



PENSION BENEFIT GUARANTY CORPORATION

2015

CHIEF FOIA OFFICER'S REPORT

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Pension Benefit Guaranty Corporation
A U.S. Government Agency

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ABOUT PBGC

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.

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 ended in 2014, the maximum guarantee for workers who retire at age 65 was \$59,318.16 yearly (\$4,943.18 monthly). 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 CUSTOMERS¹

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.

The PBGC guarantees payment of basic pension benefits earned by more than 41 million workers and retirees in nearly 24,000 plans. PBGC insures about 1,400 multiemployer plans covering more than 10 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 or financial assistance to multiemployer plans. The PBGC's single-employer program covers about 30.9 million people (excluding those in plans that PBGC has trusteeed).

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.

¹ See PBGC Customer Service Fact Sheet: <http://www.pbgc.gov/res/factsheets/page/customer-service.html>.



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 agency conduct FOIA training during the reporting period for FOIA professionals? Training can include holding an agency-wide FOIA conference, holding a seminar on a particular FOIA topic, or provided training to FOIA or agency staff during a staff meeting, among other types of training. However, the training provided should be substantive and should cover the application of the law and policy.

Yes.

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

In Fiscal Year 2014, the PBGC held 11 conferences and/or training sessions as described below:

<i>Date</i>	<i>Topic</i>	<i>Course Objective</i>
1/15/14	FOIA Awareness & Privacy Access	Provide overview of the FOIA and Privacy Act and how the two statutes interface.
2/12/14	FOIA & Privacy Workshop	Building Consistency and uniformed disclosures.
3/12/14	Disclosure: Business Process	Provide overview of the FOIA and Privacy Act and how the two statutes interface.
4/21/2014	FOIA Awareness & Privacy Access	Provide overview of the FOIA and Privacy Act and how the two statutes interface.
6/11/14	FOIA & Privacy Interface	Provide overview of the FOIA and Privacy Act and how the two statutes interface.
6/18/14	FOIA Fees	Provide overview of FOIA fees and requester categories.
6/25/14	Fee Waivers	Provide overview of the FOIA fee waiver criteria.



8/13/14	<i>Expedited Processing</i>	<i>Provide overview of the FOIA expedited processing criteria.</i>
10/1/14	<i>FOIA Awareness & Privacy Access</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
12/10/14	<i>FOIA Awareness & Privacy Access</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>
12/18/14	<i>FOIA Awareness & Privacy Access</i>	<i>Provide overview of the FOIA and Privacy Act and how the two statutes interface.</i>

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

Yes.

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

More than 90%.

5. 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

PBGC continues to make substantive FOIA training a priority core goal for all of its Government Information Specialists and program end- users, as it has for many years. The Disclosure Officer communicates upcoming training opportunities to Disclosure staff, designated FOIA Liaisons, and relevant attorneys by either email, verbally and/or posting this information on the Disclosure Division’s intranet web page. In addition to substantive FOIA training, the Disclosure Division conducts a weekly 30-minute training session in conjunction with the regularly scheduled division staff meeting. These sessions foster a platform of shared knowledge and promote uniformity in responses.

OUTREACH:

6. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Indirectly, yes. The PBGC solicits feedback from its customers on a regular basis—this information is gathered through surveys, feedback and incoming



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phone calls to PBGC's Resolution Officers. As a result of comments from the public, in FY14 the Disclosure Division continued extending delegated authority to its corporate partners. This year, the delegated authority extended to Field Benefit Administrators was aligned with authority extended to the Customer Call Center and the Document Management Center in FY13. Extending delegated authority reduces bottle necks for requesters and allows these entities to release income verification information in response to a third-party requester when the written request is accompanied with consent. Also in response to plan participant/requester feedback, 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, by clicking on the links below²:

- 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>

Additionally, the Disclosure Officer worked with the White Task Force focused on the National Action Plan 2.0's commitment to create a single FOIA portal.

This question addresses outreach that is conducted outside of the individual request or appeal process. For example, outreach activities can include engaging with frequent requesters by holding meetings or events which include them, conducting surveys or otherwise soliciting requester feedback, or participating in any other requester initiative coordinated by your agency or by others, such as OIP.

7. 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:

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

² If the links do not work, please cut and paste in your browser.



Yes.

