

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

Chief FOIA Officer Report



Office of Support Operations

March 11, 2015

Content of 2015 Chief FOIA Officer Report

Chief FOIA Officer: Barry Walters, Director of Support Operations

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

FOIA Training:

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

Training can include holding an agency-wide FOIA conference, holding a seminar on a particular FOIA topic, or provided training to FOIA or agency staff during a staff meeting, among other types of training. However, the training provided should be substantive and should cover the application of the law and policy.

Yes.

2. If yes, please provide a brief description of the type of training conducted and the topics covered.

Within the reporting period, attorneys from the Department of Justice came to the SEC and conducted training that focused on the nine FOIA exemptions, with an emphasis on the exemptions most commonly asserted by the SEC.

In October 2014 the Office of FOIA Services conducted training which consisted of an overview of the FOIA and SEC processing of FOIA requests. In August 2014 the Office of FOIA Services conducted training which covered, among other things, FOIA fees, FOIA confidential treatment under SEC regulations, Exemption 4 and submitter notice, multi-track processing and communicating effectively with requesters. The Office of FOIA Services conducted additional internal training sessions related to the processing of requests for email and adequacy of searches.

3. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Such training or events can include offerings from OIP, your own agency or another agency or organization.

Apart from the on-site training discussed above, SEC staff attended the following:

The FOIA Advisory Committee Meetings held at National Archives and Records Administration in June and October 2014;

The “FOIA hub” demonstration held in December 2014 at the General Services Administration. This is an initiative to launch a single FOIA request intake system, which is part of the second U.S. Open Government National Action Plan.

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

100% of the SEC’s full-time FOIA staff attended substantive FOIA training. All of the SEC’s internal FOIA liaisons must complete a mandatory annual review of the FOIA Liaison Guidance, which is posted to the SEC’s internal FOIA website. This guidance details the procedures for FOIA liaisons and staff of SEC divisions and program offices to follow in assisting the FOIA Office staff in processing requests. In addition, most of the SEC FOIA liaisons attended substantive FOIA training during the reporting period.

5. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency’s implementation of this plan.

Include any successes or challenges your agency has seen in implementing your plan.

In its 2014 Chief FOIA Officer report the SEC stated:

The SEC plans to invite the Department of Justice, Office of Information Policy (OIP) staff to provide on-site substantive training for all SEC FOIA professionals in FY2014. This training would also be made available to all SEC FOIA liaisons and any interested managers or supervisors. Apart from the anticipated in-house training, FOIA staff are encouraged to attend OIP sponsored FOIA training in the Washington, DC area.

As discussed in the SEC’s responses above, the DOJ conducted substantive FOIA training at the SEC during the reporting period. The SEC plans to invite DOJ to conduct substantive FOIA training on-site at the SEC in 2015. This training will be mandatory for all FOIA professionals at the SEC. FOIA professionals are encouraged to attend FOIA training offered in the Washington, DC area such as that sponsored by American Society of Access Professionals and OIP.

Outreach:

6. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

This question addresses outreach that is conducted outside of the individual request or appeal process. For example, outreach activities can include engaging with frequent requesters by holding meetings or events which include them, conducting surveys or otherwise soliciting requester feedback, or participating in any other requester initiative coordinated by your agency or by others, such as OIP.

FOIA staff members are encouraged to communicate with requesters to facilitate the processing of requests. Recently, FOIA staff contacted a frequent FOIA requester – responsible for filing approximately 1,250 requests in FY2014 - in order to resolve issues related to the breadth of the requests, to better understand his needs and to provide more meaningful responses.

The Office of FOIA Services posts on its external website a page that solicits public comment on the SEC's administration of the FOIA. This page may be accessed through the following link: [SEC FOIA Feedback Survey](#).

During the reporting period, SEC staff engaged in mediating a FOIA appeal with the Office of Government Information Services and a requester.

7. If you did not conduct any outreach during the reporting period, please describe why?

N/A

Discretionary Releases:

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

If so, please briefly describe this process.

SEC FOIA staff members are instructed to conduct a foreseeable harm analysis where FOIA exemptions are applicable. This is done in keeping with the guidance provided by the Office of Information Policy and the memoranda issued by the President and the Attorney General.

Each FOIA request is unique, and decisions to release or withhold records or portions thereof are made on a case-by-case basis after reviewing the records. As part of the processing of each of these FOIA requests, SEC FOIA professionals have been directed to review responsive records for information that may be subject to discretionary release. This information is then further analyzed so that a release determination can be made.

