



National Labor Relations Board

2026 Chief FOIA Officer Report

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Department of Justice's (DOJ) 2022 [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

Answer: Yes. Under National Labor Relations Board (NLRB) Rules and Regulations, 29 C.F.R. § 102.117(a)(2)(ii), the Associate General Counsel for the Division of Legal Counsel is the Agency's designated Chief FOIA Officer.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Answer: Nancy E. Kessler Platt, Associate General Counsel, Division of Legal Counsel

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

Answer: FOIA metrics have been historically incorporated into the Agency's [Performance and Accountability Reports](#) and are also included in the performance plans of the Chief FOIA Officer and senior leadership.

B. Presumption of Openness

4. DOJ's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Answer: Yes, the NLRB has incorporated language into response letters confirming that the foreseeable harm standard has been considered when applying FOIA exemptions.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:

- the number of times your agency issued a full or partial Glomar response during Fiscal Year (FY) 2025 (please separate full and partial Glomar responses if possible);
- the number of times a Glomar response was issued by exemption during FY 2025 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

Answer:

Outcome	Case count
Full Denial Based on Exemptions	21
Partial Grant/Partial Denial	4
Total	25

Exemptions	Number of times applied
Ex. 6	23
Ex. 7(C)	23
Ex. 7(D)	2

6. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

Answer: The Agency’s website is regularly updated with new information, including case records and data. In FY 2025, the Agency posted approximately 25,700 records to its website.

Section II: Ensuring Fair and Effective FOIA Administration

DOJ's 2022 [FOIA Guidelines](#) provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” DOJ also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

Answer: The Agency has taken the following measures to ensure proper FOIA training is made available to and used by Agency personnel:

- The FOIA Branch maintains training materials and other FOIA resources on the Agency’s intranet site for reference by all Agency personnel.
- For all new employee orientation sessions in 2025 and 2026, a FOIA staff attorney provides an overview of the FOIA and the Agency’s records disclosure policies prohibiting unauthorized disclosures.
- On May 12, 2025, the FOIA Officer and the FOIA Deputy Branch Chief provided an overview of the FOIA and employees’ responsibilities thereunder to newly hired investigatory staff at the New NLRB Agent training.
- On June 25, 2025, the FOIA Officer and FOIA Deputy Branch Chief provided an overview of the FOIA and employees’ responsibilities to field staff participating in the 2025 Exchange Program.

- On July 21, 2025, the FOIA Officer and FOIA Deputy Branch Chief provided an overview of the FOIA and employees' responsibilities to newly hired Regional Directors.
- On July 29, 2025, the FOIA Officer and FOIA Deputy Branch Chief provided an overview of the FOIA and employees' responsibilities to the 2025 cohort of summer interns.
- In early January, 2026, the FOIA Officer briefed incoming political appointees on the FOIA and employees' responsibilities.
- In the coming months, it is anticipated that the FOIA Officer and FOIA Deputy Branch Chief will conduct trainings for incoming spring interns and newly hired investigatory staff on the FOIA and their responsibilities thereunder.

2. Did your FOIA professionals, or other personnel at your agency with FOIA responsibilities, attend substantive FOIA training during the reporting period, such as training provided by the Department of Justice?

Answer: Yes. Please see below.

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

Answer: Between March 2025 and March 2026, one or more NLRB FOIA Branch staff attended (or are registered to attend) the following trainings:

- American Society of Access Professionals: FOIA Court Case Updates
- DOJ OIP Training: Advanced FOIA Training
- DOJ OIP Training: Administrative Appeals, FOIA Compliance, and Customer Service Training
- DOJ OIP Training: DOJ's Annual Report Training for Federal Agencies
- DOJ OIP Training: Exemptions 1 and 7 Training
- DOJ OIP Training: Exemptions 4 and 5 Training
- DOJ OIP Training: Introduction to the Freedom of Information Act
- DOJ OIP Training: Litigation Training
- DOJ OIP Training: Privacy Considerations Training
- DOJ OIP Training: Procedural Requirements and Fee and Fees Training
- DOJ OIP Training: Processing a Request from Start to Finish
- Branch-wide trainings and various staff meetings presenting training on FOIA processing and legal updates

Staff were registered for additional training sessions that were cancelled due to the government-wide shutdown during October and November, 2025.

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

Answer: 100% of the FOIA professionals attended substantive FOIA training.

