

NATIONAL RAILROAD PASSENGER CORPORATION

Chief FOIA Officer Report

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

MARCH 2013

I. Steps taken to apply the Presumption of Openness

1. *Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?*

The FOIA Office conducted a corporate FOIA training presentation as well as provided individual instruction to employees that stressed the importance of adhering to the rules and regulations of the FOIA.

Did your FOIA professionals attend any FOIA training such as that provided by the DOJ?

Yes, Amtrak’s FOIA Officer and FOIA Assistant attended training conducted by DOJ, and FOIAXpress.

2. *Did your agency make any discretionary releases of otherwise exempt information?*

Yes.

3. *What exemptions would have covered the information that was released as a matter of discretion?*

The information would have been withheld under exemption 5 of the FOIA.

4. *Provide a narrative description, or some examples of the types of information that your agency released as a matter of discretion.*

Amtrak has released witness statements.

5. *Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.*

Amtrak has taken the following steps in ensuring that the presumption of openness is being applied to all decisions involving the FOIA:

When reviewing responsive records, Amtrak’s FOIA Office makes sure that all responsive records have been located.

The FOIA Office makes every effort to disclose the most segregable portions of records in its responses to requesters as well as providing assistance when clarification is needed.

Amtrak also considers the date of responsive records 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.

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

Amtrak has instituted the following system to ensure that requests are responded to effectively:

Incoming FOIA requests are screened by Amtrak's FOIA Office to ensure that all requirements are satisfied. The requests are entered in the FOIA electronic tracking system, which allows the FOIA Officer to keep an accurate count of the number of incoming requests as well as their status. The FOIA electronic system has several capabilities, such as scanning, redacting, producing customized reports as well as Amtrak's FOIA Annual Report.

To ensure that requests are being responded to effectively, the FOIA Officer attends FOIA training hosted by the U.S. Department of Justice (DOJ), which provides guidance on responding to requesters as well as addressing such FOIA-related issues as disclosure, litigation, administration, and instructions on rules and regulations governing the FOIA.

The FOIA Officer references the DOJ FOIA Guide for procedural requirements, exemptions and litigation as well as legal guides for case law in responding to requests. In addition, the FOIA Officer is also supported by the Amtrak Law Department and when appropriate consults with legal counsel in making determinations regarding requests.

1. *Do FOIA professionals within your agency have sufficient IT support?*

Yes. Amtrak's IT Department is often called upon to provide records that are requested in electronic formats, which are not necessarily provided by the FOIA Office. The IT Department also installs the latest updates of the FOIA electronic tracking system and provides assistance with any technical FOIA-related requirements put out by DOJ.

2. *Do your FOIA professionals work with your agency's Open Government Team?*

Amtrak is not a federal agency and therefore does not have an Open Government Team, however congressionally mandated reports are posted on Amtrak's website.

3. *Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA Administration?*

During the FOIA quarterly meeting it was recommended that additional staff be hired for the FOIA Office. As a result, a FOIA Assistant was hired to assist with the administration and processing of FOIA requests.

4. *Describe 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 processes, streamlining consultation, eliminating redundancy, etc.*

Amtrak's FOIA personnel have quarterly meetings to discuss such issues as backlog reduction, the use of discretionary disclosures, and timeliness in responding to internal requests for records.

III. Steps taken to Increase Proactive Disclosures

1. *Describe the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples.*

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). Amtrak has also posted information regarding finances, performance, legislation, environmental issues and Amtrak's operations.

