

NATIONAL RAILROAD PASSENGER CORPORATION

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# FOIA Report and Plan Under Executive Order 13,392

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# NATIONAL RAILROAD PASSENGER CORPORATION

## FOIA PLAN UNDER

### EXECUTIVE ORDER 13,392

#### A. NATURE OF AMTRAK'S FOIA OPERATIONS

The National Railroad Passenger Corporation (Amtrak) is a federally-funded, private corporation subject to the Freedom of Information Act (FOIA) by statute. Amtrak provides intercity rail passenger service at over 500 stations in 46 states. It maintains a work force of over 19,000 employees, administrative offices in twenty major U.S. cities, and 14 major mechanical facilities. The Corporation is governed by a Board of Directors and has its own police force and Office of Inspector General (OIG). The Amtrak Reform and Accountability Act of 1997 mandates that Amtrak operate like a business. Because of its unique nature, the Corporation has FOIA issues that differ from those of a federal agency.

Amtrak has two components that process FOIA requests. The Office of the Inspector General (OIG) recently assumed responsibility for processing records involving requests for OIG and internal audit records. There has been only one request for OIG records in the past three reporting periods. Other requests are processed by Amtrak's FOIA office located at its corporate headquarters in Washington, D.C. This office has processed in excess of 200 FOIA requests annually during fiscal years 2003, 2004, and 2005. Provided below is information regarding the number of requests received and processed during this time period.

<b>Data on Initial Access Requests</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
No. of FOIA Requests Received	178	223	206
No. of FOIA Requests Processed	203	230	208
No. of FOIA Requests Pending at Year End	23	16	14
Reduction in Pending FOIA Requests over Prior Year	52%	30%	12.5%

**Chart A**

Amtrak's staff at corporate headquarters is comprised of two part-time FOIA Officers. Approximately 60 percent of the FOIA staff's time is dedicated to FOIA administration. Other duties of the FOIA staff are related to Amtrak's Board of Directors. With respect to OIG records, a staff attorney is responsible for processing FOIA requests and responding to appeals.

## B. AREAS SELECTED FOR REVIEW

Amtrak identified the following as potential areas for improvement and undertook a review of each area. The findings are reported in “C” below.

- Customer Relations/Communications
- Reading Room Materials/FOIA Web Page
- Training
- Backlog Reduction/Elimination
- FOIA Processing
- Use of Information Technology
- Annual FOIA Report, FOIA Handbook, and Amtrak FOIA Regulations
- Automated Tracking of Requests

## C. NARRATIVE STATEMENT SUMMARIZING THE RESULTS OF THE REVIEW

**Customer Relations/Communications:** Amtrak’s FOIA Office is customer-oriented and routinely takes steps to assist requesters and others as demonstrated by the following examples. When contacted prior to submission of a request, the FOIA staff consults with requesters and informs them of the required elements of a valid request. In its response letters, Amtrak invites both requesters and submitters of information to contact the FOIA Office with questions or concerns regarding the FOIA process. The FOIA staff also offers suggestions for restructuring or clarifying requests in response letters. On a number of occasions, the FOIA Office has set up conference calls with Amtrak field personnel, the FOIA staff, and the requester to provide assistance in formulating a request. The FOIA Office also coordinates with other offices at Amtrak when there are issues that could be addressed outside the FOIA arena. When the FOIA Office receives misdirected letters that are not proper FOIA requests (travelers seeking refunds, customer complaints, etc.), steps are routinely taken to forward such letters to the proper recipient, and the requesters are sent a letter informing them of the action taken. As result of contact information posted on Amtrak’s web site, the FOIA Office receives numerous calls that are not FOIA related. Such calls are redirected to appropriate parties at Amtrak.

Amtrak receives relatively few calls from its requesters concerning the status of their requests. In accordance with Executive Order 13,392, however, Amtrak has designated a Chief FOIA Officer and FOIA Public Liaison and has established a FOIA Requester Service Center. Contact information for the Service Center and these individuals has been posted on Amtrak’s FOIA web site. To further facilitate communications between Amtrak and FOIA requesters, each requester will receive a card containing the names and contact information for the FOIA Officers, the FOIA Requester Service Center, and the FOIA Public Liaison. For ease of reference, each requester will also be provided with a number that readily identifies his/her request.

