

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

Policies and Procedures Manual

PART	I	Operations Policies and Procedures
SECTION	OIG-110	General Management Policies and Procedures
CHAPTER	110.7	Release of OIG Reports to the Public and the Congress

1. Purpose. The purpose of this chapter is to establish policy, procedures, and responsibilities for releasing Office of Inspector General (OIG) reports to the public in hard copy and through electronic media, such as the Internet. This chapter also establishes OIG policy for routine distribution of reports to the Congress. Distribution of reports internal to FDIC or to the Department of Justice is discussed in other chapters of the *OIG Policies and Procedures Manual* or will be discussed in planned chapters.

2. Policy

a. The OIG will promptly release its audit and evaluation reports to the public after issuance, consistent with applicable statutes and professional standards. Normally, reports will be available for public release once the FDIC Audit Committee has reviewed the issued report, but no later than 60 days after issuance unless the Inspector General determines that a different release date would be appropriate to the circumstances. For purposes of this policy, a report is assumed to have been reviewed by the Audit Committee if it is included on the committee's meeting agenda. Until publicly released, the distribution of reports should be limited to internal FDIC distribution and appropriate congressional distribution in accordance with paragraph 2.d. One exception to this policy is the report distribution provisions for material loss reviews mandated by law (see paragraph 3.b.). At the time audit and evaluation reports are determined to be available to the public, either in full or a redacted version, the OIG will provide copies to the FDIC Public Information Center and send electronic copies to our Web page service provider for prompt posting on the Internet. OIG managers should make other public distributions of a released report consistent with this schedule.

b. The OIG will promptly release its Semiannual Report to the public after the FDIC Chairman transmits the report to the Congress. In accordance with the Inspector General Act, the Semiannual Report must be publicly available within 60 days after it is sent to the Congress. The OIG will provide copies to the FDIC Public Information Center and send electronic copies to our Web page service provider for prompt posting on the Internet.

c. If any release of a Report of Investigation is appropriate, the report will be released only upon request with information properly redacted in accordance with provisions of *The Freedom of Information Act* and the *Privacy Act*. All public requests for a Report of Investigation should be processed through the Counsel to the Inspector General. The OIG will occasionally issue press releases concerning the results of its investigations and these will be posted on the OIG's Web page.

d. The Inspector General Act gives the OIG responsibility for keeping the Congress fully and currently informed regarding OIG work. When OIG audits and evaluations are performed at the request of Members of the Congress or congressional committees, the OIG will send the requestors copies of the reports immediately upon issuance. Copies of these reports will be provided to FDIC management. The OIG will also provide copies of other audit or evaluation reports to Members of the Congress or congressional committees when issued reports are requested or when the Inspector General deems it appropriate. In addition, the OIG will, as appropriate, provide summaries of issued audit and evaluation reports to interested Members of the Congress and congressional committees. Summaries describing the status of "special interest" projects that are in process may also be shared with interested Members and committee staff. Any release to the Congress of a Report of Investigation or information about an investigation will be determined on a case-by-case basis by the Inspector General, or designee.

3. Statutes and Standards

a. The *Freedom of Information Act (FOIA)* and the *Privacy Act*, as interpreted by case law and Department of Justice guidance are the principal statutes governing the public release of OIG reports. The release of all OIG reports should fully comply with these statutes. The Counsel to the Inspector General advises all OIG staff about the applications of these statutes. *Government Auditing Standards* state that, unless restricted by law or regulation, copies of audit reports should be made available for public inspection. *The Inspector General Act of 1978* governs the public release of the Semiannual Report and the OIG's responsibilities for keeping the Congress fully and currently informed about OIG work.

b. Section 38(k) of the *Federal Deposit Insurance Act* mandates OIG reviews of certain material losses to deposit insurance funds and the distribution of resulting reports. Under these provisions, the reports must be completed within 6 months and shall be provided to:

- the U.S. Comptroller General (GAO),
- FDIC management,
- the State banking supervisor, if applicable, and

- any Member of the Congress, upon request.

In addition, the report must be provided to the public upon request under FOIA, and certain FOIA exemptions that might apply in other circumstances, may not be used to excise portions of the report relating to bank supervisory matters or materials subject to attorney-client privilege.

c. In addition to the distribution of OIG reports on bank material losses discussed in paragraph 3.b. above, it is OIG policy to distribute the final reports immediately after issuance to the following members of the Congress:

- Chairman, House Committee on Financial Services,
- Ranking Minority Member, House Committee on Financial Services,
- Chairman, Senate Committee on Banking,
- Ranking Minority Member, Senate Committee on Banking,
- The Senators representing the state where the failed institution's main office is located, and
- The Member of the Congress representing the district in the House of Representatives where the failed institution's main office is located.