If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

The SEC has centralized FOIA processing.

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

Yes.

10. 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 FOIA Memoranda.

Exemption (b)(5) was used for all of the SEC's discretionary releases.

11. 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.

Where discretion was exercised, primarily records containing deliberative process information were released. This was done after conducting a foreseeable harm analysis in keeping with guidance provided by the Office of Information Policy and the memoranda issued by the President and the Attorney General. Records subject to discretionary release included internal emails b/n SEC staff conducting agency business and draft policy materials.

12. If your agency was not able to make any discretionary releases of information, please explain why.

N/A

Other Initiatives:

13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

Efforts can include training for non-FOIA professionals, distributing memoranda on the FOIA, announcements on FOIA matters, etc.

The Chair of the SEC issued an agency wide statement during Sunshine Week that emphasized the importance of transparency and openness in government. SEC staff were directed to support the SEC's Office of FOIA Services in locating records and processing them in a way that complies with both the letter and the spirit of the FOIA.

As stated in the responses above, the Office of FOIA Services invited all SEC staff to attend training in October 2014, which consisted of an overview of the FOIA and SEC processing of FOIA requests.

The SEC publishes on its internal website a statement from the Chair of the SEC discussing the importance of the FOIA and transparency and the role SEC staff in complying with the FOIA. Attached to the Chair's statement is the President's Memorandum.

On the SEC's public-facing FOIA website the following links are provided:

[From the President: Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act.](#)

[From the Attorney General: Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act.](#)

14. 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.

Other than what is stated in the preceding response, the SEC has undertaken no further initiatives.

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

Personnel:

1. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

The SEC does not plan to convert its FOIA professionals to the Government Information Specialist series. The SEC's current Research Specialist classification has been deemed more appropriate because the positions encompass additional duties unrelated to the processing of FOIA requests.

The SEC has independent authority for compensation and classification under 5 U.S.C. § 4802. Accordingly, the SEC has developed its classification standards apart from OPM issued standards. While not falling under the purview of OPM, the SEC's system is nevertheless closely aligned with that of OPM. New or revised position standards are reviewed by the SEC when issued by OPM.

The SEC FOIA positions in question were reviewed against the new standard/series, but because SEC FOIA positions are not solely dedicated to that work, and have other functions and responsibilities, they do not meet the 0306 series. The positions therefore remain appropriately classified as Research Specialist, series 0301.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

The SEC does not plan to convert its FOIA professionals' position descriptions.

Processing Procedures:

3. For Fiscal Year 2014, 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 2014 Annual FOIA Report.

The SEC maintained an average of 2.99 calendar days in adjudicating requests for expedited processing.

4. 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.

N/A

5. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

N/A

The SEC has a centralized FOIA process.

6. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.

N/A

Requester Services:

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration? See *OIP Guidance, "Notifying Requesters of the Mediation Services Offered by OGIS."* (July 9, 2010)

Yes. Upon denial of any appeal the SEC's Office of the General Counsel advises requesters of the availability of mediation services through OGIS as an alternative to litigation.

8. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? 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)

When a FOIA requester is charged fees, the SEC's Office of FOIA Services provides an invoice apprising the requester of the cost for search and review and the number of hours associated with each, as well as the cost for any duplication. With respect to duplication charges, the requester is provided with the total volume of records and the cost per page. If electronic records are provided, requesters are charged duplication fees where paper records were required to be scanned in order to respond to the request. In this instance, requesters are also provided with the cost per page.

9. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester? See *Id.*

Irrespective of the amount of the fees, the SEC indicates to every requester whether the charges are for search, review, duplication and/or production. Where fees are deemed particularly high FOIA staff will discuss processing alternatives with requesters, such as narrowing the request.

Other Initiatives:

10. 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.

With record increases in new requests, the FOIA program is constantly striving to identify process improvements.

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

The SEC complies with the President's FOIA Memorandum directing agencies to "take affirmative steps to make information public" without waiting for specific requests, and to "use modern technology to inform citizens about what is known and done by their Government." The

SEC routinely and proactively posts information to its website in an effort to be more transparent and to better serve the public.

SEC FOIA staff review every request to determine where there may be a heightened public interest in the responsive records or an expectation of future interest. These records are then considered for proactive disclosure by posting them to the SEC's website.

