



**Federal Financial Institutions Examination Council (FFIEC)  
Chief FOIA Officer Report  
March 2011**

**I. Steps Taken to Apply the Presumption of Openness**

*1. Describe the steps taken to ensure that the presumption of openness is being applied to all decisions involving the Freedom of Information Act (FOIA).*

- a. How have the President's FOIA Memorandum and the Attorney General's FOIA Guidelines been publicized throughout the agency?

The President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been posted on the FFIEC Website and shared with the FOIA Public Liaison for the FFIEC. The FFIEC is staffed by 13 people and only one staff member is assigned FOIA responsibilities, in addition to the Executive Secretary, that being the FOIA Public Liaison for the FFIEC.

- b. What training has been attended and/or conducted on the new FOIA Guidelines?

The FOIA Public Liaison for the FFIEC attended Department of Justice (DOJ) training on the Annual FOIA Report in 2010 and just recently attended the DOJ training on the Chief FOIA Officer Report in January of 2011.

- c. How has your agency created or modified your internal guidance to reflect the presumption of openness?

Legal counsel for FFIEC FOIA requests is provided by the FFIEC's Legal Advisory Group, which consists of the General Counsels or Chief Counsel for each of our member agencies. Since the data produced for FFIEC financial reports is "owned" by one of its five federal member agencies, legal counsel for that agency typically handles the research for FOIA requests for data their agency owns/manages/stores and fulfills the response in accordance with their agency's internal guidance. As such, the FOIA professionals at each of the five federal member agencies implement their system for effective, timely, and accurate research and responses to FFIEC FOIA requests for their data.

- d. To what extent has your agency made discretionary release of otherwise exempt information?

Opportunities for a discretionary release of otherwise exempt information did not occur in the 2010 reporting year.

- e. What exemptions would have covered the information that was released as a matter of discretion?

N/A

- f. How does your agency review records to determine whether discretionary releases are possible?

As noted in the response to question I, 1, c, the discretionary releases would be determined by the FFIEC member agency in ownership of the information being requested, thus their agency guidelines would be the determining factor.

- g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied?

The FFIEC FOIA Public Liaison works closely with the FOIA professionals at each of the five federal member agencies to ensure FFIEC FOIA requests for data are fulfilled timely and monitors the type of requests made so that if multiple requests are made for the same data, a recommendation would be made to the member agency to post this data on either their Website or the FFIEC Website in the spirit of openness.

*2. Report the extent to which the numbers of requests where records have been released in full and the number of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report?*

The FFIEC receives a limited number of FOIA requests, zero in FY08, two in FY09, and 24 in FY10. Of the two FOIA requests received in FY09 one record was released in full and one record was released in part. Of the 24 FOIA requests received in FY10 three records were released in full and two records were released in part.

## **II. Steps Taken to Ensure that Your Agency has an Effective System in Place for Responding to Requests**

*1. Describe the steps taken to ensure that your agency system for responding to requests is effective and efficient.*

- a. Do FOIA professionals within your agency have sufficient IT support?

Yes.

- b. Describe how your agency's FOIA professionals interact with your Open Government Team.

The FFIEC does not have an Open Government Team.

- c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

The FFIEC has not had a backlog in responding to FOIA requests and most requests are responded to within a few days of receipt. Also, there have not been any administrative appeals filed. For these reasons, and since requests are responded to timely and satisfactorily, it has been determined that the FFIEC staffing is adequate.

- d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The Chief FOIA Officer and FOIA Public Liaison manage the research and response for simple requests for data or information that is stored within the FFIEC's offices or website. As these requests are rare, they become a high priority as soon as they are received and the appropriate steps are taken, and legal counsel involved immediately should they be needed, so that a response is made no later than by the date due according to the FFIEC FOIA regulation. In 2010 the FFIEC added a full FOIA webpage and a FOIA email address that opens the opportunity for the public to now email their FOIA requests directly to the FFIEC's Chief FOIA Officer and FOIA Public Liaison with the click of a button.

### **III. Steps Taken To Increase Proactive Disclosures**

1. *Describe the steps taken to increase the amount of material that is available on your agency website, including examples.*

- a. Has your agency added new material to your agency website since last year?

Yes.

- b. What types of records have been posted?

