



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Chief Information  
Officer

September 10, 2013

Project on Government Oversight  
Attn: Ms. Angela Canterbury  
Director of Public Policy  
1100 G Street, Suite 500  
Washington, DC 20005

Re: FOIA/PA 2013-07244

Dear Ms. Canterbury:

This letter responds to your Freedom of Information Act (FOIA) request dated July 2, 2013, to the United States Office of Personnel Management (OPM). In your letter, you requested the following records:

Provide all reports submitted by OPM to the National Security Agency from 1993 to present as mandated by Executive Order 10450 Section 14, which states "the Office of Personnel Management, with the continuing advice and collaboration of representatives of such departments and agencies as the national Security Council may designate, shall make a continuing study of the manner in which this order is being implemented" and "report to the National Security Council, at least semiannually, on the results of such study."

A records search was conducted. We were not able to locate any records or files pertaining to your specific request. It appears that the requirement to provide these reports to the NSC have been abolished during the government reinvention activities of the 1990's. The attached 732 extract demonstrates the requirements outlined in the Federal Personnel Manual and the FPM sunset document eliminates the requirement. These excerpts have been provided for your reference.

The undersigned is responsible for the no records determination. You have the right to appeal this adverse determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to:

U.S. Office of Personnel Management  
Office of the General Counsel  
1900 E Street, NW  
Washington, DC 20415

Both the front of the envelope and the first page of your letter should be marked "FOIA Appeal."  
Copies of the FOIA regulations are available at [www.opm.gov/efoia](http://www.opm.gov/efoia).

Additionally, you may contact the Office of Government Information Services (OGIS), the Federal Government's FOIA Ombudsman, for assistance. The 2007 FOIA amendments created OGIS to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

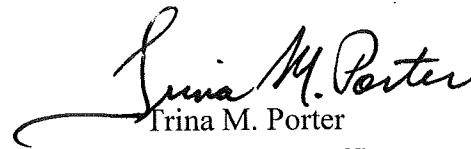
Office of Government Information Services  
National Archives and Records Administration  
{OGIS} 8601 Adelphi Road  
College Park, Maryland 20740-6001

Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Internet: <https://ogis.archives.gov>  
Telephone: (202) 741-5770  
Fax: (202) 741-5769  
Toll-free 1-877-684-6448

If you need to contact our office concerning this request, please call the FOIA Service Center on 202-606-3642 and refer to the above referenced FOIA tracking number.

Enclosures

Sincerely,

  
Trina M. Porter  
Chief, FOIA Officer

This File is considered to be a part of an OPM Governmentwide Privacy Act system of records. Agencies will maintain the above record of adjudications for at least 2 years from the date of the final decision in the case. Retention of the file will be in accordance with applicable GSA requirements.

c. **Timing of adjudication.** Agencies must adjudicate each case within 90 days of receipt of the results of the OPM investigation.

#### 7-7. REQUIRED REPORTS TO OPM

a. **Agency-conducted investigation.** Each investigative agency conducting a personnel investigation under E.O. 10450 is required to notify OPM when the investigation is initiated, and report to OPM the final adjudicative action taken on the subject.

b. **File furnished as a result of SII check by agency.** Within 90 days of receipt of a file from OPM, the agency is required to report to OPM any final adjudicative action taken on the subject.

c. **OPM-conducted investigation.** Within 90 days from the date of receipt of an investigation from OPM, the agency must report the final adjudicative action taken to OPM. Additional time may be requested by the agency to complete the adjudication and/or administrative process.

d. **Reports on adjudicative actions in cases not covered above.** Agencies are required to report to OPM the final adjudicative action taken under 5 CFR Part 731 on the individual in any case not covered by subchapters 7-7a. through 7-7c.

Also, see appendix C.

#### 7-8. OPM SECURITY/SUITABILITY APPRAISALS

a. **Authority and purpose.** Agencies are responsible for implementing and maintaining a strong and effective personnel security program. A continuing study or appraisal of each agency's personnel security program is made by OPM under section 14 of E.O. 10450. The purpose of the appraisal is to assure the effectiveness of agency programs by identifying any deficiencies in the programs which do not conform to, or directly or indirectly weaken, the interests of the national security or safeguards of individual rights. The appraisal also addresses agency compliance with personnel suitability program requirements under FPM chapter 731 and the

Computer/ADP requirements in chapter 731 under OMB Circular A-130.

b. **OPM organization for security appraisals.** OPM maintains a staff of Appraisal Officers to conduct appraisals of agency personnel security programs at headquarters and field activities.

c. **Focus of an appraisal.** The following matters are addressed in the OPM appraisals.

(1) Overall operation of the agency security program in relation to its impact on the national security and the agency's legitimate interests, including review of the agency's overall policy toward personnel security as reflected in the adequacy of resources committed to the program and other policies and actions.

(2) The safeguards in place for the protection of individual rights, and the treatment accorded to individual employees by agencies in terms of whether or not it is fair, impartial, and equitable.

(3) Adequacy and appropriateness of agency security and suitability regulations and the criteria for making security and suitability determinations and the manner in which they are applied.

(4) Manner and extent to which the agency head has delegated appropriate authority to properly qualified subordinate officials to carry out the agency's security program responsibilities, and their effectiveness in the exercise of delegated authority.

(5) Extent of use of authority to waive preplacement completion of investigations for sensitive positions.

(6) Appropriateness of agency designations of positions in terms of sensitivity.

(7) Extent and effectiveness of agency use of preplacement background investigations in the selection process.

(8) Extent of cooperation between security, personnel, and selecting officials.

(9) Qualifications, investigations, and clearance of all persons involved in the handling of investigative reports, adjudicating, and designating position sensitivity.