Amtrak plans to document calls to the Service Center to ensure that the requester receives accurate and timely information. This documentation will be reviewed by the FOIA Public Liaison at monthly intervals so that any areas requiring improvement can be identified, and action promptly taken.

The FOIA Office accepts FOIA requests via U.S. Mail, express mail, fax, and e-mail. The FOIA Office will respond to the requester in the same mode unless it is not practical (i.e., voluminous responsive records). It has been Amtrak’s experience that requests submitted via e-mail are often not complete and require further communication with the requester. During the coming year, however, Amtrak will give further consideration to this means of communicating with the requester.

**Training:** As noted above, Amtrak’s corporate FOIA Office is staffed by two FOIA Officers, one of which has over twenty years experience and the other entered the field in June 2005. The Assistant FOIA Officer has undergone extensive one-on-one training and has attended a number of seminars conducted by the Department of Justice (DOJ). An in-depth knowledge of the Act, FOIA case law, Amtrak FOIA regulations, and the FOIA administrative process is essential for accuracy in processing FOIA requests and achieving maximum program efficiency. Amtrak therefore plans to continue its in-house training program. In addition, the FOIA staff will attend training programs offered by the Department of Justice (DOJ) and the American Society of Access Professionals (ASAP) to enhance their knowledge of the FOIA.

**FOIA Processing and Backlog Reduction/Elimination:** Amtrak has made steady progress in reducing the number of FOIA requests pending at year end. (Refer to Chart A.) Provided below in Chart B is information regarding Amtrak’s median response time for the past three years. The number of simple requests processed by Amtrak increased by 24 percent from FY03 to FY05, while the median response time remained unchanged. (Refer to Chart B) The median processing time for complex requests in FY04 remained unchanged from prior year despite a 12.3 percent increase in the number of requests processed. In FY05, the median processing time for complex requests decreased by 28.5 percent. (Refer to Chart B)

<b>Data on Requests Processed</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
Number of Simple Requests Processed	41	48	51
Median Processing Time in Business Days	1	1	1
Number of Complex Requests Processed	162	182	155
Median Processing Time in Business Days	21	21	15
Number of Expedited Requests	0	0	2
Median Processing Time in Business Days	--	--	19
Total Requests Processed	203	230	208

**Chart B**

The complexity of information sought in requests submitted to Amtrak has been steadily increasing as requesters become more and more knowledgeable of information that they can obtain under FOIA. Responsive records have ranged in volume from one page to 2.5 million pages. Amtrak's processing time is also impacted by the fact that the vast majority of responsive records are located in Amtrak field offices and facilities. The FOIA Office must rely on field personnel with other duties to conduct the searches. Approximately 20 percent of Amtrak's FOIA requests seek procurement records. These requests significantly impact Amtrak's response time due to the fact that requesters often submit FOIA requests prior to completion of the award process. Also impacting the response time for procurement-related requests is the time required for submitter notification.

To reduce Amtrak's processing time, the FOIA Office plans to shorten field office target dates specified in search memos. In addition, Amtrak plans to inform key field personnel of the requirements of the Executive Order in order to gain their cooperation in responding to FOIA requests as quickly as possible. The FOIA Office staff will also meet monthly to identify any actions that can be taken to reduce processing time.

In order to comply with requirements of the Executive Order in regard to backlog reduction, Amtrak plans to reduce the number of pending requests at the end of the FY06 by ten percent and an additional ten percent in FY07.

**Use of Information Technology:** In the coming year, Amtrak plans to move forward with automated processing of its FOIA requests, which include scanning and electronic redaction of documents. A description of the steps to be taken is provided in the plan.

**Reading Rooms and Web Site:** Amtrak undertook a review of its web site and discovered that some of the documents posted are only partially visible or are difficult to read as result of conversion to the web site. These documents will be reformatted and re-posted to the web site. Amtrak has already taken steps to ensure that all documents posted on its web site are compliant with the Americans with Disabilities Act (ADA).

Amtrak is in the process of making major changes to its information systems. It is also conducting an assessment of its electronic information systems, which is due to be completed in the fall. The FOIA Office will work with Amtrak Technologies (AT) to update its listing of major information systems and will make the revised list publicly available in its reading rooms.