5. 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.

Answer: This does not apply to the NLRB because all FOIA professionals attended substantive FOIA trainings.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff, and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process.

Answer: For all new employees during their orientation, a FOIA staff attorney presents an overview of their FOIA responsibilities and the Agency's records disclosure policies. The FOIA managers also provide briefings when new political appointees join the Agency and FOIA overview trainings to Regional Offices, new agents, summer interns, and honors attorneys. Additionally, the FOIA Branch maintains training materials and other FOIA resources on the Agency's intranet site for reference by all Agency personnel. Finally, the Chair of the Board and the General Counsel send an annual Sunshine Week memo in March, informing all staff about the FOIA, reminding them of their record-keeping obligations, and providing information on FOIA resources and training materials.

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.

Answer: Yes. It is standard procedure for Agency FOIA professionals to contact requesters concerning complex or voluminous requests to clarify and/or seek to narrow their requests. Upon receiving a new assignment and as appropriate, FOIA staff routinely communicate with requesters about their requester category, fee waiver issues, assuming sufficient fees for processing requests, and clarifying unclear or broadly-worded requests. For example, when requesters seek all records in case files, FOIA staff reach out to the requesters to explain what kinds of records are likely to be released and withheld, the exemptions that would apply, and the length of time it would take to process all the records. They may also provide an overview of the Agency's FOIA process and show the requester what resources are already available as proactive disclosures online. Often, as a result, the requester will narrow the request to exclude all but certain "formal" records in the cases, saving the Agency countless hours retrieving, reviewing, and redacting the records. In other instances, requesters have submitted requests that seek records from certain types of cases for broad periods. In such situations, the FOIA staff engage the requester to understand whether the requester needs the actual records or whether a data report would be more helpful. Often, the requester amends the request to only a spreadsheet containing the data, which saves the Branch tremendous time and resources that would have otherwise been spent processing records. The FOIA staff and FOIA Public Liaison frequently engage with requesters to

explain what records, data, and resources are readily available on the Agency's website. With this information, requesters can retrieve the information sought immediately, saving time and effort for both the Agency and the requester.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Answer: Staff in the FOIA Branch attended the NARA-led FOIA Advisory Committee Meetings and the Chief FOIA Officers Council Meetings to gain insights about best FOIA practices from other agencies and to hear feedback from the requester community. As previously reported, the Deputy FOIA Branch Chief co-authored with a colleague from the Department of Education an article providing an overview of the FOIA for publication by the American Bar Association (ABA), which was a direct result of their webinar presentation in December, 2023 called "Understanding FOIA: Records, Exemptions, and Best Practices" to an audience of approximately 55 legal professionals (largely comprised of members from the requester community). This article was [published by the ABA in their magazine and online](#) in July 2025.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2025 (please provide a total number or an estimate of the number for the agency overall).

Answer: Approximately 50 contacts from March 2025 through the date of this report.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Answer: Yes. The FOIA Branch continually assesses its resources against changing business demands. Where additional resources are needed, the FOIA Branch adjusts staffing assignments to leverage expertise among current staff and seeks assistance from staff in other Branches through short-term details and temporary assignments.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

Answer: Managers responsible for assigning FOIA requests to the FOIA professionals maintain spreadsheets to track assignments as made and over time to ensure that FOIA assignments are distributed equitably across staff. Additionally, statistics on active requests, backlogged requests, and closures are maintained and monitored to ensure

the timely processing of requests. Beginning in 2026, FOIA managers and supervisors implemented a quarterly backlog review to assess the status of backlogged requests to ensure continued progress is made.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

Answer: The Agency supports staff to undertake details to and from the FOIA Branch to enhance staff knowledge of the FOIA and of Agency records. The FOIA Branch provides FOIA resources and training to all Agency staff, including specific trainings to new employees and upon request to any Agency office.

