



Railroad Retirement Board

844 N Rush Street

Chicago, IL 60611

Bureau of Information Services
Office of the Chief Information Officer

(312) 751-4851

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by OGIS

DEC 21 2015

Dr. James V.M.L. Holzer, Director
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Office of Government
Information Services

Re: ~~Office of Government Information~~
~~Services (OGIS)-~~
Proposed Routine Use Amendment

Dear Dr. Holzer:

This is in response to your letter dated September 28, 2015 to the Railroad Retirement Board (hereinafter the Board) wherein you requested that I, as Chief Information Officer, revise the Board's Privacy Act system of record notices (SORNs) to include a routine use for the Office of Government Information Services (OGIS). In your letter, you stated that by allowing agencies and OGIS to share information, efficiencies are built into the Freedom of Information Act (FOIA) administrative process.

The Railroad Retirement Board (Board) is an independent agency in the executive branch of the United States Government which is charged with the administration of the Railroad Retirement Act (45 U.S.C. § 231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.). The Railroad Retirement Act replaces the Social Security Act with respect to employment in the railroad industry.

As you know, the Privacy Act of 1974 protects FOIA and Privacy Act request and appeal files, prohibiting agencies from sharing information contained in those files without prior written consent of the requestor or the existence of a routine use allowing such disclosure.

For your information, the Board is restricted with respect to the disclosure of information and records that pertain to an individual, or that identify the individual to whom they pertain, by section 12(d) of the Railroad Unemployment Insurance Act (45 U.S.C. § 362(d)), which is incorporated into the Railroad Retirement Act by section 7(b)(3) of that Act (45 U.S.C. § 231f(b)(3)).

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Section 12(d) provides, in pertinent part, as follows:

Information obtained by the Board in connection with the administration of this Act shall not be revealed or open to inspection nor be published in any manner revealing an employee's identity: Provided, however, That (i) the Board may arrange for the exchange of any information with governmental agencies engaged in functions related to the administration of this Act; (ii) the Board may disclose such information in cases in which the Board finds that such disclosure is clearly in furtherance of the interest of the employee or his estate; (iii) any claimant of benefits under this Act shall, upon his request, be supplied with information from the Board's records pertaining to his claim * * *."

As can be seen from the above, section 12 of the RUIA and the Privacy Act (5 U.S.C. § 552a), prevent the disclosure of any documents or information concerning an individual without that individual's express written authorization.

The Board's staff currently includes approximately 800 employees as of December 31, 2014. The agency's headquarters is located at 844 North Rush Street, Chicago, Illinois 60611-2092 and the agency has 53 field offices nationwide. The agency's small size and concise mission result in on average of approximately 100 FOIA requests annually. In 2005, the RRB launched a redesigned website (www.rrb.gov) that is more user-friendly and makes publicly available many of the categories of documents that used to result in FOIA requests, thereby reducing our annual request volume. Accordingly, unlike a cabinet-level department or large governmental agency which may handle thousands of FOIA requests annually, the Board processes a very small number, consisting mostly of requests by individual railroad employees for copies of their own benefit claim files. Additionally, on average over the last five fiscal years, the Board has handled only two to three appeals of initial denial claims over a specific fiscal year. Moreover, to date, no requestor has utilized OGIS's mediation services to resolve a FOIA or Privacy Act dispute with the Board.

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Thank you for the opportunity to review and comment on your suggestion that the Board add a routine use to its Privacy Act SORNs to allow information sharing with OGIS. However, for the reasons set forth above, we respectfully decline at the present time.

Sincerely,



Ram Murthy
Chief Information Officer