



PENSION BENEFIT GUARANTY CORPORATION

2016

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CHIEF FOIA OFFICER'S REPORT

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## ABOUT PBGC

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The Pension Benefit Guaranty Corporation (PBGC or the Corporation) is a federal corporation established under the Employee Retirement Income Security Act (ERISA) of 1974, as amended. The PBGC was created to encourage the continuation and maintenance of private-sector defined benefit pension plans, provide timely and uninterrupted payment of pension benefits, and keep pension insurance premiums at a minimum. The PBGC is not funded by general tax revenues and collects insurance premiums from employers that sponsor insured pension plans, earns money from investments and manages funds from pension plans it takes over.

The PBGC protects the retirement incomes of more than 41 million American workers in nearly 24,000 private-sector defined benefit pension plans. A defined benefit plan provides a specified monthly benefit at retirement, often based on a combination of salary and years of service. The maximum pension benefit guaranteed by PBGC is set by law and adjusted yearly. For plans that end in 2015, the maximum guarantee for workers who retire at age 65 is \$60,136 yearly (\$5,011.36 monthly), an increase from \$59,318 for 2014. The guarantee is lower for those who retire early or when there is a benefit for a survivor. The guarantee is increased for those who retire after age 65.

### OUR CUSTOMERS<sup>1</sup>

PBGC operates two separate insurance programs for defined benefit plans. PBGC's single-employer program guarantees basic pension benefits when underfunded plans terminate. By contrast, in the multiemployer program, the insured event is plan insolvency. In accordance with its Customer Service Plan, PBGC serves a range of customers with disparate interests and expectations.

In 2015, PBGC paid for monthly retirement benefits, up to a guaranteed maximum, for nearly 826,000 retirees in more than 4,700 single-employer pension plans that cannot pay promised benefits. Including those who have not yet retired and participants in multiemployer plans receiving financial assistance, PBGC is responsible for the current and future pensions of about 1.5 million people. These participants in private-sector plans now administered by PBGC depend on PBGC for their retirement security and expect quick, accurate benefit determinations and prompt, uninterrupted benefit payments.

PBGC's customers also include the companies with PBGC-insured plans and the pension professionals who assist them. These practitioners and plan administrators expect PBGC to promptly and accurately process their premium payments, dispense reliable advice and rulings, and resolve issues affecting their plans quickly and responsively. Practitioners include plan sponsors and pension professionals such as lawyers, accountants, and actuarial consultants.

PBGC also serves a range of customers interested in retirement planning and pension plans, such as Congress, Federal Agencies and State Government, General Public, Media, PBGC Employees and Contractors.

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<sup>1</sup>See PBGC Customer Service Fact Sheet: <http://www.pbgc.gov/about/pg/other/csp.html>.

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## SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS

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The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness

### FOIA TRAINING:

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

**Yes.**

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

**At PBGC, every employee is responsible for ensuring compliance with the FOIA and working to fulfill the goals of the Open Government Initiative: transparency, participation and collaboration. In Fiscal Year 2015, the PBGC held 25 conferences and/or training sessions, an increase from the 11 held the previous year. They are described as below:**

<i>Date</i>	<i>Topic</i>	<i>Course Objective</i>
<i>January 29, 2015</i>	<i>Training: Composition of FOIA/Privacy Access Letters</i>	<i>Provide overview of statutory requirements needed in correspondence.</i>
<i>March 4, 2015</i>	<i>Training: Disclosure Business Process – Building Consistency</i>	<i>Provide in-depth training of FOIA and Privacy Act requirements.</i>
<i>March 18, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>April 15, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>April 22, 2015</i>	<i>Training: Payment of Fees, if Request is a Subpoena</i>	<i>Provide in-depth training for processing subpoenas and analysis of FOIA requester categories and fees.</i>
<i>April 28, 2015</i>	<i>Privacy Week – The FOIA, Privacy and Us</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>

