



Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

PENSION BENEFIT GUARANTY CORPORATION

2022

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 single, 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 34 million people in about 25,000 single-employer and multiemployer pension plans that could not pay promised benefits. PBGC pays approximately \$5.8 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

¹ See PBGC Customer Service Fact Sheet: <https://www.pbgc.gov/about/factsheets>



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.

SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS

The guiding principle underlying DOJ's [FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

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

B. FOIA Training

3. 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.

At PBGC, 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.

In calendar year 2021, the PBGC held or attended 25 training sessions. PBGC conducted twenty sessions internally and they are described below:



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| <i>Training Sessions</i> | <i>Topics Covered</i> | <i>Dates Administered</i> |
|--|--|--|
| Division (Internal) Training: The Division conducts periodic training on a variety of topics to ensure efficient and accurate processing of FOIA requests. | Differentiating the Request Process | March 3, 2021 |
| | Touhy Letters | March 10, 2021 |
| | QDRO Processing | March 17, 2021 |
| | Sierra Club & Effect on FOIA Exemption (b)(5) | May 12, 2021 |
| | FOIA Requests Special Circumstances; Looking Beyond the Words | May 19, 2021 |
| | Fee Waivers | May 26, 2021 |
| | Referrals, Consultations, and Coordination | June 2, 2021 |
| | Advanced Writing | July 27, 2021 |
| | Disclosure Division New Employee Training | October 6, 2021 |
| | Building Consistency-Case Management | October 13, 2021 |
| | Processing American Rescue Plan Act of 2021 Privacy Review | October 20, 2021 |
| | Discussion of FY 2022 Disclosure Business Model | November 3, 2021 |
| | Privacy Act: Routine Use | November 10, 2021 |
| | DOJ New Guidance on Exemption 5 of the FOIA and the Deliberative Process Privilege | November 17, 2021 |
| | Best Answer Approach Training | January 5, 2022 |
| Disclosure Division's Business Model and Processes | January 12, 2022 | |
| Corporate (agency-wide) Training: The Division conducts agency-wide corporate training. Training is provided at all new employee orientations and is targeted toward program offices. | Overview of FOIA to PBGC's New Hires | March 17, 2021 June 16, 2021 September 15, 2021 December 15, 2021 |
| | Searching for responsive records using Boolean search terms. | December 6, 2021 |

4. 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.

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

The Disclosure Division developed, conducted, and attended twenty-five training events and programmatic discussions. This is not inclusive of the instructive FOIA discussions with Program Offices required to process complex requests.

The training topics focused on emerging FOIA case law, statutory procedural requirements, application of exemptions/exceptions and exclusions as they relate to various forms of Privacy/FOIA requests that are both federally universal and PBGC specific. These topics are listed in the above chart under B.3.

Below is a list of the five Department of Justice (DOJ) trainings attended by PBGC FOIA personnel.

| | | |
|-----------------------|--|------------------|
| DOJ Trainings: | An overview of the requirements for protecting trade secrets, certain commercial and financial information, and the submitter notice process, discussion of incorporating civil discovery privileges into the FOIA | June 2, 2021 |
| | New OIP Guidance & Resources | July 15, 2021 |
| | Freedom of Information Act Procedural Requirements and Practical Approaches to Fee Determinations | July 21, 2021 |
| | Annual FOIA Report Refresher and Quarterly Report Training | October 5, 2021 |
| | Chief FOIA Officer Report Refresher Training | October 19, 2021 |

6. 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 attended substantive FOIA training during this reporting period.

7. 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.

C. Outreach

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?

Yes. All PBGC employees were required to complete the virtual course Records Management in Fiscal Year 2021.

9. Did your FOIA professionals engage in any outreach or dialogue 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. The PBGC remains engaged in outreach and dialogue with the requester community and public/private groups regarding its administration of the FOIA, throughout the fiscal year. The Disclosure Division’s staff assisted the requester community by communicating with requesters through mail, phone, fax, and email. These communications include responding to status requests, providing instructions on how to make FOIA requests and directing inquiries remaining after the Disclosure Division’s role is completed.