If so, please briefly describe this process.

The PBGC has a formal process in place to review records for discretionary release. For responses, invoking exemption (b)(5), the Disclosure Officer reviews the withheld information to determine whether a foreseeable harm could result from a release of the requested documents. If a foreseeable harm does not exist, the Disclosure Officer works collaboratively with the record originators, the Chief FOIA Officer and attorneys to make discretionary releases.

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.

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

Yes.

10. 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 (b)(5).

11. 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 discretionarily released more than 16, 000 pages of records properly protected by Exemption (b)(5). Contained in the following were deliberative, attorney-client, and attorney work-product materials:

- **Trusteeship Working Group Memos**
- **Advisory Committee Meeting Minutes & Notes**
- **Auditor Notes & Calculations**
- **Attorney-client Communications and Attorney Work-Product, i.e. Legal Opinions**



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12. 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:

13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA? Efforts can include training for non-FOIA professionals, distributing memoranda on the FOIA, announcements on FOIA matters, etc.

During this reporting year, the PBGC developed and implemented the use of a search form that is sent to record originators upon receipt of a FOIA request. This form contains language about the originator's responsibility to conduct a reasonably calculated search. The recipient is required to describe the search method, keywords, time spent (for calculation of fees), and they must describe any foreseeable harm if the records were to be released; and the searcher's signature is required certifying completeness.

14. 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.

In the first quarter of FY15, the Disclosure Division made two changes to the implementation of the aforementioned search form:

- 1) We added a supervisor's signature block. This change is a pilot that will be evaluated at the end of March.**
- 2) For complex and voluminous requests, the Disclosure Division began conducting "Question and Answer" sessions with the relevant program offices to ensure shared meaning of the scope of records requested. These sessions provide an opportunity for the Government Information Specialist and responding program offices to talk with the requester, if necessary.**



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.

PERSONNEL:

1. In the **2014 Chief FOIA Officer Report Guidelines**, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

All eligible FOIA professionals were converted to the new Government Information Series in FY13.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

N/A.

PROCESSING PROCEDURES:

3. 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.

1.45 days.

4. 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



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ten calendar days or less.

N/A.

5. 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. The PBGC's disclosure mission is centralized.

6. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.

The PBGC is handling the routing of misdirected requests in an efficient manner. All requests are sent to the Disclosure Officer. However, when requests are inadvertently sent to other offices, they are re-directed to the Disclosure Division, usually within one business day. The PBGC ensures efficient routing of FOIA requests by both federal employees and contractors. This requirement is discussed during the PBGC New Hire Training and included as a clause in all contracts. by including this requirement in a clause of the contract.

REQUESTER SERVICES

7. 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)

Yes.

8. 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)

Yes.

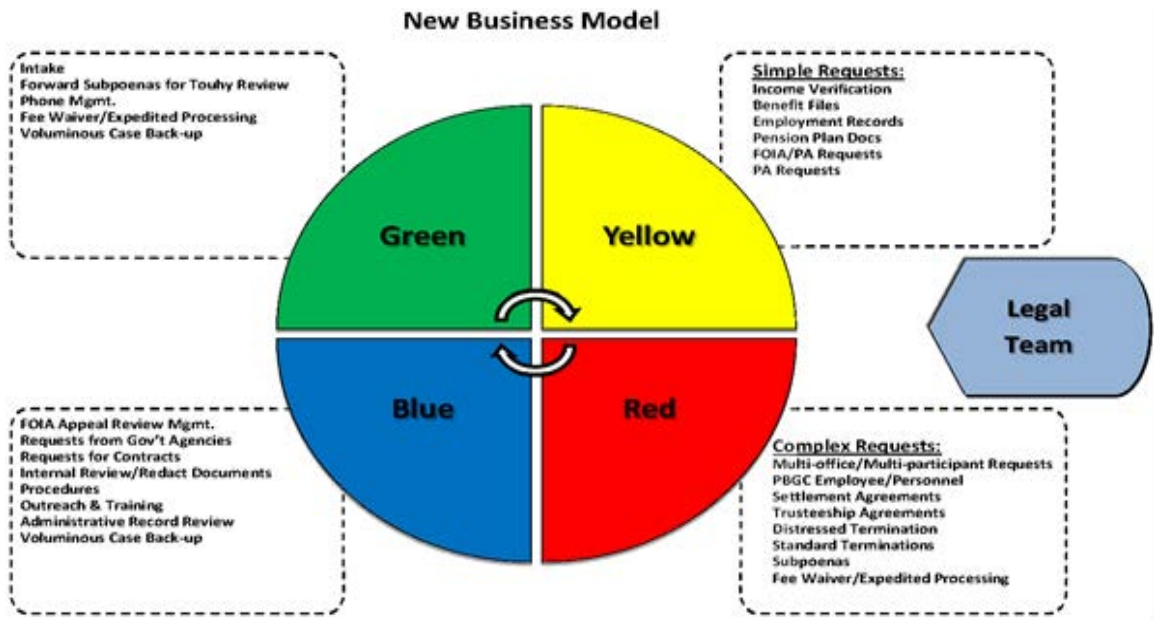
9. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester? *See id.*