<i>April 30, 2015</i>	<i>Privacy Week – The FOIA, Privacy and Us</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>May 20, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>June 3, 2015</i>	<i>Signature Requirements for FOIA Request</i>	<i>Provide in-depth training of FOIA and PA requirements.</i>
<i>June 17, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>June 24, 2015</i>	<i>Training: Signature by Mark</i>	<i>Provide in-depth training of FOIA and Privacy Act requirements.</i>
<i>July 7, 2015</i>	<i>FOIA Awareness and Privacy Access</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>July, 15, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>July 30, 2015</i>	<i>Overview of the Privacy Act and FOIA</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>August 19, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>September 10, 2015</i>	<i>FOIA Awareness and Privacy Access</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>September 16, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>September 22, 2015</i>	<i>Internal Training: Fair Information Practice Principles (FIPPS) and information protection</i>	<i>Provide in-depth training of Privacy Act requirements.</i>
<i>October 21, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>November 3, 2015</i>	<i>FOIA Awareness and Privacy Access</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>November 18, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>December 16, 2015</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>January 20, 2016</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>

<i>February 17, 2016<sup>2</sup> (anticipated)</i>	<i>FOIA and Privacy Act - New Employee Orientation</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
<i>February 2016 (anticipated)</i>	<i>FOIA Awareness Day</i>	<i>Provide overview of the FOIA to all employees of the corporation.</i>

3. If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.

**Not applicable.**

4. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

**Yes.**

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.

**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.

**Not applicable**

#### **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?

**Yes. The PBGC participated in a meeting for a number of the nation's pension rights organizations. These organizations work to ensure that the**

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<sup>2</sup> PBGC's Disclosure Division will continue to provide monthly FOIA and Privacy Act training for each New Employee Orientation during 2016.

interests of American workers, retirees, and their families are protected in the nation's retirement income policies. These groups of legal professionals represent a significant group of requesters. This meeting allowed disclosure personnel an opportunity to explain the internal processes involved in responding to their requests and provide important information pertaining to the content of their requests.

Additionally, the PBGC solicits feedback from its customers on a regular basis—this information is gathered through surveys, feedback and incoming phone calls to PBGC's Resolution Officers. As a result of comments from the public, the PBGC has made significant efforts to make information about PBGC easily accessible for varied audiences. Please see examples of PBGC's outreach activities, currently posted on [pbgc.gov](http://pbgc.gov), by clicking on the links below<sup>3</sup>:

- 1) <http://www.pbgc.gov/about/pg/other/csp.html>
- 2) <http://www.pbgc.gov/about/new-to-pbgc.html>
- 3) <http://www.pbgc.gov/about/faq.html>
- 4) <https://www.youtube.com/watch?v=tUsN7jswF1I>
- 5) <http://www.pbgc.gov/open/index.html>

8. If you did not conduct any outreach during the reporting period, please describe why?

**N/A. The PBGC conducted outreach during the reporting period.**

#### **DISCRETIONARY RELEASES:**

9. Does your agency have a distinct process or system in place to review records for discretionary release?

**Yes.**

If so, please briefly describe this process.

**The PBGC's FOIA process is centralized and administered through the Disclosure Office. Specifically, the Disclosure Officer may make any document or portion thereof from the records of PBGC available for inspection and copying if the Disclosure Officer determines that disclosure furthers the public interest and does not impede the discharge of any of the functions of PBGC. The determination is made after consultation with the department providing the records and with advice from attorneys in the**

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<sup>3</sup> If the links do not work, please cut and paste in your browser.



**Office of General Counsel (OGC). Further, the Disclosure Officer ensures discretionary disclosures are made in compliance with 18 U.S.C. § 1905, after consultation with the Chief FOIA Officer and OGC attorneys.**

If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

**N/A. The PBGC's disclosure mission is centralized.**

10. During the reporting period, did your agency make any discretionary releases of information?

**Yes.**

11. What exemption(s) would have covered the material released as a matter of discretion?

**Exemption (b)(5).**

12. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

**During the reporting year, the PBGC made discretionary releases of 116 files containing information related to more than 58 pension plans containing actuarial data that may have been afforded protection under Exemption (b)(5). Additionally, the PBGC released several thousand pages of later discovered records related to a then closed request that could have also been protected from disclosure. In these two instances, the agency released more than 29,000 pages of records that provided insight as to how PBGC calculated employer contributions and the manner in which PBGC actuaries estimated pension payments under various trusted plans.**

