

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

MARCH 2011

I. Steps taken to apply the Presumption of Openness

1. *Describe steps taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.*

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

1. In FY10, Amtrak’s FOIA Office provided extensive corporate wide training regarding openness and accountability. The importance of continuing to adhere to President Obama’s memo on openness and transparency when responding to FOIA requests was stressed to Amtrak employees.
2. Amtrak 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.

Answer the questions listed below and include any other pertinent information:

- a. *How have the President’s FOIA Memorandum and the Attorney General’s FOIA Guidelines been publicized throughout the agency?*

The President’s FOIA Memorandum and the Attorney General’s FOIA Guidelines were given out during corporate wide FOIA training.

- b. *What training has been attended and/or conducted on the new FOIA Guidelines?*

In addition to corporate wide FOIA training, the FOIA Officer has attended training at the Department of Justice and the American Society of Access Professionals regarding the new guidelines.

- c. *How has your agency created or modified your internal guidance to reflect the presumption of openness?*

Yes. Amtrak has requested that discretionary disclosures be used whenever possible.

- d. *To what extent has your agency made discretionary releases of otherwise exempt information?*

Amtrak has released records which were determined to be pre-decisional, such as drafts used for producing reports, and on occasion, some financial information.

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

Exemption 5.

- f. *How does your agency review records to determine whether discretionary releases are possible?*

The FOIA Office reviews records and consults with Amtrak's legal counsel to determine whether there can be a discretionary disclosure of certain records without causing any financial harm or resulting in a security risk to Amtrak. Other Amtrak personnel may also be consulted such as the Amtrak Police and Security, Marketing and Finance Departments.

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

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.

2. *Report the extent to which the numbers of requests where records have been released in full and the number of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA report.*

Fiscal Year	Number of full grants	Number of partial grants/partial denials
FY10	50	26
FY09	40	45

Part 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. Additional training has also been provided by the American Society of Access Professionals (ASAP), which hosts training conferences on 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.

Do FOIA professionals within your agency have sufficient IT support?

Yes

Describe the steps you have undertaken to ensure that your FOIA systems operate sufficiently and effectively.

The FOIA Officer and personnel are provided with support from Amtrak's Information and Technology (IT) Department. IT is responsible for installing up-to-date revisions and patches for the FOIA electronic software system..

Amtrak receives numerous FOIA requests from requesters that have asked Amtrak to provide responsive records in particular formats, such as XML, CSV or other computer readable formats. IT is called upon to provide

assistance in conversion of records to the above-referenced formats for release to requesters.

IT is also responsible for posting and updating information on Amtrak's FOIA website.

Describe how your agency's FOIA professionals interact with your Open Government Team?

Amtrak is a private corporation, not a federal agency and therefore does not have an Open Government Team.

Describe the steps your agency has taken to assess adequate staffing is being devoted to responding to FOIA requests.

Quarterly meetings are held to discuss the FOIA backlog and other FOIA-related issues. Additional staff is assigned to assist in processing requests that involve large amounts of records that require extensive review time.

Describe any other steps that your agency has taken to ensure that your FOIA systems operate efficiently and effectively.

Amtrak encourages its FOIA personnel to attend training (American Society of Access Professionals, Department of Justice) and meetings are held to discuss questions and methods to process request efficiently and effectively. Corporate wide training is also held to reinforce openness and transparency.

Part III. [Steps taken to Increase Proactive Disclosure](#)

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, American Recovery Budget Documents, 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 website can be found at www.amtrak.com , click on "Inside 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
 - A vision for High-Speed Rail in the Northeast Corridor – September 10, 2010
 - Northeast Corridor Infrastructure Master Plan – June 4, 2010
2. ARRA Budget Documents
 - Project Description Summary – December 2010
 - Amtrak ARRA Section 1512 Labor Report by Location – September 2010
3. PRIIA
 - An Update on Accessibility and Compliance with the Americans with Disabilities Act of 1990 – October 27, 2010
1. Annual Reports & Consolidated Financial Statements 2010
 - Report on Internal Control Over Financial Reporting – Fiscal Year 2010

In addition, Amtrak has its own FOIA website, which posts the latest FOIA Annual Reports, Reading room materials, FOIA regulations, FOIA handbook as well as other FOIA-related documents.