Due to the high volume of information posted daily by the SEC, there is also guidance on prioritization of requests for public posting. The Office of FOIA Services generally obtains top-level posting priority — meaning that requests for posting to the FOIA web page receive a same day or 1-day priority.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

SEC program offices with equities in records considered for proactive disclosure provide recommendations with respect to such disclosure. These offices often have a clearer understanding of the nature of the information and the applicability of certain exemptions. Further, the Office of FOIA Services coordinates with the SEC's Office of Information Technology to ensure the records are posted to the SEC's website.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

The SEC utilizes OIP's "Rule of Three" with respect to identifying "frequently requested" records for posting online. Upon receipt of each request SEC FOIA professionals conduct a search of all prior requests made for the same records. Under normal circumstances, where it is determined that there have been three requests made for the same records, the materials are posted to the SEC's website at [Frequently Requested FOIA Documents](#).

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

As mentioned in last year's Chief FOIA Office report (Section I, Other Initiatives, #13), the SEC was considering proactive disclosure of Administrative Proceeding records. This year the SEC began proactively posting records related to its Administrative Proceedings. These records include motions, briefs and other legal memoranda. These records can be located at <http://www.sec.gov/litigation/apdocuments/ap-open-fileno-asc.xml>.

Apart from information that is of interest to the general public, the SEC posts information that is of particular interest to the community of individuals who regularly access its website. Examples of the types of information that the SEC proactively posts can be found by accessing the following links located at [Frequently Requested FOIA Documents](#).

[FOIA Logs](#)

[Alternative Trading Systems](#)

[Fails-to-Deliver Data](#)

[Company Information About Active Broker-Dealers](#)

[Current Broker-Dealer information report](#)

[Historical Archive of FOIA Broker-Dealer Company Information Reports](#)

[Company Information About Registered Investment Advisers and Exempt Reporting Advisers](#)

[Historical Archive of Investment Adviser Reports](#)

[Download the Registered Investment Adviser Information Report now](#)

[Download the Exempt Reporting Adviser Information Report now](#)

[Information about Investment Companies and Business Development Companies](#)

Beyond the information posted to the SEC's external FOIA page, individual program offices within the SEC make efforts to proactively make records available to the public. For example, the SEC has recently begun posting information relating to public company financial statement data. Data that companies provide in structured formats is being combined and organized into structured data sets and posted for bulk downloads on the SEC's website for use by investors and academics. This information can be located at <http://www.sec.gov/dera/data/financial-statement-data-sets.html>.

Other Initiatives:

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

In the spirit of disclosing more information to the investing public, the SEC is adding more links to its FOIA webpage to enable users to find information they may not have otherwise known was available. For example, the SEC's FOIA webpage now provides a link to the SEC's Office of Inspector General's Reports and Audits page (<http://www.sec.gov/foia/foiadocs.htm>).

Section IV: Steps Taken to Greater Utilize Technology

Online Tracking of FOIA Requests and Appeals:

1. Can a member of the public track the status of his or her request or appeal electronically?

No. The SEC does not currently provide a means by which the public can electronically track FOIA requests.

2. If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?

N/A

3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details throughout the course of the processing, such as "search commenced" or "documents currently in review."

N/A

4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?

N/A

5. If your agency does not provide online tracking of requests or appeals- is your agency taking steps to establish this capability? If not, please explain why?

Contingent upon the availability of resources, the SEC is considering implementing a system that would allow for on-line tracking capability. Specifically, the SEC is exploring the possibility of utilizing the Public Access Link (PAL), a public-facing web portal that complements the FOIA Xpress system currently in place at the SEC. PAL would allow the public to submit and track the status of FOIA requests online.

Making Material Posted Online More Useful:

6. 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?

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.

Yes.

7. If yes, please provide examples of such improvements.

If your agency is already posting material in its most useful format, please describe these efforts.

The SEC regularly updates a log of additions to the website, which keeps visitors apprised of new information on the website (<http://www.sec.gov/news/whatsnew/wn-today.shtml>). Over the past year the SEC restructured its FOIA public website. This included placing a prominent link at the top of the page to make submission of FOIA requests simpler.

8. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Yes. For example, SEC FOIA professionals are presently coordinating with the Division of Economic and Risk Analysis, the Office of Information Technology (OIT) and IT contractors in order to proactively post SEC web log data related to its EDGAR (Electronic Data Gathering Analysis and Retrieval) system. Due to the size/complexity of this data the Office of FOIA Services is relying on the expertise of specialists from these other offices in order to have the information posted in a form most useful to the public.

9. 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.