13. If your agency was not able to make any discretionary releases of information, please explain why.

**N/A. The PBGC made discretionary releases of information during the reporting period.**

#### **OTHER INITIATIVES:**

14. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

**The Disclosure Division provides monthly training to all PBGC new hires**

**(federal employees and contractors). In addition, the PBGC continues to utilize and train contractor employees in its Customer Call Center and Document Management Centers to respond to customers seeking specific information protected by the FOIA and Privacy Act. The Disclosure Officer has delegated authority to the Field Benefit Administrators, the Customer Call Center, and the Document Management Centers in order to provide first line response for income verification requests from PBGC participants and third party requesters that have participants' written authorization.**

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

**During FY 2015, the PBGC expects to publish a final rule related to Part 4043 of ERISA. Section 4043 of ERISA requires that plan administrators and sponsors notify PBGC of the occurrence of certain events that may signal problems with a pension plan or business. On our website, PBGC regularly issues Technical Updates and other informal guidance about reportable events and large cumulative funding underpayments. The proposed rule would amend Part 4043 to accommodate statutory changes made by to the Pension Protection Act of 2006, establish risk-based safe harbors that would exempt most companies and plans from reporting, and make other changes. During FY 2015, PBGC received thirteen comments from the public and held its first-ever regulatory hearing on the proposal. <http://www.pbgc.gov/prac/reporting-and-disclosure/reportable-events.html>**

**The Disclosure Officer participates in the Open Government Partnership, National Action Plans. An outgrowth of this participation was the expanded use of FOIA Online at PBGC. Public access to FOIA Online promotes transparency and allows submitters insight into PBGC's FOIA process by allowing FOIA requesters to submit, track and receive responses to their FOIA requests. Additionally, the public can generate reports about requests, appeals, processing time, backlogs and several other reporting areas for 9 different PBGC departments.**

**As part of PBGC's continued commitment to outreach, the following sites are examples of how the agency continues to promote openness, corporate accountability, transparency and integrity.**

- 1) <http://www.pbgc.gov/about/pg/other/csp.html>
- 2) <http://www.pbgc.gov/about/new-to-pbgc.html>
- 3) <http://www.pbgc.gov/about/faq.html>
- 4) <http://www.pbgc.gov/open/index.html>
- 5) <https://www.youtube.com/watch?v=tUsN7jswF1I>
- 6) <https://www.youtube.com/watch?v=WnpIFCfBk9o>

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## SECTION II: STEPS TAKEN TO ENSURE THAT YOUR AGENCY HAS AN EFFECTIVE SYSTEM IN PLACE FOR RESPONDING TO REQUESTS

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The Attorney General's 2009 FOIA Guidelines emphasized 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 describes your agency's efforts in this area.

### PROCESSING PROCEDURES:

1. For Fiscal Year 2015, 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 2015 Annual FOIA Report.

**10.6 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.

**For Fiscal Year 2015, the PBGC reports an average slightly over ten calendar days. The Disclosure Division piloted a policy initiative to issue expedited processing determinations concurrently with disclosure determinations for Simple-track and PBGC participant records requests in order to avoid administrative confusion for our customer-requesters. For Fiscal Year 2016, however, the Disclosure Officer is intent on insuring that all expedited processing determinations be issued in ten calendar days or less and will be monitored via weekly tracking reports.**

3. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

**N/A.**

4. On July 2, 2015, OIP issued new guidance on the proper procedures to be used in the event an agency as a reason to inquire whether a requester is still interested in

the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a “still interested” inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

**To the extent the PBGC has made a “still interested” inquiry concerning perfected requests, the PBGC has done so in accordance with the July 2015 OIP guidance, including affording requesters at least thirty working days to respond to the “still interested” inquiry.**

