

Pension Benefit Guaranty Corporation



2023

Chief FOIA Officer's Report

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About PBGC

The Pension Benefit Guaranty Corporation (PBGC or the Corporation) protects the retirement security of over 33 million American workers, retirees, and beneficiaries in single-employer and multiemployer private sector pension plans. The pension benefits of these participants are valued at more than \$3 trillion. The Corporation's two insurance programs are legally separate and operationally and financially independent.

The Single-Employer Program is financed by insurance premiums, investment income, and recoveries from companies formerly responsible for the plans. Congress sets PBGC premium rates.

The Multiemployer Program is financed by premiums and investment income. The American Rescue Plan (ARP) Act of 2021 — a historic law passed by Congress and signed by President Biden on March 11, 2021 — established the Special Financial Assistance (SFA) Program for eligible financially troubled multiemployer plans.

The SFA Program is financed by general taxpayer funds provided by the U.S. Treasury. Additionally, the law addresses the solvency of the Multiemployer Program, which was projected to become insolvent in 2026. The SFA Program is expected to provide financial assistance to more than 250 eligible plans covering over 3 million people. Upon approval of an application, PBGC will make a lump-sum payment to an eligible multiemployer plan to enable the plan to pay benefits at plan levels. SFA also assists plans by providing funds to reinstate previously suspended benefits and repay financial assistance received from PBGC's Multiemployer Program.

Our Customers¹

PBGC operates two separate insurance programs for defined benefit plans. PBGC's single-employer program guarantees basic pension benefits when covered underfunded plans terminate. By contrast, in the multiemployer program, the insured event is plan insolvency.

Today, PBGC has responsibility for the pensions of over 33 million people in about 25,000 single- employer and multiemployer pension plans that could not pay promised benefits. PBGC pays approximately \$7 billion annually in pension benefits, either directly or through financial assistance to multiemployer plans. PBGC serves a range of customers with disparate interests and expectations. First are the estimated 1.5 million people whose present and future pension benefits depend on the Corporation. Participants in 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. They expect PBGC to process their premium payments, dispense reliable advice and rulings, and resolve issues affecting their plans quickly and responsively promptly and accurately.

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 Fact Sheets: <https://www.pbgc.gov/about/factsheets>

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Attorney General’s [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency’s Chief FOIA Officer at or above this level?

Yes. The Chief FOIA Officer is a Senior Level Leader who also serves as a Department Director, Deputy General Counsel, Senior Agency Official for Privacy (SAOP) and the Designated Agency Ethics Official (DAEO).

2. Please provide the name and title of your agency’s Chief FOIA Officer.

Paul Chalmers, Deputy General Counsel, Chief FOIA Officer SAOP, DAEO.

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

PBGC’s agency-wide commitment to strengthening transparency and disclosure are incorporated into PBGC’s core mission and highlighted in the Agency’s 2022 Annual Report. Every employee is responsible for ensuring compliance with the FOIA and working to fulfill the goals of the Open Government Initiative in the following ways: transparency, participation, and collaboration.

B. Presumption of Openness

4. The Attorney General’s 2022 FOIA Guidelines provides that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your agency provide such confirmation in its response letters?

Yes, PBGC includes a statement in disclosure determination letters confirming it has considered the foreseeable harm standard upon invoking any relevant FOIA exemption(s).

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:

- a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?

N/A. PBGC has never issued a Glomar response.

- b. If yes, please provide:

- i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible).

N/A.

- ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

N/A.

- c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.

While PBGC does not issue Glomar responses, it has the capability to track Glomar responses in its FOIA processing system and recordkeeping processes if this becomes necessary.

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

N/A.

Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General's [FOIA Guidelines](#) provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

PBGC has ensured proper FOIA training is made available and used by agency personnel. The Disclosure Division provides FOIA training to all newly hired PBGC federal employees during orientation, expressing PBGC’s commitment to transparency and compliance with FOIA. All PBGC employees are required to complete records management training annually, which includes FOIA requirements and procedures. Additionally, all PBGC employees have access to on-demand training modules acquired

from the Department of Justice; this training is available through the agency’s web-based training application, FedTalent.

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Yes. During the 2022 calendar year, PBGC held or attended over 50 trainings related to the corporation’s FOIA mission.