The PBGC itemizes assessed fees on the statement of charges, which is sent to requesters when applicable. Usually, particularly high fees are discussed at the onset of processing the request.

OTHER INITIATIVES:

10. 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 2, 2014, the Disclosure Division implemented, as a pilot program, a new business model.



This model was implemented in an effort to improve the overall effectiveness of the PBGC’s Disclosure Division by incorporating a multi-track processing system that triages requests at the beginning of the life cycle, a task that the Green Team is primarily responsible for along with the Intake of requests; the Blue Team is responsible for Outreach & Training; the Yellow Team is responsible for routine requests; and the Red Team is responsible for multi-office, complex, and voluminous requests.



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?

Yes.

If so, please describe your agency's process or system..

The Disclosure Division works closely with the PBGC's Communications Outreach & Legislative Affairs (COLA) Department to ensure that frequently requested information and information that will likely be requested, is published on pbgc.gov in advance of receiving a FOIA request.

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

Yes.

The Disclosure Division works closely with the public-facing arms of the Corporation such as COLA, the Customer Call Center, the Document Management Center, and the Field Benefit Administrators to ensure that disclosures are made in accordance with the FOIA and the Privacy Act. Some of these entities have delegated authority to release information; however, none have been delegated the authority to withhold information. As such, when information must be withheld such as personal privacy information, or if a request is lacking consent, that request is sent to the Disclosure Division for processing. Additionally, because the PBGC operates a centralized disclosure mission, the Disclosure Division works collaboratively with all departments and divisions for either read-only access to their



systems or to retrieve records. The Disclosure Division enjoys constructive partnerships with various entities such as the Federal Record Center, the Benefit Administration Payment Department, the Office of Information Technology and the Office of the Inspector General. When possible, the PBGC proactively discloses identified records to the public domain.

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

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.

4. 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/about/new-to-pbgc.html>
- 2) <http://www.pbgc.gov/about/faq/pg/general-faqs-about-pbgc.html>
- 3) <http://www.pbgc.gov/prac/prem/premium-rates.html>
- 4) http://www.pbgc.gov/Documents/pbgc_advocate_report_2014_revised.pdf
- 5) <http://www.pbgc.gov/news/press.html>
- 6) <http://www.pbgc.gov/wr/>
- 7) http://search.pbgc.gov/search/InsuredPlans/InsuredPlans?query=&ip_col=nc&filter=c&tab=ip&ip_type=c&page=1
- 8) <http://www.pbgc.gov/wr/newsletters.html>
- 9) <http://www.pbgc.gov/about/annual-reports.html>
- 10) <http://www.pbgc.gov/Documents/PBGC-Strategic-Plan-2014-2018.pdf>

OTHER INITIATIVES:

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

N/A.



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. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use. 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

ONLINE TRACKING OF FOIA REQUESTS AND APPEALS:

1. Can a member of the public track the status of his or her request or appeal electronically?

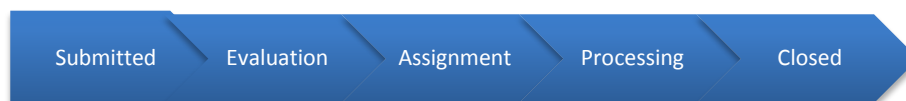
Yes.

2. If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?

This tracking information is provided to the public through PBGC's use of the online portal, FOIAonline.

3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details throughout the course of the processing, such as "search commenced" or "documents currently in review."

