

CHIEF FOIA OFFICER REPORT - AGENCY RECEIVED MORE THAN 50 REQUESTS

High-Volume Agencies Receiving More Than 50 Requests in FY20

Content of 2022 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: The Chief FOIA Officer and FOIA Public Liaison regularly provide information to our small FOIA team of professionals regarding available substantive and procedural FOIA training opportunities. After attending any FOIA training or Chief FOIA Officer Council meetings, the FOIA Public Liaison provides our FOIA team with a summary of the training that highlights new developments, as well as a link to the training materials, which are posted and available on the agency's intranet. Additionally, 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 a Litigation Workshop, Privacy Considerations Workshop, Continuing FOIA Education Trainings, Annual FOIA Report Training, and Chief FOIA Officer Report Training offered by OIP. The FOIA Public Liaison also attended multiple Chief FOIA Officer Council meetings 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.

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?

Answer: Yes.

C. Outreach

9. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, 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: OSHRC recently updated its dedicated FOIA webpage to better explain the availability of categories of records from both OSHRC and the Occupational Safety and Health Administration (OSHA), an agency commonly confused with OSHRC by the requester community. Additionally, OSHRC provided feedback to OIP regarding our experience receiving requests through the National FOIA Portal and to help requesters better distinguish between the two agencies so that they can direct their request to the appropriate agency.

D. Other Initiatives

10. 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; and
- if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

Answer: OSHRC requires annual Privacy Act training via a PowerPoint presentation for all agency employees, which includes slides on FOIA administration, as well as a virtual quiz to ensure understanding of both Acts' requirements. OSHRC also updated its internal Privacy Act Directive, including the Directive's discussion of FOIA processing and related recordkeeping. All OSHRC employees were provided with a link to the revised Directive, available on the agency's intranet, and encouraged to review its contents. In revising the Privacy Act Directive, and the FOIA Directive prior to that, OSHRC senior leaders reviewed, provided feedback, and suggested additional updates to these internal Directives. Additionally, OSHRC sends search requests and detailed instructions relevant to each request to its non-FOIA personnel, including senior leaders as necessary, to assist in the processing of FOIA requests. OSHRC also updated its template for FOIA search requests to explain in detail the best practices for establishing the parameters of a search for records, what constitutes a record, procedures for estimating fees related to the processing of a request, and the FOIA exemptions. Finally, the Chief FOIA Officer closely monitors the resources of our FOIA team, adjusting staffing and roles on the team as needed to ensure the efficient processing of the increasing number of FOIA requests received by the agency.

11. 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 describes your agency's efforts in this area.

1. For Fiscal Year 2021, 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 2021 Annual FOIA Report.

Answer: 8 days.

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 2021 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. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. 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.

4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's [guidance](#), having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

Answer: Yes. OSHRC's FOIA Reference Guide, updated in 2019, outlines the agency's process for handling FOIA requests and appeals.

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.

Answer: N/A.

6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

Answer: Yes.

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.

Answer: Although requests pursuant to OSHRC's Privacy Act regulations are infrequent (5 requests last fiscal year), OSHRC's website contains detailed instructions on how to submit a Privacy Act request, including the required documentation that must accompany the request. A new email address specifically designated for these requests was also added.

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating

processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.

Answer: In preparing its Annual Report and analyzing the raw data to construct the report, OSHRC always examines how the number of FOIA requests processed and the processing time for those requests compares to previous years. Although OSHRC processed 37% more requests in Fiscal Year 2021 than it did in Fiscal Year 2020, the FOIA team's work resulted in a decrease in both the average and median number of days to complete the processing of all perfected simple requests. Additionally, our FOIA program continues to be 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. For instance, OSHRC re-visited its implementation of the deliberative process privilege under Exemption 5 in relevant circumstances in light of recent Supreme Court caselaw and OIP's resulting guidance. Finally, OSHRC revised its recordkeeping procedures to account for Privacy Act requests and the increasing number of consultations received by our agency.