White Paper on Mortgage Fraud, Retail Payment Systems Handbook, FFIEC Annual Report, Press Releases, Updated staff contact details, a FOIA information page with FOIA email address for ease in submitting requests, FOIA Annual Report, Chief FOIA Officer Report, financial data is updated quarterly, and sometimes weekly depending on the data source, Census reports, data and software related to Home Mortgage Disclosure Act and Community Reinvestment Act, public hearing announcements from our member agencies, frequently asked questions on "hot topic(s)".

- c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.

Not applicable. The FFIEC Website is maintained as a transparent view into all the work products of the FFIEC. Typically requests made under FOIA for information not available on our website are not available because the reports/documents/information requested is owned by one of our member agencies.

- d. What system do you have in place to routinely identify records that are appropriate for posting?

The FFIEC's work and mission are accomplished through the efforts of six task forces. These task forces meet monthly and are made up of a representative from each of the five federal member agencies along with a representative from our State Liaison Committee. Through the work of the task forces and their working groups the content on the FFIEC Website is kept up-to-date, with new content, revised content, and archiving of older content. The FFIEC's Program Coordinator and the Examiner Education Office also monitor the website to ensure all areas are reviewed periodically for potential enhancements and updating.

- e. How do you utilize social media in disseminating information?

The FFIEC is not a regulatory body and exists by Congress to serve its five federal financial regulator members and its State Liaison Committee, therefore has very limited contact with the general public. The FFIEC Website has an "Email alerts" function wherein the public can sign up to receive email notification when new press releases are issued.

- f. Describe any other steps taken to increase proactive disclosures at your agency.

The FFIEC continually reviews its website to ensure that it presents the most up-to-date information, reports, data, press releases, guidance, contact information for helpdesk support, examiner education training schedules, handbooks, frequently asked question page, and links to other pertinent websites, to name a few. On the "Contact Us" webpage there are 17 listed contacts by subject matter, wherein the public can send a direct email to the subject matter experts for their questions to be answered expeditiously. A further enhancement for public access was made through the addition of The Consumer Help Center webpage. This page includes a search function that assists the public in finding their bank or financial institution's federal regulator. The Consumer Help Center directs the public to the appropriate federal bank regulatory agency so they can reach the appropriate personnel who can assist them with their concerns.

The FFIEC website was enhanced with a webpage containing information on the *Federal Register*, including links to related websites. This affords public viewers to the FFIEC website the ability to search for postings by the FFIEC that are open for public comment with greater ease. The FFIEC has an Memorandum of Agreement with the United States Environmental Protection Agency to be a partner in the government-wide electronic docket management system know as the Federal Docket Management System and specifically the Presidential E-Government program know as the eRulemaking Program, allowing the public to submit comments on FFIEC *Federal Register* postings electronically, and view all public submissions directly from the Regulations.gov website.

The FFIEC has an "alert" sign-up feature on the Press Release webpage so that the public can receive an email notification every time a Press Release is added to the FFIEC website. The website also has "alert" features on several of its web pages affording the public

access to new data the moment it is posted, e.g. the Home Mortgage Disclosure Act webpage and the Community Reinvestment Act webpage. The sitemap for the FFIEC website is routinely reviewed to ensure that the public can easily and intuitively access the information they are searching for with relative ease.

The FFIEC has a number of helpdesks available to the public to answer questions on the variety of data and reports that the FFIEC distributes and maintains, with one or more of its five federal member agencies. As listed on the FFIEC website, the public can access subject matter experts for questions on topics such as the Home Mortgage Disclosure Act, the Community Reinvestment Act, and the Uniform Bank Performance Report. The FFIEC website also maintains databases on bank and financial supervisory information for the public to directly access, e.g. InfoTech Infobase, BSA/AML Infobase, and Educational Infobases.

#### **IV. Steps Taken To Greater Utilize Technology**

1. *Electronic receipt of FOIA requests:*

- a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?

The FFIEC has only one component given our small size of 13 staff total. The FFIEC has the capability of receiving requests electronically and in fact the majority of our FOIA requests in 2010 were submitted to the FFIEC via our dedicated FOIA email address through the FFIEC FOIA Website page. [FOIA@ffiec.gov](mailto:FOIA@ffiec.gov) and <http://www.ffiec.gov/foia.htm>

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer report?

Not applicable, see answer in paragraph IV, 1, a.

- c. What methods does your agency use to receive requests electronically?

