



**Federal Financial Institutions Examination Council (FFIEC)
Chief FOIA Officer Report
March 2012**

I. Steps Taken to Apply the Presumption of Openness

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

No. The President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been posted on the FFIEC Website and shared with the FOIA Public Liaison for the FFIEC. The FFIEC is staffed by 13 people and only one staff member is assigned FOIA responsibilities, in addition to the Executive Secretary, that being the FOIA Public Liaison for the FFIEC.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Yes. The FOIA Public Liaison for the FFIEC attended Department of Justice (DOJ) training on the Annual FOIA Report in 2010, DOJ training on the Chief FOIA Officer Report in January of 2011, and has signed up to attend the DOJ training on dispute resolution is being offered for all FOIA professionals on February 28, 2012.

3. Did your agency make any discretionary releases for otherwise exempt information?

Opportunities for a discretionary release of otherwise exempt information did not occur in the 2011 reporting year.

4. What exemptions would have covered the information that was released as a matter of discretion?

Not applicable.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

Discretionary releases would be determined by the FFIEC member agency in ownership of the information being requested, thus their agency guidelines would be the determining factor. Legal counsel for FFIEC FOIA requests is provided by an interagency group which consists of the General Counsels or Chief Counsel for each of our member agencies. 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 and fulfills the response in accordance with their agency's internal guidance. 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.

6. *Describe any other initiatives undertaken by your agency to ensure that that presumption of openness is being applied.*

The FFIEC FOIA Public Liaison works closely with the FOIA professionals at each of the five federal member agencies to ensure FFIEC FOIA requests for data are fulfilled timely and monitors the type of requests made so that if multiple requests are made for the same data, a recommendation would be made to the member agency to post this data on either their website or the FFIEC Website in the spirit of openness. 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 question page, 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 a consumer help webpage. This page includes a search function that assists the public in finding their bank or financial institution's federal regulator so they can reach the appropriate personnel who can assist them with their concerns.

The FFIEC Website was enhanced in 2010 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 a Memorandum of Agreement with the United States Environmental Protection Agency to be a partner in the government-wide electronic docket management system, 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 has 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 also has "alert" features on several of its web pages affording the public access to new data the moment it is posted. 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.

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 posted data. The FFIEC Website also maintains databases on bank and financial supervisory information for the public to directly access.

7. *Did your agency have an increase in the number of responses where records were released in full?*

Yes. The FFIEC receives a limited number of FOIA requests annually: zero in FY08, two in FY09, 24 in FY10, and 24 in FY11. The table below depicts the increase in records released in full over the past four fiscal years. It is statistically important to note that in FY11 10 FOIA requests received were for records not part of the FFIEC, thus of the 14 legitimate FOIA requests received, nine were granted in full.

Fiscal Year	Total FOIA Requests Received	Records Released in Full
FY08	0	n/a
FY09	2	1
FY10	24	3
FY11	24	9

8. *Did your agency have an increase in the number of responses where records were released in part?*

No. The FFIEC receives a limited number of FOIA requests annually: zero in FY08, two in FY09, 24 in FY10, and 24 in FY11. The table below depicts the number of records released in part over the past four fiscal years. It is statistically important to note that in FY11 10 FOIA requests received were for records not part of the FFIEC, thus of the 14 legitimate FOIA requests received, one was granted in part.

Fiscal Year	Total FOIA Requests Received	Records Released in Part
FY08	0	n/a
FY09	2	1
FY10	24	2
FY11	24	1

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. The FFIEC FOIA Public Liaison meets with the Chief FOIA Officer regularly and briefs the Chief FOIA Officer on new FOIA requests received, typically within a day of their receipt. Updates on FOIA status are also provided at scheduled monthly update meetings and during informal weekly updates as necessary.

The FFIEC's work and mission are accomplished through the efforts of six task forces. These task forces meet monthly and are made up of a representative from each of the five federal member agencies along with a representative from our State Liaison Committee.

