



Federal Financial Institutions Examination Council (FFIEC)
Chief FOIA Officer Report
Small Agency Format (less than 1,000 requests a year)
March 2014 - March 2015

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

I. Steps Taken to Apply the Presumption of Openness

FOIA Training:

1. *Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?*

Answer: Yes, the FFIEC FOIA Public Liaison attends FOIA training events hosted by the DOJ. In FY 2014 the FFIEC FOIA Public Liaison attended the following DOJ Office of Information Policy's training sessions:

- Proactive Disclosures & Making Online Information More Useful, July 2014
- Refresher Training for FY 2014 Annual FOIA Reports and 2015 Chief FOIA Officer Reports, October 2014
- Best Practices from the Requester's Perspective, October 2014

2. *Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.*

Answer: As reported in the FFIEC Annual FOIA Report the number of FOIA professionals at the FFIEC is the equivalent of 0.04 of a staff person. The FFIEC FOIA Public Liaison accounts for the majority of this equivalency and attends as many FOIA trainings offered by the DOJ OIP as possible each year. Further FOIA support is provided by our member agencies (thus 100% for FFIEC FOIA staff).

3. *In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.*

Answer: As reported in the FFIEC Annual FOIA Report the number of FOIA professionals at the FFIEC is the equivalent of 0.04 of a staff person. Thus it is not feasible to expect the FFIEC to conduct FOIA training for 0.04 of a staff person. However, the FFIEC FOIA public liaison does attend at least one DOJ OIP FOIA training annually to stay current with FOIA requirements and FOIA reporting requirements.

Discretionary Releases:

4. *Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process.*

Answer: Opportunities for a discretionary release of otherwise exempt information did not occur in the 2014 reporting year. However, the FFIEC would consider discretionary releases before applying an exemption.

5. *During the reporting period did your agency make any discretionary releases of information?*

Answer: No, the FFIEC did not receive any FOIA requests in FY14 that provided an opportunity to make a discretionary release.

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

Answer: Not applicable.

7. *Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.*

Answer: Not applicable.

8. *If your agency was not able to make any discretionary releases of information, please explain why.*

Answer: Opportunities for a discretionary release of otherwise exempt information did not occur in the 2014 reporting year.

Other Initiatives:

9. *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 FFIEC began posting agency FOIA Logs on their website in 2013 and will maintain a record of seven years of logs. Currently the logs go back to 2009 (as there were no FOIA requests in 2007 and 2008). The logs can be viewed at this URL: <http://www.ffiec.gov/foia.htm>.

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

Processing Procedures:

1. *For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing?*

Answer: Not applicable as there were no requests made in FY14 for expedited processing.

2. *If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

Answer: Not applicable as there were no requests made in FY14 for expedited processing.

Requester Services:

3. *Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?*

Answer: No. There was only one appeal filed in FY14 and it was resolved in a manner agreeable to the requestor.

4. *When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication?*

Answer: Not applicable as there were no fees charged to FOIA requestors in FY14.

5. *If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?*

Answer: Not applicable as there were no fees charged to FOIA requestors in FY14.

6. *If there are 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, eliminating redundancy, etc., please describe them here.*

Answer: 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 FOIA webpage and a FOIA email address so that the public can readily email their FOIA requests directly to the FFIEC's Chief FOIA Officer and FOIA Public Liaison. 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, 22 in FY12, 22 in FY13, and 18 in FY14 the FFIEC began using a commercially available spreadsheet and manually tracks the limited FOIA requests received in that manner.

III. Steps Taken to Increase Proactive Disclosures

Posting Material:

1. *Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.*

Answer: As reflected by our extremely low volume of FOIA requests annually, 18 in FY14, the FFIEC website serves as a clearing house of data, reports, and information for the

public. Further, the FFIEC FOIA Public Liaison works closely with the FOIA professionals at each of our five federal member agencies to ensure that our website pages are kept current and fulfill the spirit of openness by quickly posting new data, reports, or information as it is available. 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.

2. *Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.*

Answer: Yes, the FFIEC FOIA Public Liaison coordinates with staff at the FFIEC (14 staff total) when FOIA requests include their subject matter expertise to identify if any proactive disclosures can be made.

3. *Describe your agency's process or system for identifying "frequently requested" records that should be posted online.*

Answer: If a release of data/information is made in a FOIA that is not already publicly available, that release is immediately considered for applicability for posting on the FFIEC website. Further, if the same data/information is released three times, it is then added to the FOIA Reading Room web page.

