

U.S. Chemical Safety and Hazard Investigation Board (CSB) (Small Agency)

Chief FOIA Officer Report 2017

The CSB is a micro-agency of 43 employees. The CSB's Acting General Counsel is also the agency's Chief FOIA Officer and FOIA Public Liaison. The CSB received 45 requests in Fiscal Year (FY) 16. In FY16, the CSB received at least three FOIA requests through its public@csb.gov e-mail address.

Over the past eight years, the CSB has received, on average, 43 requests per year. Many of the requests, however, require the collection and review of thousands of pages of documents. The agency conducts root cause investigations of chemical accidents, and many requests seek copies of complete investigative files, including, for example, all photos, notes, correspondence, and written and audio interviews of witnesses.

Effective System for responding to requests and steps to reduce backlog

CSB's Chief FOIA Officer instituted practices that have resulted in improved FOIA processing at the CSB: Calendaring reminders of deadlines and use of a Pending FOIA Request List that is updated bi-weekly.

When the CSB receives a new request, it is promptly logged into our FOIA request tracking sheet. The Chief FOIA Officer then evaluates the request, places the request on the appropriate track, and assigns an attorney to take the lead on responding to the request in accordance with applicable legal requirements. The due date is calendared and automatic reminders are sent out to at least two staff members to assure timeliness and continuity.

The Pending FOIA Request List has headings for: the CSB-generated FOIA Number; FOIA requester; the date the request was received; track (expedited, simple, complex); whether fees will be assessed; substance of the request; the attorney to which the request is assigned; and the next step required in processing of the FOIA request.

The Pending FOIA Request List assists the office in troubleshooting precise causes of backlogged requests and also provides a history for each FOIA request.

Spirit of cooperation with requesters

CSB's FOIA personnel have been engaging more frequently with requesters to better understand, and if appropriate, narrow, FOIA requests so that requesters can receive the information they seek more promptly. CSB's FOIA personnel reach out by telephone and e-mail to contact FOIA requesters whose requests lack clarity. During FY16, CSB FOIA personnel have sent some requesters lists of available files so that they may prioritize the order in which they would like to receive requested files. All such interactions with requesters have been, and are, professional and productive.

Compliance with FOIA Improvement Act of 2016

CSB FOIA response letters have incorporated the requirements of the FOIA Improvement Act of 2016, namely, notification of the right to seek assistance from the FOIA Public Liaison, and for adverse determinations, the right to a 90-day

window for appeal, and the right to seek dispute resolution services from the agency FOIA Public Liaison or OGIS.

Steps to acquire technology with the end of more efficient processing

Personnel who work on FOIA issues have reviewed the relevant policies and guidelines on implementing the FOIA.

The CSB's FOIA and records management personnel previewed 4 FOIA processing systems. The CSB continues to amass information about available FOIA processing options. The CSB's FOIA personnel expect that their documentation and efforts to secure funding for FOIA processing software will come to fruition within FY17.

In February 2017, the CSB hired a records management specialist whose experience and talents will be tapped to manage the hundreds of thousands of pages that comprise the CSB's investigative files and which are the chief source of CSB FOIA responses.

Openness/Proactive disclosures

To effectuate the federal government's "presumption of openness" guiding principle, the CSB published the following 14 policy documents on its website in FY16: 7 updated Board Orders; 1 new Board Order; CSB's 2017-2021 Strategic Plan; CSB's 2016 Performance Accountability Report; 1 new EEO policy page; and 3 new Critical Safety Change pages.

FOIA Training

The CSB FOIA Officer attended in person the following FOIA and FOIA-related training in FY16: DOJ Advanced FOIA Seminar May 10, 2016; and the Department of Veteran Affairs Records Management Symposium on August 30, 2016. Additionally, the FOIA Officer received a Certificate of Completion dated December 21, 2015, from the American Society of Access Professionals (ASAP) for each of the following webinars: FOIA Exemption 4, FOIA Exemption 5, FOIA Fees and Fee Waivers, Privacy Act Overview, Privacy Act Interface with FOIA, and Privacy Remediation.

The CSB Board Members received FOIA and Privacy Act training on October 13, 2015 and February 22, 2016. The CSB's Western Regional Office received a FOIA training on December 6, 2016. All courses were developed and led by CSB Office of the General Counsel staff.