2026 Chief FOIA Officer Report Guidelines - Agencies Receiving 100 or More Requests in Fiscal Year 2024

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Department of Justice's (DOJ) 2022 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 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 the Occupational Safety and Health Review Commission (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 continues to incorporate its commitment to transparency and timely proactive posting of records in its Performance and Accountability Reports, as well as its Strategic Plan, which currently includes a specific strategic goal to expand transparency and accessibility, and performance measures aimed at enhancing openness.

B. Presumption of Openness

4. DOJ'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. Since 2022, OSHRC has confirmed in every response letter where a FOIA exemption is applied that it has considered the foreseeable harm standard.

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 interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:

- the number of times your agency issued a full or partial Glomar response during Fiscal Year (FY) 2025 (please separate full and partial Glomar responses if possible);
- the number of times a Glomar response was issued by exemption during FY 2025 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

Answer: To date, OSHRC has not processed any FOIA requests using a *Glomar* response, so there have been no responses to track.

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: OSHRC launched its redesigned website at the end of the last reporting period. During that reporting period, OSHRC's website redesign committee, which was comprised of various personnel from each agency office, including the agency's FOIA Public Liaison, worked with a website designer to comprehensively redesign and update the website to include additional information about the agency and its work, and make that information easily accessible to, and searchable by, the public. During the current reporting period, the agency formed a standing website committee, which includes members of the website redesign committee and additional personnel such as OSHRC's Privacy Officer. The standing committee meets quarterly to evaluate the functionality of the agency's website, consider user feedback, and continue to identify areas for improvement.

Section II: Ensuring Fair and Effective FOIA Administration

DOJ's 2022 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." DOJ 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: During this reporting period, OSHRC added a link to the required training resources page on its intranet to the Office of Information Policy's (OIP) e-Learning

module covering FOIA training for federal employees. This required training and OSHRC's employee handbook, which includes OIP's FOIA Infographic, apprises employees of the role they play in the agency's FOIA program. OSHRC's annual Privacy Act training includes slides on FOIA administration, as well as a virtual quiz to ensure agency personnel understand FOIA and Privacy Act requirements. Additionally, the Chief FOIA Officer provides information to OSHRC's FOIA professionals regarding available substantive and procedural FOIA training opportunities. Finally, after attending FOIA training, including meetings of the Chief FOIA Officer Council and FOIA Advisory Committee, the FOIA Public Liaison posts any training materials on the agency's intranet and highlights any relevant new developments for the FOIA team.

2. Did your FOIA professionals, or other personnel at your agency with FOIA responsibilities, attend substantive FOIA training during the reporting period, such as training 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: OSHRC's FOIA professionals attended training offered by OIP on the following topics: Introduction to FOIA; Processing a FOIA Request from Start to Finish; Exemptions 4 and 5; Privacy Considerations; Procedural Requirements and Fees/Fee Waivers; Administrative Appeals, FOIA Compliance, and Customer Service; Annual FOIA Report Refresher and Quarterly Reports; and Chief FOIA Officer Report Refresher. The FOIA Public Liaison also attended meetings of the FOIA Advisory Committee and Chief FOIA Officer Council.

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 the agency's 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: This reporting period, OSHRC received more FOIA requests than in any prior period that required the FOIA team to send search requests to OSHRC's senior leaders for processing, often requiring a search of senior leaders' emails. Given this increase, the FOIA team frequently engaged in detailed discussions with senior leaders regarding such requests and FOIA generally. In addition, FOIA personnel routinely send search requests and detailed instructions relevant to each FOIA request to agency personnel likely to be custodians of responsive records. While the underlying FOIA request is always provided to the custodian of records, after reviewing each request in detail, FOIA personnel provide search parameters to aid custodians in conducting the most efficient and comprehensive search. The FOIA Public Liaison updates senior leadership with weekly status reports whenever there are pending search requests within their respective offices. Finally, as members of the agency's standing website committee, OSHRC senior leaders participate in committee meetings where FOIA obligations and proactive disclosures are often addressed.

