



**Federal Financial Institutions Examination Council (FFIEC)
Chief FOIA Officer Report
March 2013**

FFIEC Chief FOIA Officer: Judith E. Dupre, Executive Secretary

I. Steps Taken to Apply the Presumption of Openness

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

No, the FFIEC did not hold an agency FOIA conference. 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 14 people total: 12 in our Examiner Education Office, 2 on bank reporting assignments, a Senior Program Coordinator, and the Executive Secretary. Given our lean staff size the Senior Program Coordinator, has among many other responsibilities, the title of FOIA Public Liaison and is responsible for FOIA intake, responses, and report writing to fulfill all Department of Justice requirements under FOIA for the FFIEC. As reported in the FFIEC Annual FOIA Report this is the equivalent of 0.04 of a staff person for FOIA responsibilities. Over the past four years the FFIEC FOIA inquiries average a total of 18 per fiscal year, and prior to 2009 the number was zero. As the FFIEC is a very small Council established by statute to serve other federal agencies, not the public directly, and given the extremely minimal FOIA requests the FFIEC receives annually, it would be a gross misuse of time and expenses to conduct a FOIA conference or other training.

Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

The FFIEC FOIA Public Liaison attends FOIA training events hosted by the DOJ. In 2012 the FFIEC FOIA Public Liaison attended all three of the DOJ Office of Information Policy's "Director's Lecture Series" on FOIA topics in June, July, and August.

2. Did your agency make any discretionary releases for otherwise exempt information?

Opportunities for a discretionary release of otherwise exempt information did not occur in the 2012 reporting year.

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

Not applicable.

4. *Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.*

Not applicable.

5. *Describe any other initiatives undertaken by your agency to ensure that that 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 timely fulfilled 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. 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 questions 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 a consumer help webpage. This page includes a search function that assists the public in finding their bank or financial institution's federal regulator so they can reach the appropriate personnel who can assist them with their concerns.

The FFIEC Website was enhanced in 2010 with a webpage containing information on the *Federal Register*, including links to related websites and is continually reviewed to enhance usefulness of the site. 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 a Memorandum of Agreement with the United States Environmental Protection Agency to be a partner in the government-wide electronic docket management system, 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. 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 posted data. The FFIEC Website also maintains databases on bank and financial supervisory information for the public to directly access.

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

1. *Do FOIA professionals within your agency have sufficient IT support?*

Yes.

2. *Do your FOIA Professionals work with your agency's Open Government Team?*

No. The FFIEC does not have an Open Government Team. The FFIEC has 14 staff members and administrative support functions are provided by the Board of Governors of the Federal Reserve System. The lead agency for the FFIEC, a two-year rotation among the FFIEC membership, provides the additional FOIA professional staff needed to carry out FFIEC FOIA responsibilities as needed.

3. *Has your agency assessed whether adequate staffing is being devoted to FOIA administration?*

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 has only been one administrative appeal filed in the past six years. For these reasons, it has been determined that the FFIEC staffing is adequate.

4. *Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.*

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 for response. Legal FOIA counsel is consulted 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. Given the limited number of FOIA requests received at the FFIEC yearly, i.e. zero in FY08, two in FY09, 24 in FY10, 24 in FY11, and 22 in FY12 the FFIEC began using commercially available spreadsheet and word-processing software to track requests in 2010.

III. Steps Taken To Increase Proactive Disclosures

1. *Provide examples of the types of material that your agency has posted this past year.*

Upgraded functions and features of an InfoBase to enhance usability, guidance documents to the financial industry, supplements to interagency guidance documents, FFIEC Annual Report to Congress, press releases, updated member information due to legislative changes, updated staff contact details, FOIA 2012 Annual Report, Chief FOIA Officer

Report dated March 2012, posted the first zip file for FFIEC Quarterly FOIA reporting, updated financial data is posted quarterly (sometimes weekly depending on the data source), and updates on frequently asked questions on "hot topics." 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.

2. *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, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?*

The FFIEC is beginning a full review of their website utilizing special working groups of subject matter experts to identify areas that can be enhanced or redesigned to increase the user experience when visiting the FFIEC Website. The review is anticipated to be a two year process. Navigation features including the "help" and "contact us" features will be updated for greater visibility to the viewer. The review phase is just underway for calendar year 2013 to identify the costs associated with the redesign upgrades to be identified through the working groups. In tandem the FFIEC continually reviews the website to keep relevant content updated. It is anticipated that budget money will be set aside in the 2014 Budget to carry out the full redesign upgrades.