The Disclosure Division continues to experience an increase in phone calls from PBGC’s participant population, beneficiaries, third-party requesters, and internal end-users due to the COVID-19 Pandemic. While many of these calls are not related to the FOIA process, the Disclosure Division connects callers with resources regarding pension benefits.

This dialogue has led to improvements in the PBGC’s FOIA administration and enhances PBGC’s citizen-centered and customer-friendly service. With most of the disclosure determinations now delivered electronically, requesters receive responses in an efficient and timely manner. The Disclosure Division continues to make accommodations for requesters that do not have electronic access.



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D. Other Initiatives

10. 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?

The PBGC provides FOIA training to all new hires (federal employees and contractor employees) during their initial "New Hire" orientation. The Disclosure Division works concurrently with the Field Benefit Administrators, the Customer Call Center, and the Document Management Centers to respond to high-volume requests, such as income verification requests from PBGC participants. As a result, these non-FOIA personnel can identify and appropriately re-direct various types of FOIA and Privacy Act requests that they routinely encounter.

During the past year, the division organized trainings and briefings with Senior Leadership on the agency's responsibilities under the FOIA. The Disclosure Division closely collaborates with the Participant Services Department (PSD). The Disclosure Division collaborates with PSD to ensure participants are aware of their right of access to their records and benefit calculations and resolve participant inquiries. PBGC FOIA personnel frequently meets with non-FOIA personnel to assist with processing a FOIA request. This collaboration includes discussing the statutory requirements of the Privacy Act and FOIA.

11. 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: STEPS TAKEN TO ENSURE THAT YOUR AGENCY HAS AN EFFECTIVE SYSTEM IN PLACE FOR RESPONDING TO REQUESTS

DOJ's [FOIA Guidelines](#) emphasize that “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.” It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

1. For Fiscal Year 2021, 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 2021 Annual FOIA Report.

6.7 days.

2. 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 2021 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. The PBGC's average number of days to adjudicate requests for expedited processing was less than ten calendar days.

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

Yes.

4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to

maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

Yes. The Disclosure Division reviews FOIA SOPs throughout the fiscal year and updates SOPs to address new policies and procedures.

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.

N/A.

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

Yes. There are alternative means of access to some first-party requested records outside of the FOIA process.

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.

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/mytpba, 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.

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing, and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.

The Disclosure Division conducts a self-assessment of its FOIA administration at the end of each fiscal year. The division reviews the Annual Report and weekly reviews data from the division's FOIA processing tool to improve timeliness and efficiency.

The Disclosure Division reviews and amends its team-based business model for efficiency annually. In the team-based model, each team is responsible for a category of requests. During the annual business model review, the Disclosure Division reassigns categories of requests, develops new categories of requests,

and discusses how to improve processing procedures for consistency. The Division then conducts training throughout the year based upon the new business model. This annual review and training plan allows members of each team to be more proficient in their assigned duties and develop skills to be cross-functional across all the teams.

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 FY 2021 (please provide a total number or an estimate of the number).

The Disclosure Division estimates that requesters sought assistance from the FOIA Public Liaisons approximately 8 times.

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

needed to respond to current and anticipated FOIA demands?

Yes.

The Disclosure Division regularly reviews the number of incoming requests and the subject matter of requests to identify training topics for current staff members and to determine the appropriate number of staff members needed to perform the job effectively and efficiently.

For example, the Division anticipates an increase in FOIA requests regarding PBGC's Special Financial Assistance Program under the recently enacted ARP. As noted above, that statute established the SFA Program for eligible financially troubled multiemployer plans. It is expected to provide financial assistance to more than 250 eligible plans covering 3 million people. To effectively respond to this anticipated increase, the Disclosure Division hired and assigned a Government Information Specialist to process all ARP-related FOIA requests and proactive disclosures pertaining to the Special Financial Assistance Program.

11. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively.
- Any challenges your agency faces in this area.

