

**2017 Chief FOIA Officer Report  
Federal Deposit Insurance Corporation  
Charles Yi, General Counsel and Chief FOIA Officer  
March 2016 - March 2017**

**Section 1: Steps Taken to Apply the Presumption of Openness**

The guiding principle underlying the President's FOIA Memorandum and the DOJ's 2009 FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

**A. FOIA Training**

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

**Answer:** Yes.

2. If yes, please provide a brief description of the type of training attended and the topics covered.

**Answer:** All members of the FDIC's FOIA/Privacy Act Group ("FOIA Group") attended either the American Society of Access Professionals (ASAP) 9th National Training Conference or the FDIC-hosted DOJ Office of Information Policy training on the FOIA Improvement Act of 2016, the intersection of the Privacy Act and the FOIA, and FOIA Exemptions 4 and 6. In addition, several members of the FOIA Group have completed Department of Justice e-Learning modules *FOIA Training for Professionals* and *FOIA Training for All Employees*.

3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

**Answer:** 100% of the FOIA Group's professionals and staff attended substantive FOIA training during the reporting period.

4. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

**Answer:** N/A.

## **B. Outreach**

5. *OPTIONAL*: Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

**Answer:** N/A.

## **C. Other Initiatives**

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

**Answer:** The Department of Justice's e-Learning module *FOIA Training for All Employees* has been made available online to all employees through the FDIC's Corporate University.

7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

**Answer:** N/A.

## **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

The DOJ's 2009 FOIA Guidelines emphasized that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

### **A. Processing Procedures**

1. For Fiscal Year 2016, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2016 Annual FOIA Report.

**Answer:** The FDIC's average number of days for adjudicating requests for expedited processing was 6.23 days for Fiscal Year 2016.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

**Answer:** N/A.

3. *OPTIONAL:* During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

**Answer:** The FDIC did not conduct a self-assessment of its FOIA program.

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

**Answer:** In Fiscal Year 2016, the FDIC processed 221 requests from commercial use requesters.

## **B. Requester Services**

5. *OPTIONAL:* Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

**Answer:** Requesters can write, fax, call or email the FDIC's Freedom of Information Act (FOIA) Service Center to provide feedback about their experience with the FOIA process at the FDIC. The FOIA Service Center also provides contact information for the FDIC's Ombudsman, who has been designated as the FDIC's FOIA Public Liaison and is also available to receive such feedback.

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

**Answer:** Requesters sought the assistance from the FDIC's FOIA Public Liaison twice during Fiscal Year 2016.

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

**Answer:** The FDIC FOIA Guide is found at: <https://www.fdic.gov/about/freedom/Guide.html>

### **C. Other Initiatives**

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

**Answer:** The FOIA Group produces regular reports which are used to monitor the processing of requests. In addition, the FOIA Group routinely reviews its automated FOIA system to ensure the proper processing of requests. Among other things, all FOIA correspondence and responsive records are now maintained electronically to improve efficiency. Also, FOIA staff is evaluated under a pay-for-performance system with regularly scheduled meetings to assess their FOIA skills and to maintain overall quality control.

### **Section III: Steps Taken to Increase Proactive Disclosures**

Both the President's and DOJ's FOIA memoranda focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

#### **A. Posting Material**

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

**Answer:** When a FOIA request is received, the FDIC's FOIA Group uses its FOIA processing software to identify previous requests for the same or similar records. If it is determined that multiple requests for publicly releasable records under the FOIA have been received, those records are deemed "frequently requested" and are posted on the FDIC's website or otherwise made available for public inspection and copying.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

**Answer:** Yes. The FOIA Group routinely reviews FOIA requests to determine whether requested records should be posted on the FDIC's website as a proactive disclosure. The FOIA Group also utilizes its FOIA software to identify records that are of interest to the public by analyzing, for example, trends in the nature of requests.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

**Answer:** No.

4. If so, briefly explain those challenges and how your agency is working to overcome them.

**Answer:** N/A.

5. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

**Answer:** Information posted on the FDIC's website during the reporting period includes:

Quarterly Banking Profile:

First Quarter 2016 - <https://fdic.gov/bank/analytical/qbp/2016mar/qbp.pdf>

Second Quarter 2016 - <https://fdic.gov/bank/analytical/qbp/2016jun/qbp.pdf>

Third Quarter 2016 - <https://fdic.gov/bank/analytical/qbp/2016sep/qbp.pdf>

FDIC Consumer News:

Summer 2016 - <https://www.fdic.gov/consumers/consumer/news/cnsum16/>

Supervisory Insights:

Special Corporate Governance Edition -

[https://www.fdic.gov/regulations/examinations/supervisory/insights/sise16/SI\\_SE2016.pdf](https://www.fdic.gov/regulations/examinations/supervisory/insights/sise16/SI_SE2016.pdf)

Summer 2016 - <https://www.fdic.gov/regulations/examinations/supervisory/insights/index.html>

Chief Financial Officer's (CFO) Report to the Board:

First Quarter 2016 - [https://www.fdic.gov/about/strategic/corporate/cfo\\_report\\_1stqtr\\_16/](https://www.fdic.gov/about/strategic/corporate/cfo_report_1stqtr_16/)

Second Quarter 2016 - [https://www.fdic.gov/about/strategic/corporate/cfo\\_report\\_2ndqtr\\_16/](https://www.fdic.gov/about/strategic/corporate/cfo_report_2ndqtr_16/)

