

National Credit Union Administration
Annual Freedom of Information Act Report
for
Fiscal Year 2006

The following Annual Freedom of Information Act report covers the Period 10/01/2005 through 09/30/2006, except as indicated below for Part XII of the report, as required by 5 U.S.C. 552. The URL for this report is:
www.ncua.gov/FOIA/Reports/2006FOIAAnnualReport.

I. Basic Information Regarding Report

A. If you have any questions regarding this report, you may contact Linda Dent, Staff Attorney, 1775 Duke Street, Alexandria, Virginia 22314, (703) 518-6540.

B. The report is available on-line at <http://www.ncua.gov>. You can click on any underlined term to link directly to the corresponding document on the NCUA website.

C. To obtain a copy of this report in paper form you may come to the NCUA reading room located in room 6076B, at 1775 Duke Street, Alexandria, Virginia 22314-3428 from 8 a.m. to 5:00 p.m. Monday through Friday, or call (703) 518-6540 to request that a copy be sent to you.

II. How to make a FOIA Request

You can consult the publication entitled, "A Handbook for Obtaining Information from NCUA" for information on making a FOIA request. The Handbook is available on the Internet at <http://www.ncua.gov>, or you can request a copy from the Office of Public and Congressional Affairs by calling (703) 518-6330.

A. FOIA requests may be submitted to one of two NCUA offices, both of which are located at 1775 Duke Street, Alexandria, Virginia 22314-3428. For records maintained by the Office of Inspector General (OIG) direct your request to the OIG at the above address. You may also send a request to the OIG by facsimile at (703)518-6349, or by e-mail to OIGmail@ncua.gov. For all other requests, submit your request to the Freedom of Information Act Officer at the above address. You may also send such requests by facsimile to (703) 518-6569 or by e-mail to FOIA@ncua.gov.

B. Brief Description of NCUA response-time ranges:

Usually we respond within 20 business days. During this fiscal year we had a median processing time of 11 days for simple requests and 23 days for complex requests.

C. Brief Description of why some requests are not granted:

Generally, exempt information includes credit union examination reports; records which if released, would cause an unwarranted invasion of personal privacy; confidential proprietary business information; internal communications regarding proposed NCUA policies; and law enforcement investigative records.

III. Definitions of Terms and Acronyms Used in the Report

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 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 (non-expedited) 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 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 entireties, 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 that adequately describes the records sought, which has been received by the FOIA office of each 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 and 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 number is 8.

IV. Exemption 3 Statutes

- A. NCUA relied on no Exemption 3 statutes during the current fiscal year.

V. Initial FOIA Requests

A. Number of Initial Requests

1. Requests pending as of end of preceding year: 3
2. Requests received during current FY: 193
3. Requests processed during current FY: 177
4. Requests pending as of end of current FY: 19

B. Disposition of Initial Requests

1. Number of total grants: 90
2. Number of partial grants: 62
3. Number of denials: 6
 - (a). Number of times each FOIA exemption used:
 - (b)(1): 0
 - (b)(2): 4
 - (b)(3): 0
 - (b)(4): 20
 - (b)(5): 23
 - (b)(6): 54
 - (b)(7)(A): 0
 - (b)(7)(B): 0
 - (b)(7)(C): 0
 - (b)(7)(D): 0
 - (b)(7)(E): 0
 - (b)(7)(F): 0
 - (b)(8): 31
 - (b)(9): 0
4. Other reasons for nondisclosure: 19
 - (a) No records: 3
 - (b) Referrals: 0
 - (c) Request withdrawn: 11
 - (d) Fee-related reason: 0
 - (e) Records not reasonably described: 1
 - (f) Not a proper FOIA request for some other reason: 2
 - (g) Not an agency record: 2
 - (h) Duplicate request: 0

VI. Appeals of Initial Denials of FOIA Requests

A. Number of Appeals

1. Number of appeals received during FY: 7
2. Number of appeals processed during FY: 7

B. Disposition of Appeals

1. Number completely upheld: 3
2. Number partially reversed: 4
3. Number completely reversed: 0
 - (a) Number of times each FOIA exemption used:
 - (b)(1): 0
 - (b)(2): 0
 - (b)(3): 0
 - (b)(4): 4
 - (b)(5): 4
 - (b)(6): 1
 - (b)(7)(A): 0
 - (b)(7)(B): 0
 - (b)(7)(C): 0
 - (b)(7)(D): 0
 - (b)(7)(E): 0
 - (b)(7)(F): 0
 - (b)(8): 5
 - (b)(9): 0
4. Other reasons for nondisclosure: 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

