

Selective Service System
Richard S. Flahavan, Associate Director
Public and Intergovernmental Affairs
2016 Chief FOIA Officer Report

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's 2009 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.

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes, FOIA staff attended the DOJ Best Practices Workshop titled, "Reducing Backlogs and Improving Timeliness".

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

One-half, 50% of the SSS FOIA staff attended training during this reporting period.

3. 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.

SSS is committed to FOIA staff completing training. The FOIA staff consists of two employees for which FOIA is a collateral duty. In spite of limited resources and budget constraints, FOIA staff will continue to take advantage of the excellent DOJ workshop series and posted DOJ OIP training.

Discretionary Releases:

4. Does your agency have a distinct process or system in place to review records for discretionary release?

- *If so, please briefly describe this process.*
- *If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?*

First, the content of each requested record is examined by the program office, FOIA staff and General Counsel to ascertain whether or not record is classified or pertains to national security, commercial and financial information, personal privacy, and information protected by statute. If so, the record is generally not released. However, very, very few requests involve the foregoing categories. Second, each record is carefully reviewed to see if it fits all requirements of the exemption being considered. The age of the document is also looked at to determine if it is outdated and has been superseded by a newer version and is no longer sensitive. On the rare occasion that an exemption may apply, the FOIA staff and the Office of General Counsel determine if a partial release of any portion of the record can be made. FOIA staff looks at each request with a presumption of openness and releases portions of the record when the full release is not possible. Therefore, everything else has been released; in fact, the vast preponderant of requests are satisfied fully. If there were to be an exemption that is subject to discretionary release, it would be reviewed under the foreseeable harm standard. This policy of discretionary releases has been maximized through our centralized system. Since one office handles all FOIA actions, this policy is practiced uniformly.

5. During the reporting period, did your agency make any discretionary releases of information?

No. The agency had no discretionary releases. No discretionary release analysis was required because no exemptions applied and all records were released in full.

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on implementing the President's and Attorney General's 2009 FOIA Memoranda.

Not Applicable.

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

Not Applicable.

8. If your agency was not able to make any discretionary releases of information, please explain why. or example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the

only exemptions that were applied were those that do not lend themselves to discretionary release (i.e. Exemptions 1, 3, 4, 6, 7A, 7B, 7C, 7F).

Agency provided full releases in response to all requests.

Other Initiatives:

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

The Agency is maximizing the presentation of informational print, radio and TV materials on the Agency's website. Additionally, the Agency is able to disseminate information and solicit feedback through social media venues like the SSS Facebook page and YouTube. Both are linked to our website. The Agency uses Twitter as another means of communication and dissemination of information with the public. The public's comments are reviewed and responded to on a continual basis. The public may also contact us through our Information@sss.gov email account linked on our website.

- a. <https://www.sss.gov/media>
- b. <https://www.facebook.com/SSSregistration?ref=ts&fref=ts>
- c. <https://www.youtube.com/user/SelectiveServ?feature=watch>
- d. https://mobile.twitter.com/SSS_gov

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

The Attorney General's 2009 FOIA Guidelines emphasized 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.

Processing Procedures:

1. For Fiscal Year 2015, 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 2015 Annual FOIA Report. Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.

Agency did not have any adjudicating requests for expedited processing.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Not Applicable. Agency did not have any adjudicating requests for expedited processing.

3. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

Not Applicable. Agency did not have a reason to inquire whether a requester was still interested in the processing of his or her request because all requests were answered within the 20 day or less time period.

Requester Services:

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes. If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.

Not Applicable. The agency has had no need to provide this assistance given the low number of requests received and budgetary constraints. However, staff did review DOJ OIP training on FOIA Public Liaisons. If the need should arise, the agency will take steps to train current FOIA staff as a collateral duty FOIA Public Liaison, provided budget funds are available.

Other Initiatives:

5. If there are 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 search processes, eliminating redundancy, etc., please describe them here.

We do conduct customer feedback, internal controls, self-assessments, and other audits; the Selective Service's FOIA system has consistently operated efficiently and effectively with extremely short response times to our customers. While we do evaluate ourselves periodically, any changes must offer programmatic betterments which are feasible and affordable.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President's and Attorney General's FOIA memoranda 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.

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

Information is reviewed to see how often the topic is requested. If it is requested more than a few times, the information is posted on our website or on our Facebook page. FOIA staff solicits information on topics of interest and developing issues from agency staff at all levels on an ongoing basis. With agency staff input, FOIA and PIA staffs post this information on our website and social media venues.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system. Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a)(2) of the FOIA.

