

Pension Benefit Guaranty Corporation



2024

Chief FOIA Officer Report

Chief FOIA Officer: C. Paul Chalmers

INTENTIONALLY LEFT BLANK

Contents

About PBGC	4
Our Customers	5
Section II: Ensuring Fair and Effective FOIA Administration	7
A. FOIA Training	7
B. Outreach	10
C. Other Initiatives	12
Section III: Proactive Disclosures	12
Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs	17
A. Remove Barriers to Access	17
B. Timeliness	18
C. Backlogs	19
D. Backlog Reduction Plans	21
E. Reducing the Age of Requests, Appeals, and Consultations	21
F. Additional Information about FOIA Processing	22

About PBGC

The Pension Benefit Guaranty Corporation (PBGC or the Corporation) protects the retirement security of over 31 million American workers, retirees, and beneficiaries in both 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 paid by insured plans 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 provides funding assistance to severely underfunded multiemployer defined benefit pension plans and will enable millions of America's workers, retirees, and their families to receive the pension benefits they earned through many years of hard work. The SFA program is funded entirely by an appropriation from the General Fund of the U.S. Department of the Treasury.

Upon approval of an SFA application, PBGC will make a payment to an eligible multiemployer defined benefit pension plan in the amount that is projected to enable the plan to pay all benefits through the last day of the plan year ending in 2051. The SFA Program also assists such plans by providing funds to reinstate previously suspended benefits, including back payments to retirees, and repaying financial assistance that was 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 31 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 2022 [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.

C. 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 is incorporated into PBGC’s core mission and highlighted in the Agency’s 2023 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. If your agency tracks *Glomar* responses, please provide:

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

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

N/A.

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

N/A.

6. If your agency does not track the use of *Glomar* responses, are you planning to track this information in the future?

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.

7. 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.

Section II: Ensuring Fair and Effective FOIA Administration

The Attorney General’s 2022 [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 ensures FOIA training is made available to all 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 direct registration links to the FOIA courses offered by DOJ's Office of Information Policy; this training is also 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 2023 calendar year PBGC FOIA professionals attended FOIA and Privacy Act training.

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
Division (Internal) Training: The Division conducts and attends periodic training on a variety of topics to ensure efficient and accurate processing of FOIA and Privacy Act requests.	Fee Series Part 3 Overview & Practical Exercises	March 1, 2023
	Refine your Writing with Language at Work	April 6, 2023
	Privacy Protocols	April 26, 2023
	Exemption 4	May 1, 2023
	Opexus Fundamental Training- FOIAXpress & EDR	June 6, 2023
	Relativity Training	June 21, 2023
	Clarity and Brevity in Writing	July 27, 2023
	FOIAXpress Collaboration Portal Training	August 29, 2023
	Pay.Gov Training	August 20, 2023
	Customer Service CY23	October 11, 2023
	Privacy and Ethics as a Foundation for AI Risk Management Training	October 17, 2023
	OPEXUS 18 th Annual Summit	November 2, 2023
	Influencing Others	November 8, 2023
Ethics Update for Virginia Lawyers	December 14, 2023	

	Understanding FOIA: Records, Exemptions, and Best Practices	December 14, 2023
	Onboarding FOIA and Privacy Act Sessions for newly hired Government Information Specialists and/or contractors.	March 23, 2023 April 11, 2023 May 9, 2023 May 11, 2023 June 5, 2023 December 5, 2023
Corporate (agency-wide) Training: The Division conducts agency-wide corporate training and specific program office FOIA discussions.	FOIA Exemptions and Subpoenas	May 1, 2023
	Touhy Letters	May 1, 2023
	Customer Service Center FOIA Training	May 11, 2023
	Discussion on Privacy Act Disclosures to Plan Administrators	June 1, 2023
	Inter-Agency Disclosures	October 23, 2023
	New Federal Employee Orientation Trainings	May 3, 2023 September 6, 2023 December 13, 2023
DOJ Training	Processing a Request Start to Finish	April 12, 2023
	Exemptions 4 and 5	June 21, 2023
	Virtual Privacy Consideration Training	July 11, 2023
	FOIA Education Training	July 12, 2023
	Annual FOIA Report Refresher and Quarterly Report Training	October 4, 2023
	Virtual Procedural Requirements and Fees Training	December 6, 2023

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.