The Corporation has undertaken an extensive update of its policies. Any new policies that pertain to the public will be posted on the web site.

The FOIA Office plans to take steps to meet FOIA requirements in regard to maintaining a "traditional reading room" by making all documents generated after 1997 electronically available by providing a computer with access to its electronic reading room. An assessment will be carried out on a quarterly basis to ensure that reading room materials are current, and relevant documents are posted.

Finally, the FOIA Office will undertake a review of Amtrak's web site with Amtrak's Web Master to evaluate whether it has a user-friendly format and navigation tools.

**Automated Tracking of Requests:** Amtrak procured and implemented an off-the-shelf system for tracking FOIA requests and generating reports in 2005. An upgrade to the system software is due to be released in the near future. The Implementation Plan will include milestones for testing and installing the new software as well as the training of Amtrak personnel.

**FOIA Annual Report, FOIA Handbook, and Amtrak FOIA Regulations:** Amtrak undertakes a review of its *FOIA Annual Report* in an effort to make it more customer-friendly during the course of its preparation each year. As result, definitions and acronyms have been added to the report and/or clarified and formatting changes made to make the report easier to read. The FY06 Annual FOIA Report will be updated to include data required by the Executive Order as well as definitions related to the Executive Order.

Amtrak's *FOIA Handbook* was extensively revised in March 2004. It includes information regarding Amtrak's reading rooms, instructions regarding how to make a proper FOIA request, Amtrak's fee structure, fee waiver criteria, the appeal process, descriptions of FOIA exemptions, and information regarding Amtrak's multi-track processing system and the time frame for FOIA responses. *The Handbook* will be updated, however, to provide the public with information concerning Executive Order requirements.

*Amtrak's FOIA Regulations* were updated in 1998 to reflect requirements of the *Electronic Freedom of Information Act Amendments of 1996*. Amtrak plans to update its regulations to incorporate a revised fee structure, provide an updated description of the Corporation, etc.

#### **D. Areas Selected for Improvement in Amtrak's Plan**

To enhance Amtrak's efficiency in processing FOIA requests and its communications with FOIA requesters, Amtrak has selected the areas listed below to address in its Improvement Plan:

1. Customer Relations/Communications
2. FOIA Staff Training
3. FOIA Processing and Backlog Reduction/Elimination
4. Use of Information Technology
5. Reading Room Materials/FOIA Web Site
6. Automated Tracking of Requests
7. FOIA Annual Report, FOIA Handbook, and Amtrak FOIA Regulations

## E. Improvement Area Plans

Provided below are the steps that Amtrak plans to take to improve its FOIA operations and communications with FOIA requesters:

### 1. Customer Relations/Communications

<b>1a. FOIA Requester Service Center</b>	
<b>Goal:</b> To ensure that FOIA requesters receive accurate and timely information from the FOIA Requester Service Center.	
<b>Target Completion Date:</b> 9/30/06 and continuing thereafter.	
Steps	Milestone Completion Dates
Develop a process that documents calls received by the FOIA Requester Service Center and the review of such documentation by the Public Liaison Officer.	8/31/06
Initiate a process for tracking calls from FOIA requesters to the Requester Service Center.	8/31/06
Initiate the review of FOIA Requester Service Center documentation at monthly intervals by the FOIA Public Liaison with follow-up action as required.	9/30/06 Ongoing

<b>1b. FOIA Requester Communications</b>	
<b>Goal:</b> To improve communications with FOIA requesters as emphasized by Executive Order 13,392.	
<b>Target Completion Date:</b> 9/30/07	
Steps	Milestone Completion Date
Initiate a process whereby each FOIA requester is provided with a card containing contact information for the FOIA Officers, the FOIA Requester Service Center, and the FOIA Public Liaison.	10/1/06
Initiate a process whereby each FOIA requester is provided with a FOIA request identification (ID) number for ease of reference.	10/1/06
Evaluate the use of the internet as a means of communication between FOIA requesters and Amtrak's FOIA Office.	9/30/07



## 2. FOIA Staff Training

**Goal:** To maintain a highly-qualified FOIA staff so that requests are processed accurately in the shortest time possible.

