

**Farm Credit Administration
Freedom of Information Act Annual Report
FY 2006**

I. Basic Information Regarding Report

- A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report.

Bob Taylor, Freedom of Information Act Officer
Farm Credit Administration
Office of General Counsel
1501 Farm Credit Drive
McLean, VA 22102-5090
703-883-4129

Jane Virga, Senior Counsel
Farm Credit Administration
Office of General Counsel
1501 Farm Credit Drive
McLean, VA 22102-5090
703-883-4071

- B. Electronic address for report on the World Wide Web.

<http://www.fca.gov>

- C. How to obtain a copy of the report in paper form.

Contact Bob Taylor or Jane Virga at the above address.

II. How to Make a FOIA Request

A FOIA request must be in writing, clearly marked "FOIA Request," and addressed to the Freedom of Information Act Officer. Requests may be sent by mail, facsimile (703-790-0052), or electronic means (FOIAOfficer@fca.gov).

III. Definitions of Terms and Acronyms Used in the Report

- A. Agency-specific acronyms or other terms.

Farm Credit Administration (FCA or Agency)

B. Basic terms, expressed in common terminology.

1. FOIA/PA request – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing – an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request – a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request – a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant – an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under

one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

11. Denial – an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits – the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a “perfected” FOIA request).
13. “Perfected” request – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute – a separate federal statute prohibiting the disclosure of a certain type of information authorizing its withholding under FOIA subsection (b)(3).
15. Median number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. Average number – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average is 8.

IV. Exemption 3 Statutes

- A. List of Exemption 3 statutes relied on agency during current fiscal year.

None

1. Brief description of type(s) of information withheld under each statute.

N/A

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

N/A

V. Initial FOIA/PA Access Requests

- A. Number of initial requests.
1. Number of requests pending as of end of preceding fiscal year 1
 2. Number of requests received during current fiscal year 45
 3. Number of requests processed during current fiscal year 42
 4. Number of requests pending as of end of current fiscal year 4

B. Disposition of initial requests.

1. Number of total grants 16
2. Number of partial grants 6
3. Number of denials 0

a. number of times each FOIA exemption used

- (1) Exemption 1 0
- (2) Exemption 2 1
- (3) Exemption 3 0
- (4) Exemption 4 0
- (5) Exemption 5 3
- (6) Exemption 6 5
- (7) Exemption 7(A) 0
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 0
- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0
- (13) Exemption 8 3

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 20
- a. no records 9
 - b. referrals 0
 - c. request withdrawn 4
 - d. fee-related reason 2
 - e. records not reasonably described 0
 - f. not a proper FOIA request for some other reason 5
 - g. not an agency record 0
 - h. duplicate request 0
 - i. other (specify) 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

- 1. Number of appeals received during fiscal year 1
- 2. Number of appeals processed during fiscal year 1

B. Disposition of appeals.

- 1. Number completely upheld 1
- 2. Number partially reversed 0
- 3. Number completely reversed 0

a. number of times each FOIA exemption used

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 0

(4) Exemption 4 _____0_____

(5) Exemption 5 _____0_____

(6) Exemption 6 _____1_____

(7) Exemption 7(A) _____0_____

(8) Exemption 7(B) _____0_____

(9) Exemption 7(C) _____0_____

(10) Exemption 7(D) _____0_____

(11) Exemption 7(E) _____0_____

(12) Exemption 7(F) _____0_____

(13) Exemption 8 _____0_____

(14) Exemption 9 _____0_____

4. Other reasons for nondisclosure (total) _____0_____

a. no records _____0_____

b. referrals _____0_____

c. request withdrawn _____0_____

d. fee-related reason _____0_____

e. records not reasonably described _____0_____

f. not a proper FOIA request for some other reason _____0_____

g. not an agency record _____0_____

h. duplicate request _____0_____

i. other (specify) _____0_____

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).
 - a. number of requests processed N/A
 - b. median number of days to process N/A
2. Complex requests (specify for any and all tracks used).
 - a. number of requests processed 42
 - b. median number of days to process 13
3. Requests accorded expedited processing.
 - a. number of requests processed 0
 - b. median number of days to process N/A

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year 4
2. Median number of days that such requests were pending as of that date 5

VIII. Comparisons with Previous Year(s) (Optional)

- A. Comparison of numbers of requests received _____
- B. Comparison of requests processed _____
- C. Comparison of median numbers of days requests were pending as of end of fy _____
- D. Other statistics significant to agency: The FCA received no requests for expedited processing; therefore we processed no expedited requests.
- D. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

The FCA has processed all FOIA requests within the statutory deadline.

IX. Costs/FOIA Staffing

- A. Staffing levels.

1. Number of full-time FOIA personnel 0
2. Number of personnel with part-time or occasional FOIA duties (in total work- years) .34
3. Total number of personnel (in work-years) .34

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals) \$54,400
2. Litigation-related activities (estimated) 0
3. Total costs \$54,400
4. Comparison with previous year(s) (including percentage of change) (optional) _____

C. Statement of additional resources needed for FOIA compliance (optional) none needed

X. Fees

- A. Total amount of fees collected by agency for processing requests \$535.19
- B. Percentage of total costs 1%

XI. FOIA Regulations (Including Fee Schedule)

See attached.

XII. Report on FOIA Executive Order Implementation

On December 14, 2005, the President issued Executive order 13,392, entitled "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to administration of the Freedom of Information Act. The Executive order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan. This section of the annual FOIA report contains the FCA's description of its progress in implementing the milestones and goals of its report on improving Agency disclosure of information. The reporting period for Section XII is different from that used for the rest of this annual report, which is based on data compiled for Fiscal Year 2006. The reporting period for this section concerning Executive order implementation activities includes progress made through January 2007.

