

**Report to the Attorney General and the OMB Director, Pursuant to
Executive Order 13,392: Improving Agency Disclosure of
Information**

On December 14, 2005, President George W. Bush issued Executive order 13,392, on "Improving Agency Disclosure of Information." The Executive order is intended to strengthen agency compliance with the Freedom of Information Act, 5 U.S.C. 552 (FOIA). Pursuant to this Executive order, President Bush directed that each agency, among other things, conduct a review of the agency's FOIA operations and draft a plan for improvement with concrete milestones for FY 2006 and FY 2007. On December 30, 2005, the Office of Management and Budget (OMB) issued memorandum M-06-04, which provided further clarification and direction. Accordingly, by June 14, 2006, each agency was required to send a report containing a summary of the review and the agency's FOIA improvement plan to the Department of Justice, with a copy to OMB, and post it to the agency's Web site. The report of the Farm Credit System Insurance Corporation prepared by its Chief Freedom of Information Act Officer is provided below.

**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 FCSIC's FOIA operations

The Farm Credit System Insurance Corporation (FCSIC or Corporation) is an independent Federal corporation established to ensure the timely payment of principal and interest to investors in Farm Credit System (FCS or System) debt securities. The Corporation's primary purpose, as defined by the Farm Credit Act of 1971, as amended (Act), is to insure the repayment of investors who purchase the bonds and notes issued by the System's banks. The System is owned by the rural customers it serves, including farmers, ranchers, and other agricultural producers. Five Farm Credit System banks provide funding to the 96 associations that make direct loans to their customers. The banks receive their funding through the issuance of Federal Farm Credit Banks Consolidated Systemwide Debt Securities by the Federal Farm Credit Banks Funding Corporation. Investors in these debt securities provide the funds the System lends to agriculture and rural America.

Despite its important mission, the FCSIC has a staff of only 10 employees. Therefore, the Act directs the Corporation to use the personnel and resources of the Farm Credit Administration (FCA) to the extent practicable so as to minimize duplication of efforts and reduce costs. Thus, the FCSIC has delegated its duties under the Freedom of Information Act (FOIA) to the FCA.¹ The FCA administers the FOIA program for the FCSIC jointly with its own program. At the FCSIC's request, the FCA completed the review and plan required by Executive order 13,392 for the FCSIC. As the FOIA programs for the two agencies are administered jointly, this report pursuant to the Executive order is essentially the same as the report submitted by the FCA, except for the fact that the number of FOIA requests is lower for the FCSIC.

The FCSIC strives to have an exemplary 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 FCSIC's Web site. As noted in FCSIC's annual

¹ The FCA, which is housed adjacent to the FCSIC, is the safety and soundness regulator responsible for the examination, supervision, and regulation of each System institution. The FCA is an independent agency in the executive branch of the United States Government. The FCA derives its broad authorities from the Act; these include examination and enforcement authorities similar to those of commercial bank regulators.

FOIA Reports, which are posted on our homepage, the FCSIC typically receives approximately 10 FOIA requests per year from the public.

The basic FOIA staff for FCSIC is housed in the Office of General Counsel of the FCA. It comprises one FOIA Officer and one Senior Counsel who advises the FOIA Officer on legal compliance with the FOIA. The FCSIC's Chief Financial Officer serves as the FCSIC 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's Chief FOIA Officer, FOIA Public Liaison, and the FOIA Requester Service Center staffer perform the equivalent function for the Corporation. We post information explaining their roles and how to contact them on the FCSIC Web site.

Because of the FCSIC's size, conducting searches for records is a very simple and straightforward process. The FOIA staff 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. The FOIA staff is able to conduct searches quickly, efficiently, and on time. We have no backlog.

B. Areas selected for review

We have reviewed the FCSIC'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 FCSIC'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 FCSIC 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 – FCSIC received 8 requests and 0 appeals in FY 2005 and 1 request and 0 appeals 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, obtained legal advice whenever necessary, and consulted with FCSIC staff. 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. FCSIC employees 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 FCSIC's small size and the accessibility of its records make it easy and efficient to conduct searches of FCSIC records. The focused nature of the FCSIC's mission also facilitates the search and redaction process; all employees know what records FCSIC keeps and where to find them.
- Processing time/use of electronic technology: In the time period we examined, the FCSIC responded to all FOIA requests and FOIA appeals within the requisite 20 business days of receipt. In fact, as reported in FCSIC's last annual FOIA report, the FCSIC's median response time for FY 2005 was 4 business days. The FCSIC 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 accessibility of records, the FCSIC receives and responds to electronic FOIA requests received via e-mail. This is a simple and efficient way for the public to submit FOIA requests. The FCSIC has no plans at present to use automated FOIA processing, *i.e.*, electronic scanning of responsive records and redacting of electronic records. FCSIC's current procedures produce timely responses, and electronic scanning and redacting may not be cost-effective given the small number of FOIA requests the FCSIC 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 FCSIC personnel, as necessary. 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 FCSIC Web site on February 1, 2005, as required.
- Web site: The FOIA page on the Web site is accurate. It effectively communicates with the public by providing information on the FCSIC, 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. FOIA requests can be made on the FCSIC Web site 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 FOIA staff has access 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. The 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 continues to train the FOIA staff in the Office of General Counsel. 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, there has not been a high turnover in FOIA staff.
- Affirmative and proactive disclosures: The Corporation posts on its Web site numerous documents of interest to the public, including its regulations, policy statements, financial statements, and annual reports.
- Communications with the public: The FOIA staff establishes effective and helpful lines of communication with FOIA requesters. The FOIA Officer and other FOIA staff will 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. FCSIC's Web site provides the public with useful information and, as discussed above, promotes direct communication with the Corporation.

- FOIA Reference Guide: FCSIC's FOIA Reference Guide is up-to-date.

D. Improvement area(s) for FCSIC's plan

Although the FCSIC 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 intra-agency and inter-agency cooperation
- IV. Enhance FOIA training
- V. Provide customer feedback to FOIA staff
- VI. Conduct a semi-annual review of the FOIA homepage

E. For each improvement area we provide the following improvement areas:

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 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 FCSIC'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
- FCSIC points of contact for additional assistance with search and redaction
- 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 FCSIC 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 our 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 expectations regarding politeness and courtesy.
- We will hold brief meetings to follow up with staff regarding this memorandum.
- We will assess the FOIA's staff 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 taken 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. Promote continued intra-agency and inter-agency cooperation

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

Although there is excellent cooperation between the Corporation and FCA staff with respect to FOIA searches, we want to ensure that this continues. We want to improve intra-agency and inter-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 both the FOIA staff and FCSIC staff that will explain, at a minimum, the importance of the FOIA, permissible time periods for processing FOIA requests, and the renewed emphasis on timely FOIA responses. We will also introduce the new FOIA Officer and explain the function of this office.
- We will forward appropriate written FOIA guidance to FCSIC staff.
- We will invite FCSIC staff to FCA's FOIA Day.

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 and by assessing feedback we receive from Corporation staff, and monitoring the cooperation we receive from staff.

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 receive electronic training in FOIA upon starting employment.

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 receive relevant electronic training in 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.

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 training surveys.

TAB V

1. Name: Provide customer feedback to 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 received from our FOIA requesters. Our goals are to reinforce the importance of clear and courteous communications with customers and to learn how to improve our 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 outlining 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"> • Draft a memorandum • Hold a brief meeting • Assess 	√ √	√		Ongoing	Ongoing
3. Improve intra-Agency cooperation. <ul style="list-style-type: none"> • Provide written guidance • Publish periodic articles • Hold a FOIA Day 	√ √		√	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