

Chief FOIA Officer Report

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March 2016



**NATIONAL RAILROAD PASSENGER CORPORATION (“AMTRAK”)
CHIEF FOIA OFFICER REPORT**

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I. Steps taken 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 conferences during the reporting period such as that provided by the Department of Justice?*

Yes, we attended training at Department of Justice (DOJ) and internal FOIA training was also provided by the FOIA Staff. This training was based on current directives and guidelines sent out by DOJ.

2. *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% of Amtrak’s FOIA Professionals attended training during the reporting period.

3. *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 – see item 1.

Discretionary Releases:

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

Yes, the Lead FOIA Specialist confers with the Chief FOIA Officer, legal counsel and senior staff in order to make determinations as to whether the disclosure of certain records would cause competitive harm, or are security sensitive. The date of exempt responsive records is also used to determine if the passage of time has diminished some of the significance of the record and thereby making it releasable without causing any harm to Amtrak.

Amtrak's FOIA Office is centralized.

5. *During the reporting period did your agency make any discretionary releases of information?*

No.

6. *What exemption(s) would have covered the material released as a matter of discretion? Provide a narrative description, as well as some specific examples of the types of information that your agency released as a matter of discretion during the reporting period.*

N/A see item 5.

7. *Provide a narrative description as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.*

N/A see item 5.

8. *If your agency was not able to make any discretionary releases of information, please explain why?*

Amtrak provided full releases to some requests. Due to the nature of Amtrak's records, we did not have the opportunity to make any discretionary releases this fiscal year. Some of the information that was withheld could not be disclosed without causing competitive harm, invasion of privacy, and law enforcement information.

Other Initiatives:

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

If any of these initiatives are online, please provide links in your description.

Amtrak often receives requests for records that are not clearly defined. In such cases, the Lead FOIA Specialist reaches out to the requester to help clarify requests for records and often provides information, which may help the requester in obtaining the records they are seeking.

II. Steps taken to ensure that Your Agency has an Effective System for Responding to Requests

Processing Procedures:

1. *For Fiscal 2015 what was the average number of days your agency reported for adjudicating requests for expedited processing?*

Amtrak took 5.17 days to adjudicate requests for expedited processing.

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 see item 1.

3. *On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.*

Amtrak has been in compliance with OIP's guidelines regarding "still interested" inquiries.

Requester Services:

4. *Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency in this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also call on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes?*

Amtrak's FOIA Office also serves as the Service Center. The Lead FOIA Specialist and FOIA Assistant provide status updates to requesters regarding the processing of their requests. Requesters are responded within 1 day regarding questions regarding their request. The FOIA Office has also started to inform requesters in the acknowledgement letters as to what track their requests will be placed in and an explanation is given as to how the processing time relates to each track (i.e., simple, complex and expedited). In order to eliminate long wait times for extremely long and complex requests, the FOIA Office informs requesters that they will be provided with interim responses. Requesters are usually in agreement with this approach.

5. *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 Lead FOIA Specialist periodically meets with the Chief FOIA Officer to discuss improved search procedures, such as, making sure that Amtrak personnel provide all departmental contacts for requested records, as well as setting timeframes for employees to respond to the FOIA Office. Amtrak's FOIA system operates efficiently and the FOIA Office usually goes beyond a "reasonable search" to locate records.

III. Steps Taken to Increase Proactive Disclosures

1. *Describe your agency's process or system for identifying "frequently requested" records required to be posted online, under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for processing.*

The FOIA Office makes decisions regarding the disclosure of frequently requested records and departments are notified. Records are reviewed and a determination is made as to whether the records would be of public interest. For example, Amtrak received multiple requests for its Procurement Manual. A copy of the manual was posted on Amtrak's Procurement website: <https://procurement.amtrak.com>.

Lately, Amtrak has not received a lot of requests seeking the same records.

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 process or system.*

Amtrak departmental senior staff reviews all information (i.e., monthly performance reports, Congressional testimonies, environmental reports,

business plans, audits etc.) and makes determinations regarding proactive disclosure. Amtrak departments make these decisions without the involvement of the FOIA Office. This information is provided as a public service.

3. *When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting?*

No it is not.

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

No.

5. *If so, briefly explain those challenges.*

N/A see item 4.

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

Amtrak has a user friendly website, which contains some of the latest information regarding the Northeast Corridor, Amtrak's Business Plans, and the Passenger Rail Improvement and Investment Act (PRIIA). Also posted is information regarding finances, performance, legislation, environmental issues and Amtrak's operations.

Amtrak realizes how the public uses social media to stay up to date on what's going on and therefore has created Instagram, Facebook, Google, Twitter accounts. Amtrak also has a blog where information is provided. The public is able to connect and ask questions, keep track of train operations, apply for jobs as well as find out about the best travel destinations. Amtrak also has a mobile app that the public can use to purchase tickets.