#### **REQUESTER SERVICES:**

5. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

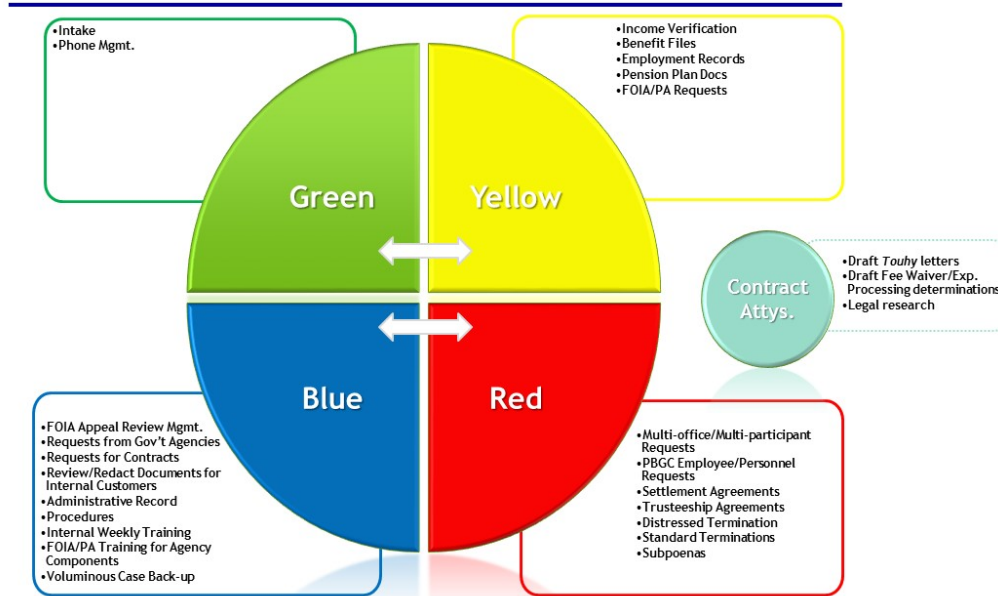
**Since the FOIA disclosure mission is centralized at the PBGC, the FOIA Public Liaisons are frequently the points of contact for requests in which disputes may arise, in addition to the Disclosure Officer. Nevertheless, the contact information for PBGC FOIA Public Liaisons is posted on PBGC’s FOIA website. Additionally, PBGC anticipates issuing changes to the agency’s implementing regulation concerning FOIA procedures and processes, which will be published in the agency’s implementing regulation how the public can contact PBGC’s FOIA Public Liaisons.**

#### **OTHER INITIATIVES:**

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

**On June 30, 2015, the Disclosure Division officially implemented a new team-based business model after a successful one-year pilot program.**

## Disclosure Division Structure



**The green team manages intake of FOIA cases. The yellow team primarily processes Simple-track income verifications and participant-requests. The blue team conducts internal and external training, processes requests for government contracts, serves as point of contact for appeals administration, provides assistance in voluminous requests for other teams, and processes special project requests. The red team processes requests involving multiple offices, subpoenas, standard or distressed pension plan terminations, actuarial information, and requests from PBGC employees and the union.**

**This new business model transforms the Disclosure Division's FOIA professionals from generalists to proficient specialists working together to produce a consistent and well-reasoned product. The model has increased transparency in types and quantity of requests received, improving FOIA professionals' understanding of their individual contributions to the Division's mission. Moreover, the model has improved overall efficiency and consistency, and created more opportunities to craft strength-based staff guidance and training.**

**The Disclosure Division also continues to seek read-only access to relevant PBGC systems and programs, so FOIA professionals can independently conduct records searches, improving overall efficiency.**

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### SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES

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Both the President and Attorney General 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.

#### **POSTING MATERIAL:**

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

**The Disclosure Division enjoys collaborative working relationships with the public-facing arms of the agency, including the Customer Call Center, the Field Benefit Administrators, the Communications, Outreach & Legislative Affairs (COLA) Department and the Document Management Center to identify areas of significant public interest. This information is communicated through meetings and working groups with different departments in the Corporation.**

**Once identified, the Disclosure Division works closely with COLA to ensure that frequently requested information and information that will likely become the subject of a FOIA request are published on pbgc.gov in advance of receiving a FOIA request.**

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

**Yes.**

**The Disclosure Division, in conjunction with COLA, routinely monitors current events and announcements that may generate interest in specific PBGC records. With the assistance of the Office of Information Technology, COLA then publishes information that will likely be requested on the agency's website in advance of such requests.**

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

**No. The PBGC's Office of Information Technology (OIT) ensures compliance with Section 508 of the Rehabilitation Act. They perform a streamlined process that requires only submitter review of the unpublished content and final approval before posting to the agency's website.**

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No

5. If so, please briefly explain those challenges.

**Not applicable.**

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

- 1) <http://www.pbgc.gov/Documents/2015bluebook.pdf#page=15>
- 2) <http://www.pbgc.gov/prac/appeals-board/appeals-decisions.html>
- 3) <http://www.pbgc.gov/about/who-we-are/retirement-matters/post/2015/10/19/Update-Open-Government-at-PBGC.aspx>
- 4) <http://www.pbgc.gov/prac/pg/other/guidance/pending-proposed-rules.html>
- 5) <http://www.pbgc.gov/news/press.html>
- 6) <http://www.pbgc.gov/wr/newsletters.html>

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness?