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 Amtrak's website:

1. Northeast Corridor Vision and Plans
Washington Union Station Master Plan Executive Summary –
July 25, 2012

The Amtrak Vision for the Northeast Corridor – 2012 Update
Report

2. PRIIA Submissions and Reports

FY12 Performance Improvement Plan, Auto Train, Coast Starlight, City of New Orleans, Empire Builder, Southwest Chief – PRIAA Section 210 – September 2012

Update to Congress on Amtrak Accessible Stations Development Program – August 7, 2012

Update on Accessibility and Compliance with the Americans with Disabilities Act of 1990 – May 11, 2012

In addition, Amtrak has its own FOIA website, which posts the latest FOIA Annual and Chief FOIA Officer Reports, FOIA regulations, the FOIA handbook as well as other FOIA-related documents in Amtrak’s FOIA Library.

2. *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, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc?.*

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 to find out if there are any bid solicitations for that particular area. Amtrak has also recently posted its Procurement Manual.

Since the majority of the public visits Amtrak’s website to book reservations for travel, it has been made more convenient whereas customers can use Amtrak’s mobile application to access Amtrak.com. Amtrak also has Facebook and twitter accounts.

Amtrak’s website can also be converted to Spanish, French and German.

3. *If so, provide examples of such improvements.*

See item 2 above.

4. *Describe any other steps taken to increase proactive disclosures at your agency.*

If nonexempt records are requested repeatedly, Amtrak will post those records on its website. An example would be Amtrak’s Procurement Manual, which has just recently been posted.

IV. Steps taken to Greater Utilize Technology

Electronic receipt of FOIA requests:

1. *Can FOIA requests be made electronically to your agency?*

Yes. They can be made via e-mail.

2. *If your agency is decentralized, can FOIA requests be made electronically to all components of your agency?*

Amtrak's FOIA Office is centralized. However, when requests are made to other departments, they are immediately forwarded to the FOIA Office.

3. *Can a FOIA requester track the status of his/her request electronically?*

No requesters cannot track his/her request online.

4. *If so, describe the information that is provided to the requester through the tracking system.*

Not applicable.

5. *In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?*

No.

6. *If your agency does not provide online tracking of request, is your agency taking steps to establish this capability?*

Since Amtrak's FOIA Office is able to provide requesters with immediate up-to-date statuses of their requests through its FOIA tracking system, we are not currently taking steps to establish online capability.

Use of technology to facilitate processing of requests:

7. *Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?*

Yes.

8. *If so, describe the technological improvements being made.*

Amtrak has an electronic email package that does global searches. Amtrak also uses the Share Point software for access to records.

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

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

Yes.

b. *If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer?*

Yes, it was 6.29 days.

c. *If your agency does not track simple request separately, was the average number of days to process non-expedited requests twenty working days or fewer?*

Not applicable.

a. *If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?*

Yes. FY11 Backlog of Requests - 15
FY12 Backlog of Requests - 6

b. *If your agency had a backlog of appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal year 2011?*

Yes. FY11 Backlog of Appeals – 2
FY12 Backlog of Appeals - 1

c. *In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?*

Yes.

d. *In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011?*

Amtrak did not have 10 appeals, however it's oldest appeal was closed.

Request Backlog:

Not applicable – Amtrak had a reduction in backlog.

Administrative Appeal:

Was the lack of reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Not applicable – Amtrak closed its oldest appeal.

Was the lack of reduction in the appeal backlog caused by a loss of staff?

Not applicable.

What other causes, if any, contributed to the lack of a decrease in the appeal backlog.

Not applicable.

If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Use of FOIA's Law Enforcement "Exclusions"

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

No, Amtrak did not invoke a statutory exclusion during Fiscal Year 2012.

2. If, so what was the total number of times exclusions were invoked?

Not applicable – see item# 1.

Spotlight on Success

During the current fiscal year Amtrak hired a FOIA Assistant to help provide support in the FOIA Office. As a result, Amtrak was able to close its 10 oldest FOIA requests, reduce the backlog and process 219 requests. The FOIA Assistant provided assistance with the administrative functions, such as entering requests into the FOIA tracking system, redactions, sending out acknowledgement letters, internal search memos as well as responding to simple requests. This additional staffing allowed the FOIA Officer to spend more time in processing the more complex requests.