a FOIA Council, established in 2013 to promote coordination, communication, and cooperation among all FOIA Officers, program office FOIA POCs and subject matter experts. The FOIA Council led by the Chief FOIA Officer serves as a governing body. The Council holds training and meetings as needed, to provide updates on the latest FOIA policies, procedures and guidance within the FOIA environs.

4. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A

B. Outreach

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Yes. To promote openness and transparency with the community, OPM held a FOIA outreach program on March 17, 2016, in honor of Sunshine Week. The outreach program included program staff from Records Management and Open Government. Information and refreshments were provided. The Outreach program was a great success with many attendees seeking information about Open Government, the need for transparency, Sunshine Week, FOIA and Records Management.

The Public Liaison attended the Open Government workgroup meetings in person and telephonically and also attended DOJ’s Sunshine Week Opening ceremony.

OPM maintains two hotline telephone numbers which the public uses to make comments, seek information and assistance. We receive a variety of issues and comments regarding the administration of our FOIA programs including FOIA, Privacy Act issues and questions and issues concerning the 2015 cybersecurity incidents. . The FOIA Team and Public Liaison have established a priority in providing excellent customer service and has responded to all calls based on our general 24 hour response time policy.

Finally, we receive public comments from the OPM website at <https://opm.gov/FAQs>. These are responded to by the OPM Public Liaison immediately upon receipt, generally.

In all aspects of responding to comments to the public, we are constantly assessing our internal processes to make sure that we are as responsive and timely as possible, in addressing any concerns or rectifying any issues.

6. If you did not conduct any outreach during the reporting period, please describe why.

N/A

C. Other Initiatives

7. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

To emphasize the need for closing out backlog FOIA requests, a monthly status report is sent to Senior Management and their FOIA POCs. The report is designed to highlight backlogged requests and to provide status updates on activities for each pending request. This monthly report, complete with graphic charts, allows Senior Management and FOIA POCs to visually discern at-a-glance, backlogged requests and for making sure that their respective program offices increase their efforts to process and close-out their FOIA backlog. Monthly notices beginning in May are also sent program-wide throughout OPM notifying FOIA program office contacts of the need to reduce their FOIA request backlog. As the end-of-the-year approaches, notifications are increased to bi-monthly and then weekly and the FOIA Team contacts OPM program offices to offer assistance and help each program office strategize on the processing and proper closing-out of each request.

The Public Liaison also attended the July 2016 Senior Management meeting to apprise management on the need for closing out backlog FOIA requests within their individual program offices.

8. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

N/A

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

A. Processing Procedures

1. For Fiscal Year 2016, what was the average number of days your agency reported for adjudicating requests for expedited processing?

The average number of days to adjudicate requests for expedited processing was one day.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

Yes. The FOIA Processing Service Team conducts self- assessments of its processes, policies and backlog issues continuously throughout the year. Input from our external and internal customers is assessed and revisions are made to respond to our customers in order to maintain customer service excellence. Our processes are examined and revised to make sure that the outcomes are timely and that we are able to provide an accurate accounting of our FOIA activities at the end of the fiscal year. We have improved our tracking and quality assurance processes for the requests we receive where the requester seeks information about him or herself, citing OPM public notices about the 2015 OPM data breaches. We have worked with some of the program offices to streamline their FOIA processes and to make sure that their requests are properly entered and closed-out. In reviewing our processes, it was determined that more notification was required to remind the FOIA POCs and emphasize the need for closing-out of backlog and pending requests.

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

OPM processed 6,580 requests in FY 2016 from commercial requesters. The majority of these requests come from funeral homes seeking life insurance data.

B. Requester Services

5. Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

As mentioned under Section I, B. 5., the OPM Public Liaison responds to the public on a variety of FOIA and non-FOIA issues through the FOIA Tier 1 and Tier 2 hotlines. The Liaison also responds to emails submitted through <https://www.opm.gov/faqs/submitquestion.aspx> and emails submitted by direct email. The Public Liaison receives an average of 4 - 5 emails daily and an average of 6 - 8 telephone hotline calls daily. The majority of the emails and telephone calls are responded to immediately with the remainder responded to within 48 hours. Internal surveys are conducted internally by the Liaison with FOIA POCs to make sure that the FOIA

Team members are fully responsive to our customers, that they are complying with applicable law, that they are complying with applicable policies to the extent appropriate, and that we are providing the best customer service. OPM focuses on providing excellent customer service both internally and externally. We receive numerous accolades from our customers in providing timely responses, whether the issues pertain to OPM or other federal agencies. The OPM FOIA Team follow-up with our customers to make sure that they are satisfied with our service and check to see if additional assistance is needed. For issues that pertain to other agencies, customers are provided advice on what questions to ask, how the process works and what to anticipate.

