



Federal Financial Institutions Examination Council (FFIEC)

Chief FOIA Officer Report

Small-Volume Agency Format (less than 50 requests in FY 2015)

March 2016 - February 2017

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

During the current reporting period the Federal Financial Institutions Examination Council (FFIEC or Council) continued to implement both the President's FOIA Memorandum and the Department of Justice's 2009 FOIA Guidelines by administering its FOIA program the DOJ's five main objectives of openness, effective processes, proactive disclosures, use of technology where appropriate, and prompt response times. Below you will find explanations of how the FFIEC achieve success in each of these five objectives for the current reporting period of March 2016 through February 2017. As reported in the FFIEC Annual FOIA Report the number of FOIA professionals at the FFIEC is the equivalent of 0.10 of a staff person. The FFIEC is staffed by 16 professionals from one of its member Federal agencies and the FFIEC FOIA Public Liaison accounts for the majority of this equivalency.

Despite our tiny staff size, the FFIEC works diligently to respond to consumer and public inquires (those made under FOIA and the hundreds more that are made 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. Each FOIA request is reviewed to learn where the Council could enhance its web pages to increase its usability for the public. Occasionally a FOIA requestor will thank us for our timely response in satisfying their request. This remains our measure of success.

Of note during this reporting period, the FFIEC amended its regulations implementing the FOIA to reflect the mandated changes of the FOIA Improvement Act of 2016. As the FFIEC is a Council of five Federal

agencies and the states, the revised FFIEC regulations reflect the work of five Federal agency FOIA offices and the FFIEC FOIA Public Liaison. The amendments were filed with the Office of the Federal Register as a Final Interim Rule and published on December 27, 2016, with a 60-day comment period.

I. Steps Taken to Apply the Presumption of Openness

The FFIEC FOIA Public Liaison attends FOIA training events hosted by the DOJ each year. In FY 2016 the FFIEC FOIA Public Liaison attended an interagency FOIA Workshop hosted by the Federal Deposit Insurance Corporation and conducted by the DOJ's OIP on November 3, 2016. Additionally, the FFIEC FOIA Public Liaison attended the two Chief FOIA Officer Council meetings held in 2016, on July 22 and September 15.

The FFIEC does not have any resources of staff or time to conduct outreach and taking into account our extremely low volume (33 FOIA requests received in FY 2016) spending scarce resources on outreach is not something we can justify doing. The FFIEC FOIA Public Liaison routinely reaches out to our five Federal member agencies' FOIA offices to discuss FOIA administration and processing. Also, 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.

The FFIEC applies the foreseeable harm standard but opportunities to release otherwise exempt information did not occur in FY 2016. The FFIEC began posting agency FOIA Logs on their website in 2013. Currently the logs go back to 2009 (as there were no FOIA requests in 2007 and 2008). A log will be available online for seven years. In 2016 the FFIEC began posting a FOIA Appeal log, which currently shows the three FOIA appeals received between CY 2009 and CY 2016. The logs can be viewed at this URL:

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

II. Steps Taken to ensure that the FFIEC has an effective system in place for responding to requests

The system in place is efficient and effective based on our extremely low volume and lack of any fulltime FOIA staff (the number of FOIA professionals at the FFIEC is the equivalent of 0.10 of a staff person).

The FFIEC received 33 requests under the FOIA in FY16 and the response time averaged under the statutory time allotment as follows: average processing time for perfected requests was under seven days. Four requests for expedited processing occurred in FY 2016, of which two were granted. Both expedited

requests were responded to in three business days. For the two requests which were denied expedited treatment, as - in both instances - the requestors didn't provide justification for an expedited processing to be granted, one was responded to in two days and the other was responded to in eight days.

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.

III. Steps Taken to increase proactive disclosures

The FFIEC FOIA Public Liaison routinely reviews the FOIA logs to identify instances of "frequently requested" records. The FFIEC has been following the "Rule of 3" since 2009 and posts data to the FFIEC website upon the third request for that data.

The FFIEC website was created to serve as a clearing house of FFIEC data and reports for the public to download freely and at 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 is owned by one of our member agencies and not our agency record. 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.

IV. Steps Taken to greater utilize technology

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. 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.

The FFIEC is in a multi-year initiative of 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 2016 the FFIEC FOIA web pages were updated to reflect the requirements made on agencies in the FOIA Improvement Act of 2016. A new section was added informing the public of dispute resolution services which includes the contact information for the FFIEC FOIA Public Liaison and for the National Archives and Records Administration's Office of Government Information Services. Additionally, descriptions for the roles provided by both the FFIEC Chief FOIA Office and the FFIEC FOIA Public Liaison were enhanced to capture the requirements of the FOIA Improvement Act of 2016.

V. Steps Taken to improve timeliness in responding to requests and reducing any backlogs

The FFIEC does not have a backlog of FOIA requests. On the rare occasion that multiple FOIA 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.