



**Federal Financial Institutions Examination Council (FFIEC)
Chief FOIA Officer Report
March 2010**

I. Steps Taken to Apply the Presumption of Openness

The FFIEC continues to enhance its website to increase information available to the public and to increase the public's access to the FFIEC when they have questions, concerns, or observations they wish to share. Most recently the FFIEC added full pages to the website on the following topics: Freedom of Information Act (FOIA); *Federal Register*; and a soon to be implemented Statute for registering mortgage lenders. These additions enhance the public's knowledge of the FFIEC and its member agencies/entities. The FFIEC is currently revising its FOIA Regulation to include new methods for public submissions using technology. The FFIEC now has a dedicated FOIA email address for the public to electronically submit their FOIA requests, which can be directly accessed from the FFIEC website.

In the FFIEC's next website update, the FOIA webpage will be expanded to include the President's FOIA Memorandum and the Attorney General's FOIA Guidelines, along with the FFIEC Annual FOIA Report, and the final version of this report. In fiscal year 2008, (FY08), the FFIEC received no FOIA requests. In FY09 the FFIEC received two FOIA requests. There were no FOIA appeals for FY08 or FY09. Due to the limited FOIA requests received by the FFIEC in the past two FY's, a comparison of between the years for increases in requests due to full record releases or partial record releases cannot be measured. For the two FOIA requests received for FY09, one involved sharing a printed copy of the FFIEC 2008 Annual Report and a copy of the FFIEC regulation, 12 CFR §1101; while the other request involved statistics on Home Mortgage Disclosure Act (HMDA) and Community Reinvestment Act software download requests.

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 such as the Home Mortgage Disclosure Act, the Community Reinvestment Act, and the Uniform Bank Performance Report. The FFIEC website also maintains databases on bank and financial supervisory information for the public to directly access, e.g. InfoTech Infobase, BSA/AML Infobase, and Educational Infobases.

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

The FFIEC receives a limited number of FOIA requests, zero in FY08 and two in FY09, and therefore does not have full-time or part-time FOIA personnel staff. The Chief FOIA Officer for the FFIEC is the Executive Secretary, and the FOIA Public Liaison is the Program Coordinator. Legal counsel for FFIEC FOIA requests is provided by the FFIEC's Legal Advisory Group. Since the data produced for FFIEC financial reports is "owned" by one of its five federal member agencies, legal counsel for that agency typically handles the research for FOIA requests for data their agency owns/manages/stores. As such, the FOIA professionals at each of the five federal member agencies implement their system for effective, timely, and accurate research and responses to FFIEC FOIA requests for their data. There is sufficient Information Technology (IT) support for FFIEC FOIA requests.

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, and legal counsel involved immediately should they be needed, so that a response is made no later than by the date due according to the FFIEC FOIA regulation. There were no backlogs or delays in responding to FOIA requests in FY09, nor where there any administrative appeals or full denials.

The FFIEC recently updated its website to include 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 Office and FOIA Public Liaison with the click of a button.

III. Steps Taken To Increase Proactive Disclosures

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, 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 The Consumer Help Center webpage. This page includes a search function that assists the public in finding their bank or financial institution's federal regulator. The Consumer Help Center directs the public to the appropriate federal bank regulatory agency so they can reach the appropriate personnel who can assist them with their concerns.

Most recently the FFIEC developed a new webpage to address the status of the implementation of the Secure and Fair Enforcement for Mortgage Licensing Act (SAFE Act). This webpage includes a list of frequently asked questions and answers, along with hotlinks to related websites, the full Statute, and the draft final rule for the

implementation of the SAFE Act. This webpage is in development and will be live in March 2010.

The FFIEC website was enhanced with a webpage containing information on the *Federal Register*, including links to related websites. 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 recently signed a Memorandum of Agreement with the United States Environmental Protection Agency to become a partner in the government-wide electronic docket management system known as the Federal Docket Management System and specifically the Presidential E-Government program known as the eRulemaking Program, 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 recently implemented 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 already had “alert” features on several of its webpages affording the public access to new data the moment it is posted, e.g. the Home Mortgage Disclosure Act webpage and the Community Reinvestment Act webpage. 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.

IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically? Yes.
2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?
3. Does your agency track requests electronically? No.
4. If not, what are the current impediments to your agency utilizing a system to track requests electronically? Limited numbers of FOIA requests have been historically made to the FFIEC, e.g. zero in FY08, two in FY09.
5. Does your agency use technology to process requests. Yes.
6. If not, what are the current impediments to your agency utilizing technology to process requests?
7. Does your agency utilize technology to prepare your agency Annual FOIA Report? No.
8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report? Limited numbers of FOIA requests have been historically made to the FFIEC, e.g. zero in FY08, two in FY09.

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

The FFIEC receives a limited number of FOIA requests, zero in FY08 and two in FY09, and therefore does not have a backlog. Requests received are answered in a timely manner, following the schedule set out in the FFIEC's FOIA Regulation. There were no appeals for FY08 or FY09.