VII. Compliance with Time Limits/Status of Pending Requests

A. Median Processing Time for Requests Processed during the Year

1. Simple Requests
 - a. Number of requests processed: 94
 - b. Median number of days to process: 11
2. Complex Requests
 - a. Number of requests processed: 81

b. Median number of days to process: 23

3. Requests accorded expedited processing

a. Number of requests processed: 2

b. Median number of days to process: 17

B. Status of Pending Requests

1. Number of requests pending as of the end of FY: 19

2. Median number of days that such requests were pending as of that date: 16

VIII. Comparisons with Previous Fiscal (FY) Year

A. Comparison of number of requests received:

193 in FY06 vs. 205 in FY05, a 5.85% decrease

B. Requests for expedited processing:

Received – 2 in FY06 vs. 0 in FY05, a 100% increase

Granted – 0 in both FY06 and FY05

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): 1.33

3. Total number of personnel in (work-years): 1.33

B. Total costs (including staff and all resources)

1. FOIA processing (including appeals): \$103,980

2. Litigation-related activities (estimated): \$0.00

3. Total costs: \$103,980

X. Fees

A. Total amount of fees collected by agency for processing requests: \$1,843.15.

B. Percentage of total costs: 1.77%

XI. FOIA Regulations (Including Fee Schedule)

Copies are attached. The link for the fee schedule is:

www.ncua.gov/FOIA/feesched.html

The link for the regulation is:

www.ncua.gov/RegulationsOpinionsLaws/rules_and_regs/NCUA_RR_Complete_2.pdf

XII. Report on Executive Order 13,392 Implementation

This section of the annual FOIA report contains a description of the NCUA's progress in implementing the goals and objectives of its FOIA improvement plan. The reporting period for this section covers the period from June 14, 2006 through January 31, 2007.

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

Although NCUA's FOIA improvement plan, as published on the agency's website, has not been formally amended, as noted below, there is one step identified in the improvement plan, distribution of the agency Handbook with acknowledgement letters, that FOIA staff have determined would not further the goals of Executive Order 13,392 and will not be implemented.

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

The NCUA focused its improvement efforts on three areas: improved communications with requesters, increased affirmative disclosure of information to the public, and reduction or elimination of any backlog of unanswered FOIA requests. The agency made significant progress in meeting its objectives and milestones.

As part of its communications improvement effort, FOIA staff created specialized acknowledgement templates for types of requests typically requiring a longer processing period and revised and reissued its "Handbook for Obtaining Information," available in print and on the agency's web site. Staff also reviewed the FOIA requests log to identify additional frequently requested records appropriate for posting on the web site, and reviewed the site's links to other publicly available data in connection with the NCUA's efforts to improve its affirmative disclosures. Finally, the agency provided additional training on the features and capabilities of its FOIA software, revised processing procedures, and distributed a revised intra-agency FOIA instruction in its ongoing efforts to reduce the time for processing FOIA requests.

Specifically, FOIA staff consistently now issues acknowledgement letters to requesters and this met the 7/31/2006 milestone; has updated the *Handbook* although this was completed about a month later than projected; has determined that FOIA staff will identify records as frequently requested if the agency receives four or more substantially identical requests and will scan and request the NCUA webmaster post if resources permit; has determined that FOIA page links adequately link users to other publicly available information on NCUA's site; has received training regarding requests for electronic records and specialized training from the vendor providing the agency's processing system; has delegated authority to the regulatory specialist to process routing requests enhancing processing times; and updated and re-issued the agency's internal FOIA Instruction.

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

While FOIA staff did not prepare a written memorandum regarding reorganization options for consideration by the Chief FOIA Officer by the end of 2006, staff has met and discussed options with the Chief FOIA Officer on several occasions. FOIA staff anticipates that a memorandum to document options and the Chief FOIA Officer's determination will be completed in early 2007. FOIA staff completed updates to the Handbook for Obtaining Information about a month later than projected due to staffing limitations. Staff determined that one step identified in the improvement plan, distribution of the agency Handbook with acknowledgement letters, would not be helpful to requesters and, therefore, would not further the goals of Executive Order 13,392. The Handbook provides information about how to make a request and very basic information about processing of requests. Staff concluded that an actual requester will already have access to this information as evidenced by having submitted a request and providing the Handbook would be wasteful. The acknowledgement letter provides sufficient contact information for requesters and therefore, this step, will not be implemented. The updated Handbook, completed about a month later than projected

D. Additional narrative statements regarding other executive order-related activities (optional)

Not applicable.

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorizes federal agencies to withhold information covering: (1) classified national security; (2) internal agency rules and practices; (3) information prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications protected by legal privileges; (6) 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) 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).

12/22/2006 – 1/30/2007

2. Time range of consultations pending with other agencies at this time.

Not applicable

G. Attachment: Agency improvement plan:

The FOIA Improvement Plan for the NCUA is attached.