

**Chief FOIA Officer Report  
To the Department of Justice  
Pursuant to Attorney General Holder's FOIA Guidelines**

The Farm Credit System Insurance Corporation (Corporation) submits this report in response to the request in the United States Department of Justice (DOJ) Office of Information Policy email of September 21, 2011. The report has been prepared by Jane Virga, Chief FOIA Officer.

The Corporation was established by the Agricultural Credit Act of 1987 as an independent U.S. Government controlled corporation. The Corporation's primary purpose is to ensure the timely payment of principal and interest on insured notes, bonds, and other obligations issued on behalf of Farm Credit System (System) banks. The Corporation is administered by a board of directors consisting of individuals who serve concurrently as the Farm Credit Administration (FCA) Board. The Chairperson of the Corporation's Board is elected by the other members and must not be the same person as the FCA Chairman. The Corporation administers the Farm Credit Insurance Fund (the Fund) and collects annual insurance premiums from System banks. Premium rates are calculated using a statutorily defined formula based on System debt, with special rates for nonaccrual loans and other-than-temporarily impaired investments.

Despite its important mission, the Corporation has a staff of 10 employees. The Farm Credit Act of 1971, as amended (Act), directs the Corporation to use the personnel and resources of the FCA to the extent practicable so as to minimize duplication of efforts and reduce costs. Thus, the Corporation has delegated its duties under the Freedom of Information Act (FOIA) to the FCA.<sup>1</sup> The FCA administers the FOIA program for the Corporation jointly with its own program. At the Corporation's request, the FCA completed the Chief FOIA Officer Report to the DOJ pursuant to Attorney General Holder's FOIA Guidelines. As the FOIA programs for the two agencies are administered jointly, this report is essentially the same as the report submitted by the FCA, except for the fact that the number of FOIA requests received by the Corporation is lower.

The Corporation 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. The basic FOIA staff for the Corporation is housed in the Office of General Counsel of the FCA. It comprises the Chief FOIA Officer and one FOIA Officer, both of whom are attorneys. The Corporation's Chief Financial Officer serves as the Corporation's FOIA Appeals Officer. He receives legal guidance as necessary from another Senior Counsel who is not otherwise a part of the basic FOIA process.

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<sup>1</sup> 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.

Consistent with Executive order 13,392, the FCA's Chief FOIA Officer, FOIA Public Liaison, and the FOIA Requester Service Center staffer perform the equivalent function for the Corporation. The Corporation receives only a small number of FOIA requests (usually less than 10 requests per year). Thus, the Corporation's FOIA staff is able to conduct records searches quickly, efficiently, and on time. The Corporation has no backlog.

### **Section I: Steps Taken to Apply the Presumption of Openness**

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

The Chief FOIA Officer has provided extensive on-the-job training to the FOIA Officer. However, due to the small size of the Corporation and its FOIA staff, there has been no need to conduct other in-house training or to hold an FOIA conference.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

The FOIA Officer has attended training from the Department of Justice and the American Society of Access Professionals. Additionally, the Chief FOIA Officer has provided extensive on-the-job training to the FOIA Officer.

3. Did your agency make any discretionary releases of otherwise exempt information?

No. We released the requested documents in their entirety and there were no applicable exemptions to apply. Thus, there were no discretionary releases.

4. What exemptions would have covered the information that was released as a matter of discretion?

Not applicable.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

Such a process would only occur after the FOIA officials have determined that an exemption applies. Very often there is never such a determination because the first step in our review process is considering whether a disclosure is reasonably likely to undermine an interest protected by a FOIA exemption (i.e., harm the Corporation) and whether disclosure is prohibited by law. This is done by the FOIA Officer consulting with the Chief FOIA Officer and other Corporation staff and senior staff on the matter. If both answers are "no," the analysis is over and we simply release the documents regardless of whether any exemption might have applied. In cases such as this, we never make an official determination of whether an exemption applied or whether it should be

waived. If either answer is “yes,” then we start looking at whether exemptions apply to the specific portions of the document that is triggering the “yes” response. At this point, we analyze whether any exemptions would apply to the specific portions of the documents and mark them for redaction. For the sections marked for redaction, the final step is to revisit the question of whether there is a reasonable likelihood of the disclosure harming the agency and whether the disclosure is truly prohibited by law. If the likelihood is sufficiently low and the disclosure is not truly prohibited by law, then we make the discretionary disclosure.

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

The Corporation applies the presumption of openness to all decisions involving the FOIA. The Chief FOIA Officer and FOIA Officer maintain constant contact to ensure that all appropriate discretionary disclosures are made.

7. Did your agency have an increase in the number of responses where records were released in full?

Yes. In FY 2010 we received 8 FOIA requests and released all requested records in 1 instance. In FY 2011 we received 10 FOIA requests and released all requested records in 4 instances. Due to the small number of FOIA requests received each year, we do not think that we can draw any conclusions from these numbers.

8. Did your agency have an increase in the number of responses where records were released in part?

No. There were no partial releases in either year.

## **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

1. Do FOIA professionals within your agency have sufficient IT support?

Yes. The FOIA Officer is able to obtain all necessary Information Technology (IT) support. However, because of the small size of the FOIA staff and relatively small number of FOIA requests each year, the need for IT support is limited. Nevertheless, the Chief FOIA Officer maintains a close and cordial working relationship with the Office of the Chief Information Officer (OCIO), which ensures adequate IT support. The OCIO has a Helpline that provides 24 hour service.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Yes. The FOIA Officer, administrative support, and Chief FOIA Officer are housed in the Office of General Counsel. These individuals have daily communication.