For years now, the PBGC has socialized numerous best practices to ensure that its FOIA system operates efficiently and effectively. These best practices have been integral to mitigating challenges relating to the adequacy of searches, performance, training, and outreach. Some of these areas are described below:

- **Senior Leader Support of the FOIA**
The General Counsel and the Deputy General Counsel have supported the Disclosure Division's search initiatives by engaging their peers and promoting compliance at the highest levels of the corporation.
- **Use of Technology (i.e., FOIAonline, SharePoint)**
The Disclosure Division currently uses FOIAonline as its workflow system, allowing requesters to submit requests directly into the workflow system. FOIAonline also works as a repository for information. As such, trends and repeat requests are easily captured. PBGC is fully interoperable with the DOJ Application Programming Interface program, so requesters may submit requests in the centralized location (www.foia.gov).
- **Groundbreaking Training Portfolio**
The Disclosure Division conducts a FOIA overview to all PBGC new hires. It also conducts training to program offices before issuing search requests for the first time or by request. Further it conducts a structured two-week onboarding plan for all division new hires. The Disclosure Division staff conducts weekly training during the last 30-minutes of every staff meeting. Staff members volunteer, select and conduct training on topics they perceive as derailers. This provides a two-fold goal: 1) professional relatedness; and 2) individual responsibility and accountability for professional development.
- **Pass or Fail Performance Metrics**
The Disclosure Division interactively achieved clear objectives and goals in the form of individual performance plans. Employees are held accountable for their performance in four areas that are weighted by grade level: 1) Provides timely and concise responses...; 2) Provides quality analysis...; 3) Teamwork; and 4) Customer Service. The

Disclosure Officer conducts quarterly performance reviews using objective performance data. In addition to an annual performance evaluation, employees are regularly recognized for their achievements throughout the year during weekly staff meetings. PBGC's two-tier performance system: Pass or Fail, which was implemented in FY 2020, has refocused measuring performance effectiveness on concrete, reducing subjectivity around measuring critical skills gaps.

- **Streamlined Quality Assurance Reviews**

Government Information Specialists navigate a streamlined quality assurance process to ensure uniformity and quality assurance. They commence records searches using read-only access to PBGC systems and/or send search requests to record originators no later than the 5th day after the case has been assigned. Record custodians and supervisors must sign the search form upon completion of the search. Responsive records are reviewed, ensuring redactions are aligned with the statute, applicable case law, and relevant PBGC policy and outlined in the determination letter. Most, if not all disclosure determination packages are reviewed at least twice by multiple individuals.

- **Best Answer Approach Model**

The Disclosure Division recognizes that there may be multiple answers or strategies to respond to any one request. The "Best Answer Approach" implies an understanding of the records obtained from the appropriate subject matter expert/record originator, and the disclosure approach must align with applicable statutes and case law with forethought on how the disclosure package would evolve if appealed. The approach also emphasizes the need to fulfill the requests aligned with requester's intentions and purpose and in line with the FOIA. This approach encourages research, communication, and collaboration.

SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

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

PBGC identifies records of substantial public interest, by using its processing tool to identify FOIA requests for the same records. 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/sites/default/files/documents/pbgc-annual-report-2021.pdf>;
- **Guidance for Practitioner's 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>;
- **PBGCs 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>.

PBGC uses both Facebook and Twitter to notify the public of recently released information.

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

Yes, PBGC maintains online databases where the public may access relevant information. For example, the public can search for Pension Plans trusted by PBGC here: <https://www.pbgc.gov/search-trusted-plans>.

The public can also access PBGC Standard Reports, including ERISA 4010 Reports, Projection Reports, Strategic Plans, and Pension Insurance Modeling System Reports, and Multiemployer 5-year Reports here: <https://www.pbgc.gov/news/standard-reports>.

PBGC is now also posting materials regarding the new SFA Program, including instructions, guidance, and FAQs on its website. This also includes copies of applications by plans for SFA and the status of SFA applications. This material can be found here: <https://www.pbgc.gov/arp-sfa>.

4. 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, PBGC is taking steps to make posted information more useful to the public and to its participants. The agency's website is appropriately indexed.

5. 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.

During Fiscal Year 2021, PBGC conducted a content review of the PBGC.gov website. All content pages were streamlined and reviewed for navigation and content to ensure a better user experience. This process included making sure all information uploaded to the website is posted in open, machine-readable, and machine-actionable formats.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Yes. The Disclosure Division advises and collaborates with program offices, public affairs, and communications staff on the disclosure of information of public interest.

