



OFFICE OF GOVERNMENT INFORMATION SERVICES
COMPLIANCE REVIEW OF UNITED STATES POSTAL SERVICE
FREEDOM OF INFORMATION ACT PROGRAM

DECENTRALIZED FOIA PROGRAM CREATES MANAGEMENT CHALLENGES AND
LIMITS VALUE OF INVESTMENTS IN TECHNOLOGY

A Message from the Director

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, mandates that the Office of Government and Information Services (OGIS) “shall ... review policies and procedures of administrative agencies ... review compliance ... by administrative agencies; and identify procedures and methods for improving compliance under this section.” *See* 5 U.S.C. § 552(h)(2). OGIS’s compliance program includes reviewing and commenting on agency FOIA regulations; reviewing FOIA issues and trends observed through its dispute resolution program; reviewing and suggesting improvements to agency FOIA websites and template correspondence; and working with agencies on policies and procedures that appear to be inconsistent with FOIA law or policies.

The OGIS Compliance Team also periodically conducts independent, systematic reviews of agencies to evaluate their compliance with FOIA. This report assesses the FOIA program at the United States Postal Service (USPS). OGIS’s report addresses the program’s compliance with FOIA and is based on direct observations and review of USPS’s FOIA case files, analyses of applicable data and documents, interviews with agency officials and FOIA professionals. We developed the recommendations in this report based on the best knowledge available to our office, and we have discussed the recommendations in draft with those responsible for the program. We hope this report and our recommendations will assist USPS in its continued efforts to fulfill its FOIA responsibilities. OGIS will follow up with USPS regarding the status of these recommendations in 120 business days.

ALINA M. SEMO
Director

Executive Summary

What OGIS Found

The U.S. Postal Service (USPS) Freedom of Information Act (FOIA) program is highly decentralized, although USPS has taken steps to centralize some functions in recent years. Every year USPS receives requests for records that could be located at approximately 30,000 field offices, mostly post offices and mail processing centers throughout the country, including in U.S. territories. Before 2014, requests made pursuant to FOIA, 5 U.S.C. § 552, went directly to those 30,000 field offices. The agency's FOIA regulations now require all requests to be sent to FOIA Requester Service Centers in Washington, D.C., or St. Louis. The St. Louis center handles requests for field office records while the Washington office processes requests for headquarters records. (The U.S. Postal Inspection Service and the USPS Office of the Inspector General manage their own FOIA programs and are outside of the scope of this review.)

The USPS received, on average, 1,633 FOIA requests each fiscal year between FY 2009 and FY 2017. During that same period, USPS responded to an average of 1,640 requests per fiscal year. Between FY 2009 and FY 2017, USPS accounted for an average of 0.07 percent of the FOIA backlog government-wide. Between FY 2014—when the USPS backlog hit a high of 144 requests—to FY 2017, USPS reduced its backlog by 82 percent.

Between FY 2009 to FY 2017, USPS responded to simple requests in an average of 17 days and complex requests in an average of 51 days. The average response time USPS reported for complex requests ranged from a low of 14 days in FY 2009 to a high of 95 days in FY 2017.

The average age of USPS's 10 oldest requests was at a low of 248 days at the end of FY 2010, rose to a high of 1,013 days by FY 2016, and shrank to 808 days in FY 2017. Since FY 2013, the average age of USPS's 10 oldest FOIA requests has exceeded the government-wide average; in FY 2017, the average age of the agency's 10 oldest requests surpassed the government-wide average by 363 days.

OGIS's primary findings are:

- the location and number of USPS field offices create management challenges for the FOIA program;
- the decentralized nature of the USPS FOIA program limits the value of investments in technology; and
- USPS communication with FOIA requesters could be more clear and consistent.

What OGIS Recommends

OGIS recommends that the USPS FOIA program meet its goal of creating a repository of FOIA process guidelines and template letters that employees in the field can use to respond to FOIA requests. We recommend that the guidelines and letters be written in plain language so that they are easily understood by both FOIA processors and requesters. Such a repository will address many of the management challenges noted in this report, and improve the quality of communication with requesters. We also

recommend that USPS continue to look for ways to use technology to lower the administrative burden of the FOIA process.

Additionally, we encourage USPS to consider adopting certain best practices that could improve the program's efficiency and customer service. These practices are:

- publicizing the types of information that the agency will not release;
- using a requester's preferred method of communication for final responses; and
- providing callers with the option to contact the USPS general assistance hotline rather than connecting with FOIA staff.

Introduction

The Freedom of Information Act (FOIA) directs the Office of Government Information Services (OGIS) to review agency FOIA policies, procedures and compliance, and identify procedures and methods for improving compliance. *See* 5 U.S.C. § 552 (h)(2). OGIS compliance assessments are independent and systematic evaluations of an agency's compliance with FOIA. The assessments 1) provide factual and analytical information; 2) review compliance with the law, regulations, and policy; and 3) share best practices. The assessments also include recommendations for improvement.

We conduct compliance assessments of individual agency FOIA programs by reviewing a range of material including regulations, internal guidance for processing requests, Annual FOIA Reports, and Federal court litigation. We also visit agency FOIA programs and review initial FOIA request case files. Our mandate is to determine compliance with FOIA.¹

OGIS's agency assessment program process involves five steps: 1) use last fiscal year's FOIA data as a starting point; 2) inventory FOIA program activity; 3) flag areas of potential noncompliance or risk; 4) consider outside factors that may contribute to noncompliance; and 5) report findings and make recommendations.

What We Reviewed²

This report is the result of direct review of initial request case files; a review of the United States Postal Service (USPS) FOIA regulations, the agency's FOIA web page, and other written material such as USPS's standard operating procedures, policies, and organizational chart, and Annual FOIA Reports; interviews with FOIA officials; and a review of agency FOIA litigation from 2009 to the present.³

USPS provided us with data about FOIA request files closed in Fiscal Year (FY) 2016, the most recent available at the time of our review. OGIS reviewed a random sample of 312 FOIA requests, which allowed us to generalize to the population of the 1,768 FOIA requests the program processed in FY 2016.⁴ During our assessment, USPS reported its annual FOIA data for FY 2017, which we include in this report.

