2019 Chief FOIA Officer Report
for the Merit Systems Protection Board (MSPB)
by
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Acting Executive Director and
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The MSPB (www.mspb.gov) is an independent, quasi-judicial agency in the Executive Branch that serves as the guardian of Federal merit systems. Our mission is to protect the merit system principles and promote an effective Federal workforce free of prohibited personnel practices. We carry out our statutory responsibilities and authorities primarily by adjudicating individual employee appeals and by conducting merit systems studies. In addition, MSPB reviews the significant actions of the Office of Personnel Management to assess the degree to which those actions may affect merit system principles and prohibited personnel practices. The MSPB is headquartered in Washington, DC, with eight Regional and Field Offices.

Section I: Steps Taken 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 least at the Assistant Secretary or equivalent level. 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: William D. Spencer, Clerk of the Board (currently serving as Acting Executive Director and Acting Chief Information Officer).

B. FOIA Training

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

   Answer: Yes. MSPB's FOIA professionals conscientiously monitor training opportunities for both themselves and other MSPB staff with collateral FOIA responsibilities. We also send attorneys and support staff in the Office of the Clerk of the

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Board--without direct FOIA responsibilities—and members of the Information Services Team (which handles FOIA, privacy, and records management) to substantive FOIA training to provide cross-training and raise awareness.

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

   Answer: Staff attended trainings offered by the Office of Information Policy (OIP) at the Department of Justice, including: Advanced FOIA; Introduction to the FOIA for Attorneys and Access Professionals; Best Practices Workshop on Reducing Backlogs and Improving Timeliness; and Sunshine Week-related seminars.

5. 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%.

6. 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: Not applicable.

C. *Outreach*

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

   Answer: No. Due to limited resources and workload in our FOIA program, e.g., emphasizing backlog reduction, we were unable to engage in any formal outreach or dialogue with the requester community.

D. *Other Initiatives*

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has

considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

Answer: In Fiscal Year 2018, we continued our efforts—which began in Fiscal Year 2017—to educate and train non-FOIA professionals at MSPB on their obligations under the FOIA. MSPB's FOIA Public Liaison and FOIA Government Information Specialist (GIS) conducted several virtual FOIA trainings for MSPB employees located in Regional and Field Offices around the country. The training provided an overview of the FOIA, examples of common FOIA requests received at MSPB, and explained the role of non-FOIA employees in ensuring that MSPB meets its statutory obligations under the FOIA. We also published a FOIA page on MSPB's internal employee portal site containing general information about FOIA processing at MSPB.

Given the small size of our FOIA staff (with only one full-time FOIA GIS), MSPB's performance standards are written to reflect the breadth of FOIA responsibilities at MSPB, and they are aligned to the standards set forth in the Department's FOIA-related standards.

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

Answer: In addition to the training provided to non-FOIA employees, MSPB's FOIA Public Liaison sent an all-employee email that highlighted FOIA program accomplishments, including our posting of frequently-requested records to MSPB's public-facing website and examples of recent FOIA requests and releases that directly align with MSPB's mission. This messaging was intended to broaden non-FOIA employees' understanding of the mission-related work they perform for MSPB and the public interest in records related to their work.

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

DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

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

1. For Fiscal Year 2018, 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 2018 Annual FOIA Report.

    Answer: 2.24 days.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

    Answer: Not applicable. The average number of days reported for adjudicating requests for expedited processing improved from last year (4.92 days). MSPB continues to prioritize the adjudication of expedited requests and to grant such requests, when appropriate.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

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

    Answer: Yes. MSPB has been rebuilding its FOIA program since Fiscal Year 2016, after experiencing a destabilizing staffing situation in the years prior. Given our current stability, and using the Fiscal Year 2017 Annual Report backlog and processing numbers, MSPB conducted a self-assessment of its FOIA program in calendar year 2018. Using this information—while being realistic about available resources—MSPB set quarterly and annual goals for backlog reduction and improved processing time. We tracked these metrics on a weekly basis, and conducted bi-weekly meetings with the FOIA GIS, the FOIA Public Liaison, and managerial team to ensure progress toward our goals. This approach was successful and resulted in a 33% reduction in the backlog and a significant reduction in simple request processing time for Fiscal Year 2018. We continue to use this approach in Fiscal Year 2019.

4. 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 2018 (please provide a total number or an estimate of the number).

Answer: While MSPB regularly informs requesters of the services of the FOIA Public Liaison, very few requesters have sought out the Liaison's services during Fiscal Year 2018 (approximately 1 or 2). However, we utilized the Public Liaison more frequently to proactively engage in dialogue with requesters and determine the best way to meet their needs. Requesters have been receptive to this approach, and we saw greater efficiency processing some requests.