**Yes. The PBGC uses both Facebook and Twitter to notify the public of recently released information. In addition, PBGC hosts the blog Retirement Matters and provides five unique data sets containing information for the public. This information pertains to appeals of PBGC benefits, the results of Customer Satisfaction surveys, the Annual Performance Report Summary, website analytics and PBGC FOIA requests.**

- 1) <https://www.facebook.com/pages/Pension-Benefit-Guaranty-Corporation-PBGC/91530573008>
- 2) <https://twitter.com/uspbgc>

3) <http://www.pbgc.gov/blog/>

**OTHER INITIATIVES:**

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

**Yes. The PBGC continues to provide requesters, plan participants, practitioners, and third-parties the opportunity to subscribe to information from nine different topics through the following site:**

**<http://www.pbgc.gov/res/stay-informed.html>**



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## SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

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A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." 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 describes your agency's efforts in this area.

### **MAKING MATERIAL POSTED ONLINE MORE USABLE:**

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website?

**Yes.**

2. If yes, please provide examples of such improvements.

**In Fiscal Year 2015, the PBGC posted new data sets to its Open Government webpage, including a data set regarding PBGC FOIA Requests, increasing PBGC's accountability to the public, and improving the public's awareness of PBGC's operations and how the agency carries out its mission. The data sets present information in a machine accessible, downloadable format, which had not been previously available to the public.**

**Moreover, the PBGC continues to regularly utilize social media tools to share information about the agency and more widely and rapidly spread the message of retirement security. In addition to posting real-time news about the PBGC and its mission on Facebook and Twitter, PBGC regularly updates the public on important retirement issues via its blog, Retirement Matters, quarterly newsletters, Retirement Recap, and online publications to help the public understand more about how PBGC works to protect the retirement incomes of millions of Americans.**

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

**Yes. A member of the Disclosure Division meets quarterly with a representative from Communications Outreach & Legislative Affairs (COLA) Department and the Office of Information Technology (OIT) to discuss new trends and innovations in public information sharing to incorporate into the agency's FOIA website.**

#### **USE OF TECHNOLOGY TO FACILITATE PROCESSING OF REQUESTS:**

1. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools.

**Yes. The Disclosure Division conducts both targeted and personalized refresher training on PBGC web-based databases and programs that FOIA staff use regularly to conduct records searches. Additionally, the Disclosure Officer issues timely communications and conducts training concerning any changes to the FOIAonline platform.**

2. Beyond using technology to redact documents, is your agency taking steps to use 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? If yes, describe the technological improvements being made.

**The Disclosure Division continues to seek read-only access to relevant PBGC systems and programs, so FOIA professionals can independently conduct records searches, improving overall efficiency.**

**In October 2014, PBGC commenced planning for PBGC Connect, an agency-wide technology endeavor to take PBGC computing to the cloud. PBGC Connect is a cloud-based enterprise information management system using Microsoft Office 365. Implementation of key components of PBGC Connect began in April 2014 and will continue through September 2017. Using Microsoft Sharepoint, agency users can manage, share, and collaborate on documents in the cloud. Through Skype for Business, users can engage through virtual meetings. PBGC Connect will improve FOIA efficiency, as FOIA professionals will more easily be able to communicate with records originators regarding searches, consult with departments throughout the**

**Disclosure Division's record review process, and more easily exchange documents related to FOIA requests throughout the agency.**

3. Are there additional tools that could be utilized by your agency to create further efficiencies?

**Not at this time.**

OTHER INITIATIVES:

1. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

**Yes.**

2. 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 2016.

**N/A.**

3. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? *See OIP Guidance, "The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications."* (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

**Yes. The PBGC's FOIA professionals use e-mail to communicate with requesters whenever feasible. In addition to email communication between PBGC FOIA professionals and requesters, the Disclosure Division utilizes the communication features available through FOIAonline to communicate electronically with requesters.**

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## **SECTION V: STEPS TAKEN TO IMPROVE TIMELINESS IN RESPONDING TO REQUESTS AND REDUCING BACKLOGS**

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The President's FOIA Memorandum and the Attorney General's 2009 FOIA Guidelines have 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 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.*

### **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?

**Yes.**

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

**Yes.**

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

**49.9%**

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?