During this reporting period, the PBGC estimates 100% of its FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training.

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 the 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 advises non-FOIA professionals, including senior leaders, of their obligations under the FOIA during the onboarding process for new employees. The Disclosure Division provides digital and virtual FOIA training to all new hires during their initial "New Hire" orientation; the division also trains newly appointed senior leaders and regularly conducts briefings about compliance requirements, resources, and expectations with program offices. Senior leaders regularly receive FOIA metrics reports that summarize the FOIA workload and other pertinent processing information.

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 can identify, search for, and gather responsive records; collectively, the agency is able to respond quickly to access requests. During Fiscal Year 2023, the Disclosure Division conducted a virtual FOIA training course with staff members of the PBGC Customer Call Center. The training focused on identifying FOIA and Privacy Act requests, how to instruct a requester to properly submit a request, and useful processing information that can be provided to requesters.

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. 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?

Yes.

Please describe any such outreach or dialogue and, if applicable, any specific examples.

PBGC's FOIA professionals regularly communicated with requesters while processing their requests. When processing complex and/or voluminous requests, FOIA professionals contacted requesters to help with clarifying and narrowing the scope of their request. FOIA professionals were able to provide requesters with updates and foster transparency in the processing of their requests. These communications led to overall improved relations with the requester community and refined the timing it took for requesters to receive a response to their request.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? 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. The Disclosure Division maintains and monitors a telephone hotline and email box, allowing members of the public, third-party representatives, and private groups to request further assistance with their request for records, to include guidance and instructions on how to submit an access request. The Division has been an effective liaison by connecting the public with the appropriate PBGC program office in the facilitation of their pension benefit inquiries. While outside the requirements of the FOIA, these interactions with requesters allow members of the public to better understand PBGC's records, navigate the various agency departments, and furthers connection and transparency in the agency's practices.

PBGC's Chief FOIA Officer, C. Paul Chalmers, is a member of the Federal Freedom of Information Act (FOIA) Advisory Committee serving as co-chair of the Resources committee. The Advisory Committee furthers dialog between the Administration and the requester community by soliciting public comments to develop consensus recommendations for improving FOIA administration and proactive disclosures.

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 2023 (please provide a total number or an estimate of the number for the agency overall).

PBGC's Disclosure Division notifies every requester about the services provided by the agency's FOIA Public Liaison in every determination letter. The FOIA Public Liaisons contact information, and a summary of their services are posted to the FOIA websites. The Division estimates requesters sought assistance from the FOIA Public Liaisons 12 times during Fiscal Year 2023.

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. PBGC’s Disclosure Division routinely evaluates the allocation of agency personnel resources to ascertain what is needed to efficiently respond to current and anticipated FOIA demands. The Division identified an increase in the complexity of FOIA requests by weekly reviewing metrics. The expertise required to process complex requests led to the recruitment and retention of qualified FOIA professionals. PBGC hired federal employees and contractors with substantial FOIA experience. These new employees and contractors are exclusively assigned and trained to work on complex FOIA requests. These individuals have significant legal experience which has improved the Division’s ability to strategically process complex and voluminous requests.

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 electronic processing tool generates reports on FOIA processing times, workload distribution, and individual user actions. Performance metrics and data generated from these reports assist the Division’s leadership in making informed changes to staffing, allocating resources, accretion of duties, issuing performance awards, and training.

The Division’s leadership can make ad hoc staff adjustments and develop targeted staff training by focusing on knowledge management and request trends. For example, after reviewing PBGC’s FOIA fee metrics the Division’s leadership created a three-part training series on properly categorizing requesters and applying fees. This scenario-based fee series has allowed FOIA personnel to engage in productive conversations with requesters regarding fee categories, fees, and fee waivers.

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

Section III: Proactive Disclosures

The Attorney General’s 2022 [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 actively works to identify, track and post (a)(2) proactive disclosures in useful open formats accessible to the public by often reviewing web analytics. Program Offices consistently post information that is of public interest and useful for participants seeking information about their benefits at PBGC.gov.

Since the promulgation of the American Rescue Plan Special Financial Assistance (SFA) Program, the Disclosure Division has collaborated with the Plan Compliance Department in the review and redaction of records collected during SFA application process. Releasable portions of applications and certain correspondence records are proactively made public to promote transparency in the application process, to include the status of all applications under review, approved, denied, withdrawn, or on the waiting list.

