

**REPORT TO THE ATTORNEY GENERAL AND THE OMB  
DIRECTOR, PURSUANT TO EXECUTIVE ORDER 13,392:  
IMPROVING AGENCY DISCLOSURE OF INFORMATION**

**A. The overall nature of FCA's FOIA operations**

The Farm Credit Administration (FCA or Agency) is an independent agency in the executive branch of the U.S. Government. It is responsible for regulating and examining the banks, associations, and related entities of the Farm Credit System (FCS or System), including the Federal Agricultural Mortgage Corporation. The System is a nationwide network of borrower-owned financial institutions that provides credit to farmers, ranchers, and agricultural and rural utility cooperatives. Originally created in 1933 by an Executive order, the Agency derives its powers and authorities from the Farm Credit Act of 1971, as amended.

The FCA strives to have an exemplary Freedom of Information Act (FOIA) program, to process all FOIA requests within the statutory time frames, and to comply with all aspects of the FOIA and Executive order 13,392. We post information on the FOIA and how to make a FOIA request on the FCA's Web site. We also provide the information required by the Executive order on the roles of the Chief FOIA Officer, the FOIA Public Liaison, and the FOIA Requester Service Center and how to contact them. The FCA is a small Agency, with approximately 250 employees, and receives only a small number of FOIA requests. Although FCA has four small field offices, its headquarters in McLean, Virginia, retains most of the Agency's records. Thus, FCA's FOIA staff is able to conduct records searches quickly, efficiently, and on time. We have no backlog.

The basic FOIA staff is housed in the Office of General Counsel. It comprises one FOIA Officer and one Senior Counsel who advises the FOIA Officer on legal compliance with the FOIA. FCA's Director of the Office of Management Services, who is not a member of the Office of General Counsel, serves as the FOIA Appeals Officer. He receives legal guidance as necessary from another Senior Counsel who is not otherwise a part of the basic FOIA process. Consistent with Executive order 13,392, FCA also has a Chief FOIA Officer, who is an Associate General Counsel, as well as a FOIA Public Liaison and a FOIA Requester Service Center staffer.

Because of the FCA's size and the focused nature of the work that it does as the System's regulator, conducting searches for records is, ordinarily, a very simple and straightforward process. Each of the Agency's offices knows what kinds of records FCA maintains and how to locate them. They also understand the

importance of complying with the FOIA's requirements and cooperate fully in conducting searches. This enables the FOIA staff to proceed efficiently and effectively. The FOIA staff also strives to provide personal service to requesters, to communicate with them directly (usually by telephone), and to ensure that they receive records that are truly responsive to their needs, subject, of course, to applicable FOIA exemptions.

## **B. Areas selected for review**

We have reviewed the FCA's FY 2005 and FY 2006 (through May) performance in the following areas:

- Tracking capabilities
- Searching for documents, including the cooperation of program staff
- Processing time/use of electronic technology
- Preparing and completing the FOIA Annual Report
- Web site
- Staff training
- Affirmative and proactive disclosures
- Communications with the public
- FOIA Reference Guide

## **C. Narrative statement summarizing the results of our review**

We reviewed the FCA's performance for FY 2005 and for the first eight months of FY 2006. The results of our review follow:

- Tracking capabilities: All FOIA requests were appropriately date stamped and entered into a paper log that indicates: requester's name, date of receipt of request, date the response is due, exemptions claimed, number of pages released, fees charged, fees paid, date that the response is completed, and the information that is sought. The log enables the FCA to track the status of each FOIA request and appeal and to provide immediate information to a submitter on the status of his or her request. Given the small number of FOIA requests per year – FCA received 40 requests and 4 appeals in FY 2005 and 28 requests and 1 appeal thus far in FY 2006 -- the paper FOIA log is

adequate to track our FOIA requests; we have concluded that a computerized log is not necessary and would be no more efficient.