During this reporting period, enactment of the American Rescue Plan Act of 2021 (ARP) required PBGC to create a new Special Financial Assistance Program. In concert with the Multiemployer Program, the Disclosure Division reviews Special Financial Assistance (SFA) applications prior to proactive disclosure on PBGC's website.

Optional -- Please describe:

- Best practices used to improve proactive disclosures
- 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.

SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

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 a new tracking and processing tools and other emerging technologies to support its FOIA Program.

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

The PBGC utilizes SharePoint, LeapFile, Rapid Redact, Adobe Acrobat Pro and Microsoft Teams.

SharePoint: SharePoint allows collaborative processing of documents and disclosure determinations.

LeapFile: A secure and encrypted portal to share voluminous records and protected information with requesters. This tool reduces processing time, duplication costs, and is integral to the Division's remote operation.

Adobe Acrobat Pro: This tool allows the PBGC to convert and combine multiple documents across various formats into one document or portfolio for review and redaction. It also provides a uniform and secure format for disclosures. The format also keeps file sizes lower than other formats allowing for easier transmission of electronic disclosures.

Rapid Redact: The PBGC utilizes Rapid Redact whenever redactions must be made. This creates a uniform environment for analysts to make, review, and apply redactions.

Microsoft Teams: The PBGC uses Microsoft Teams to conduct interactive virtual trainings on FOIA related topics and convene meetings to discuss the processing of requests.

3. 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, the PBGC reviewed its FOIA websites during this reporting period to ensure it addressed the elements noted in the guidance.

4. Did your agency successfully post all four quarterly reports for Fiscal Year 2021 on your agency's website and on FOIA.gov?

Yes, the PBGC posted all four quarterly reports for Fiscal Year 2021. PBGC's website links requesters to FOIA.gov to access the quarterly reports.

5. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2022.

N/A. The PBGC successfully posted all quarterly reports for Fiscal Year 2021.

6. 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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.

The raw data from FY 2020 Annual FOIA Report can be found here:

<https://www.pbgc.gov/about/pg/footer/foia/foia-annual-reports>

7. Optional -- Please describe:

- Best practices used in greater utilizing technology
- Any challenges your agency faces in this area

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's FY 2020 and 2021 Annual FOIA Reports.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

Yes.

2. If 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 2021?

Yes, the average number of days to process simple requests in Fiscal Year 2021 was 12.9 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 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.

PBGC estimates the percentage of requests processed in Fiscal Year 2021 and placed in the simple track was ± 58%.

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. PBGC tracks simple requests separately. However, the average number of days to process all non-expedited requests was twenty working days or fewer.

B. Backlogs

When answering these questions, please refer to your Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.A, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

N/A. PBGC did not have a backlog of requests at the close of Fiscal Year 2021. PBGC did not have a backlog of requests at the close of Fiscal Year 2020.

6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

N/A.

7. If your agency's request backlog increased during Fiscal Year 2021, 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.
- Any other reasons – please briefly describe or provide examples when possible.

N/A. PBGC has not had a backlog for the past seven years, nor for Fiscal Year 2021.

8. 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 2021. 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. The PBGC did not have a backlog at the close of Fiscal Year 2021.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, 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 2020?

N/A. PBGC did not have a backlog of appeals at the close of Fiscal Year 2021. PBGC did not have a backlog of appeals at the close of Fiscal Year 2020.

10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

N/A. The PBGC did not have a backlog of appeals in 2021 nor in 2020.

11. If your agency’s appeal backlog increased during Fiscal Year 2021, 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.
- Impact of COVID-19 and workplace and safety precautions.
- Any other reasons – please briefly describe or provide examples when possible.

N/A. The PBGC did not have a backlog of appeals in 2021 nor in 2020.

12. 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 2021. 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 2021 and/or has no appeal backlog, please answer with "N/A."

N/A. PBGC did not have a backlog of appeals in 2021.

C. Backlog Reduction Plans

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 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 2021?

