



PENSION BENEFIT GUARANTY CORPORATION

2017

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CHIEF FOIA OFFICER'S REPORT

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Pension Benefit Guaranty Corporation  
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**TABLE OF CONTENTS**

**About PBGC..... 4**  
    **Our Customers ..... 4**

**Section I: Steps Taken to Apply the Presumption of Openness ..... 5**  
    **FOIA Training: ..... 5**  
    **Outreach: ..... 7**  
    **Other Initiatives: ..... 8**

**Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests ..... 9**  
    **Processing Procedures: ..... 10**  
    **Requester Services: ..... 11**  
    **Other Initiatives: ..... 11**

**Section III: Steps Taken to Increase Proactive Disclosures..... 14**  
    **Posting Material: ..... 14**  
    **Other Initiatives: ..... 16**

**Section IV: Steps Taken to Greater Utilize Technology... .....17**  
    **Making Material Posted Online More Useful:.....17**  
    **Use of Technology to Facilitate Processing of Requests:.....18**

**Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs ..... 20**  
    **Simple Track: ..... 20**  
    **Backlogs: ..... 21**  
    **BACKLOGGED REQUESTS: ..... 21**  
    **BACKLOGGED APPEALS: ..... 22**  
    **Backlog Reduction Plans: ..... 22**  
    **Status of Ten Oldest Requests, Appeals, and Consultations:..... 23**  
    **TEN OLDEST REQUESTS: ..... 23**  
    **TEN OLDEST APPEALS: ..... 23**  
    **TEN OLDEST CONSULTATIONS: ..... 24**  
    **Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans: ..... 24**  
    **Interim Responses: ..... 25**

**Success story:..... 26**



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## ABOUT PBGC

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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.

The PBGC protects the retirement incomes of nearly 40 million American workers in nearly 24,000 private-sector defined benefit pension plans. 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 end in 2016, the maximum guarantee for workers who retire at age 65 has remained the same as the previous year, at \$60,136 yearly (\$5,011.36 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 CUSTOMERS<sup>1</sup>

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.

In 2016, PBGC paid for monthly retirement benefits, up to a guaranteed maximum, for nearly 840,000 retirees and beneficiaries, and almost 560,000 workers are scheduled to receive benefits from PBGC when they retire. Including those who have not yet retired and participants in multiemployer plans receiving financial assistance, PBGC is responsible for the current and future pensions of about 1.5 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.

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

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



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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.

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## SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS

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The guiding principle underlying former President Barak Obama's FOIA Memorandum and the DOJ'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?

**Yes.**

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

**At PBGC, every employee is responsible for ensuring compliance with the FOIA. With a team dedicated to organizing and conducting both internal and external FOIA and Privacy Act training, the Disclosure Division [hereinafter "Division"] capitalizes on every opportunity to guide PBGC's workforce on their responsibilities under the FOIA. Such opportunities include: weekly Division staff meetings consisting of group discussions, hands-on training, and evaluations of practices and procedures to improve FOIA processing. In Fiscal Year 2016, the PBGC held 32 conferences and/or training sessions, an increase from the 25 held the previous year. They are described below:**



