

**2021 Chief FOIA Officer Report  
Federal Deposit Insurance Corporation  
Nicholas Podsiadly, General Counsel and Chief FOIA Officer  
March 2020 - March 2021**

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

The guiding principle underlying DOJ's 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 Leadership**

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

**Answer:** Yes

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

**Answer:** Nicholas Podsiadly, General Counsel

**B. FOIA Training**

3. 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. (New Question)

**Answer:** The FDIC provides and promotes three different substantive FOIA trainings to agency personnel on the FDIC intranet (FDICLearn). These are Department of Justice's Office of Information Policy (OIP) e-Learning modules "FOIA Training for All Employees," "FOIA Training for Professionals," and a videotape of the FDIC's most recent FOIA Training which was conducted by attorneys from OIP.

4. 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

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

**Answer:** In February 2020, the FDIC FOIA/PA Group sponsored a FOIA Training facilitated by OIP attorneys Christina Troiani and Timothy Ziese. We invited the staff of other banking agency FOIA Offices to participate in this training, as well as all of the FDIC's Division FOIA Coordinators. This training focused on Exemption 4 and new OIP guidance based on the American Immigration Lawyers Association ("AILA") case. It was a very successful training with about 50 attendees, including staff from the Federal Reserve, Comptroller of the Currency, National Credit Union Administration, and Consumer Financial Protection Bureau.

Due to the Covid-19 national emergency, other FOIA training taken by FDIC staff consisted of virtual training provided by both OIP and private entities and included the following topics: FOIA-Privacy Considerations, FOIA Litigation, Exemption 4, and Exemptions 6 & 7C.

6. 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%

7. 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

### **C. Outreach**

8. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? 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 FDIC FOIA/PA Group did not engage in any specific outreach or dialogue with the requester community or open government groups this past year. However, all of the FOIA/PA Group staff frequently communicate with requesters, as needed, concerning particular FOIA requests, to ensure that the FDIC is processing its FOIA requests as accurately, thoroughly, and timely as reasonably possible.

### **D. Other Initiatives**

9. 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. (New Part of Question)

**Answer:** In February 2020, staff from the FDIC FOIA/PA Group participated in the first ever Legal Division Podcast, which was available to all FDIC Legal Division personnel. This Podcast included information concerning recent FOIA case law affecting the responsiveness and processing of agency records (the *Argus* and *AILA* decisions). In addition, in August 2020, counsel in the FDIC FOIA/PA Group gave a virtual presentation to the FDIC intern class on FOIA basics and their role in the FOIA process. Additionally, the FOIA/PA Group provides informal briefings on the FOIA throughout the year to all agency divisions and offices and the Department of Justice's e-Learning module, *FOIA Training for All Employees*, is available online to all employees through the FDIC's Corporate University.

10. 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:** In compliance with NARA's 2016-18 FOIA Advisory Committee's "Final Report and Recommendations," the FDIC FOIA Staff are disclosing the Chairman's Calendars monthly and the FOIA Logs quarterly.

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

DOJ's FOIA Guidelines emphasize 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 that describes your agency's efforts in this area.

1. For Fiscal Year 2020, 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 2020 Annual FOIA Report.

**Answer:** The FDIC's average number of days for adjudicating requests for expedited processing was 5.32 days for Fiscal Year 2020.

2. 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 2020 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

3. 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 or raw

(new) data, using active workflows and track management, reviewing and updating processing procedures, etc.

Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

**Answer:** The FDIC FOIA/PA Group conducted a self-assessment of our program's interface with the public, focusing on our public web site. For example, we continued our on-going review of our FOIA Reading Room to identify best practices or improvements that could be made. We identified various website links that were no longer operational and worked with the FDIC's Division of Information Technology staff to correct such issues in order to maintain optimum functioning of the Reading Room.

4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled. (New Question)

a) Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?

**Answer:** The FDIC has SOPs in the form of an agency-wide FOIA Directive and accompanying documents on a FOIA Workflow diagram as well as FOIAXpress Job Aids for FOIA/PA staff and Division Coordinators. These accompanying documents set forth the steps for overall FOIA request processing, including the operation of our FOIAXpress system.

b) If not, does your agency have plans to create FOIA SOPs?

