



Report of the Chief FOIA Officer
Federal Open Market Committee

March 2012

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Report of the Chief FOIA Officer Federal Open Market Committee

Pursuant to the “Guidelines for Chief FOIA Officer Reports to the Department of Justice,” the Federal Open Market Committee (FOMC) submits this Report regarding steps taken “to improve transparency in keeping with the President’s and Attorney General’s FOIA memoranda.” Matthew M. Luecke, Chief FOIA Officer of the FOMC, has directed and participated in a comprehensive review of FOMC FOIA operations. The results of that review are set forth in the report below, in accordance with the template provided by the Department of Justice.

Section I. Steps Taken to Apply the Presumption of Openness

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

The President’s FOIA memorandum and the Attorney General’s FOIA Guidelines have been circulated to all personnel who handle Federal Open Market Committee (FOMC) FOIA requests, including all those who receive, process, review, and approve FOIA responses on behalf of the agency. An internal website to help raise the organizational profile of FOIA has been created, and is now accessible to all FOIA staff. New FOIA Service Center staff members, subject matter experts, and legal counsel have all attended briefings on agency FOIA procedures as appropriate.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

FOMC FOIA Service Center and/or legal staff attended several Department of Justice training sessions that provided information on the new FOIA Guidelines since March 2011, including

Oct. 13, 2011 “ Refresher Training on the Guidelines for Preparation of Annual FOIA Reports President Obama’s FOIA Memorandum and Attorney General Holder’s FOIA Guidelines”

Dec. 12, 2011 “FOIA Training Session Referrals, Consultations and Coordination”

May 8-9, 2012 “FOIA for Attorneys and Access Professionals”
(scheduled)

On each occasion, the staff member who attended the training session re-circulated distributed training materials to and reviewed the meeting’s key agenda items with other FOMC FOIA Service Center staff.

3. Did your agency make any discretionary releases of otherwise exempt information?

Yes. The FOMC FOIA Service Center received 35 requests in FY 2011. Of these, 16 were full grants and 4 were partial grants. Twenty percent of these full or partial grants (4 cases) included deliberative, pre-decisional items that could have been claimed as exempt from disclosure under the FOIA.

4. What exemptions would have covered the information that was released as a matter of discretion?

Exemption 5 – “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.”

5. Describe your agency’s process to review records to determine whether discretionary releases are possible.

Each FOIA request undergoes a preliminary assessment by senior FOMC FOIA Service Center staff. If at any point during the research and response period, a denial or partial denial is suggested by subject matter experts and/or legal staff, the grounds for denial or partial denial are reviewed and verified by at least one FOMC officer and one FOIA attorney. No request is denied based on precedent; the FOMC FOIA Service Center conducts a *de novo* review of each request.

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

As warranted by the requests received, in FY 2011 staff regularly consulted with subject matter experts to re-evaluate the need for and appropriateness

of applying exemption 5. These consultations facilitated the discretionary disclosures noted in part 3 above.

7. Did your agency have an increase in the number of responses where records were released in full?

In both FY 2010 and FY 2011, the FOMC issued 16 full grants. This has meant that more than 45% of requests were granted in full each year.

8. Did your agency have an increase in the number of responses where records were released in part?

Yes. In FY 2011, the FOMC issued 4 partial grants, as compared to 2 partial grants in FY 2010.

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

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support?

Yes. The FOMC FOIA Service Center continues to receive IT support secured by the FOMC Secretariat for its ongoing information and database needs. In addition to the general, high-quality help desk support provided to all agency personnel, one full-time IT resource has been allocated to systems analysis and programming for FOMC document repositories.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Yes. The FOMC Chief FOIA Officer reviews every request and every response personally. FOMC FOIA Service Center Staff brief the Chief FOIA Officer daily on significant developments as they arise throughout the research and response cycle.

