

**2025 Chief FOIA Officer Report**  
**Federal Deposit Insurance Corporation**  
**Matthew Reed, Acting General Counsel and Chief FOIA Officer**  
**March 2024 - March 2025**

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General’s 2022 FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

**A. Leadership Support for FOIA**

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency’s Chief FOIA Officer at or above this level?

**Answer:** Yes

2. Please provide the name and title of your agency’s Chief FOIA Officer.

**Answer:** Matthew Reed, Acting General Counsel

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

**Answer:** The FDIC has continued taking steps to ensure that the FOIA is incorporated into its core mission. The FDIC allocates substantial time and resources to educate its employees about the importance of the FOIA. In 2024, the FDIC’s FOIA/Privacy Act Group continued to provide two FOIA seminars for its FOIA coordinators, who represent all FDIC divisions and offices. There were over 60 employees in attendance, both in person and online, at each of these training sessions. The first of these seminars covered FOIA Exemptions 4, 6, and 7(C), the referral and consultations process, various technical matters relating to our FOIA request management system, and an extensive survey of FOIA caselaw for the previous six months. The second seminar had a guest speaker from the Office of Government Information Services, a guest speaker from the FDIC’s Ombuds Office, which is the FDIC’s FOIA Public Liaison, a presentation on technical matters for the FDIC’s FOIA request management system, and a panel discussion on the best practices of a number of FDIC divisions and offices. Also in 2024, the FDIC’s FOIA/Privacy Act Group provided in-person training as part of a FOIA Roadshow at the FDIC’s Chicago Regional Office. The six-member Roadshow Team gave three hour-long presentations covering all aspects of the FOIA and highlighted the importance of the FOIA to regional office operations. Over 100 employees attended the three presentations. During the visit, the Roadshow Team held office hours where regional office staff could ask questions about the FOIA. Finally, the Roadshow Team met with FDIC Ombuds staff during this visit to discuss

modes of communication and a future meeting schedule. FDIC leaders provided the necessary resources for these training initiatives, and with their continued support, the FOIA/Privacy Act Group plans to conduct road shows at other regional offices to educate FDIC employees on the FOIA and make them aware that the FOIA is everyone's responsibility.

## **B. Presumption of Openness**

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

**Answer:** Yes

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. If your agency tracks *Glomar* responses, please provide:

- the number of times your agency issued a full or partial *Glomar* response during Fiscal Year (FY) 2024 (separate full and partial if possible);

**Answer:** Three times

- the number of times a *Glomar* response was issued by exemption during FY 2024 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

**Answer:** Exemption 3 – one time; Exemption 4 – one time; Exemption 5 – one time; Exemption 6 – two times; Exemption 7(A) – one time; Exemption 7(C) – one time; Exemption 7(E) – one time. For two of the three *Glomar* responses, multiple exemptions were used.

6. Optional -- 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:** The FOIA/Privacy Act Group regularly publishes quarterly FOIA logs and, upon receipt, the Chairman's and Vice Chairman's schedules in our Reading Room. Additionally, due to the heavy interest and frequency of requests, we have recently posted in our Reading Room the annual financial statements for the failures of First Republic Bank, Signature Bank, and Silicon Valley Bank.

## **SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION**

The Attorney General's 2022 FOIA Guidelines provide that "[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA

requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

## **A. FOIA Training**

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

**Answer:** The FDIC provides and promotes two substantive FOIA trainings for agency personnel on the FDIC intranet from the Department of Justice’s (DOJ) Office of Information Policy (OIP) e-Learning modules: “FOIA Training for All Employees” and “FOIA Training for Professionals.” Additionally, the FOIA/Privacy Act Group supervisor or counsel regularly gives briefings on the FOIA to incoming FDIC staff, such as new Legal Division employees. During the reporting period, the FOIA/Privacy Act Group supervisor, attorneys, and designated training coordinator conducted training for various FDIC divisions and offices, including for staff in the Office of the Ombuds—which serves as our FOIA Public Liaison—at a conference for the Legal Division’s Litigation Branch, and the Division of Administration’s Record Management Unit. Upon request, the FOIA/Privacy Act Group provides informal briefings on the FOIA throughout the year to all divisions and offices. The FOIA/Privacy Act Group also provides biweekly trainings for FDIC FOIA coordinators, who do not work in the FOIA Group, on how to use different features of the FOIA request management system. During each session, the FOIA coordinators are given an opportunity to ask system-related and substantive FOIA questions. Additionally, as described in more detail above, the FOIA/Privacy Act Group conducts two training seminars a year for FOIA coordinators that are approximately three hours long. These seminars consist of substantive FOIA issues and administrative procedures. Finally, as described in detail above, the FOIA/Privacy Act Group started a FOIA Roadshow program to conduct FOIA training at regional offices and emphasize the importance of the FOIA to regional operations. In July 2024, the first FOIA Roadshow was held at the Chicago Regional Office.

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

**Answer:** Yes

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

**Answer:** FOIA training taken by FDIC FOIA professionals or staff with FOIA responsibilities consisted of virtual training provided by DOJ OIP on the following topics: “Processing a FOIA Request from Start to Finish,” “Procedural Requirements and Fees,” “Administrative Appeals, FOIA Compliance and Customer Service,” “Continuing FOIA Education,” “Exemption 4 and Exemption 5,” and “Privacy Considerations.” Additionally, some members of the FOIA/Privacy Act Group attended the American Society of Access Professionals (ASAP) FOIA/Privacy Act

Training Conference in June 2024, and one member of the Group attended ASAP's Training Workshop in September 2024. FOIA/Privacy Act Group members and FOIA coordinators also attended the biannual FOIA training seminars, described above.

4. Please 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%

5. 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. 100% of the FDIC's FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training during the reporting period.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

**Answer:** The FOIA/Privacy Act Group supervisor and counsel continue to give presentations to incoming employees, including new Legal Division employees, on FOIA basics and their role in the FOIA process. During the reporting period, the FOIA/Privacy Act Group supervisor, attorneys, and designated training coordinator also conducted training for various FDIC divisions and offices. Senior leaders of these divisions and offices attended these training sessions, where FOIA resources, obligations, and expectations were discussed, among other things. Finally, as described above, the FOIA/Privacy Act Group conducted a well-attended FOIA Roadshow at the Chicago Regional Office.

## **B. Outreach**

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.

**Answer:** Yes, when the FOIA/Privacy Act Group receives requests that do not comply with the FOIA or FDIC regulations, such as requests that are not reasonably described or overbroad, we routinely contact requesters and provide them an opportunity to clarify and refine their requests so the requests can be further processed in the most time efficient manner. For voluminous requests, we also make rolling productions where feasible.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

**Answer:** The FOIA/Privacy Act Group did not engage in additional outreach or dialogue outside of the standard request process with the requester community; however, the FOIA/Privacy Act Group regularly dialogues with the requester community to explain the FDIC's FOIA processes. This dialogue helps ensure that the FDIC is processing its FOIA requests as accurately, thoroughly, and timely as possible.

9. 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 the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2024 (please provide a total number or an estimate of the number for the agency overall).