¹ 5 U.S.C. §§ 552 (h)(2)(A) and 552 (h)(2)(B).

² OGIS conducted its field work in 2017. In the interim, another agency asked OGIS to prioritize its assessment report and USPS agreed to a delayed publication of this report.

³ The USPS Office of Inspector General and the Postal Inspection Service each have separate FOIA operations, which we did not include in this assessment.

⁴ See *Scope and Methodology* on page 19 of this report for details.

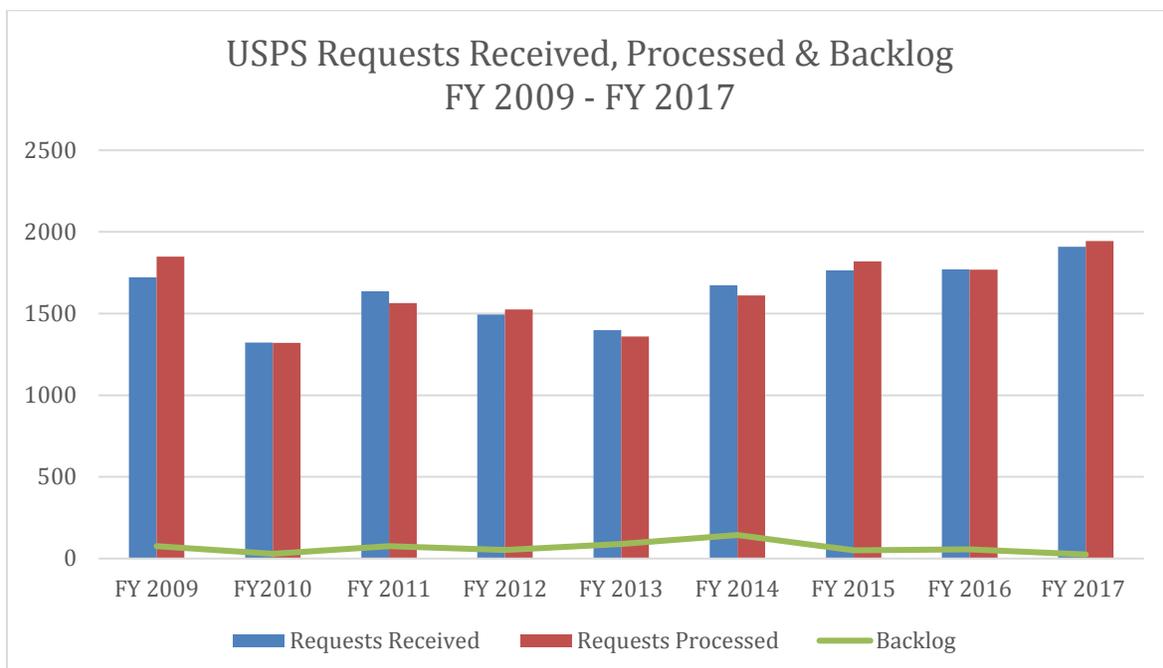
Background

USPS is a self-supporting independent Federal agency that employs more than 500,000 individuals and delivers mail to more than 157 million U.S. addresses. There are approximately 30,000 field offices, mostly post offices and mail processing centers, throughout the country, including in the U.S. territories. USPS FOIA operations are in the Privacy and Records Management (PRM) Office. The Chief Privacy and Records Management Officer is one of three managers who report to the Associate General Counsel. The Associate General Counsel is the Chief FOIA Officer; he also serves as Chief Ethics/Compliance Officer. The Associate General Counsel reports to the USPS General Counsel, who in turn is one of eight members of the USPS Executive Leadership Team. The U.S. Postal Inspection Service and the USPS Office of the Inspector General manage their own FOIA programs and are outside of the scope of this review.

Requests and Backlog

USPS received, on average, 1,633 FOIA requests each fiscal year between FY 2009 and FY 2017. During that same period, USPS responded to an average of 1,640 requests per fiscal year. The backlog of requests pending at the end of the fiscal year that are older than the statutory response time ranged from a low of 25 requests at the end of FY 2017 to a high of 144 requests at the end of FY 2014. The USPS FOIA backlog between FY 2009 and FY 2017 accounted for an average of 0.07 percent of the FOIA backlog government-wide. Between FY 2014—and FY 2017, USPS reduced its backlog 82 percent.

