

2023 CHIEF FOIA OFFICER REPORT GUIDELINES - AGENCIES RECEIVING MORE THAN 50 REQUESTS FISCAL YEAR 2021

2023 Chief FOIA Officer Report Guidelines Agencies Receiving More Than 50 Requests in Fiscal Year 2021

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General's [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

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

Answer: Yes.

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

Answer: Nadine N. Mancini, General Counsel

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

Answer: The Occupational Safety and Health Act of 1970 requires all official acts taken by OSHRC to be "entered of record" and that such records be "open to the public." 29 U.S.C. § 661(g). Accordingly, FOIA principles, such as the presumption of openness, have always been central to OSHRC's mission. The agency proactively posts numerous records on its website and views FOIA as the responsibility of all agency employees. OSHRC has also incorporated the proactive posting of records in both its Strategic Plan and its Performance and Accountability Reports. Finally, OSHRC maintains an Open Government webpage and recently updated its Open Government Plan, which explains our commitment to transparency and administration of the FOIA.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Answer: Yes. In any instance where a FOIA exemption is applied, OSHRC confirms that it has considered the foreseeable harm standard in its response letter.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:

- a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?
- b. If yes, please provide:
 - i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible);
 - ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).
- c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.

Answer: To date, OSHRC has not processed any FOIA requests using a *Glomar* response. Given the number of FOIA requests received annually at OSHRC, our FOIA professionals track the various types of responses to these requests in our FOIA Log, including any exemptions asserted in a response.

6. 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: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General's [FOIA Guidelines](#) provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. 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: All agency personnel were asked to complete the new FOIA training module for agency employees made available by the Office of Information Policy (OIP). Over three-quarters of the agency participated. Additionally, OSHRC’s new employee handbook includes OIP’s FOIA Infographic to immediately apprise employees of the role they play in the agency’s FOIA process. The Chief FOIA Officer and FOIA Public Liaison regularly provide information to our FOIA professionals regarding available substantive and procedural FOIA training opportunities. Finally, after attending FOIA training or Chief

FOIA Officer Council meetings, the FOIA Public Liaison provides the FOIA team with a summary of the training that highlights new developments and posts the training materials on the agency's intranet.

2. 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.

3. 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, Procedural Requirements and Fees Training, Annual FOIA Report Training, and Chief FOIA Officer Report Training offered by OIP. The FOIA Public Liaison also attended OGIS' Annual Open Meeting, as well as the FOIA Summit for Agency FOIA Professionals and multiple Chief FOIA Officer Council meetings held by OIP. Additionally, all of our FOIA professionals completed OIP's new, in-depth, online FOIA training module for FOIA professionals.

4. 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.

5. 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

6. 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: Over three-quarters of OSHRC employees and contractors completed OIP's new FOIA training module for agency employees. Additionally, all agency Executives and FOIA professionals completed OIP's online FOIA training module for, respectively, agency Executives and FOIA professionals. OSHRC senior leaders reviewed and provided feedback during the process of revising our FOIA webpage. In addition, OSHRC's annual Privacy Act training includes slides on FOIA administration, as well as a virtual quiz to ensure understanding of FOIA and Privacy Act requirements. OSHRC also sends search requests and detailed instructions relevant to each FOIA request to agency personnel,

including senior leaders as necessary, to better facilitate the processing of FOIA requests. Finally, the Chief FOIA Officer closely monitors the resources of our FOIA team and adjusted team roles during this reporting period to ensure continuity in the agency's FOIA program and continued efficient processing of FOIA requests.

B. Outreach

7. 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: Yes. Our FOIA professionals engaged in dialogue with representatives from OSHRC's Office of the Chairman, Office of the Executive Secretary, and Office of the General Counsel to revise OSHRC's Open Government Plan, making significant revisions to the section addressing transparency and administration of the FOIA. In addition to posting our Open Government Plan on our agency website, OSHRC's dedicated Open Government email address, which may be found on our Open Government webpage, allows the public to provide feedback and welcomes suggestions for improving our transparency. Taking into account inquiries from the requester community regarding Final agency decisions, OSHRC also updated the website's Decision Search feature, broadening the way users can conduct a search for final agency decisions, thus allowing users to more easily locate records without the need to submit a FOIA request. Finally, OSHRC considered recurrent questions from the requester community, most often asked before the filing of a FOIA request, in revising its dedicated FOIA webpage, which included highlighting links to the agency's FOIA Reference Guide and FOIA Request Form and providing further explanation about 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.

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.

Answer: Yes. Our FOIA professionals begin processing requests almost immediately after receipt and reach out to requesters without delay when clarification is necessary to begin processing or where it is likely that a search will yield voluminous results. For example, in response to a request that sought records from an extensive number of years, the FOIA Disclosure Officer proactively contacted the requester to attempt to narrow the number of years covered by the request. By providing the requester with incremental partial releases of records spanning fewer years, the requester was able to receive records in a more timely fashion and further narrow the request after reviewing the provided records.

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 Fiscal Year 2022 (please provide a total number or an estimate of the number).