B. Outreach

7. 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. The agency's FOIA professionals begin processing requests as soon as possible, oftentimes almost immediately after receipt, and reach out to requesters when clarification is necessary or where it is likely that a search will yield voluminous results. For example, when requesters have asked for "all records" regarding a case over which OSHRC has presided or is currently presiding, FOIA personnel provide the case docket sheet to requesters, which allows them to review a list of all available records in that case and clarify the specific records they are seeking. FOIA personnel frequently contact requesters to explain the types of records that are maintained by OSHRC (as opposed to records maintained by other agencies, such as the Occupational Safety and Health Administration) so they can best tailor their request and direct it to the agency most likely to maintain the records sought. Additionally, OSHRC's redesigned website now includes a revised, web-based, online FOIA request form to better guide requesters in providing all necessary information at the time their initial request is submitted so that additional clarification may not be necessary. Finally, for requests requiring a search likely to result in voluminous records, FOIA personnel will offer to provide interim responses on a rolling basis so that requesters receive a portion of the requested records more quickly.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue with the

requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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. During this reporting period, OSHRC added new resources to its dedicated Open Government webpage on the agency's redesigned website, in addition to continuing to update existing resources. The Open Government webpage includes OSHRC's Open Government Plan, which was also updated during this reporting period, and OSHRC's designated Open Government email address, so that the public can provide feedback and suggestions for improving transparency. OSHRC's standing website committee solicits recommendations from every office in the agency prior to its quarterly meetings, including the FOIA team, which provides feedback based on the most frequently asked questions by FOIA requesters and most commonly requested types of 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 2025 (please provide a total number or an estimate of the number for the agency overall).

Answer: Requesters sought assistance from OSHRC's FOIA Public Liaison approximately seven times during Fiscal Year 2025. In these instances, requesters, who were often first-time OSHRC FOIA requesters, sought assistance prior to or upon initially submitting their request to understand the types of records maintained by OSHRC, the length of time records are maintained by OSHRC pursuant to its records disposition authority, how to submit a request, what type of information to include in their request, and/or if another agency might be more likely to maintain the records they are seeking. No requesters sought assistance from the FOIA Public Liaison regarding any dissatisfaction after receiving a response letter or in applicable circumstances, responsive records.

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. The agency regularly evaluates staffing resources and workloads to ensure that the demands of the FOIA program are met, that requests continue to be efficiently processed, and that FOIA exemptions are applied accurately, as needed. During this reporting period, a long-time FOIA team member retired. In anticipation of that departure, the Chief FOIA Officer added a new member to the FOIA team, who attended

various OIP trainings and met with the FOIA Public Liaison regularly to develop a fuller understanding of how the agency's FOIA program operates. The Chief FOIA Officer also implemented changes proposed by the FOIA Public Liaison to streamline the processing of FOIA requests and minimize the impact of the team member's departure. FOIA team members collaborate weekly to determine how best to prioritize the processing of requests and shift processing roles as needed to ensure continued efficiency and accuracy in the processing of FOIA requests. Despite changes in staffing, OSHRC's FOIA team processed more requests in Fiscal Year 2025 than any prior fiscal year and received no administrative appeals or negative feedback from requesters.

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: When preparing OSHRC's Annual Report and analyzing the raw data to construct the report, the FOIA Public Liaison examines how the number of FOIA requests processed and processing time for those requests compares to previous years, as well as processing statistics for both simple and complex requests. For example, despite the 4.5% increase in requests received by OSHRC in Fiscal Year 2025, the FOIA team processed 10% more requests than last fiscal year and decreased the average number of days needed to complete the processing of simple requests. This accomplishment was due, in part, to the agency's review of the most efficient methods used to process specific types of FOIA requests in Fiscal Year 2024, as well as previous fiscal years.

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

Answer: In light of the large number of requests received during the time that OSHRC was closed due to a lapse in appropriations and the increase in requests received generally (particularly, complex requests where the records resulting from searches are voluminous), the FOIA team has increased internal communication and frequent status updates to continually evaluate how best to prioritize and effectively process requests. Additionally, in instances where non-FOIA personnel have previously reviewed and/or have familiarity with requested records, the FOIA team will collaborate with such personnel as appropriate to make use of their prior knowledge of the records to more efficiently review the records for release.

Section III: Proactive Disclosures

DOJ's 2022 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 possible."

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

Answer: All offices within OSHRC work to identify proactive disclosures to be posted 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 considerable public interest, such as select non-merit-based (procedural) administrative law judge (ALJ) decisions and significant orders. The Chief FOIA Officer and FOIA Public Liaison are often consulted by the Privacy Officer regarding the nature of the information contained in these proactive disclosures.

2. Does your agency post logs of its FOIA requests?

- If so, what information is contained in the logs?
- Are they posted in CSV format? If not, what format are they posted in?
- Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

Answer: No. OSHRC's FOIA logs have been requested less than three times, and sometimes not at all, during any given reporting period.

3. Provide examples of any material (with links) 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).

Answer: OSHRC maintains a comprehensive e-FOIA Reading Room where the records flagged by the agency's 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, and those issued by ALJs; and briefing notices for cases that have been directed for review.

https://www.oshrc.gov/open-government/

No records were requested three or more times during this reporting period.