**Answer:** N/A

c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?

**Answer:** The FDIC's FOIA SOPs are reviewed whenever there are changes to FOIA law or when there are internal agency reviews. Recently, there was an agency-wide initiative to review all FDIC directives. The FDIC FOIA Directive was analyzed and updated during this review process.

d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?

**Answer:** The FDIC FOIA pages provide a detailed explanation of how the FDIC processes both FOIA requests and FOIA appeals at <https://www.fdic.gov/foia/index.html> and <https://efoiarequest.fdic.gov/>

5. 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 FY 2020 (please provide a total number or an estimate of the number).

**Answer:** Requesters sought assistance from the FDIC's FOIA Public Liaison 6 times during FY 2020.

6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process? (New Question)

**Answer:** Yes, the FDIC does receive frequent common categories of first-party requests. We receive many FOIA requests from customers of both active and inactive banks. These type of requests are usually processed under both the FOIA and the Privacy Act. Less frequently, we receive first-party requests for Office of Inspector General and personnel files. Because 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 for these records.

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations? (New Question)

**Answer:** Yes, the FDIC fully complied with the FOIA Improvement Act of 2016 by having our revised regulations, in the form of an Interim Final Rule ("IFR"), published in the Federal Register on November 22, 2016 at [81 FR 83643](#). The IFR became final when the 60-day comment period ended on January 22, 2017, without a single comment being filed.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to: altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters. (New Question)

**Answer:** The FDIC FOIA/PA Group already had a comprehensive FOIA software system in place that enabled us to process most FOIA cases from start to finish electronically. This largely made the transition to mandatory telework a seamless process. Additionally, the FOIA/PA Group utilizes Microsoft Teams to have staff meetings, discuss FOIA issues with our Divisional FOIA Coordinators, and share and edit documents in real time. The main issue that we have had is our inability to search for paper records that are not available in electronic format, thereby requiring an in-office search. These processing delays will mitigate once staff in the FDIC divisions and offices that maintain responsive paper records return to the office.

The FDIC has also posted notices and instructions about the COVID-19 national emergency on our website and has provided detailed information about delays and next steps directly to requesters both through informal and formal correspondence.

9. Optional -- Please describe:

Best practices used to ensure that your FOIA system operates efficiently and effectively  
Any challenges your agency faces in this area

**Answer:** In order to ensure efficiency, the FDIC FOIA/PA Group produces regular reports to monitor the processing of requests and to conduct quality assurance on our requests, including timeliness. In addition, the FOIA/PA Group routinely reviews its automated FOIA system (FOIAXpress) to ensure the proper processing of requests. Among other things, all FOIA correspondence and responsive records are maintained within the FOIAXpress database to improve efficiency. The FDIC's Division of Information Technology staff provides support to resolve any network glitches that may occur with the FOIAXpress software.

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

The Department of Justice has long 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.

1. Provide examples of any material 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). Please include links to these materials as well.

**Answer:**

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

Quarterly Banking Profiles:

Third Quarter 2019 – <https://www.fdic.gov/bank/analytical/quarterly/2019-vol13-4/fdic-v13n4-3q2019.pdf>

Fourth Quarter 2019 – <https://www.fdic.gov/bank/analytical/quarterly/2020-vol14-1/fdic-v14n1-4q2019.pdf>

First Quarter 2020 - <https://www.fdic.gov/bank/analytical/quarterly/2020-vol14-2/fdic-v14n2-1q2020.pdf>

Second Quarter 2020 – <https://www.fdic.gov/bank/analytical/quarterly/2020-vol14-3/fdic-v14n3-2q2020.pdf>

FDIC Consumer News:

