



Federal Financial Institutions Examination Council (FFIEC)
Chief FOIA Officer Report
Low Volume Agency Format (less than 1,000 requests a year)
March 2015 - February 2016

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 or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference 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 each year. In FY 2015 the FFIEC FOIA Public Liaison attended the following DOJ Office of Information Policy's training session: Best Practices for Small Agencies Workshop, August 2015.

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. *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: N/A (100% of FFIEC FOIA staff receive annual FOIA training.)

Outreach:

OPTIONAL: Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Answer: No, we do not have any resources of staff or time to conduct outreach. Additionally, with our extremely low volume (23 FOIA requests in FY 2015) it is not something we can justify doing.

Discretionary Releases:

4. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

Answer: Opportunities for a discretionary release of otherwise exempt information did not occur in the 2015 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 FY 2015 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 FY 2015 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>. Additionally, the FFIEC FOIA public liaison routinely reaches out to our five federal member agencies FOIA offices to discuss FOIA administration and processing. We continue to build our knowledge, resources, and best practices guidance based on our FOIA training and outreach.

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

Processing Procedures:

1. *For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing?*

Answer: One request for expedited processing occurred in FY 2015 and it was processed in two days.

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.

3. *On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.*

Answer: There has not been an occasion for the FFIEC to send a "still interested" inquiry as our processing times are within a reasonable timeframe. In FY 2015 our average processing time for perfected requests was 11.6 days for simple and 27.7 days for complex.

Requester Services:

4. *Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes. If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.*

Answer: The FFIEC FOIA Public Liaison maintains contact with requestors by sending initial responses or calling them when the request is not clear or will take time to collect all responsive records. Depending on the request, the FOIA Public Liaison will call the requestor to clarify their request, or inform them of the FOIA process, to assist the requestor in getting the information they seek as quickly as possible. Often the FFIEC receives requests for data that are not an agency record and the Public Liaison will inform the requestor of options for where they may find the data they seek.

Other Initiatives:

5. *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 FFIEC received 23 requests under the FOIA in FY15 and the response times average under the statutory time allotment. In FY 2015 our average processing time for perfected requests was 11.6 days for simple and 27.7 days for complex. The system in place is efficient and effective based on our extremely low volume and given that the number of FOIA professionals at the FFIEC is the equivalent of 0.04 of a staff person. The FOIA Public Liaison periodically reaches out to FOIA attorneys and FOIA professionals in other government agencies to gather best practices that might apply to the FFIEC's FOIA system. In FY 2015 the spreadsheets used to create the FFIEC FOIA logs were updated to include automatic counters in appropriate columns to gain efficiency. Additionally, as noted in an earlier response as well, the FFIEC FOIA public liaison routinely reaches out to our five federal member agencies FOIA offices to discuss FOIA administration and processing. We continue to build our knowledge, resources, and best practices guidance based on our FOIA training and outreach.

III. Steps Taken to Increase Proactive Disclosures

Posting Material:

1. *Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.*

Answer: As reflected by our extremely low volume of FOIA requests annually, 18 in FY 2014 and 23 in FY 2015, the FFIEC FOIA Public Liaison routinely reviews the FOIA logs to identify instances of "frequently requested" records. Identification of such instances is presented to the Chief FOIA Officer as additions to the FFIEC website.

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

Answer: The FFIEC website serves as a clearing house of FFIEC data and reports for the public to download freely and no cost. Reports are published on the website routinely and often have an accompanying press release alerting the public of the data availability. 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. 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.

3. *When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall your agency's process or system for identifying "frequently requested" records that should be posted online.*

Answer: Not applicable. The FFIEC is a very tiny agency and contracts out website services to one of our member agencies. As such, the member agency handles all web postings and the 508 Complaint coding and contracts out for 508 coding when necessary to meet posting deadlines.

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

Answer: No.

5. *If so, please briefly explain those challenges.*

Answer: Not applicable.

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

Answer: With the assistance of an intern, the FFIEC FOIA Public Liaison has been able to identify and post records proactively in FY 2015 which include a historical listing of all FFIEC leadership and a new page describing in greater detail our membership. (See link at the bottom of this webpage: <http://www.ffiec.gov/members.htm>; and this new webpage: <http://www.ffiec.gov/slc.htm>.)

7. *Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.*

Answer: New data published to the FFIEC website is announced via press releases and RSS feeds when applicable. The FFIEC has several "email alert" subscriptions so the public can sign-up for one or more of the services to receive instant notifications when new content is posted to particular web pages that interest them. *Federal Register* notices are utilized when the public's comments or engagement is invited for particular outreach and notifications.

Other Initiatives:

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

Answer: 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, which will include another review of agency records that could be proactively disclosed. In FY 2015 the FFIEC press releases were better organized on the website so that they appear by year now, instead of one long list.

(<http://www.ffiec.gov/press.htm>) The historical list of FFIEC *Federal Register* filings was revamped and broadened to include the all filings made and sorted into columns

and tagged with the subject matter to enhance the usability of the list. When available from the U.S. Government Printing Office website, a hotlink is included for the public to access the filing immediately from the FFIEC website.

(http://www.ffiec.gov/press_register.htm) These updates to the FFIEC website have been positively received and are significant enhancements in efficiency and proactive disclosures.

IV. Steps Taken To Greater Utilize Technology

Making Material Posted Online More Useable:

1. *Beyond posting new material, is your agency taking steps to make the posted information more useable 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>.) Also, given our limited resources and size, our federal member agencies offer technology enhancements for FFIEC data. In particular, one of our federal members, offers useful tools on their website to enhance the user's experience in making use of the HMDA data posted on our website. (www.cfpb.gov).

Other Initiatives:

3. *Did your agency successfully post all four quarterly reports for Fiscal Year 2015?*

Answer: Yes.

4. *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 2016.*

Answer: Not applicable.

5. *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.

6. *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: Yes, although given the extremely low volume of requests received per year the opportunity to track the requests does not often arise. On the rare occasion that multiple requests are pending at the same time, the simple requests are answered in order of arrival and the complex request(s) are answered as soon as the responsive data is available.

2. *If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?*

Answer: Yes.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.*

Answer: 81.8%

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: Not applicable.

Backlogged Requests and Appeals:

5. *If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

Answer: Not applicable. The FFIEC has no backlog.

6. *If not, explain why.*

Answer: Not applicable.

7. *If your agency had a request backlog ...*

Answer: Not applicable.

8. *If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

Answer: Not applicable. The FFIEC has no backlog.

9. *If not, explain why...*

Answer: Not applicable.

10. *If you had an appeal backlog...*

Answer: Not applicable.

Ten Oldest Requests:

11. *In Fiscal Year 2015, did your agency close the ten oldest requests that were pending in your Fiscal Year 2014 Annual FOIA Report?*

Answer: Not applicable. The FFIEC has no backlog.

12. *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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

Answer: Not applicable.

13. *Of the requests your agency was able to close from your ten oldest...*

Answer: Not applicable.

14. *In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

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

15. *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 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

Answer: Not applicable.

16. *In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

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

17. *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 2014 Annual FOIA Report.*

Answer: Not applicable.

18. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.*

Answer: Not applicable.

19. *If your agency was unable to close any of its ten oldest requests....*

Answer: Not applicable.

20. *If your agency did not close its ten oldest pending requests, appeals, or consultations....*

Answer: Not applicable.

Use of FOIA's Law Enforcement "Exclusions"

21. *Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015? If so, please provide the total number of times exclusions were invoked.*

Answer: No.

Spotlight on Success:

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.