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

Answer: If any records were to be requested frequently, OSHRC would post them in its e-FOIA Reading Room.

5. 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? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine-readable formats. If your agency is not taking steps to make posted information more useful, please explain why.

Answer: Yes. OSHRC's redesigned website improves ease of access to proactively disclosed records by reorganizing the location of certain records, streamlining drop-down menus, providing "Last Updated" dates on webpages to alert the public regarding the current status of the posted material, and archiving certain records such that the most current information is easily accessible, but historical information may still be available without submitting a FOIA request. During this reporting period, FOIA personnel provided requesters with links to the website's Decision Search tool, allowing them in some instances to withdraw their FOIA request when they were able to search for and successfully find posted records or information responsive to their request. OSHRC also improved how search results are generated from the website's Decision Search tool to ensure those results are provided to the public in a useful and practical format. For example, such results may now be exported in Excel or PDF files. Finally, records available on OSHRC's dedicated FOIA webpage and in its e-FOIA Reading Room continue to be posted in the most useful format (both PDF and/or HTML file types). OSHRC's FOIA webpage links directly to its Open Government page, where records are also posted in the same format.

6. 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 (within which the agency's Records Officer resides), Office of the Executive Director (within which the agency's IT team resides), and Office of the General Counsel (within which the 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, and determine the format of such disclosures and whether redactions are necessary prior to disclosure to protect privacy interests. Additionally, representatives from all of these agency offices, as well as the Office of the Chairman and Office of the Chief ALJ, serve on OSHRC's standing website committee and often identify additional records for proactive disclosure through either regular committee communication or at the committee's quarterly meetings.

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

Answer: During this reporting period, OSHRC updated its redaction policy for documents posted on its website to require the removal of certain metadata. The revised policy was disseminated agency-wide so that OSHRC personnel responsible for drafting documents that are regularly posted on the website are fully apprised of the new requirements.

Additionally, in reviewing records for proactive disclosure, the Privacy Officer works closely with the Chief FOIA Officer, FOIA Public Liaison, and Office of the Executive Secretary in advance of posting such records to ensure that they do not contain information that cannot be disclosed pursuant to the FOIA or Privacy Act. This collaboration streamlines the posting process and ensures that proactive disclosures comply with the applicable statutes.

Section IV: Steps Taken to Make Better Use of Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. DOJ's 2022 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 uses to support your FOIA program.

Answer: During this reporting period, OSHRC launched its first-ever web-based FOIA request form, which was used by the majority of requesters submitting requests to OSHRC during this reporting period, speaking to its accessibility and ease of use for requesters. Additionally, the process for launching OSHRC's redesigned website at the end of the last reporting period relied, in part, on a website designer's expertise and knowledge of new technology to support improvements to the agency's FOIA program. Finally, OSHRC's FOIA professionals engage as necessary with personnel in the agency's IT department regarding the use of different technology to search for records for FOIA requests. This collaboration, in conjunction with OSHRC FOIA professionals' use of the agency's mandatory e-filing system, 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 request intake, customer service, or record processing? For example, does your agency use artificial intelligence or other 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: No. OSHRC's experienced FOIA team requires limited technology to facilitate record processing. In situations where the FOIA team is redacting the same information throughout a voluminous number of pages within records, usually for a complex request,

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 the FOIA team, all of whom perform other duties related to OSHRC's core mission of adjudication. Additionally, FOIA personnel create master files for heavily redacted voluminous records to eliminate the potential for duplicate review and allow for the almost immediate release of previously redacted voluminous records.

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 launched its redesigned website at the end of the last reporting period, which includes revisions to its dedicated FOIA webpage and online FOIA request form that are based, in large part, on recommendations from the agency's FOIA professionals, as well as a website designer. During the current reporting period, OSHRC updated its FOIA webpage such that its most recent FOIA reports are easily accessible and archived reports are available through use of a drop-down menu.

5. Did all four of your agency's quarterly reports for Fiscal Year 2025 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 2026.

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 2024 Annual FOIA Report and, if available, for your agency's Fiscal Year 2025 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.

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

Answer: OSHRC introduced a new payment method during this reporting period to be used by requesters when fees are, or are anticipated to be, incurred. This form, operated through *pay.gov*, allows for easy remittance of payment so that tolling periods related to fees can be reduced, leading to a decrease in overall processing time. Additionally, OSHRC's revisions to its online FOIA request form, including its conversion to a web-based form, make the submission of requests even simpler for requesters. OSHRC is also adept at processing National FOIA Portal requests, as well as identifying common omissions by requesters using the Portal to promptly request any additional information needed for processing, or direct requesters to federal or state agencies more likely to maintain the records being sought.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

DOJ's 2022 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 for any categories of first-party requested records, outside of the typical FOIA or Privacy Act process?