FOIAonline provides the requester with five possible answers to an inquiry:





4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?

No. The FOIAonline system provides a statutory date of completion.

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

N/A.

MAKING MATERIAL POSTED ONLINE MORE USEFUL:

6. 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.

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

In FY 2014, the PBGC made several hundred customer-recommended improvements to help visitors more easily find information, better understand what they find, and determine sooner whether the PBGC is the right organization to help them. The PBGC continues to publish information in plain language on its websites that is logically indexed so that search terms bring up relevant results, and the PBGC made FAQs more prominent with clearer content so even first-time visitors could readily understand the information.

In addition, the PBGC boosted its social media outreach with expanded use of Facebook, Twitter, and the blog, Retirement Matters. The PBGC utilizes these tools to share information about the PBGC and American retirement security. And, across all of our online platforms, the PBGC became increasingly robust in providing timely and relevant information.

8. 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?



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Yes.

9. 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.

In an effort to provide requesters, plan participants, practitioners, and third-party representatives with real time updates about PBGC information, the PBGC has implemented use of a delivery subscription service which allows the public to subscribe to topics of interest in eight subject areas. You may view this website by clicking on the link below³:

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

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

Yes.

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

Requests for specific pension plan information, such as the Summary Plan Description and Pension Plan Amendments, account for more than 50 percent of the documents requested by PBGC participants and/or their third party representatives. Pension plans are amended over time and under certain circumstances when the plan becomes trusted by PBGC. As such, although a group of participants may belong to the same pension plan, they may be covered by different versions of that same plan. Therefore, posting pension plan information in the public domain may create confusion for the participant if the wrong pension plan is inadvertently selected. For example, the participant may access the correct employer but the incorrect pension plan for which he or she is covered.

USE OF TECHNOLOGY TO FACILITATE PROCESSING OF REQUESTS:

12. 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

³ If the link does not work, please cut and paste into your browser.



consultations and referrals, or employing software that can sort and de-duplicate documents? **Yes.** If yes, describe the technological improvements being made.

The Disclosure Division is continuing to utilize advanced technology to improve record search capabilities and de-duplicating of records. New to this list, is the implementation of document sharing platforms.

Migration to SharePoint: The PBGC is implementing the use of SharePoint through a phased approach projected to have 80 percent or more of the corporation using the software by 2015, and entirely using by 2016. The SharePoint technology gives business practitioners a document sharing platform that provides a better way to organize and collaborate. This migration is proving fruitful for improving record search capabilities, one of particular use by the Disclosure Division, is called PBGC Connect. PBGC Connect is an intranet site that has four Libraries (or sub-sites) which contain the PBGC's Corporate Document collection back to 1974 including: Delegations, Board of Directors Meeting Minutes, Board of Directors Resolutions, and Advisory Committee Meeting Minutes.

Search: In an effort to improve record search capabilities, the Disclosure Division continues to seek read-only access to many of the systems used by the PBGC. Direct access to these systems reduces overall search time because Disclosure staff is able to independently search for responsive documents.

De-duplicating: The Disclosure Division has identified a temporary solution to de-duplicate records using Adobe's document management utility. The Disclosure Division will begin conducting training on the updated version of the utility at the end of February 2015.

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

Not at this time.

OTHER INITIATIVES:

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014? Please see OIP's [guidance](#) for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing on FOIA.gov, please contact OIP in order to resolve the issue.)



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Yes.

15. 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.

16. 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 are utilized by your agency to communicate with requesters?

Yes, PBGC's FOIA professional use the agency's email system and the email component of FOIAonline.

17. 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 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 those 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.

45%

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.



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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? 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: 1) An increase in the number of incoming requests; 2) A loss of staff; or 3) An increase in the complexity of the requests received.

N/A. The PBGC did not have a backlog at the close of Fiscal Year 2014. However, the backlog compared with the backlog reported at the end of Fiscal Year 2013 decreased from 8 to 0 in Fiscal Year 2014.

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. To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2014, 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. The PBGC did not have a backlog at the close of Fiscal Year 2014.

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 its backlog. When doing so, please also indicate if any of the following were contributing factors: 1) An increase in the number of incoming appeals; 2) A loss of staff; or 3) An increase in the complexity of the appeals received.