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Training	Topics Covered	Dates Administered, Cumulatively
<p><b>Division (Internal) Training:</b></p> <p>The Division conducts periodic training on a variety of topics to ensure the efficient and accurate processing of FOIA requests.</p>	<ul style="list-style-type: none"> <li>• Requests for IRS Documents</li> <li>• SORNs; PBGC-6</li> <li>• Building Consistency III</li> <li>• New Division Employees</li> <li>• Rapid Redact Software</li> <li>• Group Discussion on Processing</li> <li>• Trustee Working Group Memoranda</li> <li>• FOIA Exemption 5 and Waiver of Attorney Client Privilege</li> <li>• Reverse FOIA</li> <li>• Group Discussions</li> <li>• Exemption 3- ERISA 4010 &amp; 4043</li> <li>• Administrative Appeals Process</li> <li>• FOIA Exclusions</li> <li>• Metrics Reviews</li> <li>• Discretionary Disclosures and Waivers</li> </ul>	<p>January 13, 2016            March 10, 2016            March 17, 2016            April 7, 2016            May 12, 2016            May 26, 2016            June 2, 2016            June, 9 2016            June 16, 2016            June 30, 2016            July 7, 2016            July 14, 2016            July 21, 2016            August 11, 2016            August 25, 2016            September 8, 2016            September 15, 2016            September 29, 2016</p>
<p><b>Corporate (agency-wide) Training:</b></p> <p>The Division conducts agency-wide corporate training. Training is provided at all new employee orientations, and is also targeted toward specific program areas.</p>	<ul style="list-style-type: none"> <li>• Orientation for New Employees</li> <li>• Overview of FOIA Responsibilities for WSD</li> <li>• Recognition of Outstanding FOIA Liaisons</li> <li>• Overview of FOIA Responsibilities for CFRD</li> <li>• Overview of FOIA Responsibilities of OCC</li> <li>• Overview of FOIA Responsibilities for STCD</li> <li>• Overview of FOIA Responsibilities for FBAs</li> </ul>	<p>January 19, 2016            January 20, 2016            March 8, 2016            May 18, 2016            June 2, 2016            July 20, 2016            August 17, 2016            September 21, 2016</p>

3. 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%**

4. 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.

**N/A. (Not applicable)**

**OUTREACH:**

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

**Yes. The PBGC’s FOIA Public Liaisons and Division staff work with FOIA requesters to answer questions, resolve concerns, and provide assistance with record requests. The Division has placed added emphasis on providing reliable and accurate assistance to customers who contact the Division via e-mail, facsimile or telephone to inquire about the process of submitting a FOIA request.**

**Additionally, the PBGC actively engages participants through the implementation of a corporate communications program, including: websites, newsletters, subscriptions and social media.**

**Please see examples of PBGC’s outreach activities, currently posted on [pbgc.gov](http://pbgc.gov), by clicking on the links below<sup>2</sup>:**

- 1) **PBGC Customer Service Plan:**  
<http://www.pbgc.gov/Documents/Customer-Service-Plan-2014.pdf> ,  
**emphasizing that in all of our activities and decisions we incorporate the question “What impact will this have on the customer?”**
- 2) **New To PBGC- A Beginner’s Reference Guide:**  
<http://www.pbgc.gov/about/new-to-pbgc.html>, **offering an overview of basic definitions, information available on-line, and multiple ways to navigate the website, thus allowing for more informed FOIA requests.**
- 3) **Frequently Asked Questions:**  
<http://www.pbgc.gov/about/faq.html>, **offering information tailored to**

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



workers, retirees, practitioners, the press and policymakers, thus sparing them the need to file a FOIA request.

- 4) **PBGC Initiative on Open Government:**  
<http://www.pbgc.gov/open/index.html>, highlighting our commitment to collaborate with stakeholders by including important PBGC data sets that increase transparency, accountability and improve public awareness of our operations.

6. If you did not conduct any outreach during the reporting period, please describe why?

**N/A. The PBGC conducted outreach during the reporting period.**

## **OTHER INITIATIVES**

7. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

**The Division ensures that every search solicitation that is sent out to program areas, in response to a FOIA request, includes a description of the searching party's obligations under the law, including a:**

- 1) deadline to produce records in accordance with the statutorily proscribed time limit;**
- 2) note regarding the importance of tracking time spent searching for responsive records, to accurately assess fees;**
- 3) statement regarding what constitutes a 'reasonable search'; and**
- 4) suggestion to the searching party to contact the FOIA analyst with any questions regarding the search and production of responsive records.**

**These search solicitations often result in robust dialogue with the searching party, in which the FOIA analyst provides tailored information regarding the request.**