While we do receive comments through the OPM website, hotline and emails, the use of a survey resource tool was not financially feasible in FY 2016. We will re-examine using a survey tool in FY 2017.

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

As stated above, the OPM FOIA Public Liaison receives an average of 4 - 5 emails daily or 1200 emails yearly and an average of 6 - 8 telephone hotline calls daily or approximately 1, 900 calls a year, if not more.

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public.

OPM's user-friendly website provides information on the submission of a FOIA request, information about the FOIA process, the Freedom of Information Act and requesting background information records along with user friendly reference information and hyperlinks.

[https:// www.opm.gov/information-management/freedom-of-information-act/#url=Reference-Guides](https://www.opm.gov/information-management/freedom-of-information-act/#url=Reference-Guides)

The National Background Investigation Bureau (NBIB), formerly the Federal Investigative Service (FIS) under OPM provides information on obtaining background investigation records information on their website as follows:

<https://www.opm.gov/investigations/freedom-of-information-and-privacy-act-requests/>

C. Other Initiatives

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

As stated under Section II. 3., OPM FOIA processes are constantly assessed throughout the year in order to produce greater efficiency in its processes, reduction of backlog and to continue receiving positive input from our external and internal customers. The tracking system is presently being examined to see what revisions can be done to pull additional data required for the annual report and the Chief FOIA Officer's Report.

The OPM FOIA tracking system has had updates to provide additional accounting elements required to respond to the Chief FOIA Officer's Report.

Section III: Steps Taken to Increase Proactive Disclosures

A. Posting Material

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

The determination for identifying "frequently requested" records is a joint effort between the FOIA Processing Service team and each of the program offices. OPM proactively place records on the Program Offices pages of the OPM.gov website, when Program Offices determine that these records might be of interest to the public or may be records that have been or will be frequently requested, and a determination is made that the materials are otherwise appropriate for online posting. For example, updated Information pertaining to the cybersecurity incidents announced in 2015 were posted on our Cybersecurity Resource Center FAQs page.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

OPM is extremely proactive in posting publicly sought records and data, as appropriate. Our internet "Document Count" tool, developed in 2015, located at <https://www.opm.gov/utilities/document-count/> shows that we have posted over 4,973 documents on our OPM.gov website. This is a marked increase since the inception of this tool in which only 97 documents had been posted on the OPM website for FY 2015.

OPM also has a Publications Database tool on the internet located at the following url: <https://www.opm.gov/news/reports-publications/publications-database/publication-listings>

This tool provides the public with access to hundreds of alphabetized OPM reports, going back as far as 1989.

For identifying records for proactive disclosure, the OPM FOIA Processing Center reviews FOIA logs, and meets with other OPM program offices to determine potential topics that would be of interest to the public and should be posted.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

There are several challenges that have made it difficult to post records that we would otherwise like to post. One challenge has been providing proper support to OPM program offices to assist them in posting their FOIA responses. The OPM FOIA Council will be used to increase oversight and collaborative efforts so that more FOIA records are posted on the website, as appropriate. We plan to include the Office of General Counsel to assist in this process, as we work with the OPM program offices to help make the review processes timely and legally sufficient.

Another issue has been resources required to scan and convert additional records to achieve §508 compliance. To resolve this problem, we are working with the OPM program offices to synopsise the description of responsive records and will cross-link to the FOIA reading room and the program office website.

Finally, the review and approval processes for getting the records on the web, without inadvertently compromising exempt or sensitive materials, is complex and time consuming. The processing delay will be diminished as the review and approval processes merge together. Emphasis will be placed on identifying appropriate materials for posting, and educating the various program offices as to what records can be disclosed. This will help reduce processing delays. A great majority of our records contain PII or other sensitive information such as health benefits information, retirement records, and personnel policy records. These types of records are properly withheld under FOIA exemption (b) (6). Background investigation records produced by the National Background Investigation Bureau (NBIB), are also exempt under (b) (6) as well as (b) (7) of FOIA

4. If so, briefly explain those challenges and how your agency is working to overcome them.

Please refer to response 3., immediately above

5. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material

<https://www.opm.gov/about-us/budget-performance/performance/2016-agency-financial-report.pdf> - November 2016