Section III: Proactive Disclosures

DOJ's 2022 [FOIA Guidelines](#) emphasize that "proactive disclosure of information is... fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

Answer: Consistent with subsection (a)(2) of the FOIA, the NLRB proactively makes available to the public non-exempt information from certain categories of records without waiting for a specific request to be received. The Office of the Chief Information Officer has worked with various divisions of the Agency to automate the posting of certain records. For example, an automated process links the NLRB's case management database, NxGen, with the Agency website, and posts various case motions and orders by NLRB Administrative Law Judges (ALJ) and the Board itself automatically and immediately to the Agency's website. Similarly, ALJ and Board decisions are published on the Agency's website as soon as possible after issuance, usually the same day. Also, when new cases are filed with NLRB regional offices, the Agency's website is updated with that information within a day. The FOIA Branch retrieves, reviews, and works with staff in the OCIO to post certain [Advice Memoranda](#) to the NLRB website in batches on a monthly basis. Staff in the FOIA Branch regularly post frequently requested records to the Agency's online case pages by linking the released record to the case's docket activity report. See also the responses to questions III.3 and III.5 below.

2. Does your agency post logs of its FOIA requests?

- If so, what information is contained in the logs?
- Are they posted in CSV format? If not, what format are they posted in?
- Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

Answer: The NLRB does not post FOIA request logs on its public website.

3. Provide examples of any material (with links) that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

Answer: The NLRB maintains a robust website and [FOIA E-Library](#). The FOIA Branch has identified the following records and resources that the Agency routinely posts online proactively:

- Cases:
 - [Cases and Organizations of Interest](#) with links to 18 high-profile, high-interest cases
 - [NLRB Case Map](#): View case or election-related data for the current fiscal year, by hovering over a region on the map. Unfair Labor Practice cases (C cases) and Representation cases (R cases) can be seen in a pop-up box. Results can be viewed in tabular form below the map by clicking on a Region.
- Agency opinions and orders issued during case processing
 - [Advice Memoranda](#)
 - [Board Decisions](#)
 - [Administrative Law Judge Decisions](#)
 - [Regional Election Decisions](#)
- [Agency Court Filings](#):
 - [Appellate Court Briefs and Motions filed by the General Counsel](#)
 - [Petitions for Review & Applications for Enforcement](#)
 - [Contempt, Compliance, and Special Litigation Branch Briefs](#)
 - [Injunction Litigation Branch Appellate Briefs](#)
- Specific policy statements that are not published in the Federal Register
 - [General Counsel Memoranda](#)
 - [Operations-Management Memoranda](#)
- Administrative staff manuals and instructions to staff that affect a member of the public
 - [Manuals](#): links to 18 NLRB internal manuals or other materials regarding NLRB case procedures
- Frequently requested records available through the [Agency's SecureRelease public reading room](#).
- Additional proactive postings and online databases include:
 - [Case Search](#) database
 - [NLRB Recent Charges and Petitions Filings Search](#)
 - [Recent Election Results Search](#)
 - [Performance and Accountability Reports](#) (PARs)
 - [Election Reports](#) of all elections conducted in the NLRB's regions
 - [Annual Reports](#) from FY 1936-2009
 - Other [reports](#) containing various types of information related to casehandling, the Agency's performance, the FOIA, and Office of the Inspector General
 - [Graphs and Data section](#) containing statistical information about [charges and complaints](#), [petitions and elections](#), [decisions](#), [litigation](#), [remedies](#), [recent filings](#), and [recent election results](#)
 - [CiteNet](#): The Classified Index of NLRB Board Decisions and Related Court Decisions.

- [Weekly Summary of Decisions](#)

Further, the posting of FOIA records to the case page is not limited to records that have been requested three or more times. Formal records, especially for high-profile cases, are posted to the corresponding Agency case page. See, for example, the unfair labor practice case involving [Red Rock Resorts, Inc., as a single employer with Station Casinos LLC, and NP Palace LLC d/b/a Palace Station Hotel & Casino](#). Since the charge was filed in 2021, the Agency's case page has been continually updated to list the docket activity, providing hyperlinks to proactively released case documents. Of the 108 records listed in the docket, 93 (86%) of them are available online. Additionally, the FOIA Branch publishes records requested by the media to the [Agency's public reading room](#), which is hosted by the Agency's FOIA processing system provider, SecureRelease.

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

Answer: Please see response above. The NLRB maintains a robust website and posts frequently requested records directly to case pages, as well as the [Agency's public reading room](#).

5. 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? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine-readable formats. If your agency is not taking steps to make posted information more useful, please explain why.

Answer: For ease of access, the NLRB posts Board decisions on the front page of its website. Additionally, the NLRB offers RSS (Really Simple Syndication) feeds that deliver recently-released NLRB documents directly to subscribers. Available feeds include [Board Decisions](#), [Press Releases](#), [Weekly Summaries](#), and [Announcements](#).