- Searching for documents, including the cooperation of program staff: Based on our review, we concluded that the FOIA Officer conducted appropriate searches and obtained legal advice whenever necessary. As a member of the Office of General Counsel staff, the FOIA Officer has an ongoing working relationship with the Senior Counsel charged with providing legal counsel. This ensures constant and clear communication. Program staff has been trained to appreciate the importance of FOIA compliance and has been fully cooperative in conducting searches. Senior staff members are routinely assigned to assist the FOIA Officer with searches and appropriate redactions of records. Typically, the FOIA Officer and Senior Counsel begin to process a FOIA request on the day of or day after arrival. They forward the request to appropriate program staff, which is ordinarily expected to produce any responsive documents within 10 business days. If the request poses any unusual problems, the FOIA staff works actively with the program staff to resolve them. As explained above, the FCA's small size and the accessibility of our records make it easy and efficient to conduct Agency-wide searches. The focused nature of the Agency's mission as a banking regulator also facilitates the search and redaction process; most employees know what records FCA keeps and where to find them.
- Processing time/use of electronic technology: In the time period we examined, the FCA responded to all FOIA requests and FOIA appeals within the requisite 20 business days of receipt. In fact, as reported in FCA's last annual FOIA report, the Agency's median response time for FY 2005 was 9 business days. The Agency had no backlogs, and we do not remember there ever being one in prior years. As a result, expedited or multi-track processing has not been an issue. Because the FOIA staff responds to FOIA requesters within the statutory time frame, they do not send acknowledgment letters. Typically, the FOIA staff contacts the requester directly by telephone if any questions arise.

To enhance the Agency's accessibility, the FCA receives and responds to electronic FOIA requests received via e-mail and also through FCA's Web site at [www.fca.gov](http://www.fca.gov). These are simple and efficient ways for the public to submit FOIA requests. The Agency received 7 of 40 FOIA requests in FY 2005 and 4 of 28 FOIA requests thus far in FY 2006 by way of the Web site. The Agency has no plans at present to use automated FOIA processing, *i.e.*, electronic scanning of responsive records and redacting of electronic records. FCA's current procedures produce timely responses, and electronic scanning and redacting may not be cost effective given the small number of FOIA requests FCA receives.

- Preparing and completing the FOIA Annual Report: The FOIA Annual Report is drafted by the FOIA Officer and reviewed by the Senior Counsel charged with FOIA compliance, as well as by other Agency personnel. The paper FOIA log discussed above provides the information on which the Annual Report is based. The FY 2005 Annual Report was completed and posted on the FCA Web site on February 1, 2005, as required.
- Web site: The FOIA page on the Web site is accurate, well organized, and written in “plain English.” It effectively communicates with the public by providing information on the Agency, the FOIA, and how to make a FOIA request. It also provides all information required by Executive order 13,992, *i.e.*, information pertaining to the Chief FOIA Officer, Public Liaison Officer, and the FOIA Requester Service Center. As discussed above, the FCA uses the Internet as a means of receiving FOIA requests from the public. FOIA requests can be made on the FCA Web site either through a user-friendly form that immediately sends the request to the FOIA Officer or through a direct link to the e-mail address of the FOIA Officer.
- Staff training: The FOIA staff obtains appropriate training each year to ensure that all members maintain up-to-date knowledge of the law pertaining to the FOIA. The Agency subscribes to an electronic newsletter that reports on the latest FOIA and information law developments, which the FOIA staff routinely uses. Additionally, the FOIA staff attends training provided by the Department of Justice and a leading professional organization, the American Society of Access Professionals. FCA’s Senior Counsel, who provides the overwhelming majority of legal advice on the FOIA, has been providing legal counsel on the FOIA for 20 years. She has also provided general training to the entire Agency on FOIA and continues to train the FOIA staff in the Office of General Counsel. She has developed an electronic course, which is given to all new employees when they start their employment with the Agency. A new FOIA Officer was designated in 2006 and is in the process of being trained. The former FOIA Officer held the position for ten years. Unlike other agencies, the FCA has not experienced high turnover in its FOIA staff. The staff training program is sound, thorough, and well managed.
- Affirmative and proactive disclosures: The Agency posts on its Web site numerous documents of interest to the public, including its governing statutes, regulations, FCA Board Policies, FCA Bookletters, the FCA Examination Manual, Information Memoranda, and other materials pertaining to the FCA and the institutions it regulates. Summaries of selected legal opinions prepared by the FCA’s Office of General Counsel and public comments received by the FCA on proposed regulations and other policy documents are also posted on the Web site.

