

**U.S. Consumer Product Safety Commission (CPSC)
Chief FOIA Officer Report to the Department of Justice Pursuant to Attorney
General Holder's FOIA Guidelines**

I. Steps Taken to Apply the Presumption of Openness

1. Description

The policy of the CPSC with respect to requests for records is that disclosure is the rule and withholding is the exception. See 16 C.F.R. § 1015.1. All records that are not subject to an exemption are disclosed. Records that are subject to exemption from disclosure are made available as a matter of discretion except when prohibited by law. We have ensured that all staff throughout CPSC apply the policies outlined in President Obama's memorandum dated January 21, 2009 and the Attorney General's FOIA Guidelines. In addition, we have provided specialized training to the professional staff responsible for FOIA request processing in the CPSC's Office of the Secretary, Division of Information Management, and National Injury Information Clearinghouse.

The FOIA professional staff reevaluated the use of the FOIA exemptions regarding the withholding of draft staff memoranda and other draft materials, such as draft press releases or draft staff technical reports. Those types of materials are now generally released with clear markings that they are draft versions.

2. Disclosure Comparisons

The number of full denials based on FOIA exemptions to disclosure decreased to 64 in fiscal year 2009 from 133 in fiscal year 2008 (a decrease of 52%). In fiscal year 2008, the number of full grants was 2880 and the number of partial grants was 247. In fiscal year 2009, the number of full grants was 2690 and the number of partial grants was 366. The total number of full grants and partial grants decreased to 3,056 in fiscal year 2009 from 3,127 in fiscal year 2008 (a decrease of 2%). The application of the FOIA discretionary exemptions (exemptions 5, 7(A), 7(D) and 7(E)) decreased to 340 requests in fiscal year 2009 from 361 requests in fiscal year 2008 (a decrease of 6%).

II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

The CPSC has implemented an electronic FOIA processing application (FOIAXpress) and new document scanning procedures. As a result, the CPSC's entire FOIA process is completely automated from receipt of the request to completion. Representatives for each of the program offices or divisions of the CPSC have been

designated and trained to perform file searching for records under their control. Requests are forwarded electronically to the program offices and responsive information is submitted to the FOIA office electronically as well. FOIA requests received by the FOIA office are logged, assigned a request number or tracking number and electronically forwarded to the appropriate program office for file searching within a few minutes of receipt. In addition to being more efficient, the automated system also provides accountability for all FOIA requests processed because it maintains an activity log which describes all actions and individuals involved with the processing of a request. The records that are processed are maintained in the electronic system and can be easily printed or processed for electronic distribution. The automated system allows for quicker and easier retrieval of previously processed information for future requests for the same information. The FOIA office has an Information Technology Specialist who is dedicated to the maintenance of the FOIAXpress application to assure the system is functioning at all times.

III. Steps Taken to Increase Proactive Disclosures

The CPSC proactively posts all records regarding the agency's activities, briefings and hearings with the exception of legal advice from the Commission's attorneys. These briefing memoranda, information on public hearings and meetings and Records of Commission Actions, which include minutes of decision-making meetings, are posted on the website within days, or sometimes, immediately after the decisions are taken by the Commission. All public statements of Commissioners about substantial matters are posted on the website. The CPSC also posts all information relating to CPSC *Federal Register* notices, including drafts of the notices for regulatory and rulemaking activities, Sunshine Act meeting notices and Paperwork Reduction Act matters. This year the CPSC began to live webcast the Commission public hearings and meetings on the agency's website, www.cpsc.gov, to allow the public to attend the meetings electronically. The hearings and meetings remain on the website to be viewed later by the public.

The Commission posts on its website numerous staff technical reports, summaries of meetings with the public and all of its contracts with the public, as well as, inter-agency agreements. Commission guidance and staff guidance as to the application of new legislation are proactively posted and provided to the public.

Pursuant to the Consumer Product Safety Improvement Act of 2008, Commission is working on a publically available searchable database on reports of harm received from consumers and other stakeholders. This database is scheduled to be up and running by March 2011 and will help the public by providing direct access to reports received by the Commission without a FOIA request. <http://www.cpsc.gov/about/cpsia/sect212.html>

IV. Steps Taken to Greater Utilize Technology

1. Does your agency currently receive requests electronically.
Yes. The CPSC receives requests electronically through its website on its FOIA Online Submission page, <http://www.cpsc.gov/library/foia/foiaonline.html>, by email at several email addresses, including CPSC-FOIA@cpsc.gov and CPSC-OS@cpsc.gov and the addresses of the FOIA Public Liaison Officers, Deborah Acosta - dacosta@cpsc.gov and Lynn Carter - lcarter@cpsc.gov and the FOIA Officer, Alberta Mills – amills@cpsc.gov and the Chief FOIA Officer, Todd Stevenson – tstevenson@cpsc.gov.
2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically
N/A
3. Does your agency track requests electronically
Yes. The CPSC implemented a FOIA processing application (FOIAXpress) and document scanning procedures for processing and tracking purposes. The system is explained in Section II. above. In addition, the records of the agency are being systematically scanned into an electronic filing system (Documentum) that makes file searching and retrieval quicker and more efficient. The records can be retrieved into the FOIAXpress system where the materials can be copied to individual FOIA request files to be reviewed and redacted electronically.
4. If not, what are the current impediments to your agency utilizing a system to track requests electronically.
N/A
5. Does your agency use technology to process requests.
Yes. All FOIA professional staff have been provided with desktop scanning equipment and computer software to expedite the scanning needs of individual cases or requests. Shared scanning equipment is used for large files that need to be processed.
6. If not, what are the impediments to your agency utilizing technology to process requests.
N/A
7. Does your agency utilize technology to prepare your agency Annual FOIA Report.

Yes. The FOIAXpress technology is utilized to prepare the FOIA Annual Report. The application has been designed to provide the necessary information for the request in the format required by the Department of Justice.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report.
N/A

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

1. Back log Status

The backlog of FOIA requests for the CPSC is decreasing. The backlog of requests at the end of fiscal year 2009 was 263 compared to 320 at the end of fiscal year 2008. The number of pending requests at the end of fiscal year 2009 was 343 compared to 373 in fiscal year 2008. The date of the oldest pending request in fiscal year 2008 was July 29, 2004 and the date of the oldest pending request in fiscal 2009 is November 21, 2006. There were no backlogs or pending administrative appeals in fiscal years 2008 and 2009.

2. Backlog Reduction Steps
N/A

3. Steps to Improve Timeliness

As of the end of 2009, staff resources for processing FOIA requests were 10 full time equivalents (FTEs). We have two more pending FOIA Paralegal Specialist positions that are currently in the applicant review or position advertisement phase. Additionally, we have two people on detail performing FOIA request processing. Ongoing customer service training continues for the staff to assist requesters in clarifying their FOIA requests so that they can be processed faster.

FOIA office staff is focusing its efforts on the oldest requests. Most of these requests have been compiled and are in other Commission offices for review. The FOIA office will urge these offices to complete their review in a timely fashion for prompt release and completion of the requests.

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