



Report of the Chief FOIA Officer
Federal Open Market Committee

April 2014

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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

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

FOIA Training:

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

Yes, the Chief FOIA Officer has conducted training at a staff meeting including senior Board officers and other FOMC staff. Additionally, 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 is accessible to all FOIA staff. FOMC FOIA staff also regularly communicates with the FOIA staff of the Board of Governors of the Federal Reserve System (“Board”) to discuss shared issues and ideas about how to constantly improve our processes and service level.

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

Training was held for the officers and section chiefs in the Monetary Affairs division, providing an overview of the type of information that is typically requested of the FOMC, the process that the FOIA Service Center uses to respond to requests, and how non-FOIA staff may be able to assist with relevant requests. There were 25 participants at the training. Additional training sessions for other relevant divisions are being planned.

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

New FOIA Service Center staff members, subject matter experts, and legal counsel have all attended briefings on agency FOIA procedures as appropriate.

FOMC FOIA Service Center and/or legal staff attended, or will be attending, the following Department of Justice training sessions since March 2013:

August 8, 2013	“Director’s Lecture Series – FOIA Fee Summit”
August 15, 2013	Consumer Financial Protection Bureau conference on proper application and usage of FOIA exemptions
March 26, 2014	“Advanced FOIA Seminar”
May 13-14, 2014	“FOIA for Attorneys and Access Professionals”

The staff members who attended the training sessions re-circulated session training materials to, and reviewed the key agenda items with, other FOMC FOIA Service Center staff.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

80 percent.

5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency’s plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

As of this writing, all FOIA professionals on our regular staff have signed up (or been waitlisted) to attend at least one FOIA training this year, sponsored by OIP.

Outreach

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

No, however the FOMC FOIA website provides requesters with links and resources that provide information about the FOMC's administration of the FOIA.

Discretionary Disclosures:

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

Yes. Each year staff members use a formal process to review and release discretionarily a large volume of important FOMC information. As part of the process, records are reviewed by multiple levels of staff for confidential material that may need to be redacted using a FOIA exemption.

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

Yes. The FOMC annually releases, on a discretionary basis, a range of key documents on its website. These documents include five-year-old FOMC meeting transcripts, Bluebooks, Greenbooks, and other predecisional, exempt material that could otherwise be withheld.

9. 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.”

10. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

FOMC meeting transcripts contain internal discussion and predecisional deliberations that are exempt under the FOIA. By custom, the FOMC releases this material to the public with a five-year lag. This year, the

released transcript material included over 1,800 pages that could have been withheld. This year's release of FOMC Bluebooks and Greenbooks, two other important document series included more than 1,700 pages of additional exempt information.

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

N/A.

Other Initiatives:

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

Yes.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

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.

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 your management of your FOIA program 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.

Personnel:

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

No.

2. If not, what proportion of personnel has been converted to the new job series?

We have not converted any positions to the new job series. FOMC FOIA staff dedicate an appropriate amount of time to FOIA matters, but also work on many other types of tasks and projects. The Federal Reserve has job series that are designed for information professionals like those in the FOMC FOIA Service Center who work on FOIA matters as well as records management, information technology, and information security matters.

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

There is not currently a plan to convert FOMC FOIA professionals to the new job series, however there is an ongoing effort to ensure that our job series continue to work well for our information professionals.

Processing Procedures:

4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Yes, the average number of days to adjudicate requests for expedited processing was ten days.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

Yes, the FOMC FOIA Service Center has increased communication with the Board FOIA Office regarding request referrals between the two agencies.

Requester Services:

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Yes.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

The FOMC FOIA Service Center has not denied an appealed request in the last fiscal year, and therefore has not notified requesters of this service. The FOMC FOIA Service Center is currently considering revisions to its standard appeal notification language, including the addition of a notification about OGIS mediation.

8. Describe 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.

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 2013, the FOMC FOIA Service Center continued its use of 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 2013 to March 2014). 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.

Posting Material:

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

Yes.

2. If so, describe the system that is in place.

The FOMC routinely releases documents following each FOMC meeting, and annually posts around 4,000 pages of additional material for public use. Recently, pre-meeting staff analyses, meeting transcripts and meeting agendas was released for the year 2008. Finally, current meeting minutes, policy statements, and the Chairman's press conferences (text and video) are posted to the website on an ongoing basis. Altogether, the total number of pages of FOMC material available online is now nearly 145,000.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

Transcripts of the Federal Open Market Committee:

<http://www.federalreserve.gov/monetarypolicy/fomchistorical2008.htm>

Minutes of the Federal Open Market Committee:

<http://www.federalreserve.gov/monetarypolicy/fomcminutes20131218.htm>

Statement of the Federal Open Market Committee:

<http://www.federalreserve.gov/newsevents/press/monetary/20140129a.htm>

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

<http://www.federalreserve.gov/monetarypolicy/fomcpresconf20131218.htm>

<http://www.federalreserve.gov/mediacenter/files/FOMCpresconf20131218.pdf>

<http://www.federalreserve.gov/monetarypolicy/files/fomcprohtable20131218.pdf>

Making Posted Material More Useful:

4. 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, such as soliciting feedback on the

content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?