December 2019 - <https://www.fdic.gov/consumers/consumer/news/december2019.html>

January 2020 - <https://www.fdic.gov/consumers/consumer/news/january2020.html>  
February 2020 – <https://www.fdic.gov/consumers/consumer/news/february2020.html>  
March 2020 – <https://www.fdic.gov/consumers/consumer/news/march2020.html>  
April 2020 – <https://www.fdic.gov/consumers/consumer/news/april2020.html>  
May 2020 - <https://www.fdic.gov/consumers/consumer/news/may2020.html>  
June 2020 - <https://www.fdic.gov/consumers/consumer/news/june2020.html>  
July 2020 – <https://www.fdic.gov/consumers/consumer/news/july2020.html>  
August 2020 – <https://www.fdic.gov/consumers/consumer/news/august2020.html>  
September 2020- <https://www.fdic.gov/resources/consumers/consumer-news/2020-09.html>  
October 2020 - <https://www.fdic.gov/resources/consumers/consumer-news/2020-10.html>  
November 2020 – <https://www.fdic.gov/resources/consumers/consumer-news/2020-11.html>  
December 2020 - <https://www.fdic.gov/resources/consumers/consumer-news/2020-12.html>

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

Fourth Quarter 2019 – <https://www.fdic.gov/about/financial-reports/corporate/cfo-report-4thqtr-19/index.html>

First Quarter 2020 – <https://www.fdic.gov/about/financial-reports/corporate/cfo-report-1stqtr-20/index.html>

Second Quarter 2020 – <https://www.fdic.gov/about/financial-reports/corporate/cfo-report-2ndqtr-20/index.html>

Third Quarter 2020 - <https://www.fdic.gov/about/financial-reports/corporate/cfo-report-3rdqtr-20/index.html>

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

<https://www.fdic.gov/news/board/>

FDIC Chairman's Calendars:

Monthly October 2019 through October 2020 -  
<https://www.fdic.gov/foia/chairmanschedule.html>

FDIC FOIA Log:

Fiscal Year Quarter 4 and Fiscal Year 2020 Quarters 1 through 4 -  
<https://www.fdic.gov/foia/readingroom.html>

2. 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.

3. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges. (New Part of Question)

**Answer:** During 2020, the FDIC's FOIA web pages, including its Reading Room, were re-designed by FDIC web specialists in order to simplify overall design and content so as to make them more 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) and Deposit Market Share Reports. These can be found at <https://www.fdic.gov/resources/data-tools/>.

4. Optional -- Please describe:

Best practices used to improve proactive disclosures

Any challenges your agency faces in this area

**Answer:** In accordance with the FDIC Chairman's "Trust through Transparency" initiative, the FDIC is actively striving to become even more transparent. We are not aware of any challenges to this effort.

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

A key component of FOIA administration is using technology to make information more accessible. 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.

1. Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology.

**Answer:** The FDIC continues to use the latest version of a FOIA database system and is exploring new FOIA database systems that leverage e-discovery and artificial intelligence capabilities in the processing of agency records.

2. 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:** Yes, the FOIA staff performed an extensive review of the FDIC Reading Room, the reading rooms of sister banking agencies, and the relevant best practices set forth in the NARA 2016-18 FOIA Advisory Committee’s “Final Report and Recommendations.”

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?

**Answer:** Yes, all four of the FDIC’s quarterly FOIA reports for Fiscal Year 2020 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 2021.

**Answer:** N/A

5. 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 2019 Annual FOIA Report and, if available, for your agency’s Fiscal Year 2020 Annual FOIA Report.

**Answer:** <https://www.fdic.gov/foia/reports.html>

6. Optional -- Please describe:

Best practices used in greater utilizing technology  
Any challenges your agency faces in this area

**Answer:** The FDIC FOIA/PA Group successfully deployed the version 10.3 of FOIAXpress software on the FDIC’s network in July. We expect to have their latest version, 10.5, deployed in March 2021. We also successfully integrated FOIAXpress with the National FOIA Portal in October and have been receiving FOIA requests originating from the Portal.

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

The Department of Justice has 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 FY 2019 and 2020 Annual FOIA Reports.

### **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 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 2020?

**Answer:** Yes, the average number of days to process simple requests in Fiscal Year 2020 was 8.06 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 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:** 49.4% of requests processed by the FDIC in Fiscal Year 2020 were placed in the simple track (178 out of 360).

