

National Mediation Board  
Chief FOIA Officer Report 2017  
Chief FOIA Officer- Mary L. Johnson, General Counsel

In 2016, all of the NMB's FOIA professionals attended FOIA training, including FOIA Public Liaison Training and Chief FOIA Officer Training related to the FOIA Improvement Act of 2016. FOIA professionals work together to ensure that requesters receive responses quickly and to communicate with requesters when clarification is needed.

The NMB received 26 requests in 2016 and of these, 14 were full grants. There was only one full denial based on exemptions. There were no administrative appeals in 2016 and the average number of days for a final response was ten days. At the end of the fiscal year, there were no backlogged cases.

In response to the FOIA Improvement Act of 2016, the Public Liaison's information was added to all responses and she has received calls seeking clarification about where to find information not available in NMB records. FOIA professionals have worked with requesters on several occasions to clarify requests. In one instance, FOIA staff worked with a requester when some requested documents might have raised issues under Exemption 4 as confidential business records. The request was amended to avoid the issue and the potential delay in following the processes involved in disclosing such records. The response to the amended request was sufficient and the requestor did not seek further documents.

As part of the process of updating the NMB's FOIA regulations to comply with the FOIA Improvement Act, all processes were reviewed and updated in our regulations. For example, the NMB had previously created a "Frequently Requested Materials" page on its website where documents were placed after being requested more than twice. This procedure has been added to the regulations. The procedure for referring requests to another agency has also been added. During the fiscal year 2016, there was only one opportunity to refer a FOIA request to another agency.

The NMB continued to proactively disclose a number of records on its website. These include all Board determinations, Presidential Emergency Board (PEB) Reports and Public Law Board reports. In addition, the NMB posted all rulemaking materials on its website. Materials can be found at the following links:

- Frequently requested records <http://www.nmb.gov/press-and-contacts/foia/frequently-requested-materials/>
- Determinations <http://www.nmb.gov/services/representation/determinations/>
- Rulemaking Documents <http://www.nmb.gov/services/representation/nmb-information-access-rulemaking/>
- PEB Reports and Law Board reports are on the Knowledge Store <http://knowledgestore.nmb.gov/ks/build.html>

The Knowledge Store continues to be updated to be made more user-friendly. In addition to the reports, it also contains collective bargaining agreements, which are sometimes the subject of FOIA requests.