**Answer:** Requesters sought assistance from the FDIC's FOIA Public Liaison 29 times during the reporting period.

### **C. Other Initiatives**

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

**Answer:** Yes. FDIC management—including the Chief FOIA Officer—has been proactive and supportive of FOIA operations given the continued increase in the number and complexity of requests and the volume of documents responsive to these requests. During the reporting period, the FDIC hired a new senior attorney and two government information specialists. The FOIA/Privacy Act Group also continues to utilize the resources available through the FDIC's Honors Attorney Program. During the reporting period, we hosted three honors attorneys who rotated through the FOIA/Privacy Act Group and worked on technical and legal matters. Additionally, in the reporting period, the FOIA/Privacy Act Group hosted three detailees who handled government information specialist duties and two detailees in attorney positions. The honors attorneys and detailees have been great assets to the Group in helping address the increased FOIA demands. Lastly, the FOIA/Privacy Act Group is actively collaborating with the FDIC's Legal Information Technology Unit on operating the FOIA request management system, searching for records, and processing records. The FOIA/Privacy Act Group has used every available resource from within the FDIC to manage the increase in requests and minimize the backlog as much as possible.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, FOIA request management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

**Answer:** The FDIC's FOIA request management system allows the FOIA/Privacy Act Group to create and review various types of reports and analytics pertaining to all requests. For example, FOIA staff can quickly identify requests asking for expedited processing, overdue requests, requests in litigation, and requests assigned to certain divisions or offices. Additionally, the FDIC's system allows data to be presented in pie charts and graphs, which allows management to quickly review the workload of each government information specialist, the age of requests, and the status of requests, among other things. The FOIA/PA Group uses these metrics to provide regular updates to Legal Division management and other stakeholders, as described further below.

12. The federal FOIA Advisory Committee, comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of recommendations. Please answer the below questions:

- Is your agency familiar with the FOIA Advisory Committee and its recommendations?

**Answer:** Yes.

- Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

**Answer:** Yes, the FDIC's FOIA/Privacy Act Group finds the FOIA Advisory Committee's recommendations to be helpful. For example, we found the Committee's draft model determination letter to be a helpful resource in drafting our response letters.

13. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

**Answer:** In order to ensure efficiency and effectiveness, the FOIA/Privacy Act Group produces regular reports for its senior management to monitor the timely and proper processing of requests. Additionally, to continue to ensure fair and effective FOIA administration at the FDIC, the FOIA/Privacy Act Group continues to develop new and improved ways to refine the FDIC's FOIA program, including through increased training opportunities and regular communication with FOIA coordinators. One result of these efforts was the FOIA Roadshow at the Chicago Regional Office described above. Lastly, the FOIA/Privacy Act Group supervisor and attorneys continue to attend standing monthly meetings with our sister banking agencies to share and gather information on handling similar FOIA requests.

### SECTION III: PROACTIVE DISCLOSURES

The Attorney General’s 2022 FOIA Guidelines emphasize that “proactive disclosure of information is . . . fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

**Answer:** At this time, the FOIA/Privacy Act Group manually identifies and tracks our own (a)(2) postings throughout the year. While drafting the FOIA Annual Report, the FOIA/Privacy Act Group reaches out to each of the FDIC’s divisions and offices to get an accounting of their yearly (a)(2) postings. Additionally, the FDIC’s FOIA request management system provides FOIA coordinators with the option to maintain and input their own (a)(2) postings throughout the year. This allows the FOIA coordinators to provide us with a more accurate accounting of their (a)(2) postings by entering this data in real-time.

2. Does your agency post logs of its FOIA requests?

**Answer:** Yes

- If so, what information is contained in the logs?

**Answer:** The FDIC’s FOIA logs contain a list of all closed requests during the reported period (by quarter) and provide the request number, organization name, received date, description of records sought, disposition, and closed date.

- Are they posted in CSV format? If not, what format are they posted in?