**The Division provides training to all PBGC new hires (federal employees and contractor employees) during their orientation. In addition, the PBGC continues to utilize and train contractor employees in its Customer Call Center and Document Management Centers to respond to customers seeking specific information protected by the FOIA and the Privacy Act. The Division works concurrently with the Field Benefit Administrators, the Customer Call Center, and the Document Management Centers to provide efficient responses to high-volume requests, such as income verification requests from PBGC participants. As a result, these non-FOIA personnel are well-versed in how to expediently handle the FOIA and Privacy Act**





**matters that they routinely encounter.**

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

**During FY 2016, the FOIA analysts in the Division have placed an extra emphasis on “segregability” of records. When an exemption applies to a portion of a responsive record, Division policy dictates that as much of the record that can be released, must be released as opposed to withholding the record in full. For example, if a set of responsive e-mails contains attorney-client deliberations, the analysts have been directed to redact only the portions of the communication containing protected information and to release all other information contained in the e-mail. Thus segregating ensures that the requester receives as much information as allowed under the law.**

**Additionally, FOIA analysts in the Division routinely contact requesters to clarify or narrow the scope of a request as opposed to issuing denials for overbroad or unduly burdensome requests. Maintaining an open line of communication with the requester is in accord with the principle behind the presumption of openness. In the face of doubt, regarding the information sought in a FOIA request, PBGC’s FOIA analysts proactively engage the requester to perfect the request.**

**Finally, as the provider of income security for more than 40 million retirees, PBGC routinely comes under scrutiny by the media, both journalists, and bloggers, who seek records to provide civilian oversight of PBGC’s benefit administration. In accordance with the presumption of openness, the Division meets its FOIA duties towards these requesters, despite the possibility that the disclosed records could inspire an unfavorable article, criticism, or posting. The Division respects the public’s right to information about the PBGC regardless of the negative exposure it may inspire.**

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## **SECTION II: STEPS TAKEN TO ENSURE THAT YOUR AGENCY HAS AN EFFECTIVE SYSTEM IN PLACE FOR RESPONDING TO REQUESTS**

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The DOJ’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 2016, 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 2016 Annual FOIA Report.

**Four and a half (4.5) days, a reduction of greater than 50% from prior year.**

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. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

**Yes. In the beginning of the Fiscal Year, the Division met to discuss resolutions for more efficient FOIA processing in Fiscal Year 2016. This workshop focused on meeting the following three goals:**

- 1) **Time management - To decrease processing times;**
- 2) **Accuracy - To reduce the number of package exchanges between the reviewer and the analyst; and**
- 3) **Forethought in processing - To foster effective communication by being proactive, anticipating surprises or challenges, and innovating to meet those challenges.**

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

**The PBGC is centralized. However, the Division received approximately 93 commercial requests.**



## REQUESTER SERVICES:

5. Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency?

**Yes. The PBGC solicits feedback from its customers on a regular basis. Information is gathered through surveys, and incoming phone calls to the Division's FOIA Public Liaison Officers. As a result of comments from the public, the PBGC has made information more accessible for varied audiences.**

**Other sources of feedback include the weekly PBGC Customer Service Score, of which the Division is a large component. Also, the opportunity to appeal is provided in every response, resulting in a small collection of appeals annually. The Division carefully examines the appeals for their substantive issues, but also for insights about the requesters' FOIA experience.**

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

**The PBGC estimates that the two designated FOIA Public Liaisons are contacted directly via phone, facsimile, and e-mail, almost daily, an average of 20 inquiries per month, from requesters seeking assistance. The Division's outreach literature and postings encourage the public to contact the FOIA Public Liaisons, by name and title. Within the Division, the Public Liaisons provide the option of an immediate second opinion, whenever an analyst has assisted a caller.**