**Target Completion Date: 9/30/07 and continuing thereafter.**

Steps	Milestone Completion Date
Review and critique of each FOIA request processed by the Assistant FOIA Officer.	Ongoing
Attendance of Assistant FOIA Officer at least two FOIA training sessions sponsored by the Department of Justice.	7/31/06
Attendance of the FOIA staff at the FOIA Guide Seminar sponsored by the Department of Justice.	12/19/06
Attendance of the FOIA Staff at least two meetings and/or seminars of the American Society of Access Professionals (ASAP).	9/30/07

## 3. FOIA Processing and Backlog Reduction/Elimination

**Goal:** To reduce the response time for requests submitted to Amtrak.

**Target Completion Date: 9/30/07**

Steps	Milestone Completion Date
Inform key field personnel of requirements of the Executive Order in order to gain their cooperation in providing responsive records in the shortest time possible.	7/31/06
Shorten the target dates specified in memos sent to Amtrak field personnel responsible for conducting searches for records responsive to FOIA requests.	7/31/06
Initiate monthly meetings of the FOIA Staff to discuss ways of reducing FOIA request processing time and take action where appropriate.	7/31/06, 8/31/06, and continuing thereafter
Reduce the number of pending FOIA requests at the year of FY06 by 10 percent over prior year and by the same amount in FY07.	9/30/06 9/30/07

#### 4. Use of Information Technology

<b>Goal:</b> To enhance the efficiency of FOIA processing and improve the quality of the final product through the implementation of electronic redaction.	
<b>Target Completion Date: 12/30/06</b>	
Steps	Milestone Completion Date
Review requirements for multi-page scanning equipment to determine compatibility with redacting software.	10/30/06
Install and test the scanning equipment.	11/30/06
Train FOIA staff in the scanning and redacting process.	12/07/06
Implement process for scanning documents and electronic redaction of exempt material.	12/30/06

#### 5. Reading Room Materials/FOIA Web Site

<b>Goal:</b> To make more information available to the public and to improve Amtrak's web page.	
<b>Target Completion Date: 6/30/07 and continuing thereafter.</b>	
Steps	Milestone Completion Dates
Revise all documents currently posted on web site that require reformatting.	8/31/06
Repost reformatted documents on the web site.	9/30/06
Set up a computer terminal with access to Amtrak's web site to provide visitors to Amtrak's "traditional reading room" with access to such materials.	9/30/06
Refine and update the process for locating and posting subsection (a)(2) reading room documents.	11/30/06
Meet with Amtrak Technologies to identify additional major information systems following assessment of Amtrak's electronic information systems.	1/31/07
Post updated major information system listing to Amtrak's web site.	4/30/07
Complete an in-depth review to ensure that all materials required under subsection 552(a)(2) of title 5, United States Code are posted on the FOIA web site and post any additional documents to the web site.	4/30/07
Initiate a review of Amtrak's web site on a quarterly basis to ensure that information is current and relevant documents are posted.	6/30/07, 9/30/07, 12/31/07, and continuing thereafter

## 6. Automated Tracking of Requests

<b>Goal:</b> To enhance Amtrak's ability to track FOIA requests and generate reports.	
<b>Target Completion Date:</b> 3/31/07	
Steps	Milestone Completion Date
Receipt of new version of software from vendor.	8/31/06 *
Consult with Amtrak Technologies (AT) concerning the testing and implementation process.	9/30/06
Initiate testing of the new version of the software on Amtrak's network.	10/31/06
Full-scale implementation of the new version of the FOIA request tracking system.	3/31/07

\*Projected date: This date and subsequent dates may be changed if the software is not received by this time.

## 7. FOIA Annual Reports, FOIA Handbook and Amtrak FOIA Regulations

<b>Goal:</b> To ensure that Amtrak's FOIA materials are <b>up-to-date</b> .	
<b>Target Completion Date:</b> 5/31/07	
Steps	Milestone Completion Date
Revise the Annual FOIA Report to include data and definitions related to the Executive Order 13,392.	1/31/07
Revise Amtrak's FOIA Handbook to include information regarding the Executive Order and other changes to make it more user-friendly.	3/1/07
Revise Amtrak's FOIA Regulations.	5/31/07