

**Lara Rodriguez
Deputy General Counsel
2012 Chief FOIA Officer Report**

I. Steps Taken to Apply the Presumption of Openness

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

- 1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?** FOIA staff conducted training for new supervisors and new department personnel regarding the agency's FOIA responsibilities.
- 2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?** Staff attended Department of Justice training and third-party vendor training on this subject.
- 3. Did your agency make any discretionary releases of otherwise exempt information?** No, however, the FOIA staff segregates non-exempt materials from exempt material to enable a partial release of information when appropriate. For example, information concerning incentive payments and employee benefit costs for the twenty-five highest paid agency employees was reconfigured to enable a release of the information without compromising individuals' privacy rights.
- 4. What exemptions would have covered the information that was released as a matter of discretion?** Not applicable.
- 5. How does your agency review records to determine whether discretionary releases are possible?** Documents eligible for withholding are evaluated on the basis of their source, content, age, and ability to enable the public to understand how the agency functions without interfering with appropriate bases for non-disclosure.
- 6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.**
The agency continued to use its website and other means to

proactively make information available to the general public and its stakeholders. For example, open Board meetings are recorded and posted on the internet; virtual town hall meetings are hosted to communicate agency plans, address concerns, and respond to questions from participants; and, web resource and information pages were added to the site to increase transparency regarding the agency's corporate stabilization costs and guaranteed notes program.

- 7. Comparing your agency's 2011 Annual FOIA Report with its 2010 Annual FOIA Report, did your agency have an increase in the number of responses where records were released in full?** No. In Fiscal Year (FY) 2011, NCUA provided a full release of records in 51 instances compared to 71 instances in FY 2010.
- 8. Did your agency have an increase in the number of responses where records were released in part?** Yes. In Fiscal Year (FY) 2011, NCUA provided a partial release of records in 71 instances compared to 54 instances in FY 2010.

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. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?** Yes.
- 3. Do your FOIA professionals work with your agency's Open Government Team?** FOIA staff consults as needed on the agency's Open Government efforts.
- 4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.** The agency monitors overall response times and year-to-year changes in volumes, request complexity, and response times. Organizational changes were implemented near the end of FY 2011 to provide staff with more time to devote to FOIA responsibilities.
- 5. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.** NCUA uses a dedicated software system to track the processing of FOIA requests; dedicated IT staff provides system support; ongoing training is used to

improve understanding of FOIA coverage and responsiveness; and processes are reviewed to identify potential issues and opportunities for improvement.

III. Steps Taken To Increase Proactive Disclosures

1. **Has your agency added new material to your agency website since last year?** Yes.
2. **Provide examples of the records, datasets, videos, etc., that have been posted this past year.** The agency posted the following types of information on the web: additional subject matter resource pages covering topics such as the Corporate System Resolution costs; the NCUA Guaranteed Notes program; webinars and town hall meetings on examination and other supervisory issues; and economic updates by the agency's chief economist.
3. **Describe the system your agency uses to routinely identify records that are appropriate for posting?** When new data reports are created or an existing report modified, the responsible office consults with the FOIA officer. Additionally, the FOIA office tracks frequently requested information and information likely to generate multiple requests and works with source offices to address the feasibility of proactive information posting.
4. **Beyond posting new material, is your agency taking steps to make the 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, providing explanatory material, etc.?** NCUA solicits questions, comments, and suggestions from the user community regarding its website and has revised and expanded its presentation of information on its site and enhanced the site's search capabilities.
5. **Describe any other steps taken to increase proactive disclosures at your agency.** NCUA also is using social media to expand its outreach to consumers and industry stakeholders.

IV. Steps Taken to Greater Utilize Technology

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

2. **If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?** Not applicable.
3. **Can a FOIA requester track the status of his/her request electronically?** No.
4. **If not, is your agency taking steps to establish this capability?** The agency is reviewing the cost and benefit in acquiring this capability given the volume of requests it handles annually.
5. **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 at this time.

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

1. **Simple requests.**
 - a. **Does your agency utilize a separate track for simple requests?**
Yes.
 - b. **If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?** Yes.
2. **Backlogged requests.**
 - a. **If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?** No. The number of backlogged requests rose from 5 in FY 2010 TO 11 at the close of FY 2011. This increase largely was due to a 42% rise in the volume of complex requests received during FY 2011. The number of complex requests rose from 19 to 27.

- b. **If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010? Yes.**

 - c. **In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010? Yes.**

 - d. **In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010? Yes.**
3. **If you answered “no” to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:**

Request Backlog:

- a. **Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests? No.**

- b. **Was the lack of a reduction in the request backlog caused by a loss of staff? Yes.**

- c. **Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received? Yes.**

- d. **What other causes, if any, contributed to the lack of a decrease in the request backlog. Not applicable.**

Administrative Appeal Backlog: Not applicable.

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

- 5. **Has your agency increased its FOIA staffing? Yes, although no staff member has full time FOIA responsibilities, the agency reorganized and redistributed other subject matter responsibilities to increase FTE hours available for FOIA.**

- 6. **Has your agency made IT improvements to increase timeliness? Yes, the agency is upgrading its processing software to promote more efficient processing.**

7. **Has your agency taken steps to improve the efficiency of the handling consultations from other agencies?** Not applicable.

Use of FOIA's Law Enforcement "Exclusions"

1. **Did your agency invoke a statutory exclusion during Fiscal Year 2011?** No.

Spotlight on Success:

NCUA continued its efforts to use its website to proactively provide information of interest to the credit union industry and general public. The agency created a new website, mycreditunion.gov. The site is oriented for consumer use and provides information typically requested by such persons regarding the agency and its regulated entities. Similarly, the agency expanded its offerings on its ncua.gov site focused on items of interest to its regulated entities and other stakeholders.