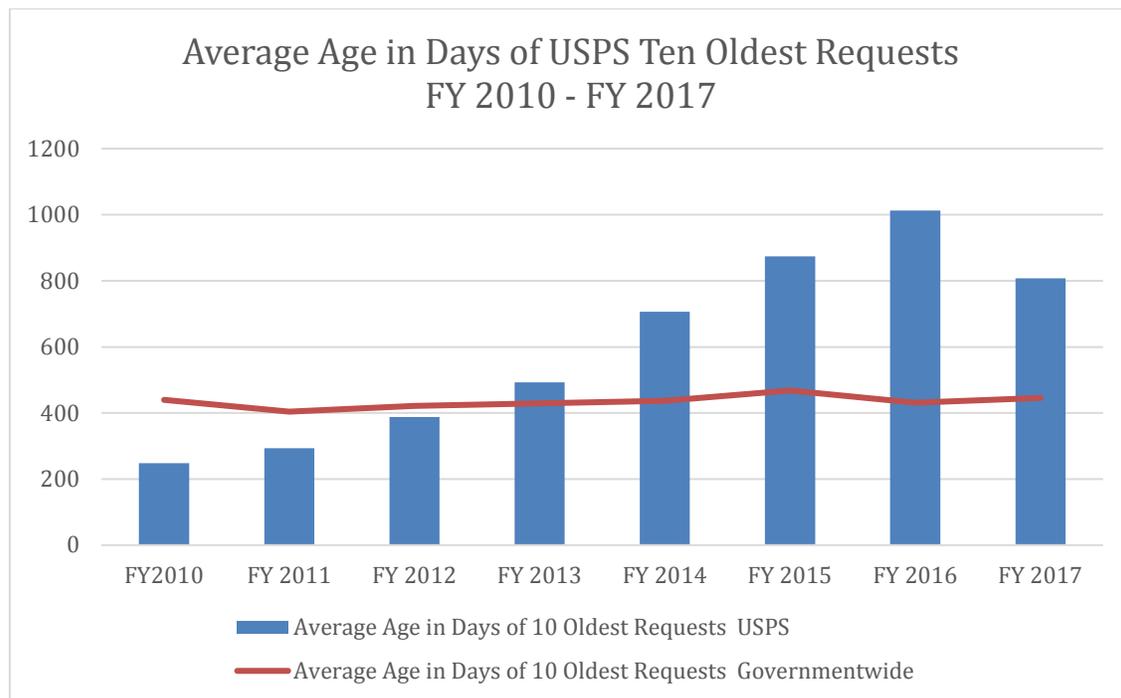
Figure 1, Requests FY 2009 – FY 2017



Between FY 2009 to FY 2017, USPS responded to simple requests in an average of 17 days and complex requests in an average of 51 days. The average response time USPS reported for complex requests ranged from a low average of 14 days in FY 2009 to a high average of 95 days in FY 2017.

The average age of USPS’s 10 oldest requests was at a low of 248 days at the end of FY 2010, rose to a high of 1,013 days by FY 2016, and shrank to 808 days in FY 2017. Since FY 2013, the average age of USPS’s 10 oldest requests has exceeded the government-wide average.

Figure 2, Ten Oldest Requests FY 2010- FY 2017

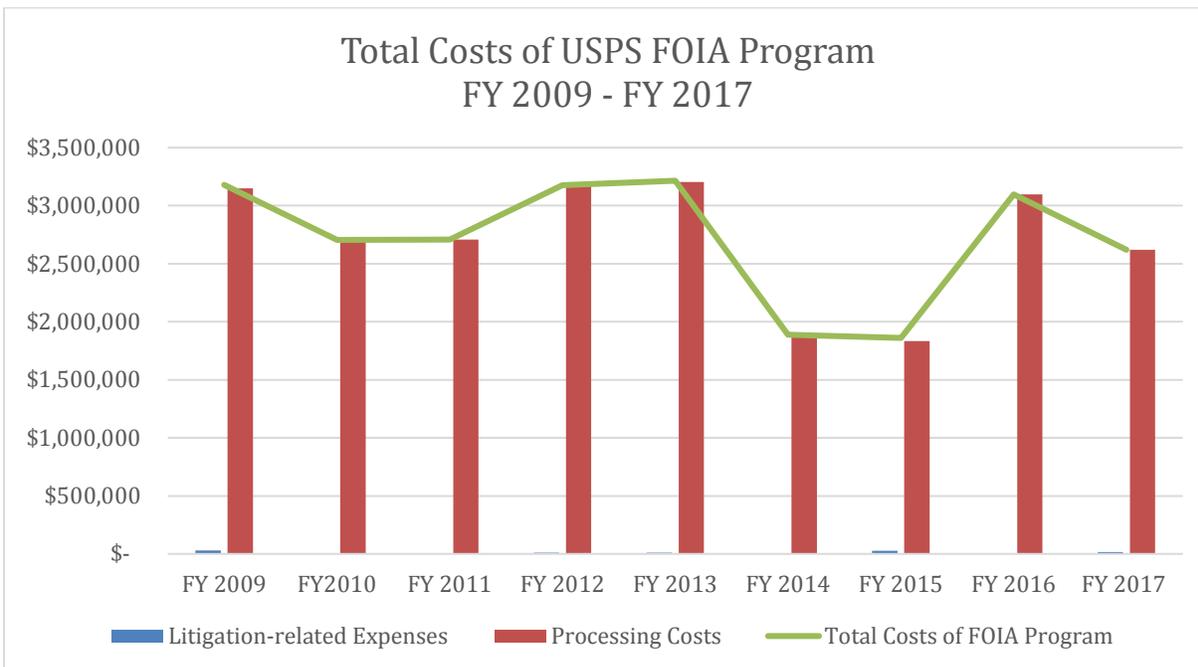


USPS’s oldest request, received on February 22, 2010, has been among the agency’s 10 oldest since the end of FY 2011. USPS’s second-oldest request, still pending at the end of FY 2017, was received on December 14, 2011, and has been among the 10 oldest since FY 2012.

FOIA Program Administration

Between FY 2009 and FY 2017, USPS reported that its FOIA program cost an average of \$2.7 million per fiscal year. Litigation-related costs accounted for an average of less than 1 percent of the total cost of the FOIA program from FY 2009 to FY 2017—ranging from 0.0 percent in FY 2010, FY 2011 and FY 2016 to 1.4 percent in FY 2015.