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

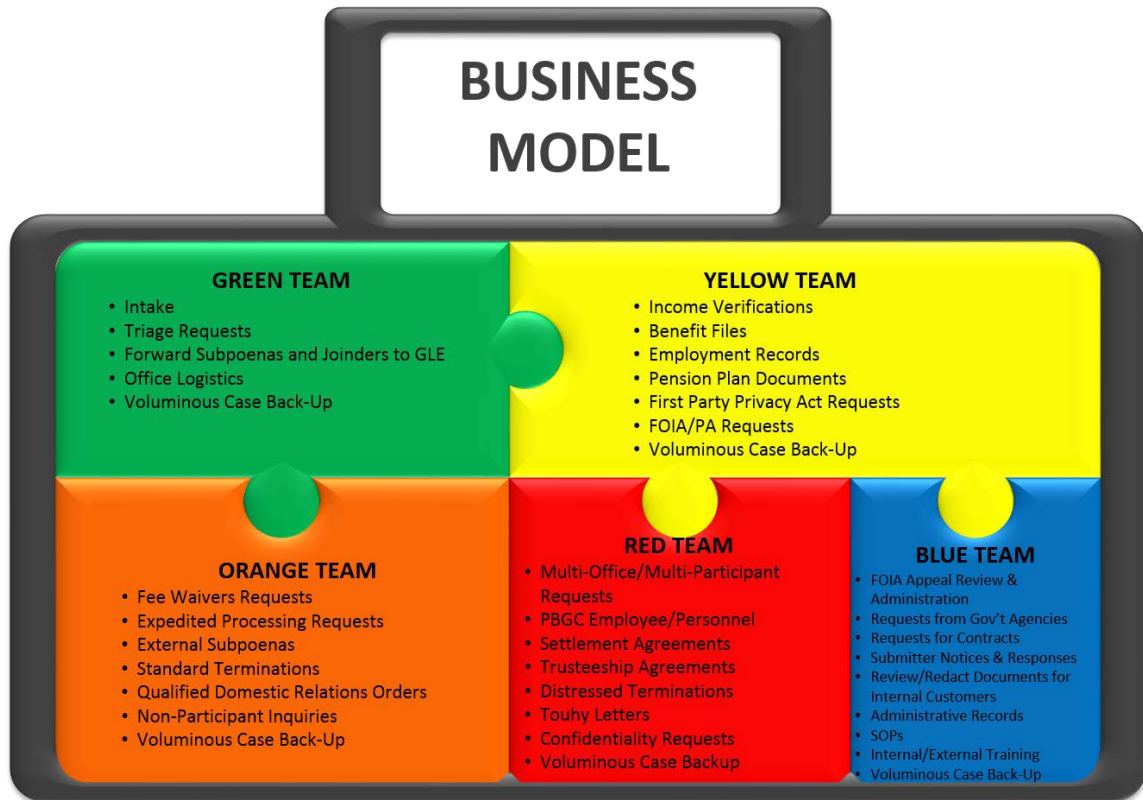
**PBGC's Freedom of Information Act Guide:**  
<http://www.pbgc.gov/about/pg/footer/foia.html>

## OTHER INITIATIVES:

8. 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 Division staff meets regularly to discuss proposed improvements. The staff discusses specific requests that present unique challenges, and brainstorms responsive solutions for future such requests. Additionally, the Disclosure Officer has emphasized *consistency* and *uniformity*. Hence, each response provides the requester with all the tools available to pursue their interests, further.

The Division recently amended its team-based business model after the completion of a one-year pilot program. The new model created a new team, to handle a category of requests for which the original teams were previously responsible. As a result, members of each team are able to become more proficient in their specific duties. The new model is illustrated in the following chart:





**The Business Model provides concentrations for each team. The Green Team manages the receipt or “in-take” of FOIA cases and the logistics of Division operations. The Yellow Team primarily processes simple-track and high-volume requests such as income verifications and participant requests. The Blue Team conducts internal and external training, processes requests for government contracts and from government agencies, handles submitter notices and responses, reviews records for internal customers, serves as a point of contact for appeals, and processes special project requests. The Orange Team handles ancillary FOIA matters such as requests for fee waivers or expedited processing, external subpoenas, standard terminations, and inquiries from non-participants. The Red Team processes requests involving: multiple offices, PBGC employees and personnel, settlement agreements, trusteeship agreements, distressed terminations, Touhy letters, and confidentiality requests. In addition, each team is responsible for providing assistance with voluminous case back-up.**

