



Report of the Chief FOIA Officer
Federal Open Market Committee

March 2015

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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.

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 FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice? (Such training or events can include offerings from OIP, your own agency or another agency or organization.)

FOMC FOIA Service Center and/or legal staff attended the following Department of Justice training sessions since March 2014:

July 15-16, 2014	“FOIA for Attorneys and Access Professionals”
July 17, 2014	“Best Practices Workshop: Proactive Disclosures & Making Online Information More Useful”
December 9, 2014	“Best Practices Workshop: Implementing Technology to Improve FOIA Processing”
February 2, 2015	“FOIA Training Conference on Exemptions 4 and 5”
February 18, 2015	“Best Practices Workshop: Best Practices in Customer Service and Dispute Resolution”

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.

2. 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 percent.

3. In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.
 - Include any successes or challenges your agency has seen in implementing your plan.

All FOIA professionals on our regular staff have attended at least one FOIA training this year sponsored by OIP. Primary staff have attended several of the "Best Practices Workshop" lecture series events, and plan to continue to attend all future workshop events. Staff regularly check the OIP website for announcements of future training opportunities.

Discretionary Releases:

4. Does your agency have a distinct process or system 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 of your agency have such a process or system in place?

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

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

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

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance [on implementing the President's and Attorney General's FOIA Memoranda](#).

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.”

7. 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.

FOMC meeting transcripts contain internal discussion and pre-decisional 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 includes over 1,900 pages that could have been withheld. This year's release of FOMC Bluebooks and Greenbooks, two other important document series includes more than 2,100 pages of additional exempt information.

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

N/A.

Other Initiatives:

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

As the Attorney General emphasized in his [FOIA Guidelines](#), "[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 your 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 2014, 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 2014 Annual FOIA Report. Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2014.

The FOMC FOIA Service Center did not receive any requests for expedited processing during FY 2014.

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.

N/A

Requester Services:

3. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration? See OIP Guidance, "[Notifying Requesters of the Mediation Services Offered by OGIS](#)." (July 9, 2010)

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

4. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? 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)

N/A. The FOMC FOIA Service Center rarely charges a fee to its requesters, and has not done so in the past five fiscal years.

5. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester? See [id.](#)

N/A.

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.

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 2014, 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 the number of FOIA requests we receive for this type of information.

Section III: Steps Taken to Increase Proactive Disclosures

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

Yes. The FOMC routinely releases documents following each FOMC meeting, and annually posts around 4,000 pages of additional material for public use. Pre-meeting staff analyses, meeting transcripts, and meeting agendas were recently released for the year 2009. Finally, current meeting minutes, policy statements, and the Chair'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 159,000.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

FOMC FOIA staff 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. We also communicate with staff in the research divisions at the Board to identify new documents that may be candidates for proactive disclosure. Also see our response to question III.5 below.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

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, this year we posted 22 documents, totaling over 425 pages, in our electronic reading room that had been previously released in response to multiple FOIA requests. A process has been put in place to

continue this kind of posting in the future, for both proactive disclosures and for other “frequently requested” documents.

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

Transcripts of the Federal Open Market Committee:

<http://www.federalreserve.gov/monetarypolicy/fomchistorical2009.htm>

Minutes of the Federal Open Market Committee:

<http://www.federalreserve.gov/monetarypolicy/fomcminutes20141217.htm>

Statement of the Federal Open Market Committee:

<http://www.federalreserve.gov/newsevents/press/monetary/20150128a.htm>

Chair’s Press Conference (video, transcript, and materials):

<http://www.federalreserve.gov/monetarypolicy/fomcpresconf20141217.htm>

<http://www.federalreserve.gov/mediacenter/files/FOMCpresconf20141217.pdf>

<http://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20141217.pdf>

Other Initiatives:

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

In response to the requirement to meet the Section 508 standard, which proved a challenge for us in previous years, additional staff have been trained to fulfill these requirements and thus increase the amount of proactive disclosures possible in coming years. A process has been put in place to continue to identify documents that can be made available on our website.

FOMC FOIA Service Center staff also continue to solicit 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

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 that describes your agency's efforts in this area.

Making Material Posted Online More Useful:

1. 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?

Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Yes. The FOMC continues to take significant steps to make posted material more useful (see details below).

2. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.

A large majority of FOMC records have been scanned and made text searchable, or were born digital. The FOMC FOIA Service Center has its own OCR server, which is utilized to recognize text in scanned documents. 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 IT personnel who support the FOMC FOIA Service Center. Additionally, in communications with the community of regular users, FOIA staff continually analyze our site to see what upgrades may be necessary to make it more useful.

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

In last year's report, we noted that the requirement to meet the Section 508 standard made it very difficult to post some lengthy documents that

contained numerous charts and graphs. This year, additional resources were added and trained to allow us to better meet the 508 standard, and thus post more records. As noted earlier in question III.3, we were able to post 22 new documents, and plan to post more in coming years, because of this new process.

4. If so, please briefly explain what those challenges are.

N/A.

Other Initiatives:

5. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Yes.

6. 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 2015.

N/A.

7. 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 utilized by your agency to communicate with requesters?

Yes, our FOIA professionals regularly use e-mail to communicate with requesters. It is our primary means of communication, and we find that a great majority of our requesters prefer e-mail over other means.

8. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See [id.](#)

N/A.

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

The [President](#) and the [Attorney General](#) have emphasized the importance of improving timeliness in responding to requests. This section 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 2014 Annual FOIA Report and, when applicable, your agency's 2013 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 2014, 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 2014 that were placed in your simple track.

69%.

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 2013 and Fiscal Year 2014 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 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

No, the number of backlogged requests was the same (8) at the close of FY 2014, as several of the backlogged complex requests were closed out, while new complex requests were received and could not be processed by the end of the fiscal year.

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

The FOMC FOIA Service Center received eight more incoming requests in FY 2014 (29) than were received in 2013 (21), and thus processed more requests this past year, despite the backlog remaining the same. The backlogged requests involve more complex information that necessitate more staff time for collection and review.

6. 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 2014. If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."

27.5%.

BACKLOGGED APPEALS

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

- If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:
 - An increase in the number of incoming appeal
 - A loss of staff
 - An increase in the complexity of the appeals received

N/A. The FOMC FOIA Service Center did not have any backlogged appeals at the close of FY 2014 or 2013.

8. 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 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with "N/A."

N/A.

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 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

9. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No.

10. 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 2013 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 six of them, you should note that you closed six out of seven "oldest" requests.

During FY 2014, the FOMC FOIA Service Center closed two out of the eight "oldest" requests that we had open at the end of FY 2013.

11. 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?

Neither of the two requests were withdrawn by the requester.

TEN OLDEST APPEALS

12. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

We did not have any appeals in FY 2014 or FY 2013.

13. 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 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A.

TEN OLDEST CONSULTATIONS

14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

We did not receive any consultations in FY 2014 or FY 2013.

15. 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 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A.

Additional Information on Ten Oldest Pending Requests, Appeals, and Consultations & Plans:

16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

An extensive amount of search and review has been required for seven of the eight oldest requests that were pending at the end of FY 2013, as they mostly cover a large amount of material and data from multiple organizational units. Also, the FOMC FOIA Service Center has been receiving a higher frequency of incoming requests in FY 2014 and again in FY 2015.

17. 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.

18. 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 2015.

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. Two of our eight oldest requests have already been closed in FY 2015, and we expect to have several more of the oldest requests closed in the coming weeks. Resources have been made available to complete record collection sooner and to expedite the search and review process.

Use of the FOIA’s Law Enforcement Exclusions

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?

No.

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

N/A.