Figure 3, FOIA Costs FY 2009 – FY 2017

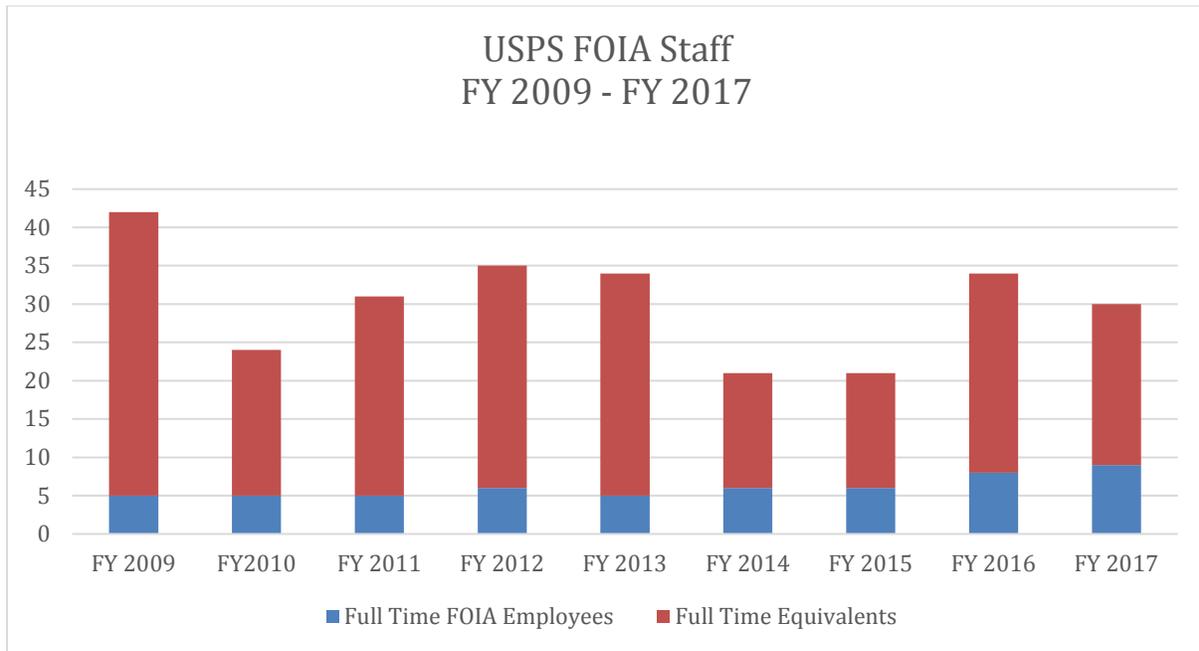


Staffing

USPS reported that the number of people working on FOIA totaled an average of 30 employees between FY 2009 and FY 2017; the staff working on FOIA throughout the agency ranged from a low of 21 employees in FY 2014 and FY 2015 to a high of 42 employees in FY 2009. The 21 employees reported for FY 2014 coincided with the agency’s highest reported backlog—144 requests—during the nine-year period.

During that same period, the number of full-time employees devoted exclusively to FOIA jumped from five to nine. Full-time equivalent (FTE) employees—USPS employees in the approximately 30,000 field offices whose job duties include FOIA processing among other duties—accounted for 86 percent of the USPS FOIA staff in FY 2009. By FY 2017, when USPS had nine employees working full-time on FOIA, the full-time equivalent number reached a nine-year-low of 57 percent.

Figure 4, FOIA Staff FY 2009 – FY 2017

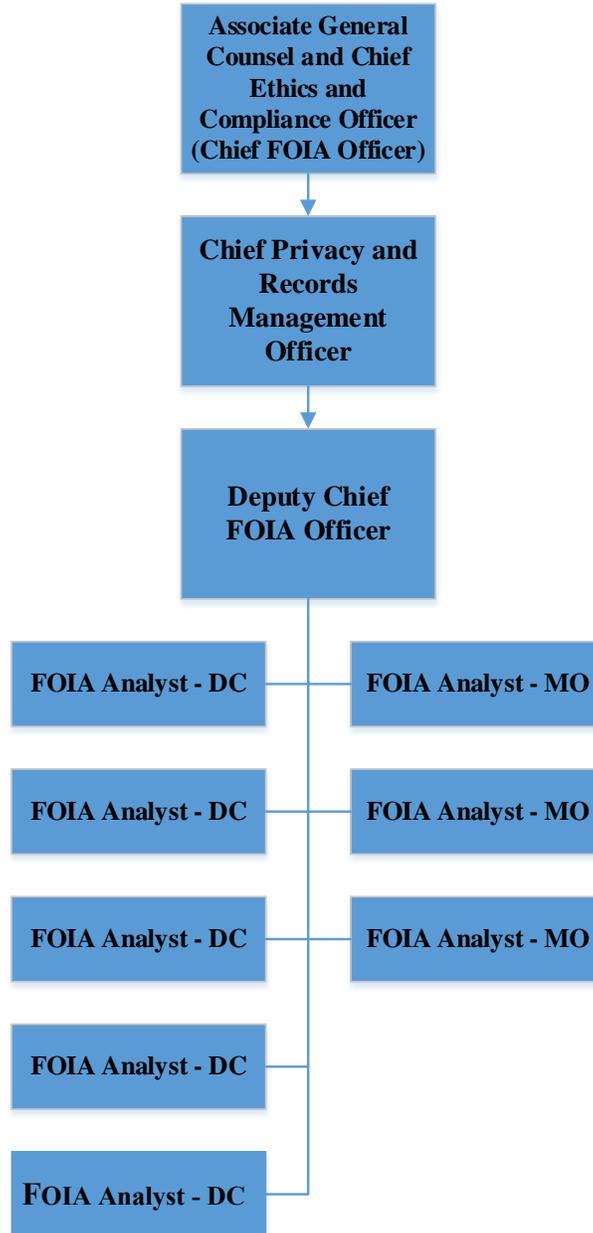


USPS’s Chief Privacy and Records Management Officer reports to the Associate General Counsel who also serves as the Chief FOIA Officer and the Chief Ethics/Compliance Officer. The Chief Privacy and Records Management Officer oversees the Deputy Chief FOIA Officer. The Deputy Chief FOIA Officer is based at USPS Headquarters in Washington, D.C., and oversees a staff of eight FOIA processors— five in D.C. and three in St. Louis. The team is in the occupational job series 0306 Government Information Specialist (GIS).

On the USPS Executive and Administrative Schedule (EAS), the Deputy Chief FOIA Officer is an EAS-25 GIS. (EAS is a different pay and grade scale than the General Schedule used by most Federal agencies.) The Deputy Chief FOIA Officer oversees two requester service centers. The Washington Requester Service Center employs two EAS-23 GIS, two EAS-21 GISs and one EAS-19 GIS. The St. Louis Requester Service Center employs two EAS-23 GISs and one EAS-21 GIS.

The USPS FOIA program has a quarterly awards program to recognize FOIA coordinators and other employees who have provided exemplary assistance in processing FOIA requests; such awards are noted in the employee’s personnel file.

