



FREEDOM OF INFORMATION ACT ANNUAL REPORT

October 1, 2007 - September 30, 2008

I. BASIC INFORMATION REGARDING REPORT

1. The contact person for questions concerning this report is Shelia Willis, FOIA Public Liaison, Federal Housing Finance Board (FHFB), 1625 I Street NW, Washington DC 20006; telephone: 202-408-2511; fax: 202-408-2580; E-mail: FOIA@fhfb.gov.
2. A copy of this report is on the FHFB web site. The link to access this report is: <http://www.fhfb.gov/Default.aspx?Page=62>
3. You can obtain a paper copy of this report by contacting Shelia Willis, FOIA Public Liaison, at the above address.

II. MAKING A FOIA REQUEST

1. The FOIA Office receives FOIA requests at the Federal Housing Finance Board, 1625 I Street NW, Washington DC 20006; telephone: 202-408-2511; fax: 202-408-2580; E-mail: FOIA@fhfb.gov.

Information on submitting a FOIA request is available at: <http://www.fhfb.gov/Default.aspx?Page=60&Top=4>

2. The following is a brief description of why we do not grant some requests:
 - a. No records exist for requested information.
 - b. Records are exempt from disclosure.
 - c. Records are not maintained by the agency.

3. The following is an overview of certain general categories of agency records to which the FOIA exemptions apply.
 - a. Exemption 4 exempts records that contain trade secrets and commercial and financial information obtained from a person that is privileged and confidential (5 U.S.C. § 552(b)(4)).
 - b. Exemption 5 exempts inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency. Records withheld under this exemption are those that reflect the agency's predecisional, deliberative process, the release of which could inhibit open and candid discourse, debate, advice, recommendations, and exchanges of views within the agency before formation of an official agency position. Attorney-client privileged communications also are covered by this exemption (5 U.S.C. § 552(b)(5)).
 - c. Exemption 8 exempts records of matters that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions (5 U.S.C. § 552(b)(8)).

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-specific acronyms or terms used in this report:
 - a. **FHFB** - Federal Housing Finance Board
2. Definitions of terms used in this report:
 - a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
 - b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
 - c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
 - d. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its

review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- e. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b) (3) of the FOIA.
- f. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests, which require the agency to utilize the FOIA in responding to the requester, are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- g. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- h. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- i. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- j. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the low volume and/or simplicity of the records requested.

- iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
 - k. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
 - l. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
 - m. **Perfected Request** – a request for records, which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
 - n. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
 - o. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
 - p. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. Include the following concise descriptions of the nine FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
 - b. **Exemption 2:** internal agency rules and practices
 - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
 - d. **Exemption 4:** trade secrets and other confidential business information
 - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
 - f. **Exemption 6:** information involving matters of personal privacy

- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

IV. EXEMPTION 3 STATUTES

1. Exemption 3 Statutes Relied upon to Withhold Information

statute	type of information withheld	case citation	# of times relied upon	total # of times relied upon by agency
0	N/A	N/A	0	0

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

	# of requests pending as of start of fiscal year	# of requests received in fiscal year	# of requests processed in fiscal year	# of requests pending as of end of fiscal year
AGENCY OVERALL	0	36	36	0

B. (1) Disposition of FOIA Requests – All Processed Requests

	# of full grants	# of partial grants/partial denials	# of full denials based on exemptions	# of full denials based on reasons other than exemptions									TOTAL	
				no records	all records referred to another agency	request withdrawn	fee-related reason	records not reasonably described	improper FOIA request for other reason	not agency record	duplicate request	Other see chart below		
AGENCY OVERALL	19	1	0	16	0	0	0	0	0	0	0	0	0	36

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B(1) Chart

	description of “Other” reasons for denials from Chart B(1) and # of times Those reasons were relied upon	TOTAL
AGENCY OVERALL	1. No Records	0
	2. Referral	0
	3. Records Not Reasonably Described	0
	4. Improper FOIA Request	0

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	1	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

# of appeals pending as of start of fiscal year	# of appeals received in fiscal year	# of appeals processed in fiscal year	# of appeals pending as of end of fiscal year
0	1	1	0

B. Disposition of Administrative Appeals – All Processed Appeals

# affirmed on appeal	# partially affirmed and partially reversed/remanded on appeal	# completely reversed/remanded on appeal	# of appeals closed for other reasons	TOTAL
0	1	0	0	1

C. (1) Reasons for Denial on Appeal – Number of Times Exemption Applied

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
0	0	0	0	0	0	0	0	0	0	0	0	1	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

no records	records referred at initial request level	request withdrawn	fee-related reason	records not reasonably described	improper request for other reasons	not agency record	duplicate request or appeal	request in litigation	appeal based solely on denial of request for expedited processing	Other
0	0	0	0	0	0	0	0	0	0	0