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

Training Sessions	Topics Covered	Date Administered
<p>Division (Internal) Training:</p> <p>The Division conducts and attends periodic training on a variety of topics to ensure efficient and accurate processing of FOIA requests.</p>	Disclosure Division Business Model	January 12, 2022
	FOIA Exemption 4	January 26, 2022
	Grammar Gremlins	February 2, 2022
	TWG Memorandums-An Appeal Discussion	February 3, 2022
	Disclosure Division Derailers and Solutions	February 9, 2022
	Fear and Critical Thinking	February 16, 2022
	Business Process Training	March 2, 2022
	Fee Waivers	March 9, 2022
	FOIA Exemption 6	March 16, 2022
	Overview of System of Record-Spectrum	May 2, 2022
	Green Team Onboarding Training-Income Verifications	May 3, 2022
	Privacy Act/FOIA-Income Verifications	May 3, 2022
	Exemption 6	May 9, 2022
	Yellow Team Onboarding Training- 3 rd Party Requests	May 10, 2022
Privacy Act/FOIA-QDROs	May 11, 2022	

Orange Team Onboarding Training-Requests regarding Deceased Individuals	May 17, 2022
Orange Team Onboarding	May 18, 2022
Exemption 5 Training	May 23, 2022
Exemption 4 Training	May 24, 2022
Disclosure Division to Appeals	May 25, 2022
FOIA Overview Onboarding	May 25, 2022
SFA Proactive Disclosure Training	June 1, 2022
Yellow Team Training- 3 rd Party Requests	June 6, 2022
Time Management and Task Focused	June 8, 2022
Disclosure Division Performance: Understanding FOIA Metrics	June 8, 2022
Overview of Exemption 4	June 9, 2022
Submitter's Notice Process	June 9, 2022
Displaying Data Visually in Excel	June 16, 2022
Conscious Equity 2.0: Fostering a Connected Culture	June 22, 2022
Writing Reports	June 28, 2022
The 15 th National American Society of Access Professional Training Conference	July 19-21, 2022
OEEO's Education & Enrichment Real Talk Series: Allyship in Workplace	July 20, 2022
FOIA Consultation Process	September 1, 2022
Distress Terminations	October 26, 2022
4042 Terminations	October 27, 2022

	Leadership Skills for Non-Supervisors	November 2-3, 2022
	Overview of the FOIA	November 7, 2022
	Overview of the Privacy Act	November 8, 2022
	S.M.A.R.T. Goal Training	November 9, 2022
	Interface Privacy Act/FOIA and Privacy Act Exemptions (Onboarding Session)	November 9, 2022
	Standard of Review that Apply to PBGC's Determination under Title IV of ERISA	November 10, 2022
	Risk Management	November 15-17, 2022
	Exemption 4 Training (Onboarding Session)	November 28, 2022
	Exemption 5 Training (Onboarding Session)	November 29, 2022
	Pension Benefits	November 29, 2022
Corporate (agency-wide) Training: The Division conducts agency-wide corporate training and specific program office FOIA discussions.	Income Verifications-Processing and Expediting Requests	January 5, 2022
	Overview of FOIA to PBGC's New Hires	May 18, 2022 September 7, 2022 December 14, 2022
	Privacy Act-Congressional Inquiries Involving Constituents and the	March 22, 2022
	Privacy Act-Legislative Affairs and Interagency Disclosures	May 2, 2022
	Disclosure Division Metrics Briefing	June 8, 2022
	Interagency Disclosures	June 16, 2022
	FOIA and Advocate Records	August 3, 2022
	FOIA and Voluminous Records Search Requirements	August 4, 2022

	FOIA and Participant Benefit Statements	August 22, 2022
	HR Representative: FOIA Search Overview and Collection of Records	September 12, 2022
	Settlement Agreements and FOIA Disclosures	September 15, 2022
DOJ Training	Virtual Exemption and Exemption 5 Training	June 14, 2022
	Virtual Privacy Considerations Training	July 7, 2022
	Virtual Continuing FOIA Education	July 12, 2022
	Virtual Annual FOIA Report Refresher and Quarterly Report Training	October 4, 2022
	Virtual Chief FOIA Officer Report Training	October 18, 2022
	Virtual Introduction to FOIA Training	November 8, 2022
	Virtual FOIA Litigation Seminar	November 9, 2022
	Procedural Requirements and Fees Training	December 6, 2022

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

The PBGC estimates 100% of its FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training during this reporting period.