Figure 5, FOIA Staff in Washington, D.C. and St. Louis

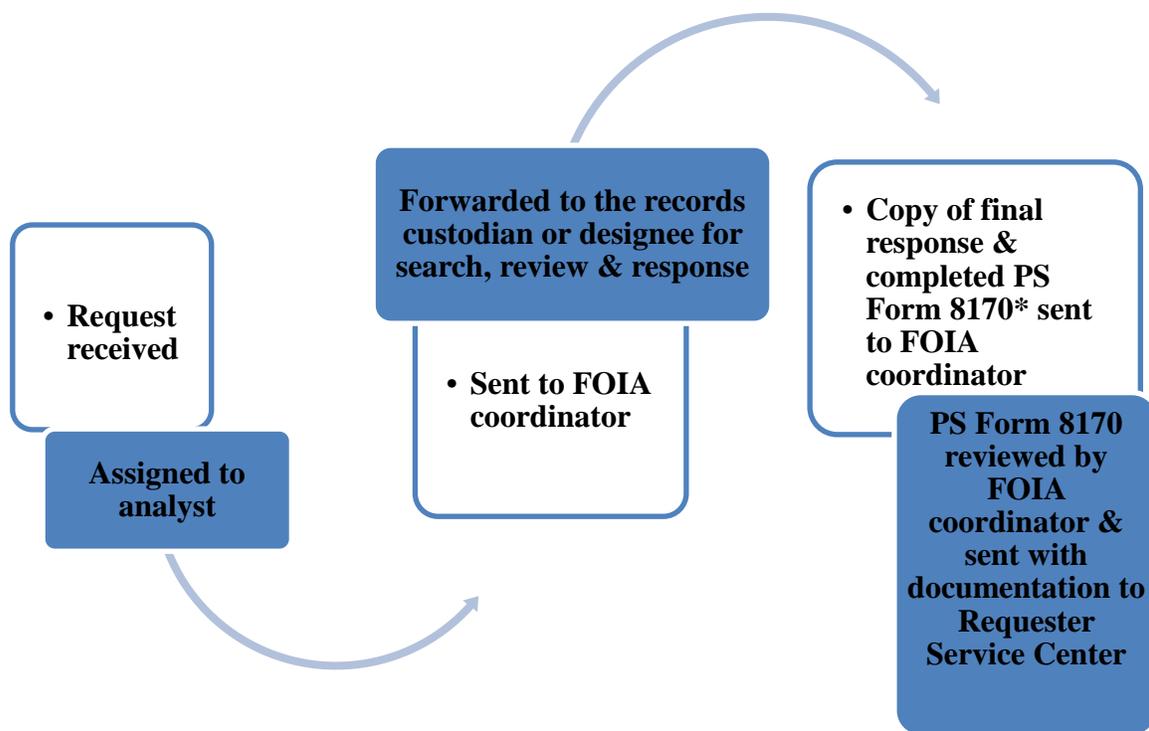


USPS FOIA Process

The USPS has a decentralized FOIA process. The Deputy Chief FOIA Officer in Washington, D.C., assigns requests for headquarters records to a D.C.-based analyst while a senior analyst in St. Louis assigns requests for field office records to a St. Louis-based processor. Each of the two FOIA Requester Service Centers divides its queue into simple and complex requests. USPS requests are generally processed first-in, first-out, according to the Deputy Chief FOIA Officer.

The St. Louis analysts primarily task searches for responsive records to FOIA coordinators in the field, who are located in the approximately 30,000 field offices—post offices, area and district officers, and mail processing centers—throughout the country, the Deputy Chief FOIA Officer explained. The goal is to get the request to the correct records custodian within 48 hours. In the Washington office, analysts primarily task searches to FOIA coordinators in the headquarters offices, which include programs handling contracts, building leases, real estate transactions and employee listings. The FOIA coordinators assist the records custodians with the search for the records, review them for exemptions, and respond to the requester. USPS provides FOIA coordinators with a checklist of steps to help them navigate the FOIA process, and they are required to complete a form documenting the processing of the request. FOIA coordinators are asked to send the completed form and any correspondence with the requester to the Requester Service Center (RSC) to add to the administrative file.

Figure 6, USPS FOIA Process



**PS Form 8170 documents the processing of a FOIA request*

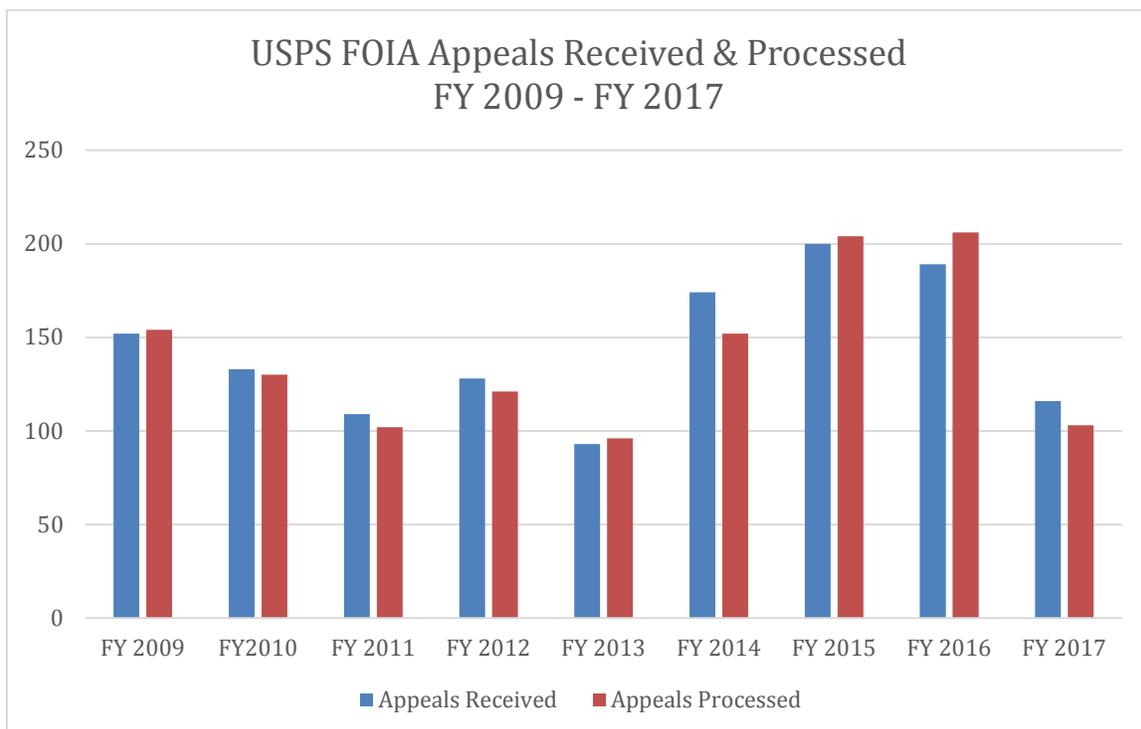
The Deputy Chief FOIA Officer or assigned RSC staff are asked to alert the USPS corporate communications office to any requests from the media. RSC staff also are asked to follow procedures for escalating a request routed for processing if the analyst has not heard back from the record custodian.