3. *If so, provide examples of such improvements.*

The FFIEC continually reviews the website to keep relevant content updated. Further design improvements are not yet achievable, as budget funds need to be made available, as explained in the preceding response.

4. *Describe any other steps taken to increase proactive disclosures at your agency.*

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.

Furthermore, 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 relevant to the mission of the FFIEC.

IV. Steps Taken To Greater Utilize Technology

Electronic receipt of FOIA requests:

1. *Can FOIA requests be made electronically to your agency?*

Yes. FOIA@ffiec.gov and <http://www.ffiec.gov/foia.htm>

2. *If your agency is decentralized, can FOIA requests be made electronically to all components of your agency?*

Not applicable. The FFIEC staff involved in FOIA includes only the Chief FOIA Officer (FFIEC Executive Secretary) and FOIA Public Liaison (FFIEC Senior Program Coordinator). There are no other components. Both the Chief FOIA Officer and the FOIA Public Liaison receive any electronically filed FOIA request directly to their email in box.

Online tracking of FOIA requests:

3. *Can a FOIA requestor track the status of their request electronically?*

No. As the FFIEC receives a limited number of FOIA requests annually, e.g. 22 in FY12, and responds to the requests timely with no backlog, there is no justifiable reason to incur this business expense.

4. *If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system. If not, is your agency taking steps to establish this capability?*

Not applicable.

5. *In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?*

Not applicable.

6. *If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?*

Not at this time. As the FFIEC receives a limited number of FOIA requests annually, e.g. 22 in FY12, and responds to the requests timely with no backlog, there is no justifiable reason to incur this business expense given our extremely lean budget and lean staff size.

Use of technology to facilitate processing of requests:

7. *Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search*

capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Not yet. The FFIEC receives a limited number of FOIA requests annually: zero in FY08, two in FY09, 24 in FY10, 24 in FY11, and 22 in FY12. The FFIEC is interested in improving record search capabilities by putting all historic documents on electronic files. However with a heavy workload and lean staff this project is not a priority at this time as all FOIA requests are responded to timely with no backlogs.

8. *If so, describe the technological improvements being made.*

Not applicable.

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

1a-b. *Does your agency use a separate track for simple requests?*

No, not applicable.

1c. *If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?*

Yes. The FFIEC receives a limited number of FOIA requests, i.e. zero in FY08, two in FY09, 24 in FY10, 24 in FY11, and 22 in FY12 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 FY2012 was 9.95 days. The average number of days for the one complex FOIA request received and processed in FY2012 was 19 days.

2a-d. *Regarding backlogged requests/appeals and ten oldest requests.*

Not applicable. The FFIEC receives a limited number of FOIA requests, i.e. zero in FY08, two in FY09, 24 in FY10, 24 in FY11, and 22 in FY12 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.

3. *Regarding Request backlog and Administrative Appeals.*

Request Backlog, questions a-d:

Not applicable. There were no backlogs or administrative appeals for any of the past five fiscal years.

Administrative Appeal, questions a-d:

Not applicable. There were no backlogs or administrative appeals for any of the past four fiscal years.

4. *OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the*

number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Not applicable.

Use of FOIA's Law Enforcement "Exclusions"

1. *Did your agency invoke a statutory exclusion during Fiscal Year 2012?*

No.

2. *If so, what is the total number of times exclusions were invoked?*

Not applicable.

Spotlight on Success:

The FFIEC continues to timely respond to all FOIA requests received within the statutory time frame with no backlogs or administrative appeals in the past five fiscal years. Despite the small staff size, and no full time FOIA staff, (FOIA staff equivalent is 0.04) the FFIEC responds to consumer and public inquires in a timely and transparent manner with the goal of ensuring that inquirers are satisfied with the information shared or the contact information for where they can have their inquiries best addressed are shared. The public often comments on how much they appreciate having a person answer their call, instead of a voice recording, when they ring the FFIEC. The public also frequently sends "thank you" emails for our timely and plain language written responses to their requests.