<https://www.opm.gov/about-us/budget-performance/performance/2015-annual-performance-report.pdf> - February 2016

https://www.opm.gov/about-us/open-government/reference-materials/governmentplan_v40.pdf - September 2016

<https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/major-work-locations-of-the-executive-branch.pdf> - June 2016

<https://www.opm.gov/about-us/our-people-organization/support-functions/executive-secretariat/presidential-transition-guide-2016.pdf> - September 2016

<https://www.opm.gov/sustainability/2016-strategic-sustainability-performance-plan.pdf> - June 2016

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

OPM publicizes the latest OPM activities to the public on the following website:

<https://www.opm.gov/news/latest-news/>
<https://www.opm.gov/blogs/Director>

OPM also has a major social media presence and provides updates on Twitter, Facebook, Blogs, Feeds and YouTube to name a few of our social media sites. They are as follows:

Twitter

- USOPM Twitter - @usopm
- Director's Twitter @opmdirector
- USAJOBS Twitter @USAJOBS
- Feds Hire Vets @FedsHireVets
- Retirement Services @FedRetireInfo
- OPM Press Account @OPMPress
- The Lap at OPM @LabOPM

Facebook

- OPM <http://www.facebook.com/USOPM>
- Feds Hire Vets <http://www.facebook.com/pages/Feds-Hire-Vets/262183904582>
- USAJOBS <http://www.facebook.com/USAJOBS>
- Combined Federal Campaign <http://www.facebook.com/CombinedFederalCampaign>
- Presidential Management Fellows <http://www.facebook.com/PMFProgram>

Instagram

- OPM @usopm

LinkedIn

- USAJOBS
- U.S. Office of Personnel Management

YouTube

- <http://www.youtube.com/usopm>

- <http://www.youtube.com/usajobsapp>

Google+

- USAJOBS

GitHub

- U.S. Office of Personnel Management

Flicker

- <http://www.flickr.com/photos/usopm>

B. Other Initiatives

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

We have held a FOIA Council meeting in November and will continue to seek collaborative avenues as well as educating the FOIA POCs and management on the need for proactive disclosures especially, the posting of FOIA-processed responsive records.

At present, we do not use web analytics to inform on proactive disclosures. As demonstrated in our response to Section III, Section A, Question 2, OPM is extremely proactive in posting publicly sought records and data as evidenced on our web “Document Count” tool.

Section IV: Steps Taken to Greater Utilize Technology

A. Making Material Posted Online More Useful

1. 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?

OPM continues to explore ways to deliver information to support transparency and open government initiatives. We will provide updates to these initiatives, pending public input as we continuously review our web pages to make sure that the links and requisite reports are accessible and useful to the public.

2. If yes, please provide examples of such improvements.

Upon reviewing our web page, we found a few discrepancies with the chronology of our reports and the hyperlink to the DOJ FOIA Report web page. The issues were corrected immediately. Another example was the revision of the FOIA web page to update the contact information and make sure that the information presented reflected present-day policies and procedures.

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Aside from attending OPEN Government updates incorporating the latest IT technology features to better the dissemination and access of information to the public, the FOIA Team interact with the IT staff on numerous opportunities from revising the FOIA web page, revisions to the FOIA tracking system, security methods and the effect on sending out FOIA-processed records, revision of data elements required for various FOIA reports such as the Annual, Chief FOIA Officer's Reports and internal ad hoc reports. As the OPM IT architecture is updated, the FOIA processes will also be incorporated into a future case management and tracking system.

B. Use of Technology to Facilitate Processing of Requests

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools?

The OPM Public Liaison worked on capturing requirements for an electronic case management system. A lack of resources has impacted the implementation of an enterprise case management system for FOIA 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?

De-duplication and better search tools are desired tools to be incorporated into the designs of the OPM enterprise architecture.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

The incorporation of a case management system is a proposed tool under the CIO Strategic Plan that will allow for easier searches of responsive records for E-Discovery and FOIA searches.

C. Other Initiatives

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

Yes, we did post all four quarterly reports successfully for Fiscal Year 2016.

8. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2017.

N/A

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

A. Simple Track

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

Yes. OPM has a separate track for simple requests.