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

Answer: As explained above, MSPB's self-assessment approach includes setting quarterly and annual goals and conducting bi-weekly meetings to discuss the FOIA program. The meetings provide an opportunity to continuously review and discuss pending FOIA requests. While MSPB only has one full-time FOIA GIS, the bi-weekly meetings help identify when other staff can provide triage support to the program, such as when a voluminous request is received. In the past year, we continued our efforts to improve our understanding of available technology, including working with an information technology contractor to more effectively conduct electronic searches for certain types of records.

Section III: Steps Taken to Increase Proactive Disclosures

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

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

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

Answer:

We posted MSPB decisions:

https://www.mspb.gov/decisions/decisions.htm.

We posted weekly Case Reports that provide descriptions of court and Board decisions to inform and help the public locate Board precedents:
https://www.mspb.gov/decisions/casereports.htm

We posted electronic versions of print publications for the *Issues of Merit* newsletters:

- https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1477762&version=1483321&application=ACROBAT
- https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1518061&version=1523689&application=ACROBAT
- https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1540524&version=1546183&application=ACROBAT

We posted electronic versions of briefs issued by MSPB's Office of Policy and Evaluation:

- https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1548113&version=1553788&application=ACROBAT
- https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1534415&version=1540061&application=ACROBAT
- https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1500639&version=1506232&application=ACROBAT

We posted agency annual and budget reports:
https://www.mspb.gov/publicaffairs/annual.htm

We posted radio and video interviews:

- https://www.mspb.gov/radio.htm
- https://www.mspb.gov/video.htm

We posted new MSPB policy affecting stakeholders:
https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1515773&version=1521400&application=ACROBAT

Among the records available in our e-FOIA reading room (https://www.mspb.gov/foia/e-foiareadingroom.htm), we posted or cross-posted the following records:

Chen v. Department of Commerce Initial Decision:
https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1512718&version=1518344&application=ACROBAT

Department of Veterans Affairs SES appeals: 2014-2016:
https://www.mspb.gov/foia/e-foiareadingroom.htm.

Pending Petition for Review Data (May 31, 2018-present): https://www.mspb.gov/foia/January2019.pdf

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

   Answer: Because MSPB has a small but centralized FOIA program, staff are familiar with all new, pending, and closed requests, and therefore are able to quickly identify frequently-requested records. Additionally, the search capability of our FOIA tracking system—FOIAonline—enables us to confirm whether a record has been requested previously.

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.

   Answer: MSPB reorganized our e-FOIA Reading Room in FY 2017 to enable the public to more easily locate released records. Links to records are grouped by relevant category, which also provides a brief description of the nature of the records.

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

   Answer: MSPB's FOIA staff monitors incoming requests to spot trends and topics of public interest, and vigilantly monitors agency initiatives and current events concerning the agency. Additionally, offices within MSPB communicate with the FOIA staff to bring matters of public concern or interest to their attention.

   MSPB's challenge in this area is balancing limited resources between ensuring requests are timely processed, continuing to reduce our backlog, and maximizing opportunities to identify and make proactive disclosures.

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. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

   Answer: MSPB continues to leverage our current technology, through the Microsoft Office 365 suite, to conduct both enterprise-level and targeted searches, including email searches. To ensure our searches are both efficient and produce accurate results, we have utilized contractor support with expertise in the Office 365 suite to assist us with understanding the tools available to us and informing our approach.

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

   Answer: MSPB reviewed our website during the reporting period to ensure that it contains the correct information, essential resources, and is useful to the public. As explained above, we revamped our e-FOIA Reading Room to better categorize records and make it more user-friendly. We also promptly updated the hyperlink on our website when the FOIAonline system changed platforms and received a new web address to ensure requesters had timely access to the new online submission form.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018?

   Answer: Yes.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2019.

   Answer: Not applicable.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

   Answer: MSPB posted raw data from our Fiscal Year 2017 Annual FOIA Report in both a human-readable CSV form and a machine-readable XML form. Both forms of raw data are available in our e-FOIA Reading Room:

   - Fiscal Year 2017 Report (CSV) https://www.mspb.gov/xml/MSPB%20FOIA%20FY%2017%20Raw%20Data.csv
   - Fiscal Year 2017 Report (XML) https://www.mspb.gov/xml/FY%202017%20Annual%20Freedom%20of%20Informaiton%20Act%20Report.xml

   We will post the raw data for the Fiscal Year 2018 Annual FOIA Report as soon as it is available.

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

   Answer: See Section IV, number 1, above. A significant challenge faced by MSPB in utilizing technology this year was the resources and time required for agency partners, including MSPB, to transition from FOIAonline 1.0 to 2.0.

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 2018 Annual FOIA Report and, when applicable, your agency's 2017 Annual FOIA Report.

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? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency.

   Answer: Yes. MSPB utilizes the traditional three track system for FOIA requests: simple, complex, and expedited requests.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2018?

   Answer: Yes. MSPB's overall average response time for all processed perfected simple requests was 16 days in Fiscal Year 2018.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

   Answer: 63%.

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: Not applicable.

B. Backlogs

Section XII.A. of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

Answer: Yes. The backlog reported at the end of Fiscal Year 2017 was 70 requests. We reduced our backlog by 33% to end Fiscal Year 2018 with a backlog of 47 requests.