Has your agency added new material to your agency website since last year?

Yes

What types of records have been posted?

Records regarding finance, high-speed rail, Amtrak performance, and procurement. (See information listed in Part III)

How do you utilize social media in disseminating information?

Amtrak has a Facebook Account as well as a twitter account which keeps the public updated on Amtrak service, marketing, State partnerships, High Speed rail as well as other Amtrak-related information.

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.

Part IV. Steps taken to Greater Utilize Technology

Answer the following targeted questions:

1. Electronic receipt of FOIA requests:

- a. *What proportions of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?*

Amtrak has one component which receives requests electronically.

- b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*

None

- c. *What methods does your agency use to receive requests electronically.*

Requests can be received via e-mail at FOIArequests@amtrak.com and fax.

2. Electronic tracking of FOIA requests:

- a. *What proportions of components within your agency which receive FOIA requests have the capability to process such requests electronically?*

Amtrak's one main component has the ability to track requests electronically through a FOIA-related software system.

- b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*

None

- c. *What methods does your agency use to process requests electronically?*

Amtrak uses a FOIA-related software system to track requests electronically.

3. *Electronic processing of FOIA requests:*

- a. *What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?*

Amtrak's main component has the capability to process requests electronically.

- b. *To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?*

None

- c. *What methods does your agency use to process requests electronically?*

Amtrak uses a FOIA-related software system to process requests electronically.

4. *Electronic preparation of your Annual FOIA Report:*

- a. *What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.*

Amtrak uses a FOIA-specific electronic system to prepare its Annual FOIA report.

- b. *If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology.*

Amtrak is satisfied with its existing system.

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

Address the following elements:

1. *If you have a backlog, report here whether your backlog is decreasing.*

Yes, Amtrak's backlog is decreasing

There were 37 backlog requests at the end of FY10.
The current backlog total is 33.

The reduction should be measured in two ways:

- a. *Numbers of cases, i.e., whether the number of backlogged requests and backlogged administrative appeal that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year.*

The number of backlogged requests increased. There were 10 in FY09 and 37 in FY10, increased by 27%.

There was 1 appeal pending in FY09 and 2 pending in FY10.

- b. *Age of the oldest cases, i.e., whether you closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them did you close.*

The oldest pending request is 1,129 days old.

Four of the ten oldest pending requests were closed in FY10.

There was one (1) appeal pending in FY09.

Five appeals received in FY10.

Two appeals pending for FY10.

Four appeals were closed in FY10.

Answer the following questions and then include any other additional explanation:

- a. *Is the backlog increase a result of an increase in the number of incoming requests or appeals?*

Yes, there was an increase in the number of incoming requests, which took longer to process and often times required the review of large amounts of records.

- b. *Is the backlog increase caused by a loss of staff?*

No

- c. *Is the backlog increase caused by an increase in the complexity of the requests received?*

Yes

- d. *What other causes, if any, contributed to the increase in backlog?*

The complex requests often required the review of large amounts of records. Although some were answered on an interim basis, the requests could not be closed until processing was complete.

Describe steps being taken to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals.

Amtrak has assigned additional staff to assist the FOIA Office in processing requests. This staff will also attend FOIA training.

Answer the following questions and then also include any other steps being taken to improve timeliness.

- a. *Does your agency routinely set goals and monitor the progress of your FOIA caseload.*

Yes. FOIA meetings are held quarterly to discuss the FOIA caseload.

- b. *Has your agency increased its FOIA staffing?*

Existing staff are being trained and assigned to assist with processing requests.

- c. *Has your agency made IT improvement to increase timeliness.*

In addition to keeping Amtrak's FOIA-specific software up to date with recent software revisions, the IT Department also assisted in providing clarification to requesters regarding Amtrak records.

d. Has your agency Chief FOIA Officer been involved in overseeing your agency capacity to process requests?

Yes – the Chief FOIA Officer conducts a quarterly meeting, where issues concerning timeliness, proactive disclosures and other FOIA-related topics are discussed.

Describe a success story that you would like to highlight as emblematic of your efforts.

On extremely complex requests that require electronic records, I have on occasion set up conference calls with the requester and Amtrak's IT Department, whereby they not only were able to narrow down the request but they were better able to explain to the requester what Amtrak could produce in timely manner.