**This new business model transforms the Division’s FOIA professionals from generalists to experts in their respective responsibilities, while they work cohesively to produce a consistent and well-reasoned product. The model has increased transparency, and has improved the FOIA analysts’ understanding of their individual contributions to the Division’s mission. Moreover, the model has improved overall efficiency and consistency, and increased opportunities to craft strength-based, staff guidance and training.**



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### SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES

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Both the former President Barak Obama and DOJ’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.

**Each team in the Division is led by a team leader who receives the cases assigned to their team. The team leader is tasked with assigning the cases to team members, and noting special or unique characteristics of a given request. This includes identifying frequently requested records and determining whether or not they can be posted online. If the records that are frequently sought are suitable for posting, the Division works closely with the Communications, Outreach & Legislative Affairs (COLA) Department to ensure that that material is published on online.**

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.**

**Both the Division and the COLA Department monitor current events and announcements that may generate interest in specific PBGC records. With the assistance of the Office of Information Technology and the COLA Department, the Division then posts records anticipated to be of interest.**

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

**No**



4. If so, briefly explain those challenges and how your agency is working to overcome them.

N/A.

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

- 1) **PBGC's Annual Reports:**

<http://www.pbgc.gov/about/annual-reports.html>

- 2) **Guidance on Removing Regulatory Burdens:**

<http://www.pbgc.gov/prac/laws-and-regulations/reducing-regulatory-burden.html>

- 3) **Retirement Matters Blog:**

<http://www.pbgc.gov/about/who-we-are/retirement-matters/post/2015/10/19/Update-Open-Government-at-PBGC.aspx>

- 4) **PBGC's Pending Proposed Rules:**

<http://www.pbgc.gov/prac/pg/other/guidance/pending-proposed-rules.html>

- 5) **PBGC's Recent News Releases:**

<http://www.pbgc.gov/news/press.html>

- 6) **PBGC Newsletters and Publications:**

<http://www.pbgc.gov/wr/newsletters.html>

- 7) **Finding Unclaimed Pensions:**

<http://search.pbgc.gov/mp/mp.aspx>

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

**Yes. The PBGC maintains a blog titled, "Retirement Matters", which serves to update the public on important issues concerning the administration of retirement benefits. Such issues include: postings regarding benefits payable under plans recently trusted or insured by PBGC, guidance on electronic methods of receiving benefit payments, financial forecasts of single employer and multi-employer insurance programs, and other topics of public interest. The blog is updated monthly and is a robust tool for disseminating information to the public.**



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**The PBGC also maintains an Open Government webpage, which includes important PBGC data sets and information about how the public can provide input to improve PBGC's performance. Currently available records include: PBGC Annual Reports, Reducing Regulatory Burdens, Federal Spending Data Quality Plan, Open Government Plan, Board of Directors Meeting Minutes, and PBGC's Customer Service Plan. These data sets are important because they serve to increase agency accountability and improve public knowledge of the agency and its operations, which are directly in line with the FOIA mandate.**

**The Retirement Matters blog and Open Government website are located at:**

- 1) PBGC's Retirement Matters Blog:**  
<http://www.pbgc.gov/about/who-we-are/retirement-matters>
- 2) PBGC's Open Government Website:**  
<http://www.pbgc.gov/open/index.html>

#### **OTHER INITIATIVES:**

7. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

**Yes. The PBGC's Customer Service Plan engages participants using a vigorous corporate communications program that includes: websites, newsletters, subscriptions, and social media. Through its website, the PBGC offers plan participants, requesters, practitioners, and third-parties the opportunity to sign up to receive information on nine different topics through the following site: <http://www.pbgc.gov/res/stay-informed.html>.**

