

CHIEF FOIA OFFICER REPORT - AGENCY RECEIVED MORE THAN 50 REQUESTS

High-Volume Agencies Receiving More Than 50 Requests in FY19

Content of 2021 Chief FOIA Officer Reports

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level?

Answer: Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Answer: Nadine N. Mancini, General Counsel.

B. FOIA Training

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

Answer: OSHRC required Privacy Act training via a PowerPoint presentation for all agency employees, which included slides on the administration of the FOIA, as well as a virtual quiz to ensure understanding of both Acts' requirements. OSHRC's handbook for new employees includes the Office of Information Policy's FOIA Infographic to immediately apprise employees of the role they play in the agency's FOIA process.

4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Answer: Yes.

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

Answer: Our FOIA professionals attended the Litigation Workshop, Fees and Fee Waiver Workshop, Annual FOIA Report Training, and Chief FOIA Officer Report Training offered by OIP. The FOIA Public Liaison participated in a FOIA Advisory Committee meeting held by the Office of Government Information Services at the National Archives and Records Administration and Chief FOIA Officer Council meeting held by OIP.

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

Answer: 100% of our FOIA professionals received substantive FOIA training.

7. 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.

Answer: N/A.

C. Outreach

8. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.

Answer: Our FOIA team of professionals maintains a dialogue with most requesters and most certainly with frequent requesters, and provides assistance and guidance as needed to new requesters. During this reporting period, OSHRC’s FOIA Public Liaison engaged with first-time requesters to describe the general categories of OSHRC’s records, as well as how to submit and streamline FOIA requests. OSHRC’s FOIA Disclosure Officer typically explains to requesters how OSHRC’s records are organized and the mechanics of searching these records, thus allowing requesters to better formulate their requests. OSHRC’s FOIA professionals are available to assist and communicate with requesters throughout the entire FOIA process.

D. Other Initiatives

9. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff.

Answer: OSHRC sends search requests and detailed instructions relevant to each request to its non-FOIA personnel to assist in the processing of FOIA requests. In multiple instances during this reporting period, OSHRC’s FOIA professionals assisted non-FOIA

personnel in establishing the parameters of a search for records by providing additional information about the request and acted as intermediaries to obtain clarifying information from requesters to appropriately construct a search. Additionally, OSHRC recently updated its internal FOIA Directive to reflect not only the agency's revised regulations implementing FOIA, but also OIP guidance and the revised DOJ Guide to the FOIA. All OSHRC employees were provided with a link to the revised Directive and encouraged to review its contents at that time. The Directive remains available to all personnel on the agency's intranet.

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

Answer: N/A.

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

DOJ's [FOIA Guidelines](#) emphasize that "[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.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

1. For Fiscal Year 2020, 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 2020 Annual FOIA Report.

Answer: N/A. While OSHRC received requests for expedited processing, these requests were all processed in full in less than ten calendar days, thus eliminating the need to adjudicate any requests for expedited processing.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2020 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Answer: 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 or raw data, using active workflows and track management, reviewing and updating processing procedures, etc.

Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

Answer: OSHRC recently used the FOIA Self-Assessment Toolkit while reviewing and revising both our FOIA Directive and FOIA Reference Guide. During the reporting period, OSHRC re-visited its FOIA Regulations, previously revised to account for the statutory amendments included in the FOIA Improvement Act of 2016, to add further clarification for requesters regarding tolling and fees. Additionally, our FOIA program is evaluated in light of information provided at any training attended by our FOIA professionals, as well as any guidance from OIP and developments in relevant caselaw.

4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for their request will be handled.

a) Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?

Answer: OSHRC's FOIA Reference Guide outlines the agency's general processes for handling FOIA requests and appeals.

b) If not, does your agency have plans to create FOIA SOPs?

Answer: N/A.

c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?

Answer: OSHRC updated its FOIA Reference Guide in 2019. The procedures contained within the Guide were again evaluated following recent minor updates to OSHRC's FOIA regulations and continue to be reviewed on an ongoing basis following developments in FOIA caselaw (e.g. the recent clarification to the definition of "confidential" for applying Exemption 4 and the upcoming examination of the deliberative process privilege under Exemption 5).

d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?

Answer: Yes. OSHRC posts its FOIA Reference Guide on our website on the FOIA program's dedicated webpage.

5. 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 the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2020 (please provide a total number or an estimate of the number).

Answer: Approximately three times. In these instances, requesters sought assistance from the FOIA Public Liaison (before or after the processing of their FOIA request) regarding the types of records maintained by OSHRC and in some instances, the most effective way to frame their request to yield responsive records. Additionally, assistance from the FOIA Public Liaison was provided proactively in various instances.

6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process?

Answer: No. OSHRC received only two first-party requests during Fiscal Year 2020 and did not have responsive records to these requests.

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

Answer: Yes.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to: altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters.