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Answer: Yes. Please see the response to question III.1 above. Additionally, the FOIA Branch works with the Office of the Chief Information Officer (OCIO) to post certain Advice Memos on the Agency website on a monthly basis.

7. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

Answer: Please see the responses to questions III.1 and III.5 above. Additionally, the NLRB continues to work with the vendor for SecureRelease to deploy a more user-friendly public reading room, as well as to develop an API that will allow for the efficient and timely posting of released records to Agency case pages.

Section IV: Steps Taken to Make Better Use of Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. DOJ's 2022 [FOIA Guidelines](#) emphasize the

importance of making FOIA websites easily navigable and complying with the [FOIA.gov](https://www.foia.gov) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Answer: Yes.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

Answer: In the past year, the FOIA Officer and Deputy Branch Chief continued to work proactively with the vendor to customize the system to meet the Agency's particularized needs. The vendor has made numerous enhancements to the system based on the Agency's specific feedback, including adding a data field that allows processors to more easily identify when requesters have previously made first party requests; streamlining the internal task assignment function; and implementing specialized reports, among others. Additionally, the Agency is working with the vendor to implement secure identity verification using the Login.gov portal.

3. Does your agency currently use any technology to automate request intake, customer service, or record processing? For example, does your agency use artificial intelligence or other tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

Answer: No.

4. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Answer: Yes.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2025 appear on FOIA.gov?

Answer: Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2026.

Answer: This does not apply to the NLRB.

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2024 Annual FOIA Report and, if available, for your agency's Fiscal Year 2025 Annual FOIA Report.

Answer: Please see [FOIA Annual Reports](#) on NLRB's website.

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Answer: Yes.

9. Optional -- Please describe your agency best practices in better utilizing technology and any challenges your agency faces in this area.

Answer: Please see the response to question IV.2 above. The FOIA Branch has continually maintained a collaborative relationship with OCIO staff, which supports an efficient workflow for searching, accessing, reviewing and posting records. Additionally, the Agency continues to work with the vendor to tweak and improve aspects of the system to customize it to the Agency's process, as well as to leverage new technology to improve FOIA processing.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

DOJ's 2022 [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access for any categories of first-party requested records, outside of the typical FOIA or Privacy Act process?

Answer: Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

Answer: First-party requesters may obtain formal case records in open cases from the Regional Office of jurisdiction. When a charged party requests a copy of the initial charge under the FOIA, the FOIA Branch will reach out to that party to provide the Regional Office contact information so they can obtain the record directly from that office eliminating the time and expense of processing a FOIA request.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

Answer: See the responses to questions III.3 and III.5 above. The Agency works to enhance the public's access to government information by continually updating its website, by publishing materials online, by providing robust search tools for data and other records, and by implementing subscription services that disseminate newly-published information to subscribers.

B. Timeliness

4. For Fiscal Year 2025, 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 2025 Annual FOIA Report.

Answer: The average number of days for the Agency to adjudicate requests for expedited processing was 2.28 days in FY 2025.

5. If your agency's average number of days to adjudicate requests for expedited processing was more than ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2025 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Answer: This question does not apply to the NLRB.

6. Does your agency utilize a separate track for simple requests?

Answer: No. The NLRB maintains only one track for requests (simple) and does not have a separate track for complex requests.

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2025?

Answer: Please see response above.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Answer: This does not apply to the NLRB as the Agency does not have separate processing tracks under the FOIA.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2025 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

Answer: See response to question V.B.6, above. Consistent with Agency regulations, 100% of requests were processed in the simple track as the Agency does not have a separate track for complex requests.

10. 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?

Answer: No (23.25 days).

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2025, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024?

Answer: No. The NLRB had a FOIA request backlog of 26 at the end of FY 2024. At the end of FY 2025, the NLRB had a FOIA request backlog of 58.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2025 than it did during Fiscal Year 2024?

Answer: Yes.

13. If your agency's request backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

Answer: The Agency experienced a number of exacerbating factors that contributed to the overall increase in its FOIA backlog, including an increase in the complexity of requests; a loss of staff resources (several staff serving details to other offices; staff retirement); litigation which demanded the time and attention of senior attorneys in the Branch; and a significant increase in the number of Appeals filed.