9. 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 2021 (please provide a total number or an estimate of the number).

Answer: Approximately four times. In these instances, requesters sought assistance from the FOIA Public Liaison (before or after the processing of their FOIA request) about the types of records maintained by OSHRC and the most effective way to frame their request to produce responsive records. Requesters also sought information about the final determination of their request and/or the records resulting from the search related to their request. Additionally, assistance from the FOIA Public Liaison was provided proactively in various instances, specifically in working with, and providing updates to, requesters where the records resulting from searches were voluminous, particularly sensitive in nature, and in some cases, both.

10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Answer: Yes. With a significantly increased number of requests received and processed during this reporting period, OSHRC reviewed and modified its staffing resources for conducting privacy reviews of responsive records in order to continue to efficiently process requests and accurately apply FOIA exemptions as necessary. This resulted in a decrease in the average, as well as median, number of days to complete processing of simple requests where information was granted.

11. 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: Internally, OSHRC's FOIA professionals are available to assist non-FOIA personnel in establishing the parameters of a search for records, providing additional clarifying information from requesters as needed. In terms of outreach, our FOIA team maintains a dialogue with most requesters by telephone or email throughout the entire FOIA process. The FOIA Disclosure Officer provides assistance and guidance as needed to new requesters, explaining how OSHRC's records are organized and the mechanics of searching these records, thus allowing requesters to better formulate their requests. OSHRC's FOIA Public Liaison also engages with requesters to describe the general categories of records maintained by OSHRC, as well as how to submit FOIA requests. In addition, requesters are informed when revisions to OSHRC's procedural rules impact the types of available agency records and assisted in re-formulating requests as necessary. OSHRC's FOIA professionals also work with other agencies, as needed, in instances where OSHRC does not maintain the records sought by a requester, but other agencies might be in possession of such records, streamlining FOIA requests to these agencies on behalf a requester.

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. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

Answer: Various offices within OSHRC work to identify and post proactive disclosures on the agency's website. Certain types of records are posted on a regular basis, such as agency decisions and Commission briefing notices, while others are posted because they are of significant public interest, such as select non-merit based (procedural) ALJ decisions and Commission-level oral arguments. Each office tracks these disclosures, which aids our FOIA team in monitoring proactive disclosures.

2. 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 also posted revised rules implementing the Equal Access to Justice Act in proceedings before OSHRC.

<https://www.oshrc.gov/rules/rules-of-procedure-eaja-rules/>

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

Answer: Yes. OSHRC's recently revamped website contains streamlined dropdown menus for various common materials, such as our Rules, Guides, and Decisions. Specifically, decisions issued by both levels of agency adjudication are available on the website's homepage, which has a dropdown menu that reflects our two-tier system of adjudication. Natural word searches may also be used to research topics of interest on OSHRC's website. Additionally, to provide additional search capabilities for the public, a complete database of all Commission decisions organized by year of issuance was created and added to OSHRC's website.

4. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Answer: Yes.

5. 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 FOIA professionals direct and assist requesters in using our website's dropdown menus to locate agency decisions, as well as conduct natural word searches, and accordingly, refine or clarify their FOIA request. This guidance allows 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.

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

Optional -- Please describe:

- Best practices used to improve proactive disclosures
- Any challenges your agency faces in this area

Answer: Yes. OSHRC's Office of the Executive Secretary, Office of the Executive Director, and Office of the General Counsel (within which our FOIA team resides) are each responsible for certain types of proactive disclosures on a regular basis. These offices frequently inform one another of additional disclosures, as needed. As a small agency and because of the continued communication between these offices, agency staff outside of the FOIA office regularly work in tandem with our FOIA professionals to determine which records should be disclosed, the format of such disclosures, and the necessary redactions prior to disclosure to protect various privacy interests.