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 2019 and Fiscal Year 2020 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 2020, according to Annual FOIA Report Section XII.A, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

**Answer:** No, the FDIC's Fiscal Year 2020 backlog (11) increased compared with our backlog reported at the end of Fiscal Year 2019 (1).

6. If not, according to Annual FOIA Report Section V.A, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

**Answer:** Yes, the FDIC processed 360 requests during Fiscal Year 2020, compared to 341 requests processed for Fiscal Year 2019.

7. If your agency's request backlog increased during Fiscal Year 2020, 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.

Any other reasons – please briefly describe or provide examples when possible.

**Answer:** The FDIC's backlog increased during Fiscal Year 2020, due to the COVID-19 national emergency. As of March 14, 2020, all FDIC employees were required to telework with no access to agency records stored only in paper form and that were determined to be potentially responsive to certain requests. Accordingly, for those certain requests, we have been unable to timely complete our standard processing for the search and review of responsive paper records. However, we have generally processed and provided the electronic records for these particular requests.

8. 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 2020. 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. 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 2020 is 2.96% (11 out of 371).

## **BACKLOGGED APPEALS**

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, according to Section XII.A of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

**Answer:** The FDIC reported no backlogged appeals at the end of either Fiscal Year 2019 or Fiscal Year 2020.

10. If not, according to section VI.A of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

**Answer:** N/A

11. If your agency's appeal backlog increased during Fiscal Year 2020, 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.

Any other reasons – please briefly describe or provide examples when possible.

**Answer:** N/A

12. 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 2020. 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. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."

**Answer:** N/A

### **C. Backlog Reduction Plans**

13. In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2019 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 2020?

**Answer:** N/A

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, please explain your agency's plan to reduce this backlog during Fiscal Year 2021.

**Answer:** N/A

### **D. Status of 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 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

## **OLDEST REQUESTS**

15. In Fiscal Year 2020, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2019 Annual FOIA Report?

**Answer:** No

16. 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 2019 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

**Answer:** Nine

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

**Answer:** The FOIA Group worked diligently to close out unperfected requests in order to reduce the overall age of the pending requests.

## **TEN OLDEST APPEALS**

18. In Fiscal Year 2020, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2019 Annual FOIA Report?

**Answer:** There were not any appeals pending in the FY 2019 Annual FOIA Report.

19. 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 2019 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

**Answer:** N/A

20. 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**

21. In Fiscal Year 2020, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report?

**Answer:** Yes, in Fiscal Year 2020, the FDIC closed our one pending consultation that was reported in our Fiscal Year 2019 Annual FOIA Report.

22. 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 2019 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

**Answer:** N/A

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

**Answer:** As noted above, with the exception of one request that involves voluminous records, we are unable to close the ten oldest requests because we do not have access to paper records because of mandatory telework for all FDIC personnel.

24. 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

25. 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 2021.

**Answer:** We fully expect to close out all requests involving the search of paper records once the necessary FDIC agency personnel in the affected divisions and offices can physically return to their duty stations.

### **F. Success Stories**

Out of all the activities undertaken by your agency since March 2020 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas, but should not be something that you have reported in a prior year. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

**Answer:** In the face of the unprecedented challenges of the COVID-19 national emergency, the FDIC FOIA/PA Group has not only maintained effective operations without stoppages, but has also taken steps to increase transparency.

In 2020, our Group continued to provide advice and training on the FOIA to all FDIC divisions and offices, including sponsoring the OIP training and participating in the Podcast detailed above. We also maintained timely and meaningful communications with the FOIA requester community on all matters, including those matters affected by the national emergency.

In our efforts to further increase transparency, the FDIC has regularly posted the Chairman's calendars monthly and our FOIA logs quarterly. Additionally, in an effort to make the FDIC's deposit insurance decision process more transparent, the FDIC's Division of Risk Management and Supervision began proactively post its orders approving *de novo* bank applications almost immediately after each approval. The public can easily find these approval orders in our FOIA Reading Room by clicking on the "Decisions on Bank Applications" link at <https://www.fdic.gov/foia/readingroom.html>.