Answer: During the pandemic, OSHRC has continued to timely process FOIA requests submitted through email, facsimile, and the National FOIA Portal. Requests submitted through the U.S. Mail are scanned by onsite agency personnel and emailed to our FOIA professionals working remotely. The dedicated telephone line for our FOIA Requester Service Center is forwarded directly to our FOIA professionals such that inquiries are received in the same manner they would be if our FOIA professionals were onsite. Additionally, searches for records continue to be conducted electronically. Requesters have been informed of our limited ability to search for and review any records that may only exist onsite in hard-copy format, as well as records stored by the agency at Federal Records Centers. Our FOIA personnel continue to communicate with FOIA requesters, and are available, by email and telephone to request clarifying information, as needed, and provide status updates. Determination letters, which include information regarding the best way to contact OGIS during the pandemic, and responsive records are provided electronically.

9. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively
- Any challenges your agency faces in this area

Answer: This fiscal year, approximately 39% of the FOIA requests processed by OSHRC were submitted using our online FOIA request form, which helped to streamline processing. In fact, almost 68% of our requesters used either OSHRC's online form or the form provided online by the National FOIA Portal to submit a request. Additionally, following the revision of OSHRC's Rules of Procedure to include provisions that address how the public submits records containing private information to the agency, our FOIA professionals have been able to reduce the processing and response times associated with FOIA requests for such records. Also, our FOIA team has pointed requesters to relevant revisions in OSHRC's Rules to indicate the types of records that are now available and assist in re-formulating requests as necessary. For example, OSHRC no longer receives copies of settlement agreements in proceedings adjudicated by the agency, documents that have frequently been requested through FOIA. As a result, our FOIA professionals now inform requesters when other available records might provide supplementary information sought by requesters.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

Answer: OSHRC maintains a comprehensive e-FOIA Reading Room where the records flagged by our FOIA professionals for proactive disclosure are posted.

<https://www.oshrc.gov/foia/oshrc-e-foia-reading-room/>

Additionally, OSHRC continues to proactively disclose other records, such as reports concerning monthly dockets, case activity, and new cases received; decisions, both final and pending, issued by administrative law judges, as well as significant interlocutory orders; briefing notices for cases that the Commission has exercised its discretionary authority to review; and final decisions issued by the Commission.

<https://www.oshrc.gov/decisions/index.html>
<https://www.oshrc.gov/documentlisting/?CategoryId=4>

OSHRC posted its recently revised FOIA regulations, which were already updated to implement the statutory amendments included in the FOIA Improvement Act of 2016.

<https://www.oshrc.gov/foia/oshrc-regulations-implementing/>

OSHRC also posted further revised guides to its proceedings and procedures, as well as the further revised Rules of Procedure.

<https://www.oshrc.gov/rules-guides/>

OSHRC posted Spanish language versions of the revised guidance and Rules of Procedure.

<https://www.oshrc.gov/publications/publications-spanish/>

2. 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?

Answer: Yes.

3. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

Answer: OSHRC's recently revamped website contains streamlined dropdown menus for various topics, such as our Rules and Guides, Decisions, and FOIA. Decisions issued by both levels of adjudication at OSHRC are available on the agency's homepage, which has a dropdown menu that reflects our two-tier system of adjudication. During this reporting period, OSHRC's FOIA professionals have directed and assisted requesters in using these menus to locate agency decisions, as well as conduct natural word searches to research topics of interest and thereby, refine or clarify their FOIA request. Our FOIA professionals' guidance in this regard has allowed requesters to more efficiently obtain records sought and, in some instances, withdraw (or determine that there is no need to submit) a FOIA request. Also, records available on OSHRC's dedicated FOIA webpage and in its e-FOIA Reading Room are posted in the most useful format (both PDF and/or HTML file types). Records are also posted in the same format on the website's Open Government page.

4. Optional -- Please describe:

- Best practices used to improve proactive disclosures

- Any challenges your agency faces in this area

Answer: N/A.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology.

Answer: OSHRC's recent update to the platform used by its FOIA professionals to redact non-disclosable information has resulted in more efficient processing of requests containing such information. Our FOIA professionals regularly consult with the agency's IT department to determine the most effective way to structure searches for responsive records, and in some instances, our IT professionals perform these searches to ensure that they are reasonably calculated to locate relevant documents. Additionally, OSHRC's mandatory e-filing system has increased efficiency by expanding record search capability for our FOIA professionals.

2. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Answer: Yes.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?

Answer: Yes.

4. 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 2021.

Answer: N/A.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's

Fiscal Year 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report.

Answer: <https://www.oshrc.gov/foia/oshrc-annual-foia-reports/>

6. Optional -- Please describe:

- Best practices used in greater utilizing technology
- Any challenges your agency faces in this area

Answer: Having requests sent through the National FOIA Portal or submitted using OSHRC's online FOIA request form, which comprised almost 68% percent of the requests processed by OSHRC this fiscal year, has facilitated overall FOIA efficiency. OSHRC is now adept at processing Portal requests, as well as identifying common omissions by requesters using the Portal to swiftly request additional information needed for processing. Additionally, when requesters use OSHRC's online FOIA request form, our FOIA professionals are often able to begin processing immediately without needing further clarification. OSHRC's dedicated FOIA email address has enabled our FOIA professionals to obtain clarification, as needed, more expeditiously and thus, begin processing requests with little delay.