Yes. The FOIA staff determines records for proactive disclosures by means of professional judgment, public feedback, review of FOIA requests received, and analysis of correspondence and requests. Consequently, Selective Service

continues to post information about the agency and individuals, policies, plans, and procedures on its public website to inform the public what records and information are available. We already know what types of information will probably be disclosed by category/type. Selective Service has a vast amount of information and records posted on the Agency's internet which affords the public easy and fast access.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall. Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.

The agency recently migrated its old website to a new content management system. Due to the migration, we are currently updating non compliant content to be compliant content. The agency is in the process of adding captions and transcripts to videos and adding descriptive text where appropriate on the website. The SSS website has an entire page to accessibility <https://www.sss.gov/Accessibility> . Time spent completing these efforts is continual and ongoing. Section 508 compliance coding and posting are being handled by our agency's IT professionals.

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No.

5. If so, please briefly explain those challenges.

Not Applicable.

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

Annual Reports to Congress

<https://www.sss.gov/Reports/Annual-Report-to-Congress>

Performance and Accountability Report

<https://www.sss.gov/Reports/Financial-Reports/Performance-Accountability-Report>

Performance Budget Justification

<https://www.sss.gov/Reports-and-Notices/Financial-Reports/Performance-Budget-Justification>

Federal Employee Viewpoint Survey

<https://www.sss.gov/Reports-and-Notices/Human-Capital-Survey>

Annual FOIA Report

<https://www.sss.gov/Portals/0/FOIA/Selective%20Service%20System%20FOIA%20Annual%20Report%202015.pdf>

Chief FOIA Officer Report

<https://www.sss.gov/Portals/0/PDFs/Chief%20FOIA%202015.pdf>

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts. For example, this can be done through social media or with the offering of e-mail subscription services.

Information is constantly updated and expanded and website is updated to make it more user-friendly and easier to negotiate. Information is better grouped – concomitant components are together -- and easier to access. Information on our registration program and board member program are in one location each.

Other Initiatives:

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

Not Applicable.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." 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.

Making Material Posted Online More Usable:

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website? Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Information is constantly updated and expanded and website is updated to make it more user-friendly and easier to negotiate.

2. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.

Information is better grouped – concomitant components are together -- and easier to access. Information on our registration program and board member program are in one location each.

Other Initiatives:

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

Yes, the agency posted all four quarterly reports for FY2015.

4. 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 2016.

Not Applicable.

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications." (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

Yes, agency FOIA staff utilizes e-mail to communicate with requesters. E-mail is the preferred electronic means used.

6. *If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See id.*

Not Applicable.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The President's FOIA Memorandum and the Attorney General's 2009 FOIA Guidelines have 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 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.

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?

No, not applicable. With so few requests, all are handled alike – as simple requests.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

Not Applicable.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

Not Applicable.

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?*

Yes, the average number of days to process all non-expedited requests is twenty working days or fewer.

Backlogs: Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. *If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

Not Applicable. Selective Service had no backlog.

6. *If not, explain why and describe the causes that contributed to your agency not being able 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.*

Not Applicable.

7. *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 2015.*

- *To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of requests received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.*

Not Applicable. Selective Service had no backlog.

BACKLOGGED APPEALS

8. *If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

Not Applicable. Selective Service had no backlog of appeals.

9. *If not, explain why and describe the causes that contributed to your agency not being able reduce 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.*
- *Any other reasons – please briefly describe or provide examples when possible.*

Not Applicable. Selective Service had no backlog of appeals.

10. *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 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A." To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.*

Not Applicable.

Status of Ten 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 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

11. *In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

Not Applicable; there were no old requests which were held over from FY 2014.

12. *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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had*

seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.

Not Applicable. Selective Service had no old requests held over from FY2014.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

Not Applicable.

TEN OLDEST APPEALS

14. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Not Applicable. Selective Service had no old appeals pending from FY2014.

15. 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 VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

Not Applicable.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Not Applicable. Selective Service had no consultations pending.

17. 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 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

Not Applicable.

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

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

Not Applicable.

19. 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.

Not Applicable.

20. 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 2016.

Not Applicable.

Use of the FOIA's Law Enforcement Exclusions

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

No. Agency did not invoke a statutory exclusion.

2. If so, please provide the total number of times exclusions were invoked.

Not Applicable.

Success Story

This past year, Selective Service was able to grant all full requests, with no appeals, exclusions, or backlogs. All requests were completed in less than 20 days. We believe that by our social media efforts with Facebook, YouTube and Twitter, we have been able to increase transparency and open government thereby reducing the number and types of FOIA requests. The Agency has also increased the amount of subject matter covered on our website and will continue to do so.