

Chief FOIA Officer Report for Federal Deposit Insurance Corporation March 2010

I. Steps Taken to Apply the Presumption of Openness

1. Description

The FDIC has increased the amount of information posted on the Corporation's Web pages.

FDIC personnel who are responsible for processing FOIA requests have been briefed on the Obama FOIA Memorandum and the FOIA Guidelines, and copies of both documents have been distributed along with a memorandum prepared by the FDIC's FOIA/Privacy Group ("FOIA Group") summarizing the requirements of the Obama FOIA Memorandum.

The discretionary disclosure of exempt records by the FDIC is governed by 12 C.F.R. §309.6. Under appropriate circumstances, discretionary disclosures may be authorized by the Director of the FDIC division having primary authority over the exempt records or by the General Counsel, or their designees. The Chairman of the FDIC may also authorize such disclosure.

2. Disclosure Comparisons

As indicated below, the percentage of requests fully or partially granted by the FDIC increased in Fiscal Year 2009 over the previous year:

Fiscal Year 2008:

Number of Requests Processed: 780

Number of Requests Processed - Full Grant: 531

Number of Requests Processed - Partial Grant: 44

Number of Requests Processed - Full Grant + Partial Grant: 575

Percentage of Requests Fully or Partially Granted: 74%

Fiscal Year 2009:

Number of Requests Processed: 2045

Number of Requests Processed - Full Grant: 1507

Number of Requests Processed - Partial Grant: 153

Number of Requests Processed - Full Grant + Partial Grant: 1660

Percentage of Requests Fully or Partially Granted: 82%

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

All FOIA requests and appeals are handled by staff whose primary duties are to handle FOIA matters. Each FOIA requester receives a unique FOIA tracking number. Using this tracking number allows the FDIC to efficiently manage the tracking, processing, and prioritizing of each request. The FOIA staff works closely with designated points of contact in each division and office of the FDIC to ensure an appropriate search is conducted and responsive information is located. The FOIA Group also coordinates with those points of contact to help identify which information should be posted on the FDIC's FOIA website. The FDIC designated the General Counsel as its Chief FOIA Officer in part to ensure the FOIA program receives necessary resources.

IT support is provided to the FOIA Group by the FDIC's Division of Information Technology ("DIT") as needed. The FDIC is currently working on a high priority basis to upgrade its automation of the FOIA processing to improve efficiency and accuracy.

III. Steps Taken To Increase Proactive Disclosures

The FDIC's public Web site is at www.fdic.gov. The FDIC regularly updates and adds new information to the Web site. Many of the latest updates and additions to the Web site are also catalogued monthly at <http://www.fdic.gov/whatsnew/>.

The FDIC has also increased proactive disclosure by posting the following documents on its Web pages:

1. Lists of legal counsel approved to represent the FDIC.
2. In consultation with the Office of Information Policy, U.S. Department of Justice, the FDIC developed new procedures for disclosing information concerning failed financial institution bids, bidders and the general methodology for determining that the winning bid in certain transactions was the least costly bid to the FDIC.

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IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically.

Yes. Electronic FOIA requests have been received by the FDIC since the mid-1990s.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically.

Not applicable.

3. Does your agency track requests electronically.

Yes. The FDIC's FOIA/Privacy Act Group utilizes an electronic database (the Cuadra STAR database) to track FOIA requests.

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically.

Not applicable.

5. Does your agency use technology to process requests.

Yes. The responses to many FOIA requests are now provided by email with copies of responsive documents provided in electronic form. The use of a high-speed scanner to scan documents and Adobe Acrobat to redact exempt information has increased.

Requesters do not presently have the capability to check the status of their requests electronically. The FDIC is in the process of acquiring FOIA management software that will provide that capability and improve the efficiency of the program.

6. If not, what are the current impediments to your agency utilizing technology to process requests.

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report.

Yes. The electronic database currently used to track FOIA requests provides most of the information needed to complete the Annual FOIA Report

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report.

Not applicable.

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

1. Backlog Status

Backlog of Requests:

Number of Requests Backlogged Fiscal Year 2008: 10

Date of Oldest Pending Backlogged Request Fiscal Year 2008: July 29, 2008

Number of Requests Backlogged Fiscal Year 2009: 170*

Date of Oldest Pending Backlogged Request Fiscal Year 2009: November 10, 2008

Backlog of Requests as of January 31, 2010: 183*

Backlog of Appeals:

Number of Appeals Backlogged Fiscal Year 2008: 0

Date of Oldest Pending Backlogged Appeal Fiscal Year 2008: Not Applicable

Number of Appeals Backlogged Fiscal Year 2009: 2

Date of Oldest Pending Backlogged Appeal Fiscal Year 2009: July 31, 2009

Backlog of Appeals as of January 31, 2010: 3

2. Backlog Reduction Steps

Due to the financial crisis, the number of FOIA requests received by the FDIC in Fiscal Year 2009 was nearly triple the number received in Fiscal Year 2008 without a corresponding staffing increase. Efforts are underway to increase staff to help reduce the backlog and to update the automated procedures. Meanwhile, staff in other areas have been made available to assist in processing FOIA requests.

3. Steps to Improve Timeliness

As indicated above, the FDIC is increasing the size of its FOIA staff as well as providing staff from other areas to expedite the processing of requests.

The FOIA staff routinely contacts requesters to clarify and refine requests. This communication contributed to a significant reduction in response time. In Fiscal Year 2008, the average response time for simple requests was 9 days; in Fiscal Year 2009 the average response time for such requests was reduced to 2 days. Average response time

* As of the date of the filing of this report, the backlog of requests has been significantly reduced.

for complex requests dropped from 15 days in Fiscal Year 2008 to 4 days in Fiscal Year 2009.

The use of email and electronic documents over regular mail and hardcopies to respond to FOIA requests has increased.