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C(2) Chart

description of “Other” reasons for denial on appeal from Chart C(2) and # of times those reasons were relied upon	TOTAL
Description # N/A	0

C. (4) Response Time for Administrative Appeals

median # of days	average # of days	lowest # of days	highest # of days
20	20	20	20

C. (5) Ten Oldest Pending Administrative Appeals

	10TH oldest appeal and # of days pending	9th	8th	7th	6th	5th	4th	3rd	2nd	oldest appeal and # of days pending
AGENCY OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests – Response Time for all Processed Perfected Requests (**FHFB does not use a multi-track processing system.**)

	PROCESSED PERFECTED REQUESTS				EXPEDITED PROCESSING			
	median # of days	average # of days	lowest # of days	highest # of days	median # of days	average # of days	lowest # of days	highest # of days
AGENCY OVERALL	2.5	5.2	0	34	N/A	N/A	N/A	N/A

B. Processed Requests – Response Time for Perfected Requests in which Information Was Granted

	PROCESSED PERFECTED REQUESTS				EXPEDITED PROCESSING			
	median # of days	average # of days	lowest # of days	highest # of days	median # of days	average # of days	lowest # of days	highest # of days
AGENCY OVERALL	4.5	7	1	34	N/A	N/A	N/A	N/A

C. Processed Requests – Response Time in Day Increments

Simple and Complex Processed Requests														
	0-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
AGENCY OVERALL	35	1	0	0	0	0	0	0	0	0	0	0	0	36

Requests Granted Expedited Processing (no requests received)														
	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A

D. Pending Requests – All Pending Perfected Requests

	ALL PENDING PERFECTED REQUESTS			EXPEDITED PROCESSING		
	# pending	median # of days	average # of days	# pending	median # of days	average # of days
AGENCY OVERALL	0	0	0	0	0	0

E. Pending Requests – Ten Oldest Pending Perfected Requests

F.

	10 TH oldest request and # of days pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	oldest request and # of days pending
AGENCY OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

	# granted	# denied	median # of days to adjudicate	average # of days to adjudicate	# adjudicated within 10 calendar days
AGENCY OVERALL	N/A	N/A	N/A	N/A	N/A

B. Requests for Fee Waiver

	# granted	# denied	median # of days to adjudicate	average # of days to adjudicate	# adjudicated within 10 calendar days
AGENCY OVERALL	N/A	N/A	N/A	N/A	N/A

IX. FOIA PERSONNEL AND COSTS

	PERSONNEL			COSTS		
	#of full-time FOIA employees	# of equivalent full-time FOIA employees	total # of full-time FOIA Staff (add columns 1 and 2)	processing costs (at initial request and appeal levels)	litigation-related costs	total costs
AGENCY OVERALL	0	.25	.25	\$27,575	0	\$27,575

X. FEES COLLECTED FOR PROCESING REQUESTS

	total amount of fees collected	percentage of total costs
AGENCY OVERALL	\$108	0.39%

XI. AGENCY FOIA REGULATIONS AND FEE SCHEDULE

A. Link to Agency FOIA Regulation: <http://www.fhfb.gov/Default.aspx?Page=61>

B. Link to Agency FOIA Fee Schedule: <http://www.fhfb.gov/Default.aspx?Page=61>

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

	# of backlogged <u>requests</u> as of end of fiscal year	# of backlogged <u>appeals</u> as of end of fiscal year
AGENCY OVERALL	0	0

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations.

	# of consultations received from other agencies that were <u>pending</u> as of <u>start</u> of the fiscal year	# of consultations <u>received</u> from other agencies during the fiscal year	# of consultations received from other agencies that Were <u>processed</u> during the fiscal year	# of consultations received from other agencies that were <u>pending</u> as of <u>end</u> of the fiscal year
AGENCY OVERALL	0	0	0	0

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency.

	10 TH oldest consultation and # of days pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	oldest consultation and # of days pending
AGENCY OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged.

	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	# received during fiscal year 2007	# received during fiscal year 2008	# processed during fiscal year 2007	# processed during fiscal year 2008
AGENCY OVERALL	43	36	43	36

	COMPARISON OF BACKLOGGED REQUESTS	
	# of backlogged request as of end of fiscal year 2007	# of backlogged requests as of end of fiscal year 2008
AGENCY OVERALL	0	0

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged.

	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	# received during fiscal year 2007	# received during fiscal year 2008	# processed during fiscal year 2007	# processed during fiscal year 2008
AGENCY OVERALL	0	1	0	1

	COMPARISON OF BACKLOGGED APPEALS	
	# of backlogged appeals as of end of fiscal year 2007	# of backlogged appeals as of end of fiscal year 2008
AGENCY OVERALL	0	0