**Answer:** No. The FOIA Logs are posted in PDF format.

- Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

**Answer:** [FOIA Reading Room | FDIC.gov](#)

3. Provide examples of any material (with links) that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

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

FDIC Chairman's Schedules:  
Monthly through October 2023  
[FOIA Chairman's Schedule | FDIC.gov](#)

FDIC Vice Chairman's Schedules:  
Monthly through October 2024  
[FOIA Vice Chairman's Schedule | FDIC.gov](#)

FDIC FOIA Logs:  
Fiscal Year 2024 Quarters 1, 2, and 3  
[FOIA Reading Room | FDIC.gov](#)

Financial Statements for Silicon Valley Bank:  
[Financial Statements for Silicon Valley Bank \(10539\) | FDIC.gov](#)

Financial Statements for Silicon Valley Bridge Bank, N.A.:  
[Financial Statements for Silicon Valley Bridge Bank, N.A. \(10542\) | FDIC.gov](#)

Financial Statements for Signature Bank:  
[Financial Statements for Signature Bank \(10540\) | FDIC.gov](#)

Financial Statements for Signature Bridge Bank, N.A.:  
[Financial Statements for Signature Bridge Bank, N.A. \(10541\) | FDIC.gov](#)

Financial Statements for First Republic Bank:  
[Financial Statements for First Republic Bank \(10543\) | FDIC.gov](#)

Updated sections to the Risk Management Manual of Examination Policies:  
[Risk Management Manual of Examination Policies | FDIC.gov](#)

Updated sections to the Trust Examination Manual:  
[Trust Examination Manual | FDIC.gov](#)

Updated sections of the Applications Procedures Manual:  
[Applications Procedures Manual | FDIC.gov](#)

Quarterly Banking Profiles through September 30, 2024:  
[FDIC Quarterly Banking Profile | FDIC.gov](#)

Thirteen new Professional Liability Settlement Agreements through September 30, 2024:  
[Professional Liability Settlement Agreements | FDIC.gov](#)

Documents considered at FDIC Board of Director's open meetings through November 12, 2024:  
[Board Matters | FDIC.gov](#)

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

**Answer:** [FOIA Reading Room | FDIC.gov](#)

5. 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? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine-readable formats. If not taking steps to make posted information more useful, please explain why.

**Answer:** Yes, the FDIC has taken steps to make information posted on its website more useful to the public. The FDIC web specialists periodically review and ensure that the FDIC's FOIA webpages, including the Reading Room, are easily navigable. The FDIC does have several open, machine-readable databases on its website that are very useful to the public. Examples of these are BankFind (the searchable FDIC Institution Directory), Institution Financial Reports, and Deposit Market Share Reports. These can be found at [Data Tools | FDIC.gov](#).

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

**Answer:** The FOIA/Privacy Act Group collaborates with the FDIC web specialists when making proactive disclosures. The web specialists work with the FOIA/Privacy Act Group staff to post the proactive disclosures to the appropriate location in the FDIC's FOIA Reading Room. The other FDIC divisions and offices post their own proactive disclosures and keep the FOIA/Privacy Act Group updated for reporting purposes.

7. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

**Answer:** The FDIC continues to actively strive to become even more transparent, and we are not aware of any challenges to this effort. In the next reporting period, we look forward to greater utilization of the FDIC's FOIA request management system's capability to identify and track frequently requested records for proactive disclosure.

#### SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

**Answer:** Yes, the FOIA/Privacy Group reviewed the FDIC's FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

**Answer:** Given the increased number of pending requests during the reporting period, we continued to heavily rely upon the resources available to us within the FDIC's e-Discovery Group (eDG), including analytics for large datasets. Specifically, the eDG provides assistance with conducting expansive FOIA searches, refining those searches, and analyzing the resulting data before transmitting it to the FOIA/Privacy Act Group for ultimate review and disposition. Additionally, we have continued to utilize the analytics feature within the FDIC's FOIA request management system and, for certain requests, Relativity. Running analytics on voluminous sets of emails has allowed us to de-duplicate emails and capture all-inclusive email threads, both of which can greatly reduce the final volume of records to review. The use of such tools helped with extensive searches and reviews in response to the influx of FOIA requests we received related to the spring 2023 bank failures.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