Through the work of the task forces and their working groups the content on the FFIEC Website is kept up-to-date, with new content, revised content, and archiving of older content. The FFIEC's Senior Program Coordinator and the Examiner Education Office also monitor the website to ensure all areas are reviewed periodically for potential enhancements and updating.

3. *Do your FOIA professionals work with your agency's Open Government Team?*

No. The FFIEC does not have an Open Government Team. The FFIEC has 13 staff members and administrative support functions are provided by the Board of Governors of the Federal Reserve System. The lead agency for the FFIEC, a two-year rotation among the FFIEC membership, provides the additional FOIA professional staff needed to carry out FFIEC FOIA responsibilities as needed.

4. *Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.*

The FFIEC has not had a backlog in responding to FOIA requests and most requests are responded to within a few days of receipt. Also, there have not been any administrative appeals filed. For these reasons, it has been determined that the FFIEC staffing is adequate.

5. *Describe the steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.*

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. In 2010 the FFIEC added 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 Officer and FOIA Public Liaison with the click of a button. Given the limited number of FOIA requests received at the FFIEC yearly, i.e. zero in FY08, two in FY09, 24 in FY10, and 24 in FY11 the FFIEC began using commercially available spreadsheet and word-processing software to track requests in 2010.

III. Steps Taken To Increase Proactive Disclosures

1. *Has your agency added new material to your website since last year?*

Yes.

2. *Provide examples of the types of records, datasets, videos, etc., that have been posted this past year.*

Launch of a redesigned InfoBase, supplements to interagency guidance documents, FFIEC Annual Report, press releases, updated member information due to legislative changes, updated staff contact details, FOIA 2011 Annual Report, Chief FOIA Officer

Report for 2010, financial data is updated quarterly, and sometimes weekly depending on the data source, and frequently asked questions on “hot topics”. The FFIEC Website is maintained as a transparent view into all the work products of the FFIEC. Typically requests made under FOIA for information not available on our website are not available because the reports/documents/information requested is owned by one of our member agencies.

3. *Describe the system your agency uses to routinely identify records that are appropriate for posting.*

The FFIEC’s work and mission are accomplished through the efforts of six task forces. These task forces meet monthly and are made up of a representative from each of the five federal member agencies along with a representative from our State Liaison Committee. Through the work of the task forces and their working groups the content on the FFIEC Website is kept up-to-date, with new content, revised content, and archiving of older content. The FFIEC’s Program Coordinator and the Examiner Education Office also monitor the website to ensure all areas are reviewed periodically for potential enhancements and updating.

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.?*

Yes. The FFIEC continually reviews the website to make enhancements for improving search capabilities and increasing relevant content.

5. *Describe any other steps taken to increase proactive disclosures at your agency.*

The FFIEC FOIA Public Liaison works closely with the FOIA professionals at each of the five federal member agencies to ensure FFIEC FOIA requests for data are fulfilled timely and monitors the type of requests made so that if multiple requests are made for the same data, a recommendation would be made to the member agency to post this data on either their Website or the FFIEC Website in the spirit of openness.

Furthermore, 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 relevant to the mission of the FFIEC.

IV. Steps Taken To Greater Utilize Technology

Electronic receipt of FOIA requests:

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

Yes. FOIA@ffiec.gov and <http://www.ffiec.gov/foia.htm>

2. *If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?*

Not applicable. The FFIEC staff involved in FOIA includes only the Chief FOIA Officer (FFIEC Executive Secretary) and FOIA Public Liaison (FFIEC Senior Program Coordinator). There are no other components. Both the Chief FOIA Officer and the FOIA Public Liaison receive any electronically filed FOIA request directly to their email in box.

OnLine tracking of FOIA requests:

3. *Can a FOIA requestor track the status of their request electronically?*

No. As the FFIEC receives a limited number of FOIA requests annually, e.g. 24 in FY11, and responds to the requests timely with no backlog, there is no justifiable reason to incur this business expense.