USPS receives only a few requests that must be posted to the website because most records are generally not requested three or more times, according to the Deputy Chief FOIA Officer. It is up to the records custodians to tell the FOIA office if something should be posted, she said, and each year, FOIA coordinators are asked to let the FOIA office know what has been posted in the USPS Reading Room. The FOIA program is able to post items to the Reading Room through its commercial FOIA tracking system, according to the Deputy Chief FOIA Officer.

Appeals and Litigation

The Washington FOIA Requester Service Center logs all appeals and ensures the administrative record is complete before the Chief Counsel for Federal Compliance assigns appeals on a rotating basis to herself and to the five attorneys who process FOIA appeals along with other non-FOIA legal duties. When a few pages of records must be reprocessed, the appeals attorneys handle the work, according to the Chief Counsel for Federal Compliance. When there are more than a few pages of records that require reprocessing, the request generally is returned to the original processor with guidance for reprocessing the remanded request.

Figure 7, FOIA Appeals



We reviewed USPS FOIA litigation from January 1, 2009 through September 30, 2017, and identified 21 lawsuits, approximately half of which challenged the agency’s withholdings and approximately one-third of which cited a failure to respond. Of the 18 cases closed at the time of this report, 10 resulted in a ruling in favor of the USPS while two resulted in rulings in favor of the requester. Courts dismissed five

of the cases, and one case was settled. (We omitted from the litigation review three FOIA cases filed against the U.S. Postal Inspection Service, which manages its own FOIA program.).⁵

Finding 1: Location and Number of Field Offices Create Management Challenges

There is inconsistency in USPS responses to FOIA requests, in large part due to the program's decentralized structure. As a result, requesters may not be apprised of their appeal rights or may be given outdated or confusing information. Creating templates and a repository of resources to help FOIA coordinators through the process, as USPS has planned for in FY 2018, will improve the program's performance.

Decentralization

According to the Chief Counsel for Federal Compliance and the Deputy Chief FOIA Officer, the biggest challenge of the USPS FOIA program is its decentralized nature. While some FOIA coordinators and record keepers in the more than 30,000 field offices regularly process and respond to requests, a vast majority of records custodians and FOIA coordinators are rarely tasked with responding to requests. Such a system leads to inconsistencies in request responses from FOIA coordinators. We observed this in our review of case files; and the Chief Counsel for Federal Compliance and the Deputy Chief FOIA Officer informed us about that issue in our interviews. Providing FOIA coordinators with comprehensive FOIA training would be a costly investment. USPS can improve the quality and

⁵ *Pejouhesh v. U.S. Postal Serv.*, Civ. No. 17-01768 (D.D.C. March 12, 2018) (dismissed without prejudice); *Bettwieser v. Gans*, Civ. No. 15-00493 (D. Idaho March 31, 2017) (dismissed), appeal filed, No. 17-35631 (9th Cir. Jan. 16, 2018); *Carlson v. U.S. Postal Serv.*, Civ. No. 17-06753 (N.D. Cal. filed Nov. 22, 2017, pending); *Carlson v. U.S. Postal Serv.*, Civ. No. 15-06055 (N.D. Cal. Aug. 18, 2017) (summary judgment granted for plaintiff); *Prop. of the People v. U.S. Dep't of Justice*, Civ. No. 17-01663 (D.D.C. filed Aug. 16, 2017, pending); *Pejouhesh v. U.S. Postal Serv.*, Civ. No. 17-01684 (D.D.C. filed Aug. 15, 2017, pending); *Singh v. U.S. Postal Serv.*, Civ. No. 17-00233 (W.D. Wash. July 10, 2017) (summary judgment granted for defendant); appeal filed, No. 17-35571 (9th Cir. July 12, 2017); *Martinez v. U.S. Postal Serv.*, Civ. No. 11-01105 (D.D.C. Jan. 17, 2012) (summary judgment granted for defendant), *aff'd* No. 15-5029 (D.C. Cir. Jan. 5, 2016); *Carlson v. U.S. Postal Serv.*, Civ. No. 13-06017 (N.D. Cal. Dec. 18, 2015) (summary judgment granted for defendant); *Pickering v. U.S. Dep't of Justice*, Civ. No. 13-00674 (W.D. N.Y. March 30, 2015) (summary judgment granted for defendant); *Braun v. U.S. Postal Serv.*, Civ. No. 14-00072 (D. Mont. March 6, 2015) (complaint dismissed for failure to state claim); *Cunningham v. U.S. Postal Serv.*, Civ. No. 14-01195 (S.D. Cal. Sept. 26, 2014) (joint motion to dismiss granted); *Taitz v. Donahue*, Civ. No. 13-01020 (D.D.C. Sept. 5, 2014) (summary judgment granted for defendant); *Tostige v. U.S. Postal Serv.*, Civ. No. 12-02103 (M.D. Fla. March 24, 2014) (summary judgment granted for defendant); *Willis v. Potter*, Civ. No. 10-02123 (D.D.C. Dec. 19, 2013) (summary judgment granted for defendant); *Fair Political Practices Comm'n v. U.S. Postal Serv.*, Civ. No. 12-00093 (E.D. Cal. Oct. 16, 2012) (summary judgment granted for plaintiff), *aff'd* No. 12-17438 (9th Cir. Jan. 23, 2013); *Carlson v. U.S. Postal Serv.*, Civ. No. 11-03145 (N.D. Cal. June 5, 2012) (settled and dismissed); *Donegan v. U.S. Postal Serv.*, Civ. No. 10-00706 (W.D. Pa. March 2, 2011) (defendant's motion to dismiss granted); *McDermott v. Potter*, Civ. No. 09-00776 (W.D. Wash. Sept. 11, 2009) (summary judgment granted for defendant), *aff'd* No. 09-35999 (9th Cir. Jan. 7, 2011); *American Postal Workers Union v. U.S. Postal Serv.*, Civ. No. 09-00237 (D.D.C. September 30, 2010) (summary judgment granted for defendant); *Thompson v. U.S. Postal Serv.*, Civ. No. 09-03418 (N.D. Ill. Jan. 18, 2010) (dismissed by plaintiff).