5. 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. More than 80% of PBGC’s FOIA professionals attended training.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

PBGC has informed non-FOIA professionals, including senior leaders, of their obligations under the FOIA. The Disclosure Division provides digital and virtual FOIA training to all new hires (federal employees and contractor employees) during their initial "New Hire" orientation; the division also trains newly appointed senior leaders and regularly conducts briefings about compliance requirements, resources, and expectations. Since PBGC operates a centralized disclosure operation, the Disclosure Division works concurrently with the corporation's Field Benefit Administrators, the Customer Call Center, and the Document Management Center thereby training and delegating disclosure authority for processing first-party requests, such as income verification requests, submitted by PBGC's participants. As a result of these actions, PBGC's non-FOIA personnel are able to identify, search for, and gather responsive records; collectively, the agency is able to respond quickly to access requests.

PBGC has also trained non-FOIA personnel in high-visibility program offices, designating certain individuals as FOIA liaisons; these individuals serve as points of contact for FOIA-related matters. Through the Disclosure Division's FOIA Outreach and Awareness efforts, these FOIA liaisons have become knowledgeable about the entire FOIA process and the role they play in compliance areas, such as identifying record originators, searching for responsive records, documenting searches, and articulating any programmatic concerns disclosure of records might cause.

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Yes. PBGC's FOIA professionals regularly engaged in outreach and dialogue with the requester community and outside of the standard request process. The Disclosure Division maintains and monitors a hotline phone number and division mailbox. These access points allow members of the public, third-party representatives, and private groups to request assistance with formulating requests for records as well as request and receive instructions on how to submit access requests. Many of these interactions and discourse continue even after the Disclosure Division's role is completed, because of the division's effectiveness of connecting the public with the appropriate PBGC program office to facilitate pension benefit inquiries. While outside the requirements of the FOIA, these interactions with requesters help members of the public understand PBGC's records and navigate the various agency departments.

Finally, PBGC engaged with the public via the Federal Register when it issued a final rule promulgating updates to PBGC's regulation on requesting, obtaining, and examining records to reflect statutory changes and current agency practice: [Federal Register :: Examination and Copying of PBGC Records](#).

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.

Yes. PBGC's FOIA professionals proactively contact requesters concerning complex or voluminous requests. The Disclosure Division's business model designates a team coordinator and an entire team of FOIA professionals who specialize in processing complex and/or voluminous requests. The team coordinator collaborates with relevant program offices to interpret the scope of the request, estimated fees, and any unusual circumstances upon receipt. This information is communicated to the requester, including information about the FOIA procedural process, such as any requests for clarification, submitter's notice, fee authorization and time limits. This collaboration, at the outset, has proven useful in decreasing and managing surprises, thus leading to targeted searches and timely disclosure determinations. PBGC's low appeal rate is one metric that supports the business practice of confirming the scope of the request, collaborating with program offices and requesters early in the FOIA process and before the search is commenced; in FY22, PBGC processed 3,877 requests and received 10 appeals. Only one appeal was partially granted.

9. 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 the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2022 (please provide a total number or an estimate of the number).

PBGC's Disclosure Division notifies every requester about the services provided by the agency's FOIA Public Liaison in every determination letter. The division estimates requesters sought assistance from the FOIA Public Liaisons 7 times during Fiscal Year 2022.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Yes. The Disclosure Division regularly evaluates the allocation of personnel resources needed to respond to current and anticipated FOIA demands and has implemented changes as necessary. These changes occurred in the areas of training and workload distribution. Throughout the fiscal year, the Disclosure Officer used metrics and trends to trigger additional and targeted training topics. This data was also used to manage and improve median and average processing times, using strength-based employee engagement strategies and making individual well-being a competing priority with trending demands.

