

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

The Farm Credit Administration (FCA or Agency) submits this report in response to the request by the United States Department of Justice (DOJ) Office of Information Policy. This report has been prepared by Jane Virga, Chief FOIA Officer.

The FCA 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 (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. The FCA is a small Agency, with approximately 250 employees, and receives only a small number of FOIA requests (usually less than 50 requests per year). 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. With the assistance of one administrative person, the FOIA Officer processes all FOIA requests. 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 a Senior Counsel who is not otherwise part of the basic FOIA process.

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 Farm Credit Administration (FCA) is a small agency and the FOIA Office consists of the Chief FOIA Officer and a FOIA Officer. As such, the FCA did not see a need to hold an agency conference on FOIA specifically. However, the FOIA Officer provided training and held a Q&A session to newly commissioned FCA examiners and other FCA staff that were attending an internal training conference. The FOIA training regarded the FOIA generally, and also focused on how the FOIA function often intersects with the Office of Examination. Furthermore, the Chief FOIA Officer, a highly-seasoned FOIA veteran, provides ongoing training to the FCA's FOIA Officer and to others on as needed on an ongoing basis.

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

The FOIA Officer has attended several FOIA trainings provided by DOJ.

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

Yes. The FCA made 2 discretionary releases of material known to be withholdable under one or more FOIA exemptions out of 18 FOIA responses that involved information release. Of note is that it is difficult to determine the exact number of discretionary releases because we do not make an official determination as to whether an exemption will apply if a release is not likely to cause harm to the Agency and is not prohibited by law. Instead, if it meets those two criteria, the release is made with no further analysis needed. Thus, there is likely to be a large number of releases that would have qualified for an exemption that was released without determining whether an exemption applied because such a determination was not necessary.

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

In cases where an exemption was known to apply, Exemption b5 and b8 would have covered the information that was released as a matter of discretion. But since we stop the analysis and simply release in cases where release is not likely to harm the agency and is not prohibited by law, we have likely released material that would have been covered by other exemptions as well.

4. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

An example of where FCA released information known to be covered by an exemption as a matter of discretion is as follows: despite the applicability of Exemption b2, we disclosed a number of internal personnel policies that were very trivial in nature such as how FCA defines basic human resources terms, the flexiplace policy at FCA, FCA's training policy applicable to its employees, and the like.

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

The FCA 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. Furthermore, whenever the FOIA Officer or Chief FOIA Office are invited to present at FCA training conferences, we always spread the word that FCA operates under a presumption of openness to the maximum extent possible.

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. This has allowed FCA to comply with the quarterly FOIA reporting requirement. The OCIO has a helpline that provides 24 hour service.

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

The Chief FOIA Officer interacts with the Open Government Team, as well as the senior leadership at the Agency to ensure accountability and the sustainability of transparency, participation, and collaboration.

3. Has your agency assessed whether adequate staffing is being devoted to FOIA administration?

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

4. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.

The Chief FOIA Officer and the FOIA Officer are in constant contact and conduct self-assessments in order to respond to FOIA requests quickly, accurately, and with a minimum or no fee assessment. For instance, the FOIA Officer will contact a requester to narrow or clarify a request in order to respond in less than 20 business days and with documents fully responsive to the requester's needs.

Section III: Steps Taken to Increase Proactive Disclosures

1. Provide examples of material that your agency has posted this past year.

In the past year, the FCA has posted the following documents: Informational Memoranda; Farm Credit System Major Financial Indicators; proposed and final rules; news releases; Performance and Accountability Reports; a Survey of the FCA's Use of Social Media; and a myriad of other documents.

2. Beyond posting new material, is your agency taking steps to make the posted 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 on the site, creating mobile applications, providing explanatory material, etc.?

Yes. The FCA is acting to make posted information more useful to the public.

3. If so, provide examples of such improvements.

We have a direct link on our home page to "FCA and the Open Government Initiative." Additionally, we have asked the public to participate in our "Plan for Retrospective Analysis of Existing Rules." We have also requested feedback on whether the FCA is meeting the public's information needs and asked the public to write to us at opengov@fca.gov. Finally, the FCA has a digital strategy to use digital tools to increase transparency.

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

Not applicable.

Section IV: Steps Taken to Greater Utilize Technology

Electronic receipt of FOIA requests:

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

Yes.

2. If your agency is decentralized, can FOIA requests be made electronically to *all* components of your agency?

Not applicable. The FCA is not decentralized.

Online tracking of FOIA requests:

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

No. We respond to all requests within 20 days and do not believe that the FCA needs electronic tracking of FOIA requests.

4. If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents

currently in review. “List the specific types of information that are available through your agency's tracking system.

Not applicable.

5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

Not applicable.

6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

We do not have plans to establish an online tracking system as we respond to all requests within 20 business days.

Use of technology to facilitate processing of requests:

7. 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?

The FCA is using more advanced technology to increase FOIA efficiency.

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

Although the FCA does not have a backlog, we continue to strive to improve efficiency. All of the Agency's electronic databases are being transferred to SharePoint, which will allow improved record search capabilities.

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.

- b. If so, for your agency overall, for Fiscal Year 2012, 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?

The average number of days to process non-expedited request was less than 20 working days. The average number was 11.71 days.

- 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 2012 as compared to Fiscal Year 2011. 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 2011 and Fiscal Year 2012 should be used for this section.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

Not applicable. The FCA does not have a backlog.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

Not applicable. The FCA does not have a backlog.

- c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

Not applicable.

- d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011?

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?
- b. Was the lack of a reduction in the request backlog caused by a loss of staff?
- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?
- d. What other causes, if any, contributed to the lack of a decrease in the request 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?
 - b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?
 - c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?
 - d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?
4. OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Not applicable.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

No.

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

Not applicable.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2012 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas.

We received a request for certain internal FCA documents that FCA updated in 2011 and the requester indicated in the request that she would pay \$250 dollars. While the scope of the request itself was clear on its face, it occurred to the FOIA staff that the requester may have been interested in the most recent updates of such documents rather than only the 2011 versions. In the spirit of cooperation, the first step was that the FOIA staff reached out to the requester, explained that some of the internal documents updated in 2011 may have been updated again in 2012, and inquired into which version she was interested in, if not both. The requester was indeed only interested in the most recent versions of the updated policies and did not want prior obsolete versions. This clarification dramatically reduced the search time and number of pages of responsive documents, and this enabled us to charge no fees to the requester. The requester was pleased that we reached out to her, thanked us for our efforts, and the result was that she received exactly what she wanted for the lowest possible cost to her and to the Agency.