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report 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 the numbers contained in the specified sections of your agency's FY 2019 and 2020 Annual FOIA Reports.

A. Simple Track

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.

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

Answer: OSHRC utilizes a multi-track system where requests are categorized as simple, complex, or expedited.

2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2020?

Answer: Yes. The average was 5.9 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

Answer: 95.4%.

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?

Answer: N/A.

B. Backlogs

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. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2020, according to Annual FOIA Report Section XII.A, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Answer: At the close of Fiscal Year 2019, OSHRC had a backlog of one request. At the close of Fiscal Year 2020, OSHRC had a backlog of two requests, one of which was completed during the first quarter of Fiscal Year 2020.

6. If not, according to Annual FOIA Report Section V.A, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

Answer: Yes.

7. If your agency's request backlog increased during Fiscal Year 2020, please 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.

Answer: OSHRC processed 54.3% more requests in Fiscal Year 2020 than it did in Fiscal Year 2019. The one request in backlog is being processed on our complex track and requires a complicated search and review of voluminous records containing sensitive information.

8. 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 2020. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. If your agency has no request backlog, please answer with “N/A.”

Answer: 2.1%.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, according to Section XII.A of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Answer: N/A.

10. If not, according to section VI.A of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

Answer: N/A.

11. If your agency’s appeal backlog increased during Fiscal Year 2020, please 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.

Answer: N/A.

12. 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 2020. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."

Answer: N/A.

C. Backlog Reduction Plans

13. In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2019 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your 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 2020?

Answer: N/A.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, please explain your agency's plan to reduce this backlog during Fiscal Year 2021.

Answer: N/A.

D. Status of Oldest Requests, Appeals, and Consultations

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 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2020, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2019 Annual FOIA Report?

Answer: OSHRC has one complex request that was among its ten oldest pending perfected requests at the end of Fiscal Year 2019 that is currently being processed.

16. 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 2019 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

Answer: OSHRC closed nine of the ten oldest requests that were pending at the end of Fiscal Year 2019.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

Answer: Our FOIA professionals begin processing requests almost immediately after receipt and promptly reach out to requesters when clarification is necessary. This resulted in a decrease in the average number of days to complete processing of all requests during the reporting period, including the average number of days to complete the processing of all requests in which information was granted, despite a significant increase (54.3%) in the number of requests processed by OSHRC this fiscal year.

TEN OLDEST APPEALS

18. In Fiscal Year 2020, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2019 Annual FOIA Report?

Answer: N/A.

19. 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 2019 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Answer: N/A.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

Answer: N/A.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2020, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report

Answer: N/A.

22. 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 2019 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

Answer: N/A.

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

Answer: OSHRC has a relatively small team of FOIA professionals who are not assigned full-time to FOIA matters. Given that, as well as the changing demands resulting from the COVID-19 pandemic, it has been difficult for our FOIA professionals to dedicate the time required to complete the processing of the one request remaining of its ten oldest requests. This request requires the manual review of voluminous records produced from a search supported by the agency's IT department involving records of both current and prior OSHRC employees. This has required considerable time and effort to review the sensitive information contained in these records.

24. 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.

Answer: N/A.

25. 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 2021.

Answer: OSHRC's FOIA professionals are diligently working to close the one remaining request of its ten oldest pending requests and continues to update the requester regarding the status of this request, as recently as the end of Fiscal Year 2020. OSHRC's FOIA Public Liaison continues to review the records produced by the IT department's search and evaluate the application of the necessary FOIA Exemptions and withholdings. The focus of this work is to reduce the need for multiple levels of review, such that any responsive records can be promptly disclosed once the review is complete.

F. Success Stories

Out of all the activities undertaken by your agency since March 2020 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, but should not be something that you have reported in a prior year. As noted above, OIP will highlight these agency success stories during Sunshine Week. 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 key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer:

- **Despite the COVID-19 pandemic and processing 54.3% more requests in Fiscal Year 2020 than it did in Fiscal Year 2019, OSHRC decreased the average number of days to process all requests. In fact, OSHRC decreased the average number of days to process complex requests by 60.5%. This success is a testament to the established roles within OSHRC's seasoned team of FOIA professionals, communication and collaboration within that team, and dedication to consistently review our FOIA program to ensure that it is operating as efficiently as possible.**
- **Having recently completed comprehensive updates of OSHRC's FOIA Reference Guide and FOIA Directive, the agency had the opportunity to fine-tune its FOIA program during this reporting period. In re-visiting our revised regulations implementing FOIA, OSHRC decided to add further explanatory information for requesters regarding tolling and fees. This added clarification allows for requesters to have a greater understanding of the processes used by OSHRC to implement the FOIA and creates better-defined expectations of the parameters of these processes.**
- **By consistently monitoring new developments in FOIA caselaw and implementing changes to the interpretation of the FOIA Exemptions, OSHRC has been able to efficiently process requests and accurately withhold, or apply necessary exemptions to, responsive records. Despite the significant increase in the number of requests processed by OSHRC during Fiscal Year 2020 than Fiscal Year 2019, OSHRC received only two administrative appeals this past fiscal year, with all appeals received affirmed.**