Answer: Detailed instructions on how to request access to first-party records are available on OSHRC's Privacy webpage, prominently linked to from the agency website's homepage.

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, the agency's website provides detailed instructions on how to submit a Privacy Act request, including the required documentation that must accompany the request. OSHRC's Privacy Officer and FOIA Public Liaison work in tandem to ensure the timely processing of requests that require processing under both the FOIA and the Privacy Act.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

Answer: In addition to having a dedicated email address specifically for first-party requests for records, during this reporting period, fillable forms added to the agency's redesigned website on the Privacy webpage allow individuals to easily request access to, and/or consent to the disclosure of records protected under the Privacy Act.

B. Timeliness

4. For Fiscal Year 2025, 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 2025 Annual FOIA Report.

Answer: N/A

5. If your agency's average number of days to adjudicate requests for expedited processing was more than ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2025 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

6. 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.

7. 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 2025?

Answer: Yes. The average was 2.4 days, which is a 40% decrease in average number of days to process simple requests from Fiscal Year 2024.

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

Answer: N/A

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2025 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: The percentage of requests processed in the agency's simple track was 88.8%.

10. 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

11. If your agency had a backlog of requests at the close of Fiscal Year 2025, 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 2024?

Answer: Yes. OSHRC's backlog decreased by 23.1% despite processing 10% more requests in full, as well as partially processing several particularly voluminous requests.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2025 than it did during Fiscal Year 2024?

Answer: N/A

13. If your agency's request backlog increased during Fiscal Year 2025, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

Answer: N/A

14. 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 2025. 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: The percentage of requests that make up the agency's backlog is 3.95%. The percentage (and actual number) of backlogged requests decreased from last fiscal year despite the increase in number of requests received and processed.

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2025, 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 2024?

Answer: N/A

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2025 than it did during Fiscal Year 2024?

Answer: N/A

17. If your agency's appeal backlog increased during Fiscal Year 2025, 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

Answer: N/A

18. 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 2025. 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 2025 and/or has no appeal backlog, please answer with "N/A."

Answer: N/A

D. Backlog Reduction Plans

19. In the 2025 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2024 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 2025?

Answer: N/A

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2025, please explain your agency's plan to reduce this backlog during Fiscal Year 2026.

Answer: N/A

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

Ten Oldest Requests

21. In Fiscal Year 2025, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2024 Annual FOIA Report?

Answer: OSHRC closed all but one of its ten oldest pending requests at the end of Fiscal Year 2024; that complex request is currently being processed.

22. 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 2025 Annual FOIA Report. If you had less 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 2024.

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

Answer: All requests in the agency's backlog at the end of Fiscal Year 2025 were/are being processed on OSHRC's complex track. Many of these complex requests required the search for, and review of, voluminous records requiring redactions and/or withholdings, and others were increasingly complex, such as searches involving contracts into which the agency has entered, the agency's intranet, and comprehensive correspondence from/between senior leadership. In addition to the increase in the overall number of requests received and processed by OSHRC from Fiscal Year 2024 to Fiscal Year 2025, OSHRC processed 7.5% more complex requests this fiscal year than last. This was achieved, in part, by OSHRC's FOIA team maintaining open communication with requesters and offering assistance to clarify and specifically target the types of records being sought. OSHRC's FOIA professionals also possess the required skills to adapt if necessary to take on different roles internally within the agency's FOIA program, resulting in a 23.1% reduction in backlogged requests from Fiscal Year 2024 to Fiscal Year 2025.

Ten Oldest Appeals

24. In Fiscal Year 2025, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2024 Annual FOIA Report?

Answer: N/A

25. 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 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Answer: N/A

26. Beyond working 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

27. In Fiscal Year 2025, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report?

Answer: N/A

28. 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 2024 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

29. 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 2026.

Answer: OSHRC's FOIA professionals are working diligently to close the one remaining request of its ten oldest pending requests. The search for the records requested is complete and the responsive records are in the final stages of review such that OSHRC anticipates finalizing the processing of that request this fiscal year. Additionally, that request is being processed in conjunction with other related requests submitted by the same requester during Fiscal Year 2025. As such, the FOIA team's efforts have been focused on simultaneously processing all of these requests, including the one remaining from Fiscal Year 2024, to ensure a coordinated and accurate response to each.

F. Additional Information about FOIA Processing

30. 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
- Any other information to illustrate the impact of litigation on your overall FOIA administration

Answer: No.