The FFIEC has the capability of receiving requests electronically and in fact the majority of our FOIA requests in 2010 came via our dedicated FOIA email address through the FFIEC FOIA Website page. [FOIA@ffiec.gov](mailto:FOIA@ffiec.gov) and <http://www.ffiec.gov/foia.htm>

2. *Electronic tracking of FOIA requests:*

- a. What proportion of the components within your agency which receive FOIA requests have the capability to track such requests electronically?

100%. The FFIEC has only one component given our small size of 13 staff total.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer report?

Not applicable, see answer in paragraph IV, 2, a.

- c. What methods does your agency use to track requests electronically?

Given the limited number of FOIA requests received at the FFIEC yearly, i.e. zero in FY08, two in FY09, and 24 in FY10, the FFIEC just began using commercially available spreadsheet and word-processing software to track requests.

3. *Electronic processing of FOIA requests:*

- a. What proportion of the components within your agency which receive FOIA requests have the capability to process such requests electronically?

100%. The FFIEC has only one component given our small size of 13 staff total.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer report?

Not applicable, see answer in paragraph IV, 3, a.

- c. What methods does your agency use to process requests electronically?

The majority of the FOIA requests received by the FFIEC are fulfilled via email communication with the requestor. Information requested tends to be available on the FFIEC Website, in which case we supply URLs to the exact pages containing the information they requested. For data requests we work with our member agencies to have the data provided in Excel tables which we email to the requestor.

4. *Electronic preparation of Annual FOIA Report:*

- a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e. specify whether the technology is FOIA-specific or a generic data-processing system?

Given the limited number of FOIA requests received at the FFIEC yearly, i.e. zero in FY08, two in FY09, and 24 in FY10, the FFIEC uses generic data-processing systems—Word files and Excel tables to keep track of data in preparing our Annual FOIA Report.

- b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.

The FFIEC is satisfied with the existing system, which includes the newly instated Excel tables, for preparing our Annual FOIA Report given our small number of FOIA requests, i.e. a total of 26 FOIA requests in the past three fiscal years.

**V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests**

The FFIEC receives a limited number of FOIA requests, i.e. zero in FY2008, two in FY2009, and 24 in FY2010, and has never had a backlog. Requests received are answered in a timely manner, following the schedule set out in the FFIEC's FOIA Regulation.

The average number of days for simple FOIA requests to be received and processed in FY2010 was 4.15 days. The average number of days for the two complex FOIA requests received and processed in FY2010 was 20 days. For the two complex FOIA requests significant data had to be pulled from a system, analyzed by a technician to prepare the data in a format readable to the requestor, and mapped into commercially available spreadsheet software to fully respond to the requestor.

There were no administrative appeals for any of the past three fiscal years.

- a. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes, given the limited number of FOIA requests received at the FFIEC yearly, i.e. zero in FY08, two in FY09, and 24 in FY10, the FFIEC has one staff person who monitors all FOIA requests received, and is responsible for answering all FOIA requests in a timely manner as prescribed in our FOIA regulation. This FOIA staff person works with legal and FOIA staff at the FFIEC member agencies as necessary to perfect requests. The FFIEC Chief FOIA Officer meets regularly with the FOIA staffer to ensure requests are perfected and information is shared with the goal of transparency and openness in every instance, at scheduled bi-weekly update meetings. Additional meetings are scheduled on an as-needed basis to monitor the status of pending responses.

- b. Has your agency increased its FOIA staffing?

No.

- c. Has your agency made IT improvements to increase timeliness?

No. Given the limited number of FOIA requests received at the FFIEC yearly, i.e. zero in FY08, two in FY09, and 24 in FY10, and the fact that the FFIEC has never had a backlog of FOIA requests, improvements in IT to increase timeliness are not necessary expenditures at this time.

- d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?

Yes.

### **Spotlight on Success:**

On December 22, 2010 the FFIEC published its final revised FOIA Regulation in the Federal Register. This marks the culmination of over a year's efforts to update the out-dated regulation to include electronic submission methods for FOIA requests. In early 2010 the FFIEC launched its FOIA web page, and its dedicated FOIA email address linking the public to the FFIEC with the click of a button for submissions of FOIA requests.

This update also provides the forum for the FFIEC to respond to many FOIA requests within one to four days with a perfected response via email, thus satisfying the inquirer in an expeditious time-frame.