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

The average number of days to process simple requests for FY 2016 was 2.2 days. In FY 2015, it took an average of 2.4 days to process a simple request.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

60%

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

N/A

B. Backlogs

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

The backlog increased by 68%, from 77 backlogged requests in 2015 to 129 backlogged requests for 2016. We processed over 11,104 requests for FY16 with 1,065 pending at the start of 2016. In FY 2015, we received a total of 10,772 requests. It is worth noting that there was a spike up in requests overall in both the FY 2015 and FY 2016 periods, due to an increase in FOIA/PA requests from individuals seeking records regarding themselves that were implicated in the data breaches announced in the spring of 2015.

6. if not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

OPM's backlog was influenced by numerous issues. In addition to an overall increase in the number of requests received, there was a corresponding increase in the level of complexity of the requests- those involving a high-volume of responsive records and/or requiring responses from more than one program office within OPM. For instance, there has been an increase in requests from media sources and political committees in which a requester may be seeking records on 30 notable persons of interest, for research. Despite some successful negotiations with the requesters, a great deal of these requests remain large-in-scope requiring extensive man hours to research and review.

Also contributing to the processing time were some processing changes due to enhanced security measures in the delivery of information. OPM has been employing new methods to deliver data electronically via encrypted Compact Discs (CDs). There is typically a great amount of data included in the responsive records provided in this manner. This has slowed the response process because OPM has had to acquire additional CD burners in order to transfer the data onto the discs and mail them to requesters to receive their records electronically. The FOIA team is working with the Cybersecurity team to evaluate additional alternatives.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in FY 2016.

The percentage of requests that make up the backlog out of the total number of requests received by OPM in FY 2016 is only 1%.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

Yes, we had a backlog of appeals at the close of FY 2016 (54 pending appeals), which was an increase compared to the number of pending appeals at the close of FY 2015 (17 pending appeals).

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Part of the increase is attributable to the increase in the overall number of appeals received in FY 2016 (74 appeals) versus the number of appeals received in FY 2015 (41 appeals). Also, there were significant new demands placed on the personnel resources of the office handling the FOIA appeals (OPM's Office of the General Counsel) during 2016, and some key members of staff retired or moved to other agencies, requiring the office to bring new staff up to speed.

See the response to Question #8.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in FY 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

The percentage of appeals backlog out of the total number of appeals received by OPM in FY 2016 is 73%.

C. Backlog Reduction Plans

11. In the 2016 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2015 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2016?

N/A

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2017?

N/A

D. Status of Ten Oldest Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

13. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No. We did not close out two of the ten oldest FY 2015 requests.

14. 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 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

OPM closed eight of the ten oldest requests.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

No requests were closed due to the requests being withdrawn. All requests closed were fully processed.

TEN OLDEST APPEALS

16. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

Yes, we closed out the two oldest appeals that were reported pending in Fiscal Year 2015.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

Yes. OPM closed out the two FY 2015 pending consultation requests.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

See previous discussion about increase in backlog.

21. If your agency was unable to close any of its ten oldest requests 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.

N/A

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2017.

All of the FY 2016 requests in which the requester sought information about him or herself, citing OPM public notices about the 2015 OPM data breaches have been completed. As a result, there are more resources to use from formerly overtaxed OPM program offices to help in responding to the remaining oldest requests. OGC has also obtained additional resources to help in responding to appeals and working on the law suits.

F. Interim Responses

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? See *OIP Guidance, “The Importance of Good Communication with FOIA Requesters.”* (Mar. 1, 2010)

Yes. It is our policy to ask the requester if they would like to receive interim responses due to the volume of records to be processed.

24. If your agency had a backlog in Fiscal Year 2016, 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.

This option is accepted about 20% of the time.

G. Success Stories

Success Story 1

Director’s All OPM Email and Blog

Each week, the OPM Director sends out an email to the entire OPM workforce, detailing upcoming events, accomplishments and recognition of OPM staff members. This email provides an opportunity to thank individual employees and celebrate the accomplishments of the agency. It also informs the OPM workforce of the agency’s initiatives, goals, and policies. Separate from the All OPM Email, the focus of the Director’s blog is to highlight a particular policy, initiative, or event that concerns OPM staff, or the entire Federal workforce. Both of these are examples of OPM’s initiatives to promote openness and transparency to the agency workforce, as well as to the public.

Success Story 2

OPM is extremely proactive in posting publicly sought records and data, as appropriate. Our internet “Document Count” tool, developed in 2015, located at <https://www.opm.gov/utilities/document-count> that we have posted over 4,973 documents on our program offices websites. This is a marked increase since the inception of this tool in which only 97 documents had been posted on the OPM website for FY 2015.



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Chief Information Officer

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