



Report of the Chief FOIA Officer
Federal Open Market Committee

March 2016

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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 2009 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 2015:

January 21, 2016: “Freedom of Information Act (FOIA) and Privacy Act Interface”

August 24, 2015: “Best Practices Series Workshop for small agencies”

June 2015: Federal Reserve Banking School session on FOIA

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. 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.

All FOIA professionals on our regular staff have attended at least one FOIA training this year sponsored by OIP. Primary staff have attended or signed up for 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, Tealbooks, memos, 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 2009 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 1,600 pages that could have been withheld. This year’s release of FOMC Bluebooks and Greenbooks, as well as Tealbooks A and B, two other important document series includes more than 1,500 pages of additional exempt information. Additionally, we expanded our release of pre-decisional material to include a selection of FOMC memos, totaling nearly 200 pages,

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

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.
Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.

The FOMC FOIA Service Center averaged 10 days to adjudicate requests for expedited processing.

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

3. On July 2, 2015, OIP issued [new guidance](#) to agencies on the proper procedures to be used in the event an agency has 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.

The FOMC FOIA Service Center did not send a "still interested" inquiry over the past 12 months, but will consider using the new guidelines when appropriate in the future.

Requester Services:

4. 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.
 - If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.

The FOMC FOIA Service Center does not receive a high number of requests per year, and has had very few FOIA disputes in recent years. We had only one appeal in the last fiscal year, and none in the two previous years. The FOMC FOIA Service Center has been in regular contact with all FOIA requesters whose requests take more than 20 days to process. Current procedures are believed to be quite robust and able to handle current demand.

Other Initiatives:

5. 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. Staff assigned to handle those requests closely monitor processing to ensure adequate internal time for review and determination during the initial 20-business day processing period. In FY 2015, 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, dating back to 1936 as well as meeting transcripts on a five year lag. 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's](#) and [Attorney General's](#) FOIA memoranda 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 FOMC consults its FOIA logs, but also its knowledge of its own records and documents and makes every effort to proactively release document series and materials that are a regular part of its meeting cycle. In FY 2015, the FOMC Secretariat began the process of adding to these proactively disclosed materials by pulling together and preparing memos for public release based in part on retrospective and anticipated FOIA demand. A link to these frequently requested memos is available in our FOIA reading room.

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 FOMC routinely releases documents following each FOMC meeting, and annually posts around 3,500 pages of additional material for public use. Pre-meeting staff analyses, meeting transcripts, and meeting agendas were recently released for the year 2010. 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 163,000.

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.

- Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.

The FOMC FOIA Service center does not have staff dedicated to coding records for Section 508 compliance, but it works closely with Board staff dedicated to preparing materials for Section 508 compliance. This staff works in the Public Information Outreach section and handles a range of materials for the Board's and the FOMC's public website.

4. 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 15 new documents, and a plan to post significantly more in coming years, because of these new resources.

5. If so, please briefly explain those challenges.

Section 508 compliance slows down efforts to proactively release materials, however the efforts described above should be helpful.

6. 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/fomchistorical2010.htm>

Minutes of the Federal Open Market Committee:

<http://www.federalreserve.gov/monetarypolicy/fomcminutes20151216.htm>

Statement of the Federal Open Market Committee:

<http://www.federalreserve.gov/newsevents/press/monetary/20160127a.htm>

FOMC Memos:

<http://www.federalreserve.gov/monetarypolicy/fomc-memos.htm>

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

<http://www.federalreserve.gov/monetarypolicy/fomcpresconf20151216.htm>

<http://www.federalreserve.gov/mediacenter/files/FOMCpresconf20151216.pdf>

<http://www.federalreserve.gov/monetarypolicy/files/fomcproptabl20151216.pdf>

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts. For example, this can be done through social media or with the offering of e-mail subscription services.

The Board's Public Affairs staff alerts the media through a press release when certain materials are made available and announces that the information is available on the Board's Twitter account.

Other Initiatives:

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

To address the requirement to meet the Section 508 standard, additional staff have been trained to fulfill these requirements and thus increase the amount of proactive disclosures possible in coming years. In addition, a new 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 Usable:

1. Beyond posting new material, is your agency taking steps to make the posted information more usable 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.

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.

Other Initiatives:

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

Yes.

4. 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.

5. 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; we find that a great majority of our requesters prefer e-mail over other means.

6. 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'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.

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.

29%.

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?

Yes, the number of backlogged requests decreased from 8 to 1.

6. 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. 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

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.

3%.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals 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 FOMC FOIA Service Center did not have any backlogged appeals at the close of FY 2014 or 2015.

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 appeals 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."

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 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

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

No.

12. 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.

- 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 2015, the FOMC FOIA Service Center closed seven out of the eight "oldest" requests that we had open at the end of FY 2014.

13. 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?

One request was withdrawn by the requester. We provided several interim status updates on the progress of our pending response prior to the withdrawal.

TEN OLDEST APPEALS

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

We did not have any appeals pending in our FY 2015 Annual FOIA Report.

15. 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.

TEN OLDEST CONSULTATIONS

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

We did not receive any consultations in FY 2014 or FY 2015.

17. 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:

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

We were able to close out seven of our eight oldest requests this year. For the remaining request, we continue to work diligently to provide a response. An extensive amount of search and review has been required for this request, and we expect to close it out during this fiscal year.

19. 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.

20. 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.

Through meetings with FOIA Service Center staff and legal staff, a plan has been put in place to complete the remaining request. This plan was effective last year, which contributed to our ability to close out seven of our eight pending requests.

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 2015?

No.

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

N/A.