3. Do your FOIA professionals work with your agency's Open Government Team?

FOMC FOIA Service Center staff members worked in coordination with the Board of Governors of the Federal Reserve System to develop a Federal Reserve Open Government Directive.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

The FOMC FOIA Service Center receives approximately 30-40 FOIA requests per year. Service Center staff members meet regularly with the Service Center Manager to review the current case load, to consider what steps must be taken in order to respond to any open requests, and to assign appropriate resources to completing these responses. The Service Center Manager position was maintained and filled during FY 2011, subsequent to the retirement of the former Manager. A new staff member also received sufficient training in early FY 2012 to enable him to process simple requests, thus expediting the processing of the majority of requests received.

5. Describe any other the steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The FOMC FOIA Service Center takes a proactive approach to processing FOIA requests. Requests are disseminated to appropriate end users quickly after receipt, and staff assigned to processing those requests closely monitor processing to ensure adequate internal time for review and determination during the initial 20-business day processing period. In FY 2011, the FOMC FOIA Service Center developed document templates to accelerate the response time for common types of letters to requesters (e.g., referrals, full grants, and acknowledgement letters).

In addition, the FOMC publishes a host of historical information on its public website, including minutes and Records of Policy Actions back to 1936. This is intended to reduce, and has reduced, the number of FOIA requests we receive for this type of information.

Section III: Steps Taken to Increase Proactive Disclosures

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2011 to March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Has your agency added new material to your website since last year?

Yes. In FY 2011, historical minutes and Records of Policy Actions back to 1936 were added to the agency's public website. Since last year's report, pre-meeting staff analyses, meeting transcripts and meeting agendas have also been added for the year 2006. Finally, current meeting minutes, policy statements, and a new series of Chairman's press conferences (text and video) are posted to the website on a regular basis. Altogether, approximately 15,000 pages have been added to the public website since the beginning of FY 2011, bringing the total number of pages of FOMC material available online to more than 110,000.

2. Provide examples of the records, datasets, videos, etc, that have been posted this past year.

Transcript of the Federal Open Market Committee:

<http://www.federalreserve.gov/monetarypolicy/files/FOMC20060131meeting.pdf>

Minutes of the Federal Open Market Committee:

<http://www.federalreserve.gov/monetarypolicy/files/fomcminutes20111102.pdf>

Statement of the Federal Open Market Committee:

<http://www.federalreserve.gov/newsevents/press/monetary/20111102a.htm>

Chairman's Press Conference (new series; video, transcript, and materials):

<http://bcove.me/2iyt5w99>

<http://www.federalreserve.gov/mediacenter/files/FOMCpresconf20111102.pdf>

<http://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20111102.pdf>

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

Over the last several years, we have implemented a phased plan to release additional documents series on the agency's public website. Documents targeted for posting included many record types that had been requested in the past, as well as those that staff thought would be useful in

understanding the functioning of the FOMC. The final documents identified in the initial plan were added to the website in January 2011. Moreover, the FOMC routinely releases documents following each FOMC meeting, and annually posts thousands of pages of additional material for public use.

4. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

FOMC FOIA Service Center staff, with development support from IT, have implemented a basic and advanced search capability for all FOMC documents on the agency's website, 100% of which have been rendered text-searchable. Staff also monitor search statistics to evaluate usage patterns and identify possible opportunities for additional material and for reconfiguring the website to facilitate document retrieval for frequently requested material. Finally, descriptions of the primary FOMC document series have been created and posted on the agency's website to help explain the scope, provenance, and date ranges associated with these documents.

5. Describe any other steps taken to increase proactive disclosures at your agency.

Staff actively consider whether particular materials (whether or not requested under FOIA) should be posted on the FOMC's website. As a result of this evaluation, we expect the FOMC Secretariat to post additional information on the agency's website concerning the actions and deliberations of the FOMC.

Section IV: Steps Taken to Greater Utilize Technology

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

Yes.

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

N/A.

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?

The FOMC FOIA Service Center accepts status update requests via e-mail.

4. If not, is your agency taking steps to establish this capability?

N/A.

