

Chief FOIA Officer Report of the Farm Credit Administration
Chief FOIA Officer and Senior Counsel: Jane M. Virga

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 less than 50 requests per year. FCA's FOIA staff conducts records searches quickly, efficiently, and on time. We have no backlog.

The basic FOIA office is housed in the Office of General Counsel. The FOIA Officer processes all FOIA requests. FCA's Director of the Office of Administrative Services, who is not a member of the Office of General Counsel, serves as the FOIA Appeals Officer.

The FCA applies the presumption of openness. When there is a possibility of making a release under the foreseeable harm standard, if we determine that release would cause no harm to the Agency or is not prohibited by law, we release the record whether or not an exemption would have applied. During the reporting period, FCA made many discretionary releases of material otherwise exempt from disclosure, especially with respect to b2 and b5. However, it is difficult to determine our 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. Thus, there is likely to be additional releases that would have qualified for an exemption without determining whether an exemption applied.

As a matter of discretion during the reporting year we have made numerous proactive disclosures. For instance, we disclosed a number of internal personnel policies and waived the deliberative process. The FCA has a distinct process to identify records for proactive disclosure. The Office of Congressional and Public Affairs (OCPA) identifies such records. The Assistant Director for OCPA directs the posting of such records to the Agency's website and consults with the FOIA staff as necessary. The Agency strives to continuously expand and improve in this regard. Examples of posted material include: testimony of FCA officials, informational memoranda, frequently asked questions, and proposed and final regulations. The FCA has a FCA News Email List that allows the Agency to highlight proactive disclosures for public awareness. By subscribing to this list, the public can receive email alerts of items as the following: News

releases, Informational Memoranda, Bookletters, Policy Statements, Reports, FCA Handbook updates, and Federal Register notices.

We believe we have an effective system for responding to requests in a timely manner. In Fiscal Year 2016, We responded to all requests within 20 business days and we adjudicated requests for expedited processing in less than ten calendar days. The FOIA staff continuously assesses our processes to ensure that our FOIA system operates efficiently and effectively. For example, at the end of the fiscal year the FOIA Officer did an internal control review, which looked at internal policies and procedures, receipt of requests, response time, and rate and success of appeals. The review concluded that the FOIA Office complied with the law and that there was an efficient and effective program.

FCA ensures that the FOIA is administered in a “spirit of cooperation.” We strive for good communication and good customer service when working with requesters. We communicate with requesters via their preferred methods: email, telephone, or mail. We find frequent, substantive, and effective communications when working through the processing of FOIA requests expedite processing and reduce miscommunications. We work with requesters to identify efficiencies in processing the request.