4. *Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.*

Answer: Most recently the FFIEC launched a new webpage section to raise awareness to the financial industry on cybersecurity. This section is updated frequently with webinars, brochures, slides, alerts, and other resources as they are produced.

<http://www.ffiec.gov/cybersecurity.htm>

Further, the FFIEC offers two online InfoBases containing guidance documents and useful resources for the financial industry that are frequently updated with guidance for the industry on hot topics and new developments.

FFIEC Bank Secrecy Act/Anti-Money Laundering InfoBase:

http://www.ffiec.gov/bsa_aml_infobase/default.htm

Information Technology Examination HandBook InfoBase:

<http://ithandbook.ffiec.gov/>

Additionally supplements to interagency guidance documents, FFIEC Annual Report to Congress, press releases, updated member information due to legislative changes, updated staff contact details, FOIA 2014 Annual Report, zip files 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."

<http://www.ffiec.gov/reports.htm>

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

5. *If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.*

Answer: The FFIEC has "alert" sign-up features on several of the web pages where the public has expressed the most interest in staying informed of when new material is posted. This includes the Press Release webpage, and several InfoBases maintained by the FFIEC. Also, an RSS feed feature was added for the Information Technology Handbook InfoBase. 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. The FFIEC continually reviews the website to keep relevant content updated.

Further, The FFIEC is in the beginning phase of a multi-year initiative for updating the website to increase a positive user experience in locating the information or contacts they seek. The search feature on the website will be updated shortly as part of this enhancement.

IV. Steps Taken To Greater Utilize Technology

Making Material Posted Online More Useful:

1. *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?*

Answer: Yes.

2. *If yes, please provide examples of such improvements.*

Answer: Most recently our Home Mortgage Disclosure Act (HMDA) web pages have been enhanced to include greater usability of the data for the public. This also included a huge financial investment in a new Geocoding/Mapping System software tool on our website to increase usability and increase the range of functions for the public to use the data.

<https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>

3. *Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?*

Answer: No.

4. *If so, please briefly explain what those challenges are.*

Answer: Not applicable.

Other Initiatives:

5. *Did your agency successfully post all four quarterly reports for Fiscal Year 2014?*

Answer: Yes.

6. *If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.*

Answer: Not applicable.

7. *Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?*

Answer: Yes, just email.

8. *If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?*

Answer: Not applicable.

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

Simple Track Requests:

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

Answer: No, not applicable.

2. *If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?*

Answer: Not applicable.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.*

Answer: Not applicable.

4. *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: Yes, the average number of days for processing all perfected requests in FY14 was 10.61.

Backlogged Requests and Appeals:

5. *If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?*

Answer: Not applicable. The FFIEC has no backlog.

6. *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 2014.*

Answer: Not applicable.

7. *If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?*

Answer: Not applicable.

8. *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 2014.*

Answer: Not applicable.

Ten Oldest Requests, Appeals, and Consultations:

9. *In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

Answer: Not applicable. The FFIEC has no backlog.

10. *If no, please provide the number of these requests your agency was able to close by the end of the fiscal year. If you had less than ten total oldest requests to close, please indicate that.*

Answer: Not applicable.

11. *Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?*

Answer: Not applicable.

12. *In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

Answer: Not applicable. The FFIEC has no backlog of appeals.

13. *If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year. If you had less than ten total oldest appeals to close, please indicate that.*

Answer: Not applicable.

14. *In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

Answer: Not applicable. The FFIEC has no backlog of consultations.

15. *If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year. If you had less than ten total oldest consultations to close, please indicate that.*

Answer: Not applicable.

16. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.*

Answer: Not applicable.

17. *If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.*

Answer: Not applicable.

18. *If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2015.*

Answer: Not applicable.

Use of FOIA's Law Enforcement "Exclusions"

19. *Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014? If so, please provide the total number of times exclusions were invoked.*

Answer: No.

Spotlight on Success:

Given the extremely low volume of the FOIA request made to the FFIEC annually, there are not many opportunities for a great success story to emerge. We simply reiterate our standard response on our continued success in responding to the public in a timely manner. Despite the small staff size, and no full time FOIA staff, (FOIA staff equivalent is 0.04) the FFIEC still responds to consumer and public inquires (those made under FOIA and the hundreds more that are made to us outside of FOIA) in a timely and transparent manner with the goal of ensuring that all requestors are satisfied with the information/data shared and the efficiency in which it is shared.

Further, we review each FOIA request to identify opportunities for adding information or enhancing current pages to increase usability of our public website. Occasionally a FOIA requestor will thank us for our timely response in satisfying their request. This is our measure of success.