**Statistical data regarding site visits or web analytics are collected by the PBGC website. This analytical feedback is considered to determine how areas of interest may be published to the public domain.**

**However, the website's greatest influence is to inform potential FOIA requesters as to records available to and about them via the site, thus eliminating the need to file at all. For example, when potential requesters quickly determine whether or not they are due a pension and/or identify participation terms online, they are less likely to seek records from the Disclosure Division. See <http://www.pbgc.gov/wr/find-an-insured-pension-plan/pbgc-protects-pensions.html>.**





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## SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

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A key component of the former President Obama'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 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?

**Yes.**

2. If yes, please provide examples of such improvements.

**The PBGC actively engages its website visitors by providing the most frequently requested information and by asking for feedback. The website provides extensive resources of interest to varied audiences, including: laws and regulations, listings of trustee and insured pension plans, contact data, and the ever-popular, unclaimed pension search tool. The PBGC also requests feedback from customers via online surveys to identify opportunities for service and information improvement.**

**In addition, the PBGC continues to use social media tools, such as Facebook and Twitter, to share information about the services PBGC provides, post new developments in the areas of retirement security and pension administration, and provide real-time news about PBGC and its mission. PBGC's social media presence also provides participants, practitioners, and the general public with an opportunity to comment on ways to improve PBGC's information dissemination. Moreover, PBGC updates its blog, Retirement Matters, on a monthly basis and posts quarterly newsletters and online publications to help the public understand more about how PBGC works to protect the retirement incomes of millions of Americans.**



3. 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?

**Yes. The Division enjoys a close working relationship with the COLA Department. This relationship includes regular meetings to discuss new developments in public information and how those developments can be incorporated into the agency's FOIA website. If new trends in information sharing can be used on the FOIA website, the Division then collaborates.**

#### **USE OF TECHNOLOGY TO FACILITATE PROCESSING OF REQUESTS:**

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools.

**Yes. The PBGC conducted training for all FOIA staff for one new processing tool, Sharepoint, the updates for both FOIAonline and Rapid Redact, and as needed, for the Legacy Record Search/Retrieval System.**

- **Sharepoint: Training on this shared drive for the collaborative processing of voluminous cases, has been offered as needed, agency-wide on a rolling basis throughout 2016.**

**FOIAonline: Training on processing tools occurred in March 2016, when the Division staff received training on case file records in FOIAonline, to ensure that each analyst was aware of the records required for case close-out. Further, in June 2016, the Division received additional training on new FOIAonline processing and record requirements.**

- **Rapid Redact: Refresher training on this software, used to perform redactions on responsive records, was offered by the Division in May 2016.**
- **Legacy Record Search/Retrieval System (LRSRS): For this software, that provides Boolean and keyword search capabilities, training was conducted repeatedly for staff processing record-intensive cases.**

**Additionally, the Division delivers both targeted and personalized refresher training on PBGC's web-based databases and programs that FOIA staff use regularly to conduct record searches. Finally, any changes made to the**



**FOIAonline platform are communicated to the staff by the Disclosure Officer promptly.**

5. Beyond using technology to redact documents, is your agency taking steps to use more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, please describe:
  - The technological improvements being made.

**As a branch division within the Office of the General Counsel (OGC), the Division has access to the technological capabilities of e-discovery tools, such as the LRSRS. LRSRS provides OGC with the means to conduct large-scale searches in an efficient and cost effective manner by developing specialized queries in response to discovery requests.**

- The impact of using these technologies on your agency's request processing.

