

## 2015 National Mediation Board Chief FOIA Officer Report

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### Section I: Steps Taken to Apply the Presumption of Openness

#### ***FOIA Training:***

1. *Did your 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?*

Yes, FOIA Training for Access Professionals.

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

66%

3. *In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.*

The agency's plan has been fully implemented. Each year the agency has employees complete an Individual Development Plan (IDP) in which training needs are identified. Agency FOIA personnel are required to list at least one substantive FOIA training class under the mandatory section. When training has been completed the Chief FOIA Officer signs off on the IDP that training has been completed for recording purposes.

***Outreach: Not required.***

#### ***Discretionary Releases:***

4. *Does your agency have a distinct process or system in place to review records for discretionary release?*

The agency does not have a formal process in place to review records for discretionary release since it is a rare occurrence that the agency does not release all requested information.

5. *During the reporting period, did your agency make any discretionary releases of information?*

The agency did not have any opportunity to make any discretionary releases, however, the agency releases almost all of the records requested under FOIA, with limited redactions, and does not formally track whether a release is discretionary.

6. *What exemption(s) would have covered the material released as a matter of discretion?*

Not applicable.

7. *Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.*

Not applicable.

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

As stated above the agency generally releases all documents requested under FOIA so discretionary releases are not applicable in this instance.

***Other Initiatives:***

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

The agency does not have any other initiatives.

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

***Personnel: Not required***

***Processing Procedures:***

1. *For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2014 Annual FOIA Report.*

The agency did not adjudicate any requests for expedited processing during Fiscal Year 2014.

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.*

Not applicable.

***Requester Services:***

3. *Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?*

Yes.

4. *When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication?*

Yes. They are broken down categorically.

5. *If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?*

Yes. The fees are broken down categorically based on search, review, duplication and requested specialized services such as expedited shipping.

***Other Initiatives:***

6. *If there are 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., please describe them here.*

The agency has undertaken no new initiatives, but regularly conducts self-assessments and listens to requester feedback to ensure that the FOIA system operates efficiently.

**Section III: Steps Taken to Increase Proactive Disclosures**

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

Personnel periodically review agency records to determine their status, make recommendations to Chief FOIA Officer who makes final determination and directs the records to be posted on the agency's website. Agency FOIA personnel and agency public information personnel work closely together to facilitate this process.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

No.

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

Through self-assessments the periodically reviews current and previous fiscal year request logs to determine items that are frequently requested.

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

The agency has proactively disclosed Board determinations, election results, and PEB reports during FY 14.

<http://www.nmb.gov/services/representation/determinations/>

***Other Initiatives:***

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

The agency has added a "What's new" feature to its website where items such as determinations and Presidential Emergency Board reports are posted for the public.

<http://www.nmb.gov/about-the-nmb/whats-new-page/>

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

***Online Tracking of FOIA Requests and Appeals: Not required***

***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?

Yes.

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

During FY 14 the agency began work on improving its online Knowledge Store to increase searching capabilities with the goal of allowing the public greater accessibility to agency documents without the need for a FOIA request.

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

No.

4. *If so, please briefly explain what those challenges are.*

N/A

***Use of Technology to Facilitate Processing of Requests: Not required***

***Other Initiatives:***

5. *Did your agency successfully post all four quarterly reports for Fiscal Year 2014?*

Yes. <http://www.nmb.gov/foia-quarterly-reports/>

6. *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 2015.*

N/A

7. *Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?*

Yes, unless requested to do otherwise, all agency communication with requesters is done via email.

8. *If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?*

N/A

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

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

No.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer? N/A

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track. N/A

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?

Yes.

**Backlogs:**

**BACKLOGGED REQUESTS**

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

The agency did not have a backlog at the end of FY 14.

6. 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 Fiscal Year 2014. If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."

N/A

**BACKLOGGED APPEALS**

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

The agency did not have a backlog of appeals at the close of FY14.

8. 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 Fiscal Year 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with "N/A."

N/A

**Backlog Reduction Plans: Not required**

**TEN OLDEST REQUESTS**

9. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes.

*10. 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 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

The agency closed 1 out of 1 of its oldest requests.

*11. 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?*

None.

#### **TEN OLDEST APPEALS**

*12. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

The agency did not have any pending appeals at the end of FY13.

*13. 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 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

#### **TEN OLDEST CONSULTATIONS**

*14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

The agency did not have any pending consultations at the end of FY13.

*15. 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 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

N/A

#### **Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:**

*16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.*

The agency did not face any obstacles closing its ten oldest requests, appeals or consultations from FY 13.

*17. 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

*18. 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 2015.*

N/A

***Interim Responses: Not required***

***Use of the FOIA’s Law Enforcement Exclusions***

*Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?*

*If so, please provide the total number of times exclusions were invoked.*

No, The National Mediation Board is not a law enforcement agency and did not invoke a statutory exclusion.

***Success Story: Not required***