N/A. The PBGC did not have a backlog at the close of Fiscal Year 2014. However, the backlog compared with the backlog reported at the end of Fiscal Year 2013 decreased from 1 to 0 in Fiscal Year 2014.

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." To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of appeals received in Fiscal Year 2014, 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

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? **N/A.** 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 2014?

N/A.

10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?

N/A. The PBGC did not have a backlog at the close of Fiscal Year 2014.

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



TEN OLDEST REQUESTS

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

Yes.

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 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.

The PBGC closed its ten oldest requests.

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?

None of PBGC's ten oldest requests were closed because the request was withdrawn by the requester.

TEN OLDEST APPEALS

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

Yes.

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 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

The PBGC had less than ten oldest appeals to close.



TEN OLDEST CONSULTATIONS

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

N/A.

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 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

N/A. The PBGC did not have any open consultations at the end of Fiscal Year 2014.

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 2013.

N/A.

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 2015.

N/A.

INTERIM RESPONSES:

21. Does your agency have a system in place to provide interim responses to requesters when appropriate? *See OIP Guidance, "The Importance of Good*



Pension Benefit Guaranty Corporation
A U.S. Government Agency

Communication with FOIA Requesters.” (Mar. 1, 2010)

Yes.

22. If your agency had a backlog in Fiscal Year 2014, 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 2014.

USE OF FOIA’S LAW ENFORCEMENT “EXCLUSIONS”

In order to increase transparency regarding the use of the FOIA’s statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to “treat the records as not subject to the requirements of [the FOIA],” 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

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

No.

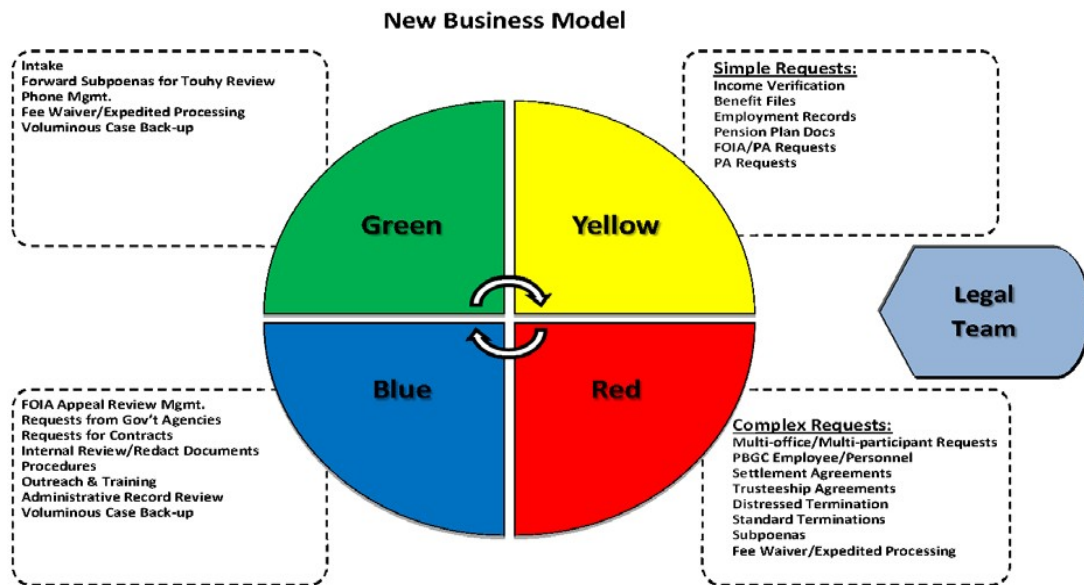
2. If so, what was the total number of times exclusions were invoked?

No.

SUCCESS STORY

Out of all the activities undertaken by your agency since March 2014 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.

On June 2, 2014, the Disclosure Division implemented, as a pilot program, a new business model for processing FOIA and Privacy Act requests.



This model was implemented in an effort to improve the overall effectiveness of the PBGC's Disclosure Division by incorporating a multi-track processing system that triages requests at the beginning of the life cycle, a task that the Green Team is primarily responsible for along with the Intake of requests; the Blue Team is responsible for Outreach & Training; the Yellow Team is responsible for routine requests; and the Red Team is responsible for multi-office, complex, and voluminous requests.