**The impact of using such technologies can be measured in metrics such as: processing times, volume of records, associated search fees, number of appeals received and overturned, and sustainment of no backlog. As an example, the Division recently utilized the LRSRS search tool to locate records responsive to a FOIA request that was initially deemed to be unduly burdensome, since the requester asked for a broad keyword search for two words pertaining to a longstanding legal issue. The search would have resulted in the expenditure of far more search hours in which search fees alone would have exceeded the fee amount the requester authorized. The LRSRS tool allowed the Division to formulate a targeted search that returned results in a fraction of the time while remaining within the requester's fee authorization. However, it was also necessary to accommodate extra duplicates and inflated page counts, due to overly comprehensive searches, thus ensuring additional duplication costs were not passed on to requesters.**

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

**No, not at this time.**

OTHER INITIATIVES:

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?



Yes.

8. 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 2017.

N/A.

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## SECTION V: STEPS TAKEN TO IMPROVE TIMELINESS IN RESPONDING TO REQUESTS AND REDUCING BACKLOGS

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The former President Obama's FOIA Memorandum and the DOJ'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.

*For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2016 Annual FOIA Report and, when applicable, your agency's 2015 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 2016, 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 2016 that were placed in your simple track.



48.6%

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 2015 and Fiscal Year 2016 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 2015 [sic]? If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

**N/A. The PBGC did not have a backlog of requests at the close of Fiscal Year 2016. The PBGC did not have a backlog of requests at the close of Fiscal Year 2015.**

6. If not, explain why and describe the causes that contributed to your agency not being able to 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. The PBGC did not have a backlog at the close of Fiscal Year 2016.**

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 2016.



N/A.

### BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of the Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015?

**N/A. The PBGC did not have a backlog of appeals at the close of Fiscal Year 2016. The PBGC did not have a backlog of appeals at the close of Fiscal Year 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 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.

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 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with “N/A.”

N/A.

### BACKLOG REDUCTION PLANS

11. In the 2016 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2015 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? 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 2016.



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1200 K Street, N.W., Washington, D.C. 20005-4026

**No. The PBGC closed Fiscal Year 2015 with zero backlogged requests, therefore the PBGC was not required to create a backlog reduction plan in Fiscal Year 2016.**

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2017?

**N/A. The PBGC closed Fiscal Year 2016 with zero backlogged requests, therefore, the PBGC will not be required to create a backlog reduction plan in Fiscal Year 2017.**

### **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 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

### **TEN OLDEST REQUESTS**

13. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

**Yes.**

14. 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.

**N/A. The PBGC closed its ten oldest requests.**

15. 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?

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



**TEN OLDEST APPEALS**

16. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

**Yes.**

17. 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 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**N/A. The PBGC closed all of the pending appeals reported in PBGC's Fiscal Year 2015 Annual FOIA Report.**

**TEN OLDEST CONSULTATIONS**

18. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

**N/A. The PBGC did not have any pending consultations at the close of Fiscal Year 2015.**

19. 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 2015 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:**

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

**N/A.**

21. 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.**





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1200 K Street, N.W., Washington, D.C. 20005-4026

22. 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 2017.

N/A.

**INTERIM RESPONSES:**

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? *See OIP Guidance*, “The Importance of Good Communication with FOIA Requesters.” (Mar. 1, 2010)

**Yes.**

24. If your agency had a backlog in Fiscal Year 2016, 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 a backlog in Fiscal Year 2016.**



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## SUCCESS STORY

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Out of all the activities undertaken by your agency since March 2016 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.

- **PBGC is proud to report that another fiscal year has ended with a zero backlog of FOIA requests, despite a reduction in the workforce within the Division. This achievement is a direct result of the newly implemented Business Model, which created an additional team and tasked every team to assist with voluminous case back-up.**
- **The Division organized an awards ceremony for its “Top Ten FOIA Supporters” and their managers across the agency. These PBGC employees were recognized for going above and beyond when coordinating record searches and facilitating with FOIA processing. This ceremony was a great success, and the agency saw a marked improvement in the contributions of other agency FOIA supporters thereafter.**
- **The Division also contributed valuable support to FOIAOnline Partners and successfully shared the Division’s business model when requested.**