Yes.

5. If so, provide examples of such improvements.

Continuing upon advances from FY 2011, a basic and advanced search capability for all FOMC documents on the agency's website, 100 percent of which have been rendered text-searchable, serves the public and the FOMC FOIA Service Center. Staff monitors 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. Staff has received positive feedback on its posted material, and continues to look for ways to improve.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

For the publication of FOMC meeting transcripts, Federal Reserve public affairs staff now utilizes Twitter to announce the posting. Staff also 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 will consider posting documents to our electronic reading room this year that have been released in response to multiple FOIA requests.

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

Yes. The requirement to meet the Section 508 standard makes it very difficult to post some lengthy documents that have numerous charts and graphs. Meeting the 508 standard is very resource intensive, which limits the volume of material we can post.

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

FOMC FOIA Service Center staff are currently soliciting internal input on documents that would be most helpful to release proactively, in addition to the documents released in our standardized annual process.

Section IV: Steps Taken to Greater Utilize Technology

Online tracking of FOIA requests:

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

No. While the FOMC FOIA Service Center does not have an electronic tracking system, we do accept status update requests via email. We then provide requesters with custom responses that provide details about the status of their request. In these customized responses, we provide the requester with a date to expect a potential response or, at least, an update on the current status of their request.

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

N/A.

3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is “open” or “closed,” while others will provide further details to the requester throughout the course of the processing, such as “search commenced” or “documents currently in review.” List the specific types of information that are available through your agency’s tracking system.

N/A.

4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

N/A.

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.

Due to the relatively low number of requests received per year by the FOMC FOIA Service Center, creating an online tracking system would be inefficient for our agency. We have regular contact with our requesters, and work to keep them informed of their request’s status. We also provide contact information (telephone number and email address) in our correspondence.

Use of technology to facilitate processing of requests:

6. 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).

7. 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 on which they reside. Specialized search tools have been created by the IT personnel who support the FOMC FOIA Service Center. A document sharing platform, which stores all correspondence associated with requests, was put in place, and continues to be employed extensively to conduct consultation with legal staff, the Chief FOIA Officer, and subject matter experts. IT staff performs de-duplication as appropriate.

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

Improvements to the FOMC FOIA Service Center document sharing platform are being planned.

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

Simple Track Requests:

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

Yes.

- b. If so, for your agency overall, for Fiscal Year 2013, 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.

Backlogs and "Ten Oldest" Requests, Appeals, and Consultations:

2. 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. 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 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

Backlogs

- a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

No, the number of backlogged requests was the same (8) at the close of FY 2013, as several of the backlogged complex requests were closed out, while new complex requests that could not be processed by the end of the fiscal year were received.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2012?

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

Ten Oldest Requests

- c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

No.

- d. 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 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your “ten oldest” in Section VII.E and you closed two of them, you should note that you closed two out of seven “oldest” requests.

Of the eight oldest requests from our FY 2012 Annual FOIA Report, four were closed by the end of FY 2013.

Ten Oldest Appeals

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

N/A. No administrative appeals were pending as of the end of FY 2012.

- f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

N/A.

Ten Oldest Consultations

- g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

N/A. No consultations were received as of the end of FY 2012.

- h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.

N/A.

Reasons for Any Backlogs:

3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending

requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeals Backlog

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

No. See V.3.c below.

- b. Was the lack of a reduction in the request and/or appeal 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 and/or appeal backlog caused by an increase in the complexity of the requests received?

Yes, the pending requests are complex and require extensive legal review. Moreover, along with the 4 complex requests received in FY 2013 that are still pending, there were 5 additional complex requests processed this year. Thus, the complexity of requests was the cause of our lack of decrease in the backlog.

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

N/A.

“Ten Oldest” Not Closed

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

An extensive amount of search and review has been required for 6 of the 8 oldest requests that were pending at the end of FY 2012, as the 6 requests were submitted simultaneously and covered a large amount of material in multiple organizational units. Three of those 6 requests have been completed at this time (one has been completed in FY 2014).

- f. If your agency was unable to close any of its ten oldest requests or appeals 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.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014.

Through meetings with FOIA Service Center staff and legal staff, a plan has been put in place to complete the oldest requests at a faster pace this year. Resources have been made available to complete record collection sooner and expedite the search and review process.

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency’s plan for achieving backlog reduction in the year ahead.

N/A.

Interim Responses:

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Yes, our FOIA system allows for providing interim responses when appropriate.

7. If your agency had a backlog in Fiscal Year 2013, 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.

Zero percent. Interim letters have been provided to all backlogged requests, but due to the nature of these requests, interim responses with substantive material have not been appropriate for these requests.

Use of FOIA's Law Enforcement "Exclusions"

1. Did your agency invoke a statutory exclusion during Fiscal Year 2013?

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 2013 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 in recent years, in FY 2013 and FY 2014, the FOMC Secretariat added a large amount of content to the agency's website, continuing an annual plan to proactively release important FOMC document series. As a result of this transparency initiative, more than 142,000 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.

Staff continued to actively consider whether particular materials (whether or not requested under FOIA) should be made available through the agency's public website.

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