2. How long after identifying a record for proactive disclosure does it take your agency to post it?

Once a record for proactive disclosure has been identified, PBGC program offices, collaborate with the Office of Information Technology and Communications Outreach & Legislative Affairs Department to ensure material is made available to the public in a timely fashion. The Disclosure Division reviews SFA Applications for public posting within seven days of receipt.

3. Does your agency post logs of its FOIA requests?

No. PBGC automatically treats requests for agency records as being made under both the FOIA and the Privacy Act, whenever appropriate to do so. To maintain requester privacy interests, PBGC does not publicly post FOIA logs.

If so, what information is contained in the logs?

N/A.

Are they posted in CSV format? If not, what format are they posted in?

N/A.

4. 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 Newsletters and Publications:** <https://www.pbgc.gov/news/press>

- **PBGC's Annual Reports:** <https://www.pbgc.gov/about/annual-reports/pbgc-annual-performance-financial-report-2023>
- **PBGC's Recent News Releases:** <https://www.pbgc.gov/news-policy>
- **Latest News from PBGC:** <https://www.pbgc.gov/stay-informed>
- **Finding Insured Pension Plans:** <https://www.pbgc.gov/search-insured-plans>
- **Guidance for Practitioners and Employers:** <https://www.pbgc.gov/prac/whatsnew>
- **PBGC's Insurance Coverage:** <https://www.pbgc.gov/wr/find-an-insured-pension-plan/pbgc-protects-pensions>
- **American Rescue Plan (ARP) Special Financial Assistance Program Applications:** <https://www.pbgc.gov/arp-sfa/sfa-applications>

5. 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.

6. 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 routinely posts new materials to its website and has taken steps in several areas to make its posted information more accessible and useful 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.
- **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.
- **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.
- **Machine Readable:** [PBGC.gov/open](https://www.pbgc.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. 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.

7. 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. The Disclosure Division partners with the Plan Compliance Department by reviewing and redacting SFA applications prior to publication in the public domain. FOIA personnel may collaborate with other PBGC program offices to review material for public posting that ensure no personal identifiable information or confidential commercial financial information is released.

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

PBGC faces challenges with proactively and/or discretionary releasing frequently requested records because many responsive records are initially retrieved as the result of a Privacy Act request. PBGC's transition to a new processing system will allow PBGC to efficiently identify frequently requested records and proactive disclosures for posting to the FOIA websites in Fiscal Year 2024.

Section IV: Steps Take 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 2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIAXpress](#) 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?

PBGC routinely engages in market research for new tracking and processing tools and other emerging technologies to support its FOIA Program.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

During Fiscal Year 2023, PBGC transitioned to FOIAXpress as its new FOIA request management software. FOIAXpress allows PBGC to manage the entire lifecycle of FOIA and Privacy Act requests on one platform, which has made the Disclosure Division more efficient. Prior to the transitioning to FOIAXpress, PBGC was using multiple processing tools to prepare final disclosure determinations and redact responsive records.

FOIAXpress also enhances the requester experience. Requesters may submit FOIA and Privacy Act requests directly to the integrated public portal, the Public Access Link (PAL). PAL provides requesters with a unique login to submit requests, track request status, and receive records for download. Additionally, PAL is securely integrated with pay.gov which allows requesters to pay FOIA fees electronically.

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.

Yes. To process certain requests PBGC has used FOIAXpress Electronic Document Review (EDR) and Relativity. EDR and Relativity uses automated technology to search, sort, and identify responsive and duplicative content in large volumes of emails, attachments, and files. PBGC estimates that the implementation of these tools has eliminated hundreds of manual review hours by FOIA personnel for certain voluminous requests.

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 during this reporting period to ensure compliance with the 2017 guidance. The FOIA websites include links to the Electronic Reading Room, provides updated instructions on how to submit a records request, instructions on how to obtain the status of a pending request, and links to the Agency's Annual FOIA Reports, Quarterly Reports, and Chief FOIA Officers Reports.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2023 appear on FOIA.gov?

Yes. PBGC posted all four quarterly reports for Fiscal Year 2023.

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 2024.

