

NCUA Chief FOIA Officer Report - 2011

I. Steps Taken to Apply the Presumption of Openness

1. **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.**
 - a. **Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.** Staff involved in FOIA processing have been provided the memorandum and guidelines concerning the presumption of openness.
 - b. **What training has been attended and/or conducted on the new FOIA Guidelines?** Staff attended Department of Justice training and third-party vendor training on this subject.
 - c. **How has your agency created or modified your internal guidance to reflect the presumption of openness?** The FOIA memorandum and FOIA guidelines have been provided to staff making initial and appeal determinations.
 - d. **To what extent has your agency made discretionary releases of otherwise exempt information?** NCUA made a discretionary release of a draft supervisory letter and attorney-client correspondence, portions of which qualified in whole or in part for protection under exemption (b)(5). The agency determined that the information contained in these records provided a greater benefit to the public's understanding of an agency action than those of any parties interested in nondisclosure.
 - e. **What exemptions would have covered the information that was released as a matter of discretion?** Exemption (5).
 - f. **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, currency, and ability to enable the public to understand how the agency functions without inappropriately interfering with the document creator's interests in non-disclosure.

- g. **Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.** The agency has placed a greater emphasis on proactive disclosures by making greater use of its website to provide videos, webinars, and virtual town hall meetings to make information available to the general public and its stakeholders.

2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.

In Fiscal Year 2010, NCUA provided full release of records in 73 instances compared to 62 instances in 2009. Partial releases were made in 54 instances compared to 81 instances in 2009.

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

- a. **Do FOIA professionals within your agency have sufficient IT support?** Yes.
- b. **Describe how your agency's FOIA professionals interact with your Open Government Team.** The Chief FOIA Officer is kept informed of open government initiatives and consults as needed on these efforts.
- c. **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. Additional staff has been provided FOIA training to assist in processing requests when needed.
- d. **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. Designated IT staff provides system support. Additionally, named contacts for each office and region ensure a timely search for, and review

of, documents. FOIA staff meets regularly to review status, take additional action, and reassign priorities as necessary.

III. Steps Taken To Increase Proactive Disclosures

- a. **Has your agency added new material to your agency website since last year?** Yes.
- b. **What types of records have been posted?** During Fiscal Year 2010, the agency began posting video recordings of its public Board meetings including a downloadable transcript; adopted social media to enhance communication with its stakeholders; created subject matter resource pages for its regulated entities and other interested persons on key topics such as the S.A.F.E. Act; and created a series of presentations explaining the corporate credit union system situation and resolution strategy among other records.
- c. **Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.** Public Board meeting transcripts, aggregate credit union contact information, and aggregate branch location information.
- d. **What system do you have in place 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 works with source offices to address the feasibility of proactive information posting.
- e. **How do you utilize social media in disseminating information?** NCUA maintains a Facebook page and a Twitter account for purposes of announcing agency initiatives and actions. NCUA also uses YouTube to provide information to consumers about federal insurance coverage for credit union accounts.
- f. **Describe any other steps taken to increase proactive disclosures at your agency.** NCUA also uses traditional media, e.g., print, television, and radio to inform consumers about federal insurance coverage for credit union accounts.

IV. Steps Taken to Greater Utilize Technology

1. **Electronic receipt of FOIA requests:**
 - a. **What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?** All.
 - b. **To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** N/A
 - c. **What methods does your agency use to receive requests electronically?** NCUA provides a link on its website to its FOIA processing center and also accepts e-mail and fax.
2. **Electronic tracking of FOIA requests:**
 - a. **What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?** All.
 - b. **To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** N/A
 - c. **What methods does your agency use to track requests electronically?** NCUA uses a FOIA-specific data-processing system.
3. **Electronic processing of FOIA requests:**
 - a. **What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?** All.
 - b. **To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?** N/A
 - c. **What methods does your agency use to process requests electronically?** NCUA uses a FOIA-specific data-processing system.
4. **Electronic preparation of your Annual FOIA Report:**
 - a. **What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.** A FOIA-specific data processing system.
 - b. **If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken**

to increase your use of technology for next year. NCUA is satisfied with its existing system.

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

1. **If your agency has a backlog, report here whether that backlog is decreasing.** NCUA had five backlogged requests and one backlogged administrative appeal pending at the end of Fiscal Year 2010. There were no backlogged requests or appeals pending at the end of Fiscal Year 2009.
 - a. **Is the backlog increase a result of an increase in the number of incoming requests or appeals?** No
 - b. **Is the backlog increase caused by a loss of staff?** No
 - c. **Is the backlog increase caused by an increase in the complexity of the requests received?** Yes
 - d. **What other causes, if any, contributed to the increase in backlog?**
Several complex requests were received during the same period and were not closed out before the end of the Fiscal Year. The last of these requests was completed by November 9, 2010.
3. **Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.**
 - a. **Does your agency routinely set goals and monitor the progress of your FOIA caseload?** NCUA's constant goal is to process all FOIA requests in a timely manner and have no backlogged requests at the end of the Fiscal Year. The agency monitors its progress on its FOIA caseload at least monthly.
 - b. **Has your agency increased its FOIA staffing?** No.
 - c. **Has your agency made IT improvements to increase timeliness?** No.
 - d. **Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?** Yes.

Spotlight on Success:

NCUA increased its efforts to use its website to proactively provide information of interests to the credit union industry and general public. The agency successfully revamped its on-line reporting of credit union financial and operating information and launched its use of social media to provide informative presentations on its corporate credit union stabilization effort and credit union members' federal insurance protection.