The above referenced information can be found at www.amtrak.com, click on "About Amtrak" located at the bottom of the screen.

Listed below is some of the more recent information which has been posted on the above-referenced website:

Amtrak National Facts
State Economic Impact
State Fact Sheets – Fiscal Year 2015

Strategic and Financial Plans

- FY14 Budget, Business Plan, FY15 Budget Justification and FY14-18 Five Year Financial Plan
- Amtrak Fleet Strategy – Version 3.1
- Fiscal Year 2014-2018 Five Year Strategic Plan

Grants and Legislative Requests

- FY16 Grant Legislative Request

Monthly Performance Reports

- Monthly Performance Reports for April 2015 through November 2015

Congressional Testimonies during FY15

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

Amtrak has Facebook, blogs, twitter and Instagram accounts that it uses to provide information to the public, in addition to media press releases.

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

N/A see item 7.

IV. Steps Taken to Greater Utilize Technology

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?*

Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

As stated in item 6 above, Amtrak's Instagram, Facebook, Google, Twitter accounts, Blog (Amtrak Blog) and mobile applications allows interaction with the public. Since Amtrak's website is also customer/passenger oriented, Amtrak teamed up with Google to create an interactive train locator map, which is located on www.amtrak.com.

Additionally, Amtrak has a section on its website that's called "Browse Topics," which lists reports and data regarding Amtrak. The user is able to select a topic of interest without searching the entire website.

Outside media are also given direct contact information for Amtrak's Media personnel.

On Amtrak's Procurement website, the public is able to select a state and find out if there are any bid solicitations for that particular area.

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

See item 1.

If your agency is already posting material in its most useful format, describe these efforts.

See item 1.

3. *Did your agency successfully post all four quarterly reports for Fiscal Year 2015?*

Yes.

4. *If your agency did not successfully post all quarterly reports, with information on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2016?*

N/A see item 3.

5. *Do your FOIA agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?*

Yes, Amtrak's FOIA professionals communicate via e-mail and fax.

6. *If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?*

N/A see item 5.

V. Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

Simple Track Requests:

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

Yes.

2. *If so, for your agency overall, for Fiscal Year 2015 , was the average number of days to process simple requests twenty working days or fewer?*

No.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track?*

22.18%

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 see item 1.

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 2014?*

No. FY15 Backlog of Requests - 33
FY14 Backlog of Requests - 10

6. *If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.*

In FY15 Amtrak received an approximately 29% increase in requests in comparison to FY14. Many of these requests (approximately 34) were in response to the Amtrak Train 188 accident that occurred on May 12, 2015 in Philadelphia. A majority of the requests were highly complex and required the FOIA Office to communicate with different components of the corporation.

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 2015.*

12.84%

Backlogged Appeals:

8. *If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

Backlog of appeals for FY15 decreased at the end of FY15.

FY14 Backlog of appeals: 5

FY15 backlog of appeals: 4

9. *If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog.*

N/A see item 8.

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 2015. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with "N/A."*

66.67%

Ten Oldest Requests:

11. *In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual Report?*

No.

12. *If no, please provide the number of these requests your agency was able close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 Annual Report?*

6.

13. *Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?*

No requests were withdrawn.

Ten Oldest Appeals:

14. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Amtrak was not able to close all 5 pending appeals.

15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close please indicate that.

In FY15 one (1) appeal was closed from FY14.

Ten Oldest Consultations:

16. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Amtrak did not have any pending consultations for FY14.

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total consultations to close, please indicate that.

N/A see item 16.

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

Amtrak received a 29% increase in requests in FY15. Many of these requests were complex and required, in some instances, the processing of large amounts of records.

There were no consultations for FY15.

Amtrak processed three (3) highly complex appeals in FY15. The appeals required input from various Amtrak offices as well as the review of large amounts of records.

19. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent,

please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending

N/A see item 16.

20. *If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 16.*

The Appeals Officer is currently working on the appeals and currently some decisions have been made to reprocess the requests with the agreement of the requester.

Four of the 10 oldest requests had large amounts of records that had to be processed. Requesters were provided with interim responses. The final interim responses for these requests will be provided this fiscal year, thereby closing 4 of the requests. The FOIA Office is also currently working on the remaining requests and records will be closely reviewed to see if discretionary releases can be applied. In addition, some information has recently been made public, (i.e., Positive Train Control information), which is now available to the requesters.

Use of FOIA's Law Enforcement Exclusions

1. *Did your agency invoke a statutory exclusion, 5 U.S.C. § 552©(1), (2), (3), during Fiscal Year 2015?*
- No, Amtrak did not invoke a statutory exclusion during Fiscal Year 2015.
2. *If so, what was the total number of times exclusions were invoked?*

N/A see item 1.