



Chief FOIA Officer Report

I: Steps Taken to Apply the Presumption of Openness

1. Describe the steps your agency has taken to ensure that the presumption is being applied to all decisions involving the FOIA.

The NMB's Office of Legal Affairs (OLA) processes all FOIA requests filed with the agency. The FOIA professionals in OLA reviewed President Obama's January 21, 2009 FOIA memorandum and Attorney General Holder's March 19, 2009 FOIA guidelines; additionally, the FOIA professionals attended multiple conferences and training seminars in 2009 regarding the new FOIA guidelines and requirements. In early March 2009, the FOIA professionals and the agency's Chief FOIA Officer met to discuss the new requirements and ensure that they were being considered during the processing of all FOIA requests.

2. Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

NMB received and processed 16 FOIA requests in 2008: 11 full grants, 1 partial grant/partial denial, 1 full denial based on a FOIA exemption, and 3 full denials in cases where the agency did not have any records relating to the request. In 2009, NMB received and processed 22 FOIA requests: 9 full grants, 5 partial grants/partial denials, and 8 full denials in cases where the agency did not have any records relating to the request. There was an increase in the number of partial grants/partial denials in 2009; however, in four of the five cases in this category in 2009 no documents were withheld and only minor redactions of personally identifiable information (such as Social Security Numbers and employee addresses) were made.

II: Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient.

The data in the NMB's Annual FOIA Report for FY 2009 demonstrates that our current system of responding to FOIA requests is effective and efficient: the agency's average response time to FOIA requests is 14 days, almost all of the FY 2009 requests were processed within 20 days, and there was no backlog of cases at the end of the fiscal year.

The NMB currently uses a central electronic case-tracking system to monitor deadlines for responding to FOIA requests. All NMB FOIA professionals have access to this system while working at agency headquarters or remotely. The FOIA professionals also have the necessary information technology (IT) support and access to software applications to ensure that they are able to search for agency records thoroughly and efficiently. For example, the FOIA professionals and other NMB staff have access to the NMB Corporate Memory system—an electronic records and documents management system containing official agency records—and the NMB Knowledge Store.

Additionally, the FOIA professionals have the IT support necessary to make electronic proactive disclosures quickly. For example, OLA staff received IT support to ensure that all comments and documents related to a recent NMB rule-change proposal were posted on the NMB website within a short time frame. Between November 2009 and February 2010, the NMB posted on its website over 1200 pages of transcripts and materials related to the rule change and approximately 2200 email comments. OLA staff meticulously reviewed the documents and sorted them into categories; OLA staff designed a webpage layout and collaborated with IT support to create approximately 90 links on the proposed rule-making webpage to facilitate public access to the documents.

III: Steps Taken to Increase Proactive Disclosures

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

In 2005, the NMB created a public information service on its website known as “The NMB Knowledge Store.” The Knowledge Store makes publicly available many of the categories of documents that were the subject of past FOIA requests, such as collective bargaining agreements, arbitration awards, and Presidential Emergency Board reports. During the past year, the NMB added thousands of documents to the Knowledge Store.

Every week, the NMB proactively discloses on its website basic information regarding representation, arbitration, mediation, and alternative dispute resolution cases. The NMB Office of Alternative Dispute Resolution Services (ADR) staff collaborates with other NMB employees to ensure that new information—such as Board notices, Board determinations, reports, and memoranda from directors—are posted on the website in a timely manner. For example, all Board determinations and notices are typically posted within two business days.

As explained above, the NMB took swift, proactive measures in November 2009 to ensure that all information regarding its proposed rule change was posted on the website as soon as possible. These actions illustrate the Board's ongoing commitment to furthering government transparency.

IV: Steps Taken to Greater Utilize Technology

A. Electronic Receipt of requests:

1. Does your agency currently receive requests electronically?

It is the NMB practice to accept and even encourage electronic requests; however, we are currently revising our FOIA Reference Guide to ensure that the public is aware of this practice.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically.

Not applicable.

B. Electronic tracking of requests

3. Does your agency track requests electronically?

Yes. We currently use Microsoft Outlook, Excel, and Word to track requests.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

Not applicable.

C. Electronic processing of requests:

5. Does your agency use technology to process requests?

Yes. Our agency uses several forms of technology to process requests, including electronic databases, the Corporate Memory records management system, the Knowledge Store, and computer software applications.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

D. Electronic Preparation of Annual FOIA Report:

7. Does your agency utilize technology to prepare your agency FOIA Annual Report?

No.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Due to the relatively small number of FOIA requests filed with the NMB during the past few years, there has not been a pressing need to automate the preparation of our FOIA Annual Report.

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

The NMB did not have a backlog of FOIA requests or administrative appeals at the end of FY 2009 and does not anticipate a backlog at the end of FY 2010.

If there has not been a reduction in the backlog, describe why that has occurred and what steps your agency is taking to bring about a reduction.

Not applicable.

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

Compared to prior years, the agency has increased the number of staff involved in processing FOIA requests and has increased the number of cases in which it responded to requests electronically.