Documents considered at FDIC Board of Director's open meetings:

June 21, 2016 - [https://www.fdic.gov/news/board/2016/2016-06-21\\_notice.html](https://www.fdic.gov/news/board/2016/2016-06-21_notice.html)

September 20, 2016 - [https://www.fdic.gov/news/board/2016/2016-09-20\\_notice.html](https://www.fdic.gov/news/board/2016/2016-09-20_notice.html)

October 19, 2016 - [https://www.fdic.gov/news/board/2016/2016-10-19\\_notice.html](https://www.fdic.gov/news/board/2016/2016-10-19_notice.html)

November 15, 2016 - [https://www.fdic.gov/news/board/2016/2016-11-15\\_notice.html](https://www.fdic.gov/news/board/2016/2016-11-15_notice.html)

FDIC Chairman's Calendar:

First Quarter 2016 - [https://www.fdic.gov/about/freedom/Chairman\\_1Q\\_2016.pdf](https://www.fdic.gov/about/freedom/Chairman_1Q_2016.pdf)

Second Quarter 2016 - [https://www.fdic.gov/about/freedom/Chairman\\_2Q\\_2016.pdf](https://www.fdic.gov/about/freedom/Chairman_2Q_2016.pdf)

FDIC FOIA Logs:

Fiscal Years 2011-2014 - <https://www.fdic.gov/about/freedom/FDICFOIALog2011-2014.pdf>

Fiscal Year 2015 - <https://www.fdic.gov/about/freedom/FDICFOIALogFY2015-OctoberFY2015.pdf>

2015 FDIC National Survey of Unbanked and Underbanked Households - <https://www.fdic.gov/householdsurvey/>

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

**Answer:** Yes. The FDIC often issues press releases to publicize or highlight releases of information. For example, the FDIC issues a press release to inform the public when it announces the list of orders of administrative enforcement actions taken against banks and individuals during the preceding month. Press releases issued during 2016 are available at <https://www.fdic.gov/news/news/press/2016/>

## **B. Other Initiatives**

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

**Answer:** The FDIC continues to use its website, social media, webcasts, podcasts, and publications to proactively make information available to the general public. An email subscription service, RSS feeds, as well as the FDIC pages on Facebook and Twitter allow the public to receive many different alerts, including news releases, Financial Institution Letters, consumer updates, statistical publications and other information.

## **Section IV: Steps Taken to Greater Utilize Technology**

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

### **A. Making Material Posted Online More Useful**

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

**Answer:** Yes. The FDIC has taken steps to make information posted on its website more useful to the public.

2. If yes, please provide examples of such improvements.

**Answer:** The FDIC continues to utilize YouTube to make information available to the public. For example, during the reporting period it posted several presentations on YouTube to assist bank employees to understand FDIC deposit insurance rules. The FDIC also posted a video on community bank corporate governance to assist community bank directors and officers in the development of a sound corporate governance framework.

## **B. Other Initiatives**

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

**Answer:** Yes. All four of the FDIC's quarterly FOIA reports for Fiscal Year 2016 were successfully posted online.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2017.

**Answer:** N/A.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

The President's FOIA Memorandum and the DOJ's 2009 FOIA Guidelines have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2016 Annual FOIA Report and, when applicable, your agency's 2015 Annual FOIA Report.

### **A. Simple Track**

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests

that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

**Answer:** Yes.

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

**Answer:** Yes. The average number of days to process simple requests in Fiscal Year 2016 was 14.11 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

**Answer:** 55% of requests processed by the FDIC in Fiscal Year 2016 were placed in the simple track (265 out of 481).

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

**Answer:** N/A.

## **B. Backlogs**

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals," shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

### **BACKLOGGED REQUESTS**

5. If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

**Answer:** The FDIC had a backlog of 4 requests at the end of Fiscal Year 2016. The backlog decreased from 13 requests reported as backlogged at the end of Fiscal Year 2015.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:



- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

**Answer:** N/A.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2016.

**Answer:** The percentage of requests that make up the backlog reported at the end of Fiscal Year 2016 is 0.86% (4 out of 465).

### **BACKLOGGED APPEALS**

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog.

**Answer:** The FDIC reported no backlogged appeals at the end of either Fiscal Year 2015 or Fiscal Year 2016.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

**Answer:** N/A

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

**Answer:** N/A.

### **C. Status of Ten Oldest Requests, Appeals, and Consultations**

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

#### **TEN OLDEST REQUESTS**

11. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

**Answer:** Yes. In Fiscal Year 2016, the FDIC closed the ten oldest requests that were reported pending in its Fiscal Year 2015 Annual FOIA Report.

12. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

**Answer:** N/A.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

**Answer:** One of the ten oldest requests that were reported as pending in the FDIC's Fiscal Year 2015 Annual FOIA Report was subsequently withdrawn by the requester [FDIC FOIA Log # 15-0485]. No interim responses were provided prior to the withdrawal.

#### **TEN OLDEST APPEALS**

14. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

**Answer:** The FDIC had no administrative appeals pending at the end of Fiscal Year 2015.

15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**Answer:** N/A.

## **TEN OLDEST CONSULTATIONS**

16. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

**Answer:** The FDIC had no consultations pending at the end of Fiscal Year 2015.

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

**Answer:** N/A.

## **E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans**

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

**Answer:** N/A.

19. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

**Answer:** N/A.

20. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2017.

**Answer:** N/A.