N/A. PBGC did not have a backlog in Fiscal Year 2021; the PBGC was not required to create a backlog reduction plan in accordance with 2020 guidelines.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.

N/A. PBGC did not have a backlog in Fiscal Year 2021. PBGC will continue implementing its corporate-initiated annual backlog reduction plan.

D. Status of Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.



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OLDEST REQUESTS

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report?

Yes, the PBGC closed the ten oldest requests that were pending at the end of Fiscal Year 2020.

16. 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 2020 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

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

17. 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 cultivated a new intake process for incoming FOIA and Privacy Act requests. The Division hired of a full-time intake specialist dedicated solely to uploading new requests to the electronic processing system and conducting an initial review of requests. This allowed the Disclosure Division to immediately address time sensitive issues with requesters and quickly focus on complex processing issues.

TEN OLDEST APPEALS

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report?

Yes, PBGC closed 1 of 1 pending requests from Fiscal Year 2020.

19. 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 VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

N/A.

20. 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 has routinely closed all appeals within the statutory time limit.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report?

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

22. 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 2020 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

N/A.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

N/A. The PBGC did not face any obstacles in closing its ten oldest requests, appeals or consultations.

24. 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. The PBGC closed its ten oldest requests and appeals.

25. 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 2022.

N/A. The PBGC closed its ten oldest requests and appeals.

F. Success Stories

Out of all the activities undertaken by your agency since March 2021 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas, but should not be something that you have reported in a prior year. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- **Helping Beyond FOIA:** The PBGC Disclosure Division is always committed to providing exceptional customer service to requesters. However, the Disclosure Division has consistently served its requesters, often serving beyond responding to the Freedom of Information Act request in response to the pandemic. PBGC's requester population is mature, and some appear to have been overwhelmingly impacted by the pandemic. To assist requester's during these unprecedented times, Government Information Specialists often facilitate phone conferences and virtual meetings with other PBGC program offices. These connections have assisted requesters with interpreting records, obtaining real-time telephonic explanations about benefit determinations, and directing family members of deceased participants to estate assistance.

To achieve this effective system of connecting requesters to resources outside of the FOIA process, Government Information Specialists have leveraged relationships throughout the corporation, maximizing collaborative efforts. These collaborations have benefited requesters and expanded programmatic outreach and awareness efforts, creating greater awareness of individual FOIA compliance and procedural requirements. The Division has also formulated scripts and prescriptive training on communication with requesters, which has greatly improved efficiency in this process.

- **Implementing Resilience and Relatedness:** The Disclosure Division added organizational well-being topics and training exercises to its already virtual and robust training program; some training topics were unrelated to the FOIA. These new training topics included subjects on mindfulness, stress management, personality preferences, writing, critical thinking, case processing lessons learned, and improving IT skills. These training topics proved beneficial to Government Information Specialists desiring improvement of the people-side of FOIA processing. By developing skills required to interact with requesters,

manage increasing caseloads, and work cohesively with new team members has positively impacted the disconnectedness and isolation caused by the pandemic.

- The Division held a virtual Family Feud game, where team members tested their knowledge of the FOIA and the Privacy Act. The exercise served as a fun way to refresh team members' knowledge on the procedural requirements of the FOIA and the Privacy Act, as well as boosted team morale.
- **Maintaining a Zero Backlog with Autonomy:** The Disclosure Division has remarkably continued an eight-year history of ending the fiscal year with no backlogged requests or appeals, even amid a pandemic. The Disclosure Division maintained this achievement despite an increase in the number of complex requests received; virtually training and onboarding numerous team members with less than one year experience, and while operating a fully virtual disclosure operation. During this reporting period, the division processed technically complex and voluminous requests, requiring review and redaction of thousands of records. These requests spanned many subject matters and sometimes required concerted efforts across the entire division.
- The Division's evolving training portfolio coupled with its business model, nicknamed "the Jigsaw," allows employees autonomy and the value of *choice*. Staff member choose their desired team based on perceived strengths of FOIA request types or preferred team-mates. With so many things being out of an employees' control, the Jigsaw promotes autonomy and the sense of *choice*, which appeared to play a huge role in efficiency, effectiveness, comradery and ending the year with no backlog.