**N/A.**

## **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 2014 and Fiscal Year 2015 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 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

**N/A. The PBGC did not have a backlog of requests at the close of Fiscal Year 2015, and the PBGC did not have a backlog of requests at the close of Fiscal Year 2014.**

6. If not, 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.

**N/A. The PBGC did not have a backlog at the close of Fiscal Year 2015.**

7. 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 2015.

**N/A.**

## **BACKLOGGED APPEALS**

8. If your agency had a backlog of appeals at the close of the Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

**N/A. The PBGC did not have a backlog of appeals at the close of Fiscal Year 2015, and the PBGC did not have a backlog of appeals at the close of Fiscal**

**Year 2014.**

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce 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.

N/A.

10. 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 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with “N/A.” To calculate your agency’s percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

N/A.

**BACKLOG REDUCTION PLANS**

11. In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2014 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 2015.

**No. The PBGC closed Fiscal Year 2014 with zero backlogged requests; therefore the PBGC was not required to create a backlog reduction plan in accordance with 2015 guidelines.**

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2015, what is your agency’s plan to reduce this backlog during Fiscal Year 2016?

**N/A. The PBGC closed Fiscal Year 2015 with zero backlogged requests; therefore, the PBGC will not need to implement a backlog reduction plan in accordance with 2015 guidelines.**

## **STATUS OF TEN 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 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

### **TEN OLDEST REQUESTS**

13. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

**Yes.**

14. 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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

**N/A. The PBGC closed its ten oldest requests.**

15. 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?

**N/A. None of PBGC’s ten oldest requests were closed because the request was withdrawn by the requester.**

### **TEN OLDEST APPEALS**

16. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

**Yes.**

17. 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 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**N/A. The PBGC closed all of the pending appeals reported in PBGC's Fiscal Year 2014 Annual FOIA Report.**

#### **TEN OLDEST CONSULTATIONS**

18. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

**N/A. The PBGC did not have any pending consultations at the close of Fiscal Year 2014.**

19. 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 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

**N/A.**

#### **ADDITIONAL INFORMATION ON TEN OLDEST REQUESTS, APPEALS, AND CONSULTATIONS & PLANS:**

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

**N/A.**

21. 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.

**N/A.**

22. 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 2016.

**N/A.**



**INTERIM RESPONSES:**

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? *See OIP Guidance, "The Importance of Good Communication with FOIA Requesters."* (Mar. 1, 2010)

**Yes.**

24. If your agency had a backlog in Fiscal Year 2015, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

**N/A. The PBGC did not have at the end of backlog in Fiscal Year 2015.**

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**USE OF FOIA'S LAW ENFORCEMENT "EXCLUSIONS"**

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1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

**No.**

2. If so, please provide the total number of times exclusions were invoked.

**N/A.**

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## SUCCESS STORY

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Out of all the activities undertaken by your agency since March 2015 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, these agency **success stories** will be highlighted during Sunshine Week by OIP. 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.

- **The PBGC executive leadership nominated the Disclosure Division to receive the President's Award for Customer Service, administered by OMB's Deputy Director for Management.**
- **Corporate-wide FOIA Awareness Training – For Fiscal Year 2015, the Disclosure Division prioritized corporate FOIA training initiatives and advertised FOIA training opportunities throughout the agency offered by the FOIA professionals of the Disclosure Division. The current mandatory training for new employees and contractors focuses on employees and contractors' Top Ten FOIA Responsibilities, with an emphasis on proper search methods and procedures. As a result of Disclosure Division outreach to PBGC program offices and interest to learn more about the agency's FOIA responsibilities, several departments requested special training sessions from the Disclosure Division. The feedback from the special training sessions was very positive, and the Disclosure Division noticed improved collaboration and responses from those departments when asked to conduct records searches. Consequently, the Disclosure Division sought and obtained approval from agency senior executives to design and conduct an annual FOIA Awareness Day that will offer corporate-wide FOIA focused training opportunities for all employees and contractors. The first annual FOIA Awareness Day is scheduled to occur in mid-February 2016.**