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not applicable.

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

Summary of Report

The FCA has met all the goals and milestones established in the report it submitted on June 8, 2006, in response to Executive order 13,392, that were to be completed for this reporting period. As a result of the Agency's top-to-bottom review of the FOIA program, as mandated by Executive order, we have strengthened our FOIA processing through enhanced oversight and outreach. We will continue to strive to ensure that the FCA continues to comply with all aspects of the FOIA and to meet all future goals and milestones. We discuss below each of the goals identified in our improvement plan and our accomplishments.

Procedures Manual

To ensure the FCA's continued compliance with the FOIA, we have the goal of creating a Procedures Manual, which will outline the effective, efficient, customer-friendly, and legally correct procedures that the FOIA staff currently uses. By memorializing these procedures, the Procedures Manual will help ensure that the FOIA staff continues to conform to the standards we have established. We are currently working on the Procedures Manual, which will be completed by June 30, 2007, consistent with the Improvement Plan's target date.

Customer Service

Our goal was to continue to treat all FOIA requesters with politeness and courtesy. To this end, the Chief FOIA Officer drafted a memorandum to the FOIA staff emphasizing the continued need to treat FOIA requesters with politeness and courtesy. Both after sending the memorandum at the end of the fiscal year and again at the end of the calendar year, the Chief FOIA Officer met with the FOIA staff and reviewed the continuing need to treat all FOIA requesters with courtesy and politeness and explained why this is such an important part of their job. We plan to continuously monitor FOIA staff performance and make any necessary adjustments to ensure that FOIA requesters are always treated politely and courteously.

Intra-Agency Cooperation

Our goal was to ensure that the excellent intra-Agency cooperation that we receive continues, so as to ensure accurate and speedy searches for records and appropriate redactions. To meet this goal, the Chief FOIA Officer drafted a memorandum for all Agency divisions providing written guidance explaining the importance of the FOIA, the permissible time periods for processing FOIA requests, and the renewed emphasis on timely FOIA responses. She also introduced the Agency's new FOIA Officer and explained the function of this office. We requested that each division identify a liaison to personally assist the FOIA Officer in locating and copying records responsive to a FOIA request. In addition, we held a FOIA Day in October 2006 to coincide with another Agency event, thus ensuring a high attendance rate. The FOIA staff provided refreshments and brochures on the FOIA; mounted a large scale demonstration of the evolution of a FOIA request from receipt of a request, to redaction of responsive records, to handling an

appeal; and answered questions on the FOIA. The FOIA Day was held well in advance of our anticipated date of completion, which was June 30, 2007. Finally, in an effort to enhance understanding of the FOIA, at the end of the fiscal year the FOIA staff published an article in the Agency weekly newsletter on the deliberative process and bank examination privileges and waiver of privilege. These are areas of interest to Agency staff and we often receive questions about them. We plan to continuously strive to improve intra-Agency cooperation. By providing Agency staff with a better understanding of the FOIA and its purpose, as well as the protections that the FOIA exemptions provide, we hope to promote continued intra-agency cooperation.

FOIA Training

Our plan provides for enhanced FOIA training for new and current Agency staff, including the FOIA staff. We reviewed the FOIA training that is provided to all new employees and made necessary updates before the end of the calendar year. We have ensured that all new employees will receive the FOIA training as part of their Agency orientation. Furthermore, this training is available to all staff electronically. FOIA staff has attended outside training and the FOIA Officer continues to receive on-the-job training from more experienced staff. Legal Counsel to the FOIA Officer continues to provide training to all Agency staff, including FCA examiners, on an ongoing basis. The article published in the Agency weekly newsletter (described above), was also a useful training tool in that it addressed frequently-asked questions. We received positive feedback from Agency staff about the article. It is our understanding that Agency staff has found the training to be both relevant and useful. FOIA training will be ongoing in the next fiscal year.

Customer Feedback

To reinforce the importance of customer service and to learn how to improve our processes, we established a goal of developing a way to provide feedback to the FOIA staff. Thus, by the end of the calendar year the FOIA staff developed a customer feedback form to record any complaints or compliments from FOIA requesters. The form is a tool to record and track the input of FOIA requesters and enables them to raise any issues or concerns that they have with our FOIA process. The form is also a means of identifying any lapses in staff politeness and courtesy. To date, we have not received any complaints from FOIA requesters.

Semi-Annual Review of the FOIA Homepage

Another goal is to conduct a semi-annual review of the FOIA homepage. We have reviewed the FOIA homepage and, as detailed in a written memorandum, found the information to be relevant, timely, functional (the links worked), and legally compliant (all required affirmative disclosures were posted). Furthermore, as part of an Agency-wide initiative, the entire FCA Web site, as well as the FOIA homepage, is undergoing a top-to-bottom revision to make it more customer-friendly and useful. We anticipate that this Agency project will be completed in FY 2007. We will continue to review the FOIA homepage on a semi-annual schedule.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other Executive order-related activities (optional)

Not applicable.

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency)

September 8, through September 22, 2006. The four pending FOIA requests were processed within the 20-day statutory deadline.

2. Time range of consultations pending with other agencies, by date of initial interagency communication

Not applicable. We do not have any consultations pending.

G. Attachment: [Agency improvement plan](#)

The FOIA Improvement Plan for the FCA is attached.