6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?

    Answer: Not applicable.

7. If your agency's request backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

    - An increase in the number of incoming requests.
    - A loss of staff.
    - An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
    - Any other reasons – please briefly describe or provide examples when possible.

    Answer: Not applicable.

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 2018. If your agency has no request backlog, please answer with "N/A."

    Answer: 27%.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

    Answer: MSPB did not report an appeals backlog at the end of Fiscal Year 2017. MSPB reported a backlog of three appeals at the end of Fiscal Year 2018. However, the three backlogged appeals, which derived from complex FOIA requests, were received toward the end of Fiscal Year 2018 (in August 2018).

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

    Answer: Yes.

11. If your agency's appeal backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Answer: As explained above, the appeal backlog existing at the end of Fiscal Year 2018 was based on new FOIA appeals received in August 2018. Additionally, our Office of General Counsel (MSPB's FOIA appellate authority) reached a mutually-agreeable due date with the requester outside of the 20-day response time.

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 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."

Answer: 24%.

C. Backlog Reduction Plans

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2017 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 2018?

Answer: MSPB did not have a backlog of over 1,000 requests in Fiscal Year 2017.

However, MSPB had a backlog of 70 requests at the end of Fiscal Year 2017, which we were able to reduce to 47 requests at the end of Fiscal Year 2018. We achieved this reduction by setting reasonable quarterly goals which we were able to meet throughout the year. We also utilized MSPB's FOIA Public Liaison to reach out to requesters to discuss ways to respond and close their requests.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

Answer: Not applicable.

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 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

    Answer: No.

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 2016 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

    Answer: In Fiscal Year 2018, we closed eight of our ten oldest requests reported pending in our Fiscal Year 2017 Annual FOIA Report. This was an increase from Fiscal Year 2017 when we closed seven of the ten oldest requests that we reported pending in our Fiscal Year 2016 Annual FOIA Report.

17. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

    Answer: None of the eight closed requests among the ten oldest were closed because the request was withdrawn by the requester. In some instances, we were able to work with the requester to narrow their request.

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

    Answer: MSPB is concentrating on backlog reduction. We strive to close our ten oldest requests each year, thereby reducing the overall age of our pending requests.

    In addition to reducing our backlog, we also set a goal of reducing the processing time for simple requests. By processing simple requests more efficiently and quickly, we have also reduced the amount of new requests that were left pending at the end of the fiscal

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year. Each year, as we work through our backlog and clear the oldest of the pending requests, the overall age of pending requests will drop.

TEN OLDEST APPEALS

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

    Answer: MSPB did not have any pending appeals at the end of Fiscal Year 2017.

20. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

    Answer: Not applicable.

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

    Answer: Not applicable.

TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

    Answer: Not applicable. MSPB did not have any pending consultations at the end of Fiscal Year 2017.

23. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

    Answer: Not applicable.

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

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018.

    Answer: MSPB is committed to closing its ten oldest requests each year. However, as in Fiscal Year 2017, MSPB has only one full-time FOIA GIS who is responsible for the daily administration of all aspects of MSPB's FOIA program. Our Fiscal Year 2018

oldest requests were voluminous requests for MSPB case files and presented challenging personal privacy considerations that make them difficult and time-consuming to process. Our processing of such requests is complex as we constantly balance our duty and commitment in promoting an open and transparent Government with our duty to protect individuals' privacy.

25. 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: Not applicable.

26. 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 2018.

    Answer: We have identified the ten oldest requests for Fiscal Year 2019 and have already closed two of those requests. We have set goals to close two or three of the oldest requests each quarter, and we monitor those goals and reach out to requesters, as needed, to maximize efficiencies in processing and closing our ten oldest requests.

F. Success Stories

Out of all the activities undertaken by your agency since March 2018 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. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

    Answer: Since March 2018, we have experienced a further maturity of our FOIA program, realized through realistic but aggressive goal-setting, periodic evaluation of our processes, and more frequent interaction with requesters. While MSPB only has one full-time FOIA GIS, other MSPB managers with FOIA responsibilities take great pride in setting and accomplishing goals to maximize the productivity of MSPB's FOIA program. The collaborative and goal-oriented approach by our small FOIA team resulted in the following notable accomplishments:

- A 33% reduction in our backlog during Fiscal Year 2018 without the benefit of additional full-time FOIA staff;
- A reduction in average processing time for simple requests from 70 days to 16 days in Fiscal Year 2018;
- Closing 200 FOIA requests during Fiscal Year 2018, a three-year high for the program;
- Conducting agency-wide FOIA training for all employees, including those employees geographically remote from MSPB headquarters;
- Implementing a FOIA page on our MSPB employee portal which provides information and training materials; and
- Implementing an enhanced FOIA search memo that more clearly explains FOIA obligations to program offices and allows for better tracking of certain metrics at the end of the fiscal year.