**Answer:** The FDIC's FOIA request management system, built on an e-discovery platform, allows users to automate portions of the redaction process. For example, the system provides the capability to redact records using methods such as: (1) copying redactions from similar requests, (2) copying redactions from established redaction templates, (3) automatically redacting text based on keyword searches, and (4) redacting text based on established keyword lists. Users can also save a redacted document as a template that can be used to redact similar documents. Another feature of the system that helps streamline the processing of records is the capability to attach redacted records from other requests to new requests that are seeking the same records. The FDIC's FOIA request management system also can run analytics on voluminous sets of emails. This allows us to de-duplicate emails and capture all-inclusive email threads, both of which can greatly reduce the final volume of records to review. Lastly, we have leveraged the use of various e-discovery systems and tools, such as Relativity, in the search, review, and analysis stages of processing requests. The use of the noted technologies both separately and in combination have been a great asset to the FOIA/Privacy Act Group and substantially decreased the final volume of responsive records. Overall, these technologies have saved our Group a significant amount of initial review time, which increases processing times for requesters.

4. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your

agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

**Answer:** The FDIC web specialists periodically review and ensure the proper functioning of the FDIC's FOIA website, including making sure that the Reading Room is easily navigable. The FDIC has an Annual Webpage Review process, which includes a review of the FDIC's FOIA website. Based on the results of the review, modifications are made as necessary to make the website as informative and user-friendly as possible.

5. Did all four of your agency's quarterly reports for Fiscal Year 2024 appear on FOIA.gov?

**Answer:** Yes

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2025.

**Answer:** N/A

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2023 Annual FOIA Report and, if available, for your agency's Fiscal Year 2024 Annual FOIA Report.

**Answer:** [FOIA Reports | FDIC.gov](#)

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

**Answer:** Yes

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

**Answer:** The FOIA/Privacy Act Group has developed and is continuing to develop, as the need arises, succinct flow charts, reference guides, SOPs, and FAQs to serve as training and instructional resources for the FDIC's FOIA request management system. Additionally, we are in the process of updating and revising the FDIC's internal FOIA webpage to further enhance and clarify the FOIA and the FOIA process for all FDIC employees. Lastly, the FOIA/Privacy Act Group continues to provide biweekly office hours to FOIA coordinators regarding the FOIA request management system. This provides FOIA coordinators with any updates to the system and an opportunity to ask questions.

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE  
TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General's 2022 FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

**A. Remove Barriers to Access**

1. Has your agency established alternative means of access to first-party requested records, outside of the typical FOIA or Privacy Act process?

**Answer:** No, the FDIC receives many FOIA requests from customers of active and inactive banks. These requests are usually processed under the FOIA and Privacy Act. Additionally, we receive first-party requests for Office of Inspector General records, security background investigations, and personnel files. Because many of these frequently requested records are protected under the Privacy Act, the FDIC cannot use alternative means of access outside of the FOIA/Privacy Act process.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

**Answer:** There are no plans at this time to develop alternative means of access. The FOIA/Privacy Act Group is the most experienced FDIC staff to work with these records.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

**Answer:** The FOIA/Privacy Act Group continues to explore, where appropriate, various tools to improve our level of service to requesters.

**B. Timeliness**

4. For Fiscal Year 2024, 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 2024 Annual FOIA Report.

**Answer:** The FDIC's average number of days for adjudicating requests for expedited processing was 9.79 days.

5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2024 Annual FOIA Report, 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

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

**Answer:** Yes

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2024?

**Answer:** No, the average number of days to process simple track requests was 23.90 days.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

**Answer:** The simple track average processing time increased from 16.93 days in Fiscal Year 2023 to 23.90 days in Fiscal Year 2024. In order to address this increase, we have assigned additional staff to simple requests.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2024 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

**Answer:** 19.9% of requests processed by the FDIC were placed in the simple track (174 out of 873).

10. 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

### **C. Backlogs**

#### **Backlogged Requests**

11. If your agency had a backlog of requests at the close of Fiscal Year 2024, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

**Answer:** No, the FDIC's Fiscal Year 2024 backlog (252) increased compared with the FDIC's backlog reported at the end of Fiscal Year 2023 (123).