- Communications with the public: The FOIA staff establishes effective and helpful lines of communication with FOIA requesters. The FOIA Officer and other FOIA staff routinely telephone requesters to clarify any ambiguities that a request may present and to apprise them of any costs that may be involved. This personalized service helps ensure that the requester has the opportunity to clarify and, if necessary, better identify the records that he or she wants. Requesters are sometimes able to reduce FOIA fees through this process, and it can also speed response time. The staff has good working relationships with FCA's frequent requesters and often receives compliments on the quick, courteous, and responsive service that the staff provides. FCA's Web site provides the public with useful information and, as discussed above, promotes direct communication with the Agency.
- FOIA Reference Guide: FCA's FOIA Reference Guide is up-to-date. A condensed, customer-friendly version is available on FCA's Web site.

#### **D. Improvement area(s) for Agency plan**

Although the FCA is fully compliant with the FOIA, as a consequence of our review we plan to:

- I. Establish written procedures in the form of a Procedures Manual to enhance consistency, reinforce accountability, and ensure continuity in the event of staff changes
- II. Emphasize the importance of continued politeness and courtesy by FOIA staff
- III. Promote continued intra-Agency cooperation
- IV. Enhance FOIA training
- V. Provide customer feedback to Agency FOIA staff
- VI. Conduct a semi-annual review of the FOIA homepage

#### **E. For each improvement area we provide the following:**

See Tabs I through VI.

#### **F. For the entire plan, group the improvement areas into the following time periods:**

See the attached graph.

## TAB I

### **1. Name: Create a FOIA Procedures Manual**

### **2. Brief statement of goal(s)/objective(s)**

Our objective in creating a Procedures Manual is to spell out in detail the effective, efficient, customer-friendly, and legally correct procedures that the FOIA staff currently uses, thus helping to ensure the FCA's continued compliance with the FOIA. The Manual will emphasize timely responses and continued responsiveness to FOIA requesters. It will help in training new staff and serve as a written record that clearly and specifically articulates the FCA's expectations with respect to the handling of FOIA requests. As a result, it should reinforce staff accountability.

### **3. List of all distinct steps planned to be taken**

The Procedures Manual will contain, at a minimum, the following:

- Description of administrative actions for staff, *e.g.*, date stamp request, logging in and out, reminders to staff
- Designations
- Paper log
- Outline of form letter to requesters
- Approved sample letters, especially for more complicated legal issues
- Relevant reports, *e.g.*, FOIA Annual Report, reporting under Executive order 13,392
- Governing laws and regulations
- Discussion of fee waivers, discretionary releases, and similar topics
- Background materials
- Agency points of contact for additional assistance with search and redaction
- FCA training materials, *e.g.*, electronic FOIA course for new employees
- External training and consulting resources, *e.g.*, training by DOJ and the American Society of Access Professionals, DOJ's FOIA Helpline

### **4. Time milestones**

The Procedures Manual will be completed by June 30, 2007.

### **5. Means of measurement of success**

We will measure success by whether the Procedures Manual is completed on time and by whether, following its adoption, the FCA continues to process all FOIA requests and appeals on time.

## **TAB II**

**1. Name: Emphasize the importance of continued politeness and courtesy by FOIA staff.**

**2. Brief statement of goal(s)/objective(s)**

We will clearly articulate our goal of continuing to treat all FOIA requesters with politeness and courtesy.

**3. List of all distinct steps planned to be taken**

- We will draft a memorandum to the FOIA staff that will, at a minimum, remind them of Agency expectations regarding politeness and courtesy.
- We will hold a brief meeting to follow up with staff regarding this memorandum.
- We will assess the FOIA staff's treatment of FOIA requesters during the annual performance evaluation process.

**4. Time milestones**

We will take each of these steps by September 30, 2006, except for the performance evaluations, which will be by December 31, 2006.

**5. Means of measurement of success**

We will measure success by whether these steps are accomplished on time and by reviewing feedback received from FOIA requesters, including any feedback received by the FOIA Requester Service Center, the FOIA Public Liaison, or the Chief FOIA Officer.

## **TAB III**

### **1. Name: Promote continued intra-Agency cooperation**

### **2. Brief statement of goal(s)/objective(s)**

Although we already receive excellent cooperation from Agency staff with respect to FOIA searches, we want to ensure that this continues. We want to enhance intra-Agency cooperation to ensure accurate and speedy searches for records and appropriate redactions. This will help maintain our track record of meeting the 20 business day FOIA response requirement.