N/A. PBGC successfully posted all quarterly reports for Fiscal Year 2023.

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 2022 Annual FOIA Report and, if available, for your agency’s Fiscal Year 2023 Annual FOIA Report.

The raw data from FY 2023 Annual FOIA Report can be found here:

<https://www.pbgc.gov/sites/default/files/documents/fy23-foia-raw-data.xlsx>

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

<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.

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

The Attorney General’s 2022 [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 typical FOIA or Privacy Act process?

Yes. PBGC has established alternative means of access to some first party requested records outside of the typical FOIA or Privacy Act process.

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

Some first party (Privacy Act) records such as participants' pension specific records are delivered by PBGC's Office of Benefits Administration. PBGC also makes some first party information available via www.pbgc.gov/mypba, where Participants can electronically access and request first-party records using their own login information. These first party requested records include requests for income verifications, pension beneficiary designations, benefit election forms, and benefit determinations.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

PBGC has simplified the process of submitting a FOIA or Privacy Act request via the Public Access Link (PAL) and disclosing records via PAL. PBGC configured the PAL to use the General Service Administration's login.gov platform for virtual identity proofing of Privacy Act requesters. The ability for requesters to certify their identity virtually allows for enhanced security, faster processing times, and improved customer experience.

B. Timeliness

4. For Fiscal Year 2023, 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 2023 Annual FOIA Report.

The average number of days for adjudicating requests for expedited processing in Fiscal Year 2023 was 8.93.

5. 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 2023 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.

N/A. PBGC's average number of days to adjudicate requests for expedited processing was not above ten calendar days.

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

Yes.

7. 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 2023?

Yes, the average number of days to process simple requests in Fiscal Year 2023 was 14.59.

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

N/A.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 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.

The percentage of simple track requests processed in Fiscal Year 2023 was 38.4%.

10. 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

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, 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 2022?

N/A. PBGC did not have a backlog of requests at the end of Fiscal Year 2023. There was also no backlog of requests at the close of Fiscal Year 2022.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

N/A. PBGC did not have a backlog of requests at the end of Fiscal Year 2023.

13. If your agency's request backlog increased during Fiscal Year 2023, 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:

- 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

N/A. PBGC did not have a backlog at the end of the Fiscal Year 2023.

14. 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 2023. 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 backlog at the end of the Fiscal Year 2023.

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, 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 2022?

N/A. PBGC did not have a backlog of appeals at the close of Fiscal Year 2023. PBGC did not have a backlog of appeals at the close of Fiscal Year 2022.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?

N/A. PBGC did not have a backlog of appeals in 2023 nor 2022.

17. If your agency’s appeal backlog increased during Fiscal Year 2023, 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:

- 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

N/A. PBGC did not have a backlog of appeals in 2023 nor 2022.

18. 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 2023. 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 2023 and/or has no appeal backlog, please answer with "N/A."

N/A. PBGC did not have a backlog of appeals in 2023.

D. Backlog Reduction Plans

19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 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 2023?

N/A. PBGC did not have a backlog in FY 2022 and was not required to create a backlog reduction plan in accordance with the 2023 guidelines.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2024.

N/A. PBGC did not have a backlog in FY 2023.

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

Ten Oldest Requests

21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?

Yes, the 10 oldest perfected requests from Fiscal Year 2022 were closed in Fiscal Year 2023.

22. 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 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A. The 10 oldest perfected requests were closed.

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

The Disclosure Division triages requests and initiates a search for records within five working days of receipt. PBGC immediately addresses complex issues with requesters and program offices as needed.

Ten Oldest Appeals

24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?

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

25. 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 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A.

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

The PBGC continues to close all appeals within the statutory time limit.

Ten Oldest Consultations

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?

N/A. There were no consultations pending at the end of Fiscal Year 2022.

28. 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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A. There were no consultations pending at the end of Fiscal Year 2022.

Additional Information Regarding Ten Oldest

29. 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 2024.

N/A. PBGC closed its ten oldest pending requests from Fiscal Year 2022. At the end of Fiscal Year 2022 PBGC did not have any pending appeals or consultations.

F. Additional Information about FOIA Processing

30. 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
- Any other information to illustrate the impact of litigation on your overall FOIA administration

No, PBGC did not have any requests that were the subject of FOIA litigation during the reporting period.