Such strategies include reviewing the volume and complexity of incoming requests and matching requesters' expectations/requests for records with individuals' critical skill gaps and competencies. This includes, but not limited to, determining, and adjusting the appropriate number of staff members assigned to review, redact, and complete quality assurance standards on a singular case. Keeping training and knowledge management at the center of performance management has been essential to identifying and making ad hoc staff adjustments accordingly.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

PBGC uses performance metrics to ensure efficient management of its FOIA workload. The agency's current electronic processing tool generates up-to-the-minute reports on FOIA processing times, workload distribution, etc., allowing for precise adjustments and transformational changes to the division's business model, which currently allows employees to choose their own team assignment. Performance metrics allow the Division's leadership to make informed changes to staffing, allocate resources, accretion of duties, performance awards, and training. These metrics include workload, page volume, processing times, and work quality.

The aforementioned processing data is also used to change and/or redistribute the widgets assigned to the teams for the upcoming fiscal year; these changes inform internal training topics too. The division hosts weekly staff meetings, and training is conducted by the division's staff on a voluntary basis based on their perception and desire for greater proficiency. For example, volunteer trainers conduct training on topics for which they believe they require improvement. The actions taken to prepare a training session for others, coupled with the knowledge necessary to create a PowerPoint presentation, provides the volunteer trainer an opportunity learn from the preparation and fill in any blind spots through the discussion and question segments. The division has experienced great success using this method to broach and dissect topics. From a strength-based leadership standpoint, an employee is more likely to improve performance if they identify individual derailers and take proactive steps to close their skill gap.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

N/A.

Section III. Proactive Disclosures

The Attorney General's [FOIA Guidelines](#) emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

PBGC has taken steps to identify, track and post (a)(2) proactive disclosures in useful, searchable, and open formats. During this reporting period, PBGC identified records of substantial public interest and posted thousands of pages of [Special Financial Assistance \(SFA\) applications](#) in advance of any public request. These records were submitted to PBGC, reviewed, redacted and releasable portions were proactively made public. Program Offices also post information on a regular basis that is of interest to the public and useful for participants seeking information about their benefits.

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

- **PBGC's Annual Reports:**
 - <https://www.pbgc.gov/about/annual-reports/pbgc-annual-performance-financial-report-2022>;
- **Guidance for Practitioners and Employers:**
 - <https://www.pbgc.gov/prac/whatsnew>;
- **Latest News from PBGC**
 - <https://www.pbgc.gov/stay-informed>;
- **PBGC's Insurance Coverage:**
 - <https://www.pbgc.gov/wr/find-an-insured-pension-plan/pbgc-protects-pensions>;
- **PBGC's Recent News Releases:**
 - <https://www.pbgc.gov/news-policy>;
- **PBGC Newsletters and Publications**
 - <https://www.pbgc.gov/news/press>; and
- **Finding Insured Pension Plans:**
 - <https://www.pbgc.gov/search-insured-plans>;
- **American Rescue Plan (ARP) Special Financial Assistance Program Applications:**
 - <https://www.pbgc.gov/arp-sfa/sfa-applications>.

3. 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.

4. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

PBGC regularly posted new materials to its website and taken steps in six areas to make its posted information more useful and accessible to the public and to its participants. The following are examples:

- **American Disability Act (ADA) compliant:** The PBGC.gov team works with varied content contributors and web application development teams, striving to ensure that content published on the website is Section 508 compliant and accessible for those using assistive technology. The site invited comments and used reporting feedback to make enhancements on content, and to educate content contributors.
 - **Customer Centered Postings:** The PBGC.gov team uses web analytics combined with PBGC's customer survey vendor. The team reviews findings on a weekly basis to identify opportunities for adding content to the site or making content more accessible based on real user feedback.
 - **Machine Readable:** [PBGC.gov/open](https://www.pb.gc.gov/open) contains links to PBGC data set documents and other data that are machine readable and/or web accessible, improving the availability and transparency of PBGC information. Additionally, PBGC reviews and updates the root JSON file as necessary to facilitate machine discovery of the site from the root.
 - **Technical Improvements:** Overall improvements to structured data on PBGC webpages has included converting images and layers to tabular structures, and subsequently modifying new and existing tables to follow best practices for HTML structures and naming conventions, such as clearly marking `<thead>` versus `<tbody>`; including `<col>` and `<row>` attributes; and using captions and summaries. The clean-up and conversion effort of legacy content is ongoing, with steady progress made each year.
 - **Telecommunication/Relay Services:** The PBGC.gov site promotes 711 for TTY-Based Telecommunications Relay Service to accommodate persons with hearing or speech disabilities.
 - **Data Protection Procedures:** The PBGC.gov team has expanded policies and procedures related to evaluating documents (PDF, Office, etc.) before posting to the site, performing Accessibility Checks, and remediating findings to the greatest extent possible while ensuring that Personal Identifiable Information (PII) and sensitive data are not present.
5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Yes. PBGC's proactive disclosure process and system involves collaboration with agency staff outside of the Disclosure Division. The Division advises and collaborates with program offices, public affairs, IT, and webmasters on the proactive disclosure of information of public interest. For example, the Disclosure Division collaborated with the Multiemployer Plan Division, reviewing and redacting SFA applications it received for publication to the public domain. The Disclosure Division regularly collaborated with other offices, IT, and public affairs to ensure programmatic material prepared for the public domain did not inadvertently release protected personal privacy information, such as agency decisions, opinions, and administrative records.

6. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

N/A.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes. PBGC reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands. During this reporting period, PBGC procured a new electronic processing system to replace its current system, FOIAonline, which is sunseting at the end of December 2023. To do so, PBGC conducted market research and engaged several vendors to identify a suitable replacement system.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

Microsoft Teams: The Disclosure Division learned and utilized more features included in the Microsoft Teams application, utilizing its virtual workspace, Forms, Polls and Planner functions to conduct training, share group disclosure strategies and ideas.

Relativity: The Disclosure Division used this cloud-based eDiscovery software de-duplicating voluminous records, bulk case assessment, fact management, review, production, and to run analytics.

Team Connect: During the Fiscal Year, the Disclosure Division requested and received read-only access to the legal case management system for the broader Office of General

Counsel (OGC). This technology provides the Disclosure Division with direct access to OGC records, streamlining search efforts and required labor resources.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

Rapid Redact: The Disclosure Division utilizes Rapid Redact whenever redactions are made. This software has predictive and automated coding of keywords capabilities. This creates a uniform environment for analysts to make, review, and apply redactions. For bulk records, this saves about 50% of the review time and the corresponding financial resources in labor hours.

Excel: The PBGC often receives FOIA requests for premium filings, standard termination filings and other bulk data related to Defined Benefit Pension Plans. The Disclosure Division has identified certain recurring personal identifiable information and mass-redacts the protected information using excel formulas. This tool significantly reduces the redaction effort and the corresponding financial resources in labor hours.

4. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes. PBGC reviewed its FOIA websites to ensure that they contain essential resources and are informative and user-friendly and up to date, including the recent increase in PBGC's FOIA processing fees.

5. Did all four of your agency's quarterly reports for Fiscal Year 2022 appear on FOIA.gov?

Yes. PBGC posted all four quarterly reports for Fiscal Year 2022 on FOIA.gov.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023.

N/A. PBGC successfully posted all quarterly reports for Fiscal Year 2022.

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

The raw data from FY 2021 Annual FOIA Report can be found at:

<https://www.pbgc.gov/documents/fy21-foia-raw-data>

The raw data from FY 2022 Annual FOIA Report can be found at:

<https://www.pbgc.gov/documents/fy22-foia-raw-data>

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes. PBGC's centralized disclosure operation follows interoperability standards and guidance that were issued by DOJ and OMB Guidance in February 2019.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

PBGC has developed best practices in utilizing technology and addressing challenges. In response to the pandemic, PBGC pivoted to a 90% digital disclosure operation. Many requesters welcomed the ability to receive responsive documents electronically. However, since PBGC primarily serves the retirement population, some requesters experienced challenges with navigating the digital, encrypted, and electronic delivery of records. In addition to the Disclosure Division providing support and step-by-step instructions on how to open files upon request, the division implemented alternative hardcopy delivery options, i.e., fax, postal mailing, and courier services to ensure all requesters receive releasable records according to their preferred format and delivery method, when possible.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

The Attorney General's [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first party requested records outside of the FOIA process?

Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

PBGC has established alternative means of access to first party requested records. Certain first-party requests for pension records, such as income verifications, beneficiary designations, election forms, and benefit determinations records are disclosed by PBGC's Office of Benefits Administration (OBA) and outside of the FOIA process, upon request to OBA's Customer Call Center or Document Management Center either or via one of the corporation's systems of records, i.e. <https://www.pbgc.gov/mypba>. Using MyPBA, Participants can electronically access their own records after establishing password protected and login information.