(10) Extent to which agency security actions and employment decisions based on investigative reports are free from bias related to race, color, age, religion, sex, or national origin.

(11) Timeliness in initiating required investigations, in completing agency-conducted investigations, and in making security and fitness determinations.

(12) Compliance with periodic updating requirements for sensitive positions.

(13) Adequacy and consistency of investigative coverage in agencies authorized to conduct their own investigations by agreement with the OPM.

(14) Compliance with requirements for referring security and loyalty information developed in agency investigations to the FBI for investigation.

(15) Appropriateness of agency adjudicating and designating actions.

(16) Any indications of lack of awareness or sensitivity on the part of agency investigators and adjudicators in the area of civil rights and civil liberties as they relate to persons investigated and evaluated or to contacts with the public in conducting investigations.

(17) Adequacy of safeguards for handling and storage of investigative reports and other sensitive materials.

(18) Appropriateness of agency requests for and uses of investigative files, including adequacy of security office records on agency requests for investigative files and on dissemination of investigative material within the agency (see subchapter 7-5 of this chapter).

(19) Extent to which the agency is in compliance with the requirements of FPM chapters 731, 732 and 736 and other criteria in the Federal Personnel Manual or regulations pertaining to operation of the personnel security program.

The appraisal will also include an assessment of OPM's or another investigative agency's effectiveness in terms of the quality, timeliness, adequacy and appropriateness of its services to the agency and overall responsiveness to the agency's needs in carrying out its responsibilities.

**d. Appraisal process.** An advance notice of the appraisal is given by letter to the head of the agency. This notice gives a brief description of the appraisal approach, identifies the appraisal officer, and requests the name of the official in the personnel/ security office who will serve as the point of contact. The letter invites the agency to discuss any problems concerning security or suitability program matters while the appraisal is being conducted.

Copies of relevant material from the agency security office may be requested in advance of the

appraisal. During the appraisal, information will be developed from a variety of sources: interviews with security office personnel and selected agency officials and employees; and reviews of agency security and suitability regulations, security folders, Official Personnel Folders, records of adjudicative action, administrative due process files, investigative files, waiver records, and data on the timeliness of initiating investigations and making security determinations.

**e. Appraisal reports.** During the appraisal and upon its completion, the Appraisal Officer will give oral reports to agency officials. This procedure allows for informal corrective actions to be taken at the earliest possible time. Following the appraisal, OPM reports the findings on the agency program to the head of the agency concerned, and, as appropriate, to the President through the National Security Council and Cabinet.

**f. Agency compliance with proposed actions and follow-up.** Agencies are required to correct any deficiencies noted in the OPM appraisal report. If there are matters at issue, the agency may furnish comments as a basis for further consultation.

OPM conducts a security appraisal follow-up to determine if the required corrective action has been taken or at least is in the process of being taken. A follow-up letter may also be accompanied by a personal discussion by the Director, OPM, with the agency head if there appears to be little effort on the part of the agency to effect the required corrective action. Major and continuing deficiencies will be reported to the National Security Council by the OPM as provided for in E.O. 16450.

**g. Assistance visits.** As required, OPM will provide agencies with assistance regarding security or suitability matters. These visits might include limited training following new program instructions, an inquiry on disposition of a particularly difficult case to adjudicate, evidence of improper dissemination of investigative reports, or any request by an agency for other assistance.

## APPENDIX C

Guide to Suitability/Security Program Information, Procedures,  
and Agency Submission Requirements

| ITEM:  | SUBMIT WHAT:   | SUBMIT WHEN:  | SUBMIT WHERE:  |
|--|--|---|--|
| SII Search   | OFI 79B or telephonic inquiry  | As needed   | OPM-FIPC<br>Boyers, PA 16018   |
| Investigative Agency-Conducted Investigation (includes SII search) | OFI 79 - part A; agency notice to OPM of investigation   | Initiation of investigation   | [Telephone inquiry procedures are detailed in a pamphlet, "Requesting OPM Federal Investigations" (OFI-15)]  |
|  | OFI 79 - part C; agency indicates action taken   | After final adjudicative action   |  |
| File Furnished By OPM As Result of SII Check                       | OFI 79B - back of form (attached to file for return to OPM-FIPC); agency indicates action taken  | Within 90 days after receipt of investigation file and after final adjudicative action                      | Telephone contact:<br>FTS 8-923-1168   |
| OPM-Conducted Investigation  | OFI 79A - sent to agency with case; agency completes bottom to indicate action taken   | Within 90 days of date of the case and after final adjudicative action                                      | Commercial<br>(412) 794-5228   |
| Reports on adjudicative actions in cases not covered above         | OFI 79B - back of form OFI 79 - part C (investigating agencies only)   | After final adjudicative action   |  |
| Referral of National Security Data to FBI                          | Data developed with letter request for FBI action under Section 8(d) E.O. 10450 or other relevant authority  | Whenever data meeting the criteria in Sec. 1-12 of FPM chapter 732 or other relevant authority is developed | U.S. Department of Justice, Federal Bureau of Investigation, Room 4383, ATTN: Background Investigations Unit, Washington, DC 20535<br>And copy of request to: OPM-FIPC, Boyers, PA 16018<br><br>Telephone contact:<br>FTS 8-923-1168<br><br>Commercial<br>(412) 644-6446 |
| Privacy Act Request for Investigation File by Subject              | Signed letter-specifying name, date/place of birth, Social Security number, home address, location of present or former Federal employment, and any other pertinent data | As occurs   | OPM-FIPC (FOL/PA)<br>Boyers, PA 16018<br><br>Telephone Contact:<br>FTS 8-923-1168<br><br>Commercial<br>(412) 644-6434  |