consistency of responses to requesters from FOIA coordinators by creating template letters and easy-to-understand resources for them to use in conjunction with a checklist of FOIA process steps.

During our interviews we learned that USPS has taken steps to centralize some of its FOIA processes; we also noted that during our review of the USPS FOIA program's Backlog Reduction Plan provided to us. In 2014, the agency updated its FOIA regulations to require all requests to be sent to Washington, D.C. or St. Louis instead of to the field office most likely to have the requested record.

Management Controls

USPS reduced its backlog by 82 percent from 144 requests at the end of FY 2014 to 25 requests at the end of FY 2017.

The Deputy Chief FOIA Officer regularly monitors requests assigned, completed, pending and overdue for each analyst. A weekly report from the Deputy Chief FOIA Officer to the Chief Privacy and Records Management Officer, the Chief Counsel for Federal Compliance, and the Chief FOIA Officer highlights cases of possible interest as well as how many requests are in the backlog—pending past the 20-working-day response deadline—for each analyst. The monitoring and reporting help the FOIA program prioritize and focus on requests that have become past due, according to the Deputy Chief FOIA Officer.

As part of the annual performance evaluation process, each member of the Washington and the St. Louis Requester Service Center staffs must report the efforts they have made during the fiscal year to ensure timely responses and help reduce the backlog, according to the Deputy Chief FOIA Officer. Such efforts include timely routing of requests, regularly communicating with FOIA coordinators about pending due dates, as well as following escalation policies and procedures for alerting the FOIA Team Lead (and if necessary the USPS General Counsel or other member of the Executive Leadership Team) when an analyst does not hear back from FOIA coordinators or records custodians within 10 business days.

Multi-track processing helps ensure that simple requests are not delayed behind the more complex requests, according to the Deputy Chief FOIA Officer. Senior staff members at the Washington Requester Service Center generally handle more complex requests than the junior staff members while at the same time supporting record custodians in responding to complex requests and completing assignments associated with the FOIA program that do not involve case processing.

Requests for Addresses

USPS uses an Exemption 3 statute to exempt from release information pertaining to the names and addresses of postal customers. This Exemption 3 statute was asserted in approximately one quarter of the requests the agency processed in each of the years from FY 2015 to FY 2017, according to data in the agency Annual FOIA Reports.⁶ Our review of FY 2016 cases included more than 50 requests in which USPS cited the Exemption 3 statute in responding to requests seeking individuals' personal

⁶ 39 U.S.C. § 410 (c)(1).

addresses. Nearly half of those 50 requests that OGIS reviewed came from requesters in Florida, where a state law regarding parental rights and adoption directs Floridians who cannot locate a specific individual to conduct a “diligent search” for that individual’s “current address, or any previous address, through an inquiry of the United States Postal Service through the Freedom of Information Act[.]”⁷ We note that USPS’s responses to these requests includes information about a non-FOIA process under which some requesters with certain legal circumstances might be able obtain such information from the Postmaster General; providing such information is a good customer service practice.

Finding ways to better publicize up front that requesters seeking access to an individual’s personal address will not be able to obtain the information they seek through FOIA could help reduce the overall FOIA caseload, freeing up analyst resources to respond to complex requests in a more timely manner. While USPS responded to simple requests in an average of 14 working days in FY 2016 and 10 working days in FY 2017, responses to complex requests averaged 55 working days and 95 working days, respectively.

Training

At the time of our review, USPS estimates that 97 percent of full-time FOIA analysts and staff with FOIA responsibility attended FOIA training within the last year, including both government and non-government training on various aspects of FOIA. Work on upgrading the FOIA tracking system and on reviewing the FOIA handbook used by staff left little time for training in FY 2017, the Deputy Chief FOIA Officer said. The Deputy Chief FOIA Officer noted that one of the challenges of the decentralized system is that many of the FOIA coordinators do not understand FOIA, and that they do not always share what knowledge they do have with record custodians. Creating a repository of template letters and FOIA resources for employees in the field will help address these issues.

USPS also reported conducting three webinars for FOIA coordinators in the field.

The Chief Counsel for Federal Compliance reported that during monthly meetings, FOIA appeals attorneys and initial processing staff take turns presenting on various FOIA topics, such as the interface between FOIA and the Privacy Act, FOIA Exemptions 3 and 6, and the importance of a complete administrative record.

Recommendation

Recommendation 1: OGIS recommends that USPS meet its goal of creating and implementing the use of templates and standard language that FOIA processors in the field can use to respond to requests.

⁷ Fla statute 63.088 § 5(a) -- Proceeding to terminate parental rights pending adoption; notice and service; diligent search.

**Finding 2: The Decentralized Nature of the USPS FOIA Program
Limits the Value of Investments in Technology**

USPS uses technology to track and process requests, but is limited in the number of users who can access the technology. As a result, the majority of FOIA coordinators track requests using other tools. USPS should continue to look for ways to use technology to lower the administrative burden of the FOIA process.