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report.

PBGC reported 10.87 days was the average number of days for adjudicating requests for expedited processing.

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

The Disclosure Division adjusted its business model during the intake and assignment process, assigning the same Government Information Specialist that is responsible for processing the request to the expedited processing request. The continuity of assignment allows for the prioritization and efficient processing of expedited processing requests.

5. Does your agency utilize a separate track for simple requests?

Yes. PBGC uses a separate track for simple requests.

6. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2022?

Yes. The overall average number of days to process simple requests was fewer than the 20-days statutory time limit.

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

N/A. The overall average number of days to process simple requests was fewer than 20 working days.

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100. $(2373/3877 = .61207119) \times 100 =$

61% of requests were placed in the simple track.

9. 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. PBGC tracks simple requests separately.

C. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

N/A. PBGC did not have a backlog of requests at the close of Fiscal Year 2022.

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

N/A. PBGC did not carry a backlog in Fiscal Year 2021 or Fiscal Year 2022.

12. If your agency's request backlog increased during Fiscal Year 2022, please 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:

N/A. PBGC did not have a request backlog at the end of Fiscal Year 2022, nor Fiscal Year 2021.

- 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)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

13. 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 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

N/A. PBGC did not have a request backlog in Fiscal Year 2022.

BACKLOGGED APPEALS

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

N/A. PBGC did not have a backlog of appeals at the close of Fiscal Year 2022.

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

PBGC did not have a backlog of appeals at the end of Fiscal Year 2021 nor Fiscal Year 2022, however, PBGC processed the same number of appeals in Fiscal Year 2022 and Fiscal Year 2021.

16. If your agency's appeal backlog increased during Fiscal Year 2022, please 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:

N/A. PBGC did not have an appeal backlog during Fiscal Year 2022.

- 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)
- Impact of COVID-19 and workplace and safety precautions
- Any other reasons – please briefly describe or provide examples when possible

17. 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 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with "N/A."

N/A. PBGC did not have an appeal backlog in Fiscal Year 2022.

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 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 2022?

N/A. PBGC did not have a backlog in Fiscal Year 2021.

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.

N/A. PBGC did not have a backlog in Fiscal Year 2022.

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

Yes. PBGC closed the ten oldest pending perfected requests reported in the Fiscal Year 2021 Annual FOIA Report.

21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Yes. PBGC closed the ten oldest pending perfected requests within the statutory time-limit.

22. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

PBGC routinely triaged requests, using the in the first-in/first-out (FIFO) method, and conducted Outreach and Awareness activities upon receipt of requests for records located within multiple offices. The FIFO practice, coupled with discussions, meetings, and phone calls, enabled, and ensured programmatic actions were completed timely and effectively to meet the 20-working days statutory time limit. The Disclosure Division also prioritized proactively reaching out to requesters early in the processing timeline to clarify the scope of the request and/or address fees. The Disclosure Division met with various PBGC program offices to develop search plans, i.e., identifying and formulating Boolean and keyword lists. These actions resulted in faster response times and streamlined efforts to collect responsive records quickly, providing ample time for quality reviews and digital or hard-copy delivery. These combined efforts, among others, allowed PBGC to continue its history of shorter and faster than required processing times.

TEN OLDEST APPEALS

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?

N/A. PBGC did not have any pending appeals at the end of Fiscal Year 2021 or Fiscal Year 2022.

24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A. PBGC did not have any pending appeals at the end of Fiscal Year 2021.

25. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

The Disclosure Division worked with the appeal adjudication authority to expeditiously hold conferences to address questions about disclosure determinations which enabled efficient reviews of appeals.

TEN OLDEST CONSULTATIONS

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

N/A. PBGC did not have any pending consultations at the end of Fiscal Year 2021.

27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A. PBGC did not have any pending consultations at the end of Fiscal Year 2021.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why, and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2023.

N/A. PBGC closed its ten oldest pending requests, appeals, or consultations.

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

PBGC had no requests subject to litigation during the reporting period.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency’s FY22 raw data).

PBGC processed ten requests that involved unusual circumstances as described by the FOIA.