14. 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 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

Answer: The NLRB's FY 2025 backlog represents approximately 2% ($58 / 2832 \times 100 = 2.05$) of total requests received in FY 2025.

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2025, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024?

Answer: No, the NLRB had two FOIA administrative appeals backlogged at the end of FY 2025, which is an increase from zero in FY 2024.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2025 than it did during Fiscal Year 2024?

Answer: Yes, the NLRB did process more administrative appeals in FY 2025 (35 appeals) than in FY 2024 (21 appeals).

17. If your agency's appeal backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to reduce its 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

Answer: The NLRB closed FY 2025 with two backlogged administrative appeals, both of which concern records that are subject to on-going, related litigation. As a result, the Agency has deferred final determinations on the two pending appeals until a judicial decision regarding the records has been rendered.

18. 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 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2025 and/or has no appeal backlog, please answer with "N/A."

Answer: The percentage of appeals that make up the backlog for the NLRB in FY 2025 is 5% (5 = 2 backlogged / 40 received x 100).

D. Backlog Reduction Plans

19. In the 2025 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2024 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your 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 2025?

Answer: N/A.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2025, please explain your agency's plan to reduce this backlog during Fiscal Year 2026.

Answer: N/A. However, the Agency has implemented a quarterly review to assess the FOIA backlog to ensure that continued progress is made on the oldest requests.

E. Reducing the Age of Requests, Appeals, and Consultations Ten Oldest Requests

21. In Fiscal Year 2025, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2024 Annual FOIA Report?

Answer: No.

22. 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 2025 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Answer: The NLRB closed five (5) of its ten oldest pending perfected requests from the FY 2024 Annual Report. Four of the five remaining oldest pending perfected requests as listed in the FY 2024 Annual FOIA Report are subject to litigation.

23. Beyond working on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

Answer: FOIA managers and supervisors track the backlog of overdue requests, and in 2026, the Agency began a quarterly review of all backlogged requests to ensure progress is being made on closing them. Additional staff was assigned to assist in processing some of the oldest, most voluminous requests.

Ten Oldest Appeals

24. In Fiscal Year 2025, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2024 Annual FOIA Report?

Answer: Yes.

25. 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 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Answer: The Agency had one appeal pending at the end of FY 2024, as reported in the Annual FOIA Report. That appeal has been closed.

26. Beyond working on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

Answer: The NLRB continually works to ensure that appeals are processed in a timely manner. When received, appeals are assigned, tracked, and monitored to ensure that a determination is made and issued within 20 days. The average number of days for the Agency to close an appeal, for those closed in FY 2025, was 15.19 days.

Ten Oldest Consultations

27. In Fiscal Year 2025, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report?

Answer: Yes.

28. 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 2024 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Answer: N/A.

Additional Information Regarding Ten Oldest

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2026.

Answer: In the FY 2024 Annual FOIA Report, the Agency reported “ten oldest” data for requests (ten), appeals (one), and consultations (2). The appeal and consultations have been closed. Regarding the requests, five of the ten oldest have also been closed. Of the remaining five pending requests, four are subject to ongoing litigation. The FOIA attorneys working on those cases continue to engage in discussions with the plaintiff requester to narrow the scope of the requests and prioritize the processing of the records sought. The Agency expects to close some, if not all, of them during the current fiscal year.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:

- The number and nature of requests subject to litigation
- Common causes leading to litigation
- Any other information to illustrate the impact of litigation on your overall FOIA administration

Answer: Yes. The Agency is defending two FOIA cases in litigation, one that was filed in FY 2022 as a constructive denial and one that was filed in FY 2023, challenging the Agency’s redactions. The 2022 FOIA litigation involves records from several very complex unfair labor practice investigations, which are also being litigated, and has demanded the time and attention of the Branch’s data specialist, several of the Branch’s most senior FOIA professionals, as well as managers in other Branches of the Agency. The Agency has continued to work cooperatively with the plaintiff to narrow the scope of its multiple requests, prioritize production of specific records sought, and efficiently process responsive records. The litigation originally involved seven requests, and the Agency has processed and closed three of them, leaving four remaining. The 2023 FOIA request subject to litigation is a challenge to the redactions applied to one record. This case is currently pending before a district court, and the Agency is awaiting a determination on renewed summary judgment motions. As with the other litigation, this case required substantial, dedicated time from the FOIA attorney to research and draft court filings, as well as managers to supervise the case.