Answer: Approximately two times. In one instance, a requester sought assistance from the FOIA Public Liaison before submitting their request about the most effective way to frame their request to produce responsive records. In another instance, a requester sought assistance from the FOIA Public Liaison regarding the final determination of their request and the records resulting from the search related to their request. Additionally, the FOIA Public Liaison proactively provided assistance in various other instances, specifically in working with, and providing updates to, requesters when the records resulting from searches were voluminous, particularly sensitive in nature, and in some cases, both.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Answer: Yes. OSHRC evaluated staffing resources and finalized changes in how privacy reviews of responsive records are conducted in order to ensure that requests continue to be efficiently processed and FOIA exemptions are applied as necessary.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

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. For example, by reviewing the most efficient methods used to process specific types of FOIA requests from Fiscal Year 2021, the FOIA team's work resulted in a decrease in both the average and median number of days to complete the processing of both simple and complex requests in Fiscal Year 2022.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

Answer: N/A

SECTION III: PROACTIVE DISCLOSURES

The Attorney General's [FOIA Guidelines](#) emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible¹. 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 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. The Chief FOIA Officer and FOIA Public Liaison are often consulted by the Privacy Officer regarding the nature of the information contained in the 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 on the agency website, such as reports concerning monthly dockets, case activity, and new cases received; decisions, both final and pending Commission review, 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/open-government/>

3. 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.

4. 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 to locate agency decisions. Our FOIA team assists requesters in using dropdown menus to locate agency decisions, conducting natural word searches, and accordingly, refining or clarifying their FOIA request. With recent updates to the Decision Search feature on the agency website, our FOIA team now provides instructions to requesters on how to use new search features, which offer broader methods to locate final decisions. 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. Additionally, 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). OSHRC's FOIA webpage now links directly to our Open Government page, where records are also posted in the same format.

5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

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, continued communication between these offices is possible, allowing agency personnel to regularly work in tandem with our FOIA professionals to determine which records should be disclosed, the format of such disclosures, and whether redactions prior to disclosure to protect various privacy interests are necessary.

6. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

Answer: During the review of records for proactive disclosure on the agency website, the Privacy Officer works closely with the Chief FOIA Officer and FOIA Public Liaison in advance of posting such records to ensure that they do not contain information that is not releasable under any of the FOIA exemptions, in addition to the Privacy Act. This collaboration streamlines the posting process and ensures that proactive disclosures comply with the applicable statutes. Additionally, OSHRC recently reviewed and modified its internal redaction policy for proactive disclosures to ensure that it remains consistent with OIP guidance and recent caselaw regarding FOIA exemptions.

SECTION IV: STEPS TAKE TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information. 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 updated the platform used by its FOIA professionals to redact non-disclosable information during Fiscal Year 2021. Members of our FOIA team are trained on the use of this platform, which continues to enhance our ability to locate and redact non-disclosable information, while reasonably segregating portions of records permissible for release. This expertise, in conjunction with our FOIA professionals' use of the agency's mandatory e-filing system and ongoing consultations with the agency's IT department, continues to expand record search capability and increase efficiency in the review and redaction of resulting records.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

Answer: In light of the relatively small number of requests received annually by OSHRC, our FOIA team requires limited technology to automate record processing. In the instances where our FOIA team is redacting the same information throughout a voluminous number of pages within a record or records, tools to find text and redact in bulk may be used. The use of this technology substantially reduces the amount of time needed to review and redact certain records by our FOIA team, all of whom have duties beyond FOIA related to OSHRC's core mission of adjudication.

4. 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. OSHRC revised its dedicated FOIA webpage during this reporting period, highlighting useful resources for requesters and providing additional contact information for the submission of FOIA requests, as well as for our FOIA Service Center and FOIA Public Liaison, among other revisions.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2022 appear on FOIA.gov?

Answer: Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023.

Answer: N/A

7. 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 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

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

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Answer: Yes. OSHRC has also provided feedback to OIP regarding our experience receiving requests through the National FOIA Portal and made suggestions that could potentially help requesters better distinguish between OSHRC and OSHA. As this feedback demonstrates, OSHRC has successfully integrated the Portal with its existing

processes and is committed to continually improving the efficiency of its FOIA program as it relates to all requesters, including those using the Portal.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

Answer: This fiscal year, approximately 70% 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 (which accounted for almost half of the total number of FOIA requests the agency received in Fiscal Year 2022) 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 the records being sought. Additionally, use of OSHRC's online FOIA request form has enabled our FOIA professionals to often begin processing immediately without needing further clarification and the agency's 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 REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General's [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

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

Answer: Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

Answer: Although requests pursuant to OSHRC's Privacy Act regulations are infrequent (3 requests last fiscal year), OSHRC's website provides 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 added in Fiscal Year 2022.

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report.

Answer: 8.3 days.

4. 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 2022 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

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

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

6. 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 2022?

Answer: Yes. The average was 4.3 days.

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Answer: N/A

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 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: 91.3%

9. 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

C. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, 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 2021?

Answer: N/A

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

Answer: N/A

12. If your agency's request backlog increased during Fiscal Year 2022, 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

13. 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 2022. 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

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, 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 2021?

Answer: N/A

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

Answer: N/A

16. If your agency's appeal backlog increased during Fiscal Year 2022, 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

17. 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 2022. 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 2022 and/or has no appeal backlog, please answer with "N/A."

Answer: N/A

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 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 2022?

Answer: N/A

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.

Answer: N/A

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

Answer: Yes. The single request pending at the end of Fiscal Year 2021 was closed in Quarter 1 of Fiscal Year 2022.

21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Answer: N/A

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

Answer: OSHRC's FOIA team maintains open and consistent communication with requesters, especially when clarification is necessary to process a request. Our FOIA professionals possess the requisite skills and experience to foresee when reallocation of resources is needed to efficiently process a request and adapt as needed to take on different roles within the FOIA process, particularly when processing complex requests. This has resulted in an almost 80% decrease in the average number of days to process complex requests from the prior fiscal year.

TEN OLDEST APPEALS

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?

Answer: N/A

24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Answer: N/A

25. 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

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

Answer: N/A

27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Answer: N/A

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2023.

Answer: N/A

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

Answer: No.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).

Answer: OSHRC had three requests involving unusual circumstances that were processed on our complex track.