4. *If not, is your agency taking steps to establish this capability?*

No. Most FOIA requests are responded to timely, e.g. in FY11 the average number of days for a simple FOIA request to be responded to was 7.45 days. FOIA requesters with complex FOIA requests are provided status updates to keep them informed of the progress of gathering the data to respond to their request. The fact that the FFIEC has never had a backlog of FOIA requests, improvements in IT regarding timeliness of responses are not necessary expenditures at this time.

Use of technology to facilitate processing of requests:

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 yet. The FFIEC receives a limited number of FOIA requests annually: zero in FY08, two in FY09, 24 in FY10, and 24 in FY11. The FFIEC is interested in improving record search capabilities by putting all historic documents on electronic files. However with a heavy workload and thin staff this project is not a priority at this time as all FOIA requests are responded to timely with no backlogs.

6. *If so, describe the technological improvements being made.*

Not applicable.

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

1a-b. *Does your agency use a separate track for simple requests?*

No, not applicable.

1c. *If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?*

Yes. The FFIEC receives a limited number of FOIA requests, i.e. zero in FY08, two in FY09, 24 in FY10, and 24 in FY11 and has never had a backlog. Requests received are answered in a timely manner, following the schedule set out in the FFIEC's FOIA Regulation. The average number of days for simple FOIA requests to be received and processed in FY2011 was 7.45 days. The average number of days for the one complex FOIA request received and processed in FY2011 was 17 days.

2a-d. *Regarding backlogs.*

Not applicable. The FFIEC receives a limited number of FOIA requests, i.e. zero in FY08, two in FY09, 24 in FY10, and 24 in FY11 and has never had a backlog. Requests received are answered in a timely manner, following the schedule set out in the FFIEC's FOIA Regulation.

Regarding backlog and Administrative Appeals.

Request Backlog, questions a-d:

Not applicable. There were no backlogs or administrative appeals for any of the past four fiscal years.

Administrative Appeal, questions a-d:

Not applicable. There were no backlogs or administrative appeals for any of the past four fiscal years.

Reduction in backlogs/improved timeliness in responding to requests and appeals.

1. *Does your agency routinely set goals and monitor the process of your FOIA Caseload?*

Yes, the FFIEC does set goals and monitor the FOIA Caseload. Seldom does the FFIEC have more than one or two FOIA requests pending at the same time, and as previously stated the FFIEC does not carry a backlog and routinely responds to FOIA requests within the initial statutory timeframe, averaging a response time to simple FOIA requests of 7.45 days during FY11.

2. *Has your agency increased its FOIA staffing?*

No.

3. *Has your agency made IT improvements to increase timeliness?*

No. Seldom does the FFIEC have more than one or two FOIA requests pending at the same time, and as previously stated the FFIEC does not carry a backlog and routinely responds to FOIA requests within the initial statutory timeframe, averaging a response time to simple FOIA requests of 7.45 days during FY11.

4. *If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?*

The FFIEC has interagency agreements in place for data sharing among its member agencies for purpose of conducting FFIEC business.

Use of FOIA's Law Enforcement "Exclusions"

1. *Did your agency invoke a statutory exclusion during Fiscal Year 2011?*

No.

2. *If so, what is the total number of times exclusions were invoked?*

Not applicable.

Spotlight on Success:

The FFIEC continues to timely respond to all FOIA requests received within the statutory time frame with no backlogs or administrative appeals in the past four fiscal years. Despite the small staff size, and no full time FOIA staff, the FFIEC responds to consumer and public inquires in a timely and transparent manner with the goal of ensuring that inquirers are satisfied with the information shared or the contact information for where they can have their inquiries best addressed are shared. The public often comments on how much they appreciate having a person answer their call, instead of a voice recording, when they ring the FFIEC.