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. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Answer: Yes.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

Answer: OSHRC recently updated the platform used by its FOIA professionals to redact non-disclosable information. Members of our FOIA team attended training specifically for legal professionals on the use of this platform to advance our work in searching for and redacting non-disclosable information, while reasonably segregating portions of records permissible for release. This training, in conjunction with our FOIA professionals' use of the agency's mandatory e-filing system and ongoing consultations with the agency's IT department, has expanded record search capability and increased efficiency in the review and redaction of resulting records.

3. 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.

4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?

Answer: Yes.

5. 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 2022.

Answer: N/A.

6. 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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.

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

7. Optional -- Please describe:

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

Answer: This fiscal year, almost three-quarters of the FOIA requests processed by OSHRC were submitted using either our online FOIA request form or the National FOIA Portal. OSHRC is adept at processing Portal requests, as well as identifying common omissions by requesters using the Portal to promptly request additional information needed for processing or direct requesters to agencies more likely to maintain responsive records when OSHRC does not maintain such records. OSHRC has provided OIP with feedback regarding potential modifications to allow for even greater efficiency in processing requests submitted through the Portal. Additionally, use of OSHRC's online FOIA request form has enabled our FOIA professionals to often begin processing immediately without needing further clarification and our dedicated FOIA email address has allowed our FOIA professionals to obtain clarification, as needed, more expeditiously and consequently, 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 2020 and 2021 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 2021?

Answer: Yes. The average was 4.7 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 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: 95.9%.

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

When answering these questions, please refer to your Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Answer: N/A.

6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

Answer: N/A.

7. If your agency's request backlog increased during Fiscal Year 2021, 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.
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible.

Answer: N/A.

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 2021. 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. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

Answer: N/A.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Answer: N/A.

10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

Answer: N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2021, 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.
- Impact of COVID-19 and workplace and safety precautions.
- 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 2021. 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. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A."

Answer: N/A.

C. Backlog Reduction Plans

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 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 2021?

Answer: N/A.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.

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 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report?

Answer: Yes.

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 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Answer: N/A.

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 reach out to requesters without delay in the instances when clarification is necessary to begin processing the request. This resulted in a 20% decrease in the average of days to complete processing of all simple requests despite a 37% increase in the number of requests processed by OSHRC this fiscal year.

TEN OLDEST APPEALS

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 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 VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less 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 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 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 2020 Annual FOIA Report. If you had less 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 2020.

Answer: OSHRC completed the processing of its oldest request remaining at the end of Fiscal Year 2020. That request required the manual review of voluminous records produced from a search supported by the agency's IT department involving records containing sensitive information. Given that OSHRC has a relatively small team of FOIA professionals who are not assigned full-time to FOIA matters, as well as the demands resulting from the COVID-19 pandemic, our FOIA Public Liaison reviewed the records in the first instance and applied the necessary FOIA exemptions and withholdings in consultation with the Chief FOIA Officer to streamline the review process. OSHRC's FOIA team continually updated the requester on the status of the request, who repeatedly expressed gratitude for our team's proactive communications, diligent work, and the resulting released records once processing was complete.

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 2022.

Answer: N/A.

F. Success Stories

Out of all the activities undertaken by your agency since March 2021 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, these agency [success stories](#) will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- **Despite navigating the challenges of the COVID-19 pandemic for the entire reporting period and processing 37% more requests in Fiscal Year 2021 than it did in Fiscal Year 2020, OSHRC decreased the average and median number of days to process all simple requests by 20%. This success is directly attributable to the experience and versatility of our FOIA professionals, including their willingness to commit fully to the team effort by taking on different roles within the FOIA process as needed, while remaining dedicated to their established roles.**
- **Despite the significant increase in the number of requests processed by OSHRC during Fiscal Year 2021 than Fiscal Year 2020, OSHRC's FOIA team not only**

decreased the average and median number of days to process simple requests in which information was granted, but also had no administrative appeals this past fiscal year. By maintaining open and consistent communication with requesters, as well as accurately implementing changes to the interpretation of the FOIA exemptions, OSHRC more efficiently processed requests while continually receiving positive feedback from both one-time and repeat requesters regarding the agency's process and the ultimate results of that process.