Tracking and Processing System

USPS uses a proprietary FOIA processing and tracking system to manage its process and has 60 licenses which are assigned to the FOIA analysts in the Washington, D.C., and St. Louis offices, as well as the FOIA coordinators at programs or field offices that receive a proportionally large number of requests. Analysts use the system's redaction tool, which automatically captures processing information about the request that is necessary for the Annual FOIA Report. Records custodians and FOIA coordinators who do not have access to the system must use another technology tool to redact information exempt from disclosure. FOIA staff must manually enter into the tracking system processing information about requests processed using other tools. This adds to the administrative burden.

USPS has had the tracking system since 2004 after it hired a consultant who recommended purchasing the system rather than building an in-house system. The Deputy Chief FOIA Officer reported that in FY 2017, USPS updated to a newer version of the system, which required switching databases.

While the decentralized nature of the USPS FOIA program prohibits USPS from gaining the full benefit of its investment, the system has features that improve the FOIA program's efficiency. The system alerts FOIA analysts when the same or similar FOIA requests are logged into the system, according to our review of documents, helping avoid duplication in a decentralized system. The system also allows responsive records to be scanned for optical character recognition and put in the FOIA Reading Room, as well as allow requesters to submit requests through an online portal. The new National FOIA Portal, a website that allows the public to submit a FOIA request to any agency, directs requesters to the USPS online portal.

Recommendation

Recommendation 2: USPS should continue to look for ways to use technology to lower the administrative burden of the FOIA process.

Finding 3: Communication with Requesters Could be More Clear and Consistent

There is a great deal of inconsistency in request responses as FOIA coordinators in more than 30,000 field offices respond directly to requesters. Requesters might be confused by the jargon and legal citations in some response letters. Providing template letters for use by employees in the field as planned will improve the quality of USPS's communication with requesters.

Communication with Requesters

FOIA analysts in both the Washington and the St. Louis Requester Service Centers reported a great deal of administrative work, including answering calls, many of which are not related to FOIA. In these cases, the caller is given the USPS's general hotline number. One way to reduce the administrative burden is to provide all callers with an automatic greeting that provides the general hotline number and ask that the caller enter a number on the telephone keypad to receive assistance with a FOIA request. USPS said that the FOIA program is creating a telephone menu that will direct customers with complaints or general inquiries to the Postal Service's customer service 1-800 number.

As previously noted, we observed a great deal of inconsistency in responses to requesters from the field offices. We noted responses from field offices that contained legal citations and legal terms that many requesters find confusing. For example, one response letter said: "FOIA is not a statutory rule of practice, but rather a mechanism for the public to gain access to information from public bodies regardless of whether there is a case, controversy or pending litigation." For requesters not well-versed in FOIA jargon, such language is difficult to understand.

During our review, we learned that the FOIA program set an FY 2018 goal to create a bank of template letters that FOIA coordinators in the field offices can use to respond to requests. We strongly recommend the creation of such templates and/or standardized language as it will address many of the issues we have identified and discussed here.

Still Interested Letters

In our review of case files, we found one "still interested" letter sent three months after the initial request to check whether the requester remained interested in the records they sought. OIP guidance on "still interested" letters says that such an inquiry should be limited to those situations in which an agency has a reasonable basis to conclude that the requester's interest may have changed. The letter provided the requester 30 days to respond, which is in accordance with OIP guidance.

Recommendation

Recommendation 3: OGIS recommends that USPS create template letters and standard language written in plain language so that they are easily understood by requesters.

Relevant Best Practices

We have identified a number of Best Practices both through our agency compliance assessments and our work with the FOIA Advisory Committee, established by the National Archives and Records Administration to foster dialogue between Federal agencies and FOIA requesters, and develop recommendations for improving FOIA administration. Below are several Best Practices that OGIS has identified as relevant and potentially helpful to the USPS FOIA program:

Best Practice 1: Publicizing what information USPS will not release may reduce the number of requests, and free up resources to improve responsiveness to complex requests.

Best Practice 2: Corresponding with requesters using the requester's preferred method of communication is good customer service.

Best Practice 3: Providing callers with information about how to contact the agency's general assistance hotline can reduce misdirected calls to the FOIA program.

Checklist of OGIS Recommendations for USPS'S FOIA Program Management

Management

- Recommendation 1: OGIS recommends that USPS meet its goal of creating and implementing the use of templates and standard language that FOIA processors in the field can use to respond to requests.

Technology

- Recommendation 2: USPS should continue to look for ways to use technology to lower the administrative burden of the FOIA process.

Communication

- Recommendation 3: OGIS recommends that USPS create template letters and standard language written in plain language so that they are easily understood by requesters.

Scope and methodology⁸

OGIS Compliance Team Lead Kirsten Mitchell and Compliance Team member Amy Bennett conducted the assessment of the USPS FOIA program. This report is the result of their first-hand review of USPS FOIA request files, including eight cases on appeal which were remanded for further processing; analysis of applicable data and documents including USPS FOIA regulations, USPS FOIA website and other written material; interviews with USPS FOIA officials; and interviews with FOIA staff.

On August 2, 2017, we visited USPS and interviewed the Chief Counsel of Federal Compliance, the Deputy Chief FOIA Officer, and four FOIA GISs. We interviewed three FOIA processors in the St. Louis office by telephone on August 8, 2017, August 15, 2017, and August 17, 2017, respectively; at the time of our assessment, there was one vacancy in the St. Louis office.

Before our visit, USPS provided us with a spreadsheet of its FOIA cases closed in FY 2016. We calculated a statistically significant sample of 312 initial request files.⁹ USPS copied the administrative record minus the responsive records to a CD for our review. We finished our review of the case files on or about April 12, 2018.

While our compliance assessment process recognizes that there is no one-size-fits-all approach to administering FOIA—each agency’s records are unique and as such, management of the FOIA process differs—we have observed that successful FOIA programs share three general characteristics: they manage their resources appropriately; they use technology effectively; and they communicate well with requesters. To that end, our compliance assessment program, the first of its kind in the administration of FOIA, reviews and issues findings regarding a FOIA program’s management, technology and communication.

⁸ Please direct questions to OGIS at ogis@nara.gov or 202-741-5770.

⁹ A statistically-significant random sample of USPS’s FY 2016 FOIA cases allowed us to generalize to the entire population of the agency’s FY 2016 cases.