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?

**Answer:** Yes, the FDIC processed 188 more requests during Fiscal Year 2024 than in Fiscal Year 2023.

13. If your agency's request backlog increased during Fiscal Year 2024, please 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

**Answer:** The FDIC's backlog increased during Fiscal Year 2024 primarily due to the continued increase in the number and complexity of requests. In Fiscal Year 2023, we received 826 requests. In Fiscal Year 2024, we received 1028 requests. Starting in mid-March 2023, we received many of requests regarding the failures of Signature Bank, Silicon Valley Bank, and First Republic Bank, and in Fiscal Year 2024, we received a series of requests related to the public reporting on the FDIC's workplace culture. Similarly, the FDIC's FOIA/Privacy Act Group is still actively engaged in a number of FOIA lawsuits. These requests and lawsuits are extremely complex, have a voluminous amount of records requiring detailed review and analysis, and necessitate multiple levels of intra-agency coordination and consultation. The FOIA/Privacy Act Group has made every effort to keep up with the increase in requests, including, most notably, by onboarding the new staff members described above. However, because of the complexity of the requests and overall request load, the FOIA/Privacy Act Group has been unable to reduce the backlog even with the additional staff that has been hired and the detailees who have joined the Group from other parts of the FDIC.

14. 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 2024. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

**Answer:** The percentage of requests that make up the backlog reported at the end of Fiscal Year 2024 is 24.5% (252 out of 1028).

### **Backlogged Appeals**

15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

**Answer:** The FDIC had zero (0) backlogged appeals for both Fiscal Year 2023 and Fiscal Year 2024.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?

**Answer:** N/A

17. If your agency's appeal backlog increased during Fiscal Year 2024, please 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

**Answer:** N/A

18. 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 2024. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2024 and/or has no appeal backlog, please answer with "N/A."

**Answer:** N/A

#### **D. Backlog Reduction Plans**

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2023 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2024?

**Answer:** N/A

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2024, please explain your agency's plan to reduce this backlog during Fiscal Year 2025.

**Answer:** N/A

## **E. Reducing the Age of Requests, Appeals, and Consultations**

### **Ten Oldest Requests**

21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 Annual FOIA Report?

**Answer:** No

22. 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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

**Answer:** Three (3)

23. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

**Answer:** As discussed above, the FDIC has hired additional staff and allocated resources to the FOIA program from other areas of the FDIC to in order to reduce the overall age of pending requests.

### **Ten Oldest Appeals**

24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?

**Answer:** N/A

25. 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 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**Answer:** N/A

26. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

**Answer:** N/A

### **Ten Oldest Consultations**

27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

**Answer:** No

28. 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 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

**Answer:** Two (2)

#### **Additional Information Regarding Ten Oldest**

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2025.

**Answer:** We were unable to close all of the FDIC’s ten oldest requests and consultations primarily due to the volume of records at issue with the requests. Additionally, most of these requests require intra- or interagency consultations with multiple divisions, offices, or agencies that have a substantial interest in the requested information.

#### **F. Additional Information about FOIA Processing**

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:

- The number and nature of requests subject to litigation
- Common causes leading to litigation
- Any other information to illustrate the impact of litigation on your overall FOIA administration

**Answer:** Yes, as of the end of the reporting period, the FDIC had 12 FOIA requests that were the subject of 4 litigation matters. These matters have heavily impacted the FDIC’s overall FOIA request processing and backlog. Specifically, the majority of these matters pertain to records involving the bank failures described above. These requests are complex in nature, have resulted in a voluminous number of records requiring review and analysis, and necessitate multiple levels of inter and intra-agency coordination and consultation. There have also been challenges with efforts to de-duplicate and further narrow the voluminous number of records requiring review, which further constrained overall processing speeds.