Use of technology to facilitate processing of requests:

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

The FOMC continues to take significant steps to facilitate overall FOIA efficiency (see details below).

6. If so, describe the technological improvements being made.

A large majority of FOMC records have been scanned and made text searchable, or were born digital. These records are routinely searched in response to incoming FOIA requests, through the digital repositories or file servers in which they reside. Specialized search tools have been created by the IT personnel who support the FOMC FOIA Service Center. In the past year, staff have launched a document sharing platform, which stores all correspondence associated with requests. The shared platform is employed extensively to conduct consultation with legal staff, the Chief FOIA Officer, and subject matter experts. IT staff performs de-duplication as appropriate.

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

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

Yes.

b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

Yes.

c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

N/A.

2. a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

No. In both cases, the FOMC closed the fiscal year with a backlog of a single request.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

N/A. The FOMC had no backlog of administrative appeals in either year.

c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

Yes.

d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

N/A. No administrative appeals were pending as of the end of FY 2011.

3. If you answered “no” to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

The agency's request backlog remained unchanged from FY 2010 to FY 2011. This was not due to an increase in the number of incoming requests.

- b. Was the lack of a reduction in the request backlog caused by a loss of staff?

The lack of a reduction in the request backlog was not due to a loss of staff.

- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

As of the end of each year (FY 2010 and FY 2011), a single request was in the agency's backlog. In each case, the pending request was complex and required extensive legal review; moreover, there were 5 complex requests per year. Thus, the complexity of requests remained constant on par with the backlog.

- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

N/A.

Administrative Appeal Backlog:

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

N/A.

- b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

N/A.

- c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

N/A.

- d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

N/A.

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes. FOIA tracking represents a regular agenda item at daily/weekly FOMC Secretariat staff meetings, conducted by the agency's Chief FOIA Officer. The goal of FOMC FOIA Service Center staff is to provide high-quality identification, search, retrieval, and review of responsive material as efficiently as possible.

2. Has your agency increased its FOIA staffing?

No. However, in FY2011, the Chief FOIA Officer successfully filled the Service Center Manager position upon the retirement of the incumbent, and also recruited, hired and trained a new FOIA Service Center staff member to maintain appropriate staffing levels.

3. Has your agency made IT improvements to increase timeliness?

Yes. The FOMC FOIA Service Center completed the transition of FOIA request tracking and processing to a shared document management platform in FY 2011; the platform links the request repository to an electronic FOIA calendar that overlays FOIA deadlines with staff leave dates, displays special reminders regarding expedited requests, and permits Service Center Staff to share packages of potentially responsive documents with the Chief FOIA Officer, subject matter experts, and legal counsel.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

N/A.

Use of FOIA's Law Enforcement "Exclusions"

1. Did your agency invoke a statutory exclusion during Fiscal Year 2011?

No.

2. If so, what is the total number of times exclusions were invoked?

N/A.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2011 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts.

As in recent years, in FY 2011 and FY 2012, the FOMC Secretariat added a large amount of content to the agency's website, completing a multi-year plan to proactively release important FOMC document series. As a result of this transparency initiative, more than 110,000 pages of historical and recent FOMC material are now available online.

Records of the FOMC's meeting deliberations for the 75 years of its existence are now not only available to the public through the agency's website, but have been rendered fully text-searchable and may be browsed by meeting date. Adjustments have likewise been made in the last year to the agency's advanced search engine to permit high-quality search and retrieval of this growing volume of linked material.

Staff continue to actively consider whether particular materials (whether or not requested under FOIA) should be made available through the agency's public website. In the past year, several important document series were published for the first time on the agency's website. These included records of the Chairman's new FOMC Press Conferences, as well as the FOMC's Rules and Authorizations.

We expect the FOMC Secretariat to post additional information on its website concerning the FOMC's actions and deliberations going forward. It is anticipated that the provision of this large amount of readily-available electronic information will obviate the need for many formal FOIA requests.