### **3. List of all distinct steps planned to be taken**

- We will provide written guidance to Agency staff that will explain, at a minimum, the importance of the FOIA, the permissible time periods for processing FOIA requests, and the renewed emphasis on timely FOIA responses. We will also introduce the Agency's new FOIA Officer and explain the function of this office.
- We will publish periodic articles in the Agency newsletter, *FCA This Week*, on various FOIA topics.
- We will hold a FOIA Day and invite Agency staff.

### **4. Time milestones**

We will meet this milestone by September 30, 2006, except for the FOIA day, which will be by June 30, 2007.

### **5. Means of measurement of success**

We will measure success by completing the steps listed above, assessing the feedback we receive from Agency staff, and monitoring the cooperation we receive from other offices.

## **TAB IV**

### **1. Name: Enhance FOIA training**

### **2. Brief statement of goal(s)/objective(s)**

To ensure the continued success of our FOIA program, we plan to enhance FOIA training for all staff, and especially for the FOIA staff. We will ensure that all new employees continue to receive electronic training in FOIA upon starting employment. Also, we will ensure that all FCA examiners receive periodic training on the FOIA.

### **3. List of all distinct steps planned to be taken**

- We will review and revise, if necessary, the content of our current FOIA training.
- We will ensure that all new employees continue to receive relevant electronic training in FOIA upon starting FOIA training.
- We will ensure that all FCA examiners receive periodic training on the FOIA.
- FOIA staff will continue to receive both in-house training, as well as training from outside sources.
- We will survey staff on the usefulness of our training materials and their understanding of key FOIA issues.

### **4. Time milestones**

We will meet this milestone by December 31, 2006.

### **5. Means of measurement of success**

We will measure success by completing the steps listed above and by reviewing the results of our training surveys.

## **TAB V**

### **1. Name: Provide customer feedback to Agency FOIA staff**

### **2. Brief statement of goal(s)/objective(s)**

We plan to provide feedback to FOIA staff based on any complaints, comments, or positive responses we receive from our FOIA requesters. Our goals are to reinforce the importance of clear and courteous communications with customers and to learn how to improve processes.

### **3. List of all distinct steps planned to be taken**

- Create a form to be used by the FOIA Requester Service Center, the FOIA Public Liaison, and the Chief FOIA Officer to document any complaints, comments, or positive responses.
- Ensure that customer feedback is shared with the relevant parties.
- Maintain these forms and use them as a basis for improvement, if applicable.

### **4. Time milestones**

We will meet this milestone by December 31, 2006.

### **5. Means of measurement of success**

We will measure success by completing the steps listed above and reviewing the feedback we receive.

## **TAB VI**

**1. Name: Conduct a semi-annual review of the FOIA homepage.**

**2. Brief statement of goal(s)/objective(s)**

We plan to conduct a semi-annual review of the FOIA homepage.

**3. List of all distinct steps planned to be taken**

- Ensure the information is relevant and timely.
- Update as necessary.
- Check all links.
- Ensure affirmative disclosures are posted.
- Write a memorandum detailing the steps taken and results found.

**4. Time milestones**

We will meet this milestone by December 31, 2006, and by June 30, 2007, and semi-annually thereafter.

**5. Means of measurement of success**

We will measure success by completing the distinct steps listed above.

IMPROVEMENT AREAS FOR AGENCY PLAN	AREAS ANTICIPATED TO BE COMPLETED:				
	BY SEPT 30, 2006	BY DEC 31, 2006	BY JUNE 30, 2007	BY DEC 31, 2007	AFTER DEC 31, 2007
1. Establish written procedures in the form of a Procedures Manual to enhance staff accountability and ensure continuity in the event of staff changes.			√	Review and update	Review and update
2. Ensure continued politeness and courtesy by FOIA staff. <ul style="list-style-type: none"> <li>• Draft a memorandum</li> <li>• Hold a brief meeting</li> <li>• Assess</li> </ul>	√ √	√		Ongoing	Ongoing
3. Improve intra-Agency cooperation. <ul style="list-style-type: none"> <li>• Provide written guidance</li> <li>• Publish periodic articles</li> <li>• Hold a FOIA Day</li> </ul>	√ √		√	Ongoing	Ongoing
4. Enhance FOIA training.		√		Ongoing	Ongoing
5. Provide customer feedback to Agency FOIA staff.		√		Ongoing	Ongoing
6. Conduct a semi-annual review of the FOIA homepage.		√	√	Ongoing	Ongoing