4. Responsibilities and Procedures

a. Releasing Audit and Evaluation Reports to the Public

(1) Each manager in the Office of Audits (i.e., Deputy Assistant Inspector General or Director) is responsible for ensuring that issued audit reports are released in accordance with this policy. When the Audit Committee reviews an issued report, or after 60 days of issuance, the cognizant audit manager for the issued report should ensure delivery of three copies of the report to the FDIC Public Information Center usually within 5 days. In addition, an electronic version of the report should be provided to the OIG Webmaster within five days of its release for posting on the OIG's Webpage. See paragraph 6 for instructions on preparing and transmitting the electronic version.

(2) Most audit and evaluation reports should be written so they do not contain any information exempt from disclosure under FOIA or the Privacy Act. Office of Audits managers are responsible for ensuring that released reports (either hard copies or electronic versions) have had all information redacted as appropriate for the situation in accordance with *OIG Manual Chapter 340.2, Restricting the Public Release of Confidential Audit Reports*. Redaction should be made in consultation with the Counsel to the Inspector General. Any person receiving a request for a report, which specifically states that the report is requested under FOIA, should forward that request to the

Counsel to the Inspector General for response. The Office of Audits management will ensure that master copies of both redacted and non-redacted versions of reports are maintained to replenish supplies of reports in demand.

b. Releasing the Semiannual Report. The Assistant Inspector General (AIG) for Management and Congressional Relations is responsible for releasing the semiannual report. As required by the Inspector General Act, the OIG issues semiannual reports not later than April 30 and October 31 of each year summarizing OIG activities during the immediately preceding six-month periods ending March 31 and September 30. Initially, the OIG issues a pre-published version of its report to the Chairman and designated FDIC officials with responsibility to assist the Chairman in writing the Corporation's Management Report to the Congress. Within 30 days after receipt of the semiannual report, the Chairman transmits the OIG's published report along with the Corporation's report to the Congress. After it is sent to the Congress, the OIG releases the published semiannual report for further distribution to OIG staff, other FDIC officials, interested congressional staff, the inspector general community, the press, and the public. As expediently as possible, copies are delivered to the FDIC Public Information Center (within a few days) and an electronic version is posted to our Web page (within a few weeks due to the technical delay required for creating an electronic version of the published report). FDIC OIG semiannual reports do not include information that needs to be redacted.

c. Releasing a Report of Investigation. The distribution of a Report of Investigation must have the prior approval of the Inspector General or a designee, in accordance with *Chapter 440.1, Investigative Reports*. The AIG for Investigations or the Special Agent in Charge is responsible for working with the Counsel to the Inspector General to determine what, if any, public release of a Report of Investigation is permissible.

5. Releasing Reports to the Congress. The AIG for Management and Congressional Relations is responsible for coordinating and managing the release of OIG audit and evaluation reports to the Congress. This responsibility includes coordinating the OIG's response to such inquiries from the Congress and maintaining records that document the release of audit and evaluation reports and summaries, and circumstances prescribing the release. The Inspector General will inform the Chairman or Vice Chairman and the cognizant division or office director if the OIG anticipates or has knowledge that a report or summary released to the Congress will have heightened congressional interest. Additional guidance on the AIG for Management and Congressional Relations' responsibilities for handling such inquiries can be found in *OIG Manual Chapter 110.2, Handling Congressional and Corporate Inquiries*.

6. Instructions for Preparing Reports for Electronic Release. The OIG uses the Portable Data Format (PDF) for releasing its reports electronically on its Internet Web page. Each manager in the Office of Audits is responsible for ensuring the compilation of report components, including management comments into a single PDF file. The Director of Audit Quality will provide instruction for audit managers to follow. Normally, the OIG will include signed copies of the report as well as management comments in their entirety. The PDF file should be sent to the OIG Webmaster as an electronic mail attachment, along with the report title as it should appear on the Web page. If more than one report is being sent to the Webmaster, the mail message should communicate a report title followed by a related PDF file, the next report title and file, etc. The Webmaster is available to train staff who compiles reports into PDF.

7. Contact. Questions regarding this policy should be directed to the Assistant Inspector General for Management and Congressional Relations.