3. Do your FOIA professionals work with your agency's Open Government Team?

The Chief FOIA Officer interacts with the senior leadership at the Corporation to ensure accountability and the sustainability of transparency, participation, and collaboration. However, with its small staff of 10, the Corporation does not have an Open Government team.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

We believe there is adequate staffing devoted to FOIA administration. The Corporation does not have a backlog, nor has there been one in more than 20 years. Thus, we believe that the existing staff is adequate for FOIA administration.

5. Describe any other the steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The Corporation has implemented an electronic FOIA processing system. This new system allows the Corporation to quickly assign each FOIA request a tracking number, as well as track our progress in responding to the request. The electronic FOIA processing system will also assist the Corporation in efficiently and accurately producing the annual FOIA report. The Corporation now has the ability to electronically review, redact, and disclose documents, where appropriate.

### **Section III: Steps Taken to Increase Proactive Disclosures**

1. Has your agency added new material to your website since last year?

Yes. Our website is continuously updated with new information for the public.

2. Provide examples of the records, datasets, videos, etc, that have been posted this past year.

Examples of new information that has been posted for the public include: policy statements, financial statements, fund graphs, and portfolio graphs.

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

Corporation management meet and discuss in detail the information that should be shared on the website. The Corporation regularly updates information on the website and adds additional pages of information that staff believe might be useful. Generally, whenever any updated information is posted to the FCA website, the Corporation posts a notice of the update under "What's New" on the Corporation's homepage, along with a link to the updated information. In this way, regular visitors can easily find the most recent updates to the website.

4. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

The Corporation does not have a formal process to interact with the public to identify what information may be found to be more useful. However, in addition to continually updating its website the Corporation posts numerous documents of interest, including its governing statutes, regulations, policies, reports, and other materials pertaining to the Corporation. As the Corporation typically receives approximately 10 FOIA requests each year, it does not have a system for identifying the proactive disclosure of documents requested under the FOIA.

5. Describe any other steps taken to increase proactive disclosures at your agency.

Our website is up to date and directs the public to available information and explains how to obtain other information.

## **Section IV: Steps Taken to Greater Utilize Technology**

### *Electronic receipt of FOIA requests:*

1. Can FOIA requests be made electronically to your agency?

Yes. The FOIA Officer receives FOIA requests electronically either from a direct link on our FOIA homepage or via an email to foiaofficer@fcsic.gov. (As we do not have any components, all electronic requests go to the FOIA Officer.)

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

Not applicable.

### *Online tracking of FOIA requests:*

3. Can a FOIA requester track the status of his/her request electronically?

Only by email.

4. If not, is your agency taking steps to establish this capability?

No. Due to the small number of requests and the lack of a backlog, the Corporation has no plans at present to establish the online tracking of FOIA requests.

*Use of technology to facilitate processing of requests:*

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

No. Due to the small number of requests and the lack of a backlog, the Corporation has no plans at present to use more advanced technology to facilitate overall FOIA efficiency.

6. If so, describe the technological improvements being made.

Not applicable.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs**

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

- a. Does your agency utilize a separate track for simple requests?

No. We respond to all requests within 20 business days.

- b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

Not applicable.



- c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

Yes.

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

Not applicable. We did not have a backlog.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

Not applicable. We did not have a backlog.

- c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

Not applicable. We did not have a backlog.

- d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

Not applicable.

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

Not applicable. We did not have a backlog.

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

Not applicable. We did not have a backlog.

c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

Not applicable. We did not have a backlog.

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

Not applicable. We did not have a backlog.

Administrative Appeal Backlog:

a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Not applicable. We did not have a backlog.

b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

Not applicable. We did not have a backlog.

c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

Not applicable. We did not have a backlog.

d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

Not applicable. We did not have a backlog.

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes. We conduct a self-assessment and evaluation of the FOIA program. We have found the FOIA program to be well run and that all FOIA requests are responded to fully, within 20 business days.

2. Has your agency increased its FOIA staffing?



No.

3. Has your agency made IT improvements to increase timeliness?

Yes. The Corporation has implemented an Excel spreadsheet to track incoming FOIA requests and response due dates. We have the ability to scan documents and create an electronic administrative record, which will assist in the online review and redaction of documents. This also allows for electronic disclosure of the documents where appropriate.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

Not applicable. We have not received any consultations from other agencies.

## **Use of FOIA's Law Enforcement "Exclusions"**

1. Did your agency invoke a statutory exclusion during Fiscal Year 2011?

No.

2. If so, what is the total number of times exclusions were invoked?

Not applicable.

## **Spotlight on Success**

The Corporation continues to respond to all FOIA requests within 20 business days. Because of the Corporation's size, the focused nature of the work that it does, and the small size of the FOIA staff, conducting searches for records is a straightforward process. The FOIA staff is able to proceed efficiently and effectively to reach full compliance. The personal service touch that is beyond mere compliance is where the Corporation shines. For instance, in addition to the FOIA staff communicating directly with requesters to ensure that they receive records that are truly responsive to their needs, we also make sure we respect their preferences. There was a hard copy paper FOIA request last year that included the requester's email address, but there were hints that he preferred a paper response and in any case, there was ambiguity in this regard. Rather than simply deciding for the requester or responding in kind (paper), the FOIA staff placed a phone call to the requester and inquired into his response preference. He indicated that he wanted an email and he greatly appreciated that we reached out to him because, as it turned out, he was quite interested in having the response as soon as possible.