The SEC's main webpage allows for easy access to an array of information and records. The website includes a prominent link to a page entitled "What's New on the SEC Website." This page provides a daily list of the most recent materials posted to the SEC website. The public may sign up for email alerts on the SEC's main webpage. In addition, the SEC provides access to social media alerts at <http://www.sec.gov/news/socialmedia.shtml>, to include Twitter, Facebook, LinkedIn, YouTube and Flickr. The SEC also hosts RSS feeds, which are a helpful online resource for staying current on the most recent materials posted to the SEC website, including EDGAR filings.

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

Yes.

11. If so, please briefly explain what those challenges are.

During the reporting period the SEC has received requests for aggregate data. There are hurdles to proactive disclosure related to the size and complexity of the data. The Office of FOIA Services has coordinated with other SEC program offices in attempting to find less costly, more efficient ways to post this data. The SEC's Office of FOIA Services is also working with IT specialists in order to find ways to accommodate the requester community by enhancing search and access capabilities.

Use of Technology to Facilitate Processing of Requests:

12. 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? If yes, describe the technological improvements being made.

The SEC FOIA Program is active in exploring technologies that would contribute to program improvements.

13. Are there additional tools that could be utilized by your agency to create further efficiencies?

As stated above, the SEC is always looking for tools that will allow for more efficient processing. Employing these tools is often contingent upon cost and the availability of resources.

Other Initiatives:

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Please see OIP's guidance for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing on FOIA.gov, please contact OIP in order to resolve the issue.)

Yes.

15. 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 2015.

N/A

16. 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 are utilized by your agency to communicate with requesters?

Yes. SEC FOIA professionals use email as the primary means of communicating with FOIA requesters.

17. 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.*

N/A

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

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?

Yes.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

Yes. The average processing time for simple requests was 12.93 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

99% of the requests processed were placed in our simple track.

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?

N/A

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 2013 and Fiscal Year 2014 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 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

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

The SEC had a backlog of requests at the close of Fiscal Year 2014, and that backlog decreased as compared with the backlog reported at the end of Fiscal Year 2013.

6. 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 2014.

To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2014, 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.

The percentage of requests that make up the backlog out of the total number of requests received by the SEC in Fiscal Year 2014 is 1%.

BACKLOGGED APPEALS

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

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

The SEC had a backlog of appeals at the close of Fiscal Year 2014, and that backlog did not decrease as compared with the backlog reported at the end of Fiscal Year 2013 for the following reasons. Appeals increased by over 200% from Fiscal Year 2013 (from 143 in Fiscal Year 2013

to 452 in Fiscal Year 2014). In addition, the Appeals Officer position was vacant for nearly two months during the reporting period.

8. 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 2014. If your agency did not receive any appeals in Fiscal Year 2014 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 2014 Annual FOIA Report by the number of appeals received in Fiscal Year 2014, 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.

The percentage of appeals that make up the backlog out of the total number of appeals received by the SEC in Fiscal Year 2014 is 5%.

Backlog Reduction Plans:

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2014?

N/A

10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?

N/A

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 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

11. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No.

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 2013 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.

Six out of the ten oldest requests were closed.

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?

None.

TEN OLDEST APPEALS

14. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No.

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 2013 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.

Eight out of the ten oldest appeals were closed.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

N/A

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 2013 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.

N/A

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 2013.

The SEC experienced unprecedented increases in new requests and the filing of appeals. This surge occurred as staffing levels fell and the complexity of requests increased.

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.

N/A

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 2015.

The SEC has taken measures to address the backlogs by addressing staffing levels.

Interim Responses:

21. Does your agency have a system in place to provide interim responses to requesters when appropriate? See *OIP Guidance, "The Importance of Good Communication with FOIA Requesters."* (Mar. 1, 2010)

Yes. The SEC processes all FOIA requests with a high level of customer service in mind. Although it is not possible to provide an exact estimate of the number of backlogged requests where we provided an interim response, it is our practice to provide interim releases whenever possible.

22. If your agency had a backlog in Fiscal Year 2014, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

A substantive, interim response was issued in approximately 12% of the cases in the SEC's backlog for FY2014.

Use of the FOIA's Law Enforcement Exclusions

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?

Yes.

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

The SEC invoked the c1 exclusion on two occasions during the reporting period.

Out of all the activities undertaken by your agency since March 2014 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

During the reporting period, the SEC received and processed the most FOIA requests of any previous year, and achieved reduction in its FOIA request backlog. This occurred despite attrition in FOIA staff and submission of increasingly complex requests. These significant milestones were achieved as a result of focused training and program oversight, working smarter and support from the highest levels of SEC management.