

Chief FOIA Officer Report of the Farm Credit System Insurance Corporation

Chief FOIA Officer: Jane M. Virga

Pursuant to Attorney General Holder's FOIA Guidelines

The Farm Credit System Insurance Corporation (Corporation) submits this report in response to the request of the United States Department of Justice (DOJ) Office of Information Policy. 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.¹ 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. She receives legal guidance as necessary from another Senior Counsel who is not otherwise a part of the basic FOIA process. The Corporation also uses the services of an administrative professional to assist with searches and processing FOIA requests.

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.

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

FOIA Training:

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

Yes.

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

Due to Corporation's small size, we did not see a need to hold an agency conference on FOIA specifically. The FOIA Office provides on-line training to all new employees, which they would complete immediately upon coming on board, or shortly thereafter. In addition the FOIA staff provides in-person FOIA training once per year at the Corporation's new employee orientation conference which all new employees from the previous year generally attend.. Furthermore, the Chief FOIA Officer, a highly-seasoned FOIA veteran, provides ongoing training to the Corporation's FOIA Officer and to others as needed. Finally, we have provided agency-wide training (written guidance) on the FOIA at other times. We focused on the identification of agency records, applicable exemptions, and the waiver thereof.

3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

Yes.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

The FOIA Officer (50% of the FOIA professionals) attended substantive FOIA training, which was provided by the Department of Justice and the American Society of Access Professionals (ASAP). The Chief FOIA Officer continued with professional on-the-job training, including reading recent case law.

5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March

2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

Our FOIA professionals are approved upon request for using duty hours to attend core, substantive FOIA training, and thus, such training is always available. In addition and at least once per year, the Chief FOIA officer or other senior agency employees or supervisors will identify specific substantive FOIA training that the FOIA staff should attend. In order to comply with the letter and spirit of the OIP guidance, both the FOIA Officer and the Chief FOIA Officer will attend FOIA training at least once next year. Both employees plan to attend one of the ASAP training offerings or other appropriate training. We have also identified appropriate training for the administrative professional, which will soon be scheduled.

Outreach:

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

No.

Discretionary Disclosures:

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

No. A formal process is not necessary due to the small size of the FOIA office. However, as long as a release would cause no harm to the Corporation and was not prohibited by law, the release would be made regardless of whether a FOIA exemption would have applied if tested.

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

Yes. The Corporation made one discretionary releases of material known to be withholdable. (The Corporation received only eight FOIA requests during the reporting period.)

9. 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 b2 would have covered the information that was released as a matter of discretion.

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

We apply 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. For example, we received a request for information on the Corporation's policy on the repayment of student loans, which we released in its entirety despite the applicability of Exemption b2.

11. If your agency was not able to make any discretionary releases of information, please explain why.

Not applicable.

Other Initiatives:

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

Yes.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

Not applicable.

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

Personnel:

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

No. The FOIA Officer is a senior attorney and spends less than 5% of his time in this position as a collateral duty. The administrative professional also spends less than 5% of her time in this position as a collateral duty.

2. If not, what proportion of personnel has been converted to the new job series?

Not applicable.

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

Not applicable.

Processing Procedures:

4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

The Corporation did not adjudicate any requests for expedited processing.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

No. We do not believe this is necessary.

Requester Services:

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Yes.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

Only in appeal responses.

8. 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, 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, with documents fully responsive to the requester's needs, and without a fee.

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

Yes.

2. If so, describe the system that is in place.

Corporation staff identifies records for proactive disclosures. 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 Corporation 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.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

During the reporting period, the Corporation has posted the following:

- Increase of Insurance Premiums: http://www.fcsic.gov/documents/FCSIC_NR14-01_01-23-14.pdf
- Premium Planning Guidance: [http://www.fcsic.gov/documents/Premium%20Planning%20Guidance%20for%202014%20\(2\).pdf](http://www.fcsic.gov/documents/Premium%20Planning%20Guidance%20for%202014%20(2).pdf)
- All the 2013 News Releases: <http://www.fcsic.gov/FCSIC%20News%202013.html>

Making Posted Material More Useful:

4. 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 posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?

No.

5. If so, provide examples of such improvements.

Not applicable.

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

No.

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

No.

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

Not applicable.

Section IV: Steps Taken to Greater Utilize Technology

Online tracking of FOIA requests:

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

Not on an electronic tracking system because we have so few FOIA request each year and thus such a system would not be necessary. As we have so few pending FOIA requests, a requester could call or email regarding their status and get a response in a very short period of time. We also initiate status updates in some cases (e.g., granted expedited processing etc.).

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

Not applicable.

3. 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.

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

Not applicable.

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

No. At this time we do not believe that online tracking would be especially useful. All FOIA requests are answered within the statutory time limit of 20 business days and they can get status updates by contacting the FOIA office at any time.

Use of technology to facilitate processing of requests:

6. 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?

Yes.

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

The Corporation is taking steps to use technology to improve record search capabilities. It will soon begin using software to allow consolidation of every employee's email mailbox and unified search capabilities.

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

Not at this time.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

Simple Track Requests:

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.

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

No.

- b. If so, for your agency overall, for Fiscal Year 2013, 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.

Backlogs and “Ten Oldest” Requests, Appeals and Consultations:

2. Section XII.A of your agency’s Annual FOIA Report, entitled “Backlogs of FOIA Requests and Administrative Appeals” shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled “Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency,” show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

Backlogs

- a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

Not applicable. The Corporation did not have a backlog.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

Not applicable. The Corporation did not have a backlog.

Ten Oldest Requests

- c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

Not applicable. The Corporation did not have any pending requests.

- d. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your “ten oldest” in Section VII.E. and you closed two of them, you should note that you closed two out of seven “oldest” requests.

Not applicable.

Ten Oldest Appeals

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

Not applicable. The Corporation did not have any pending appeals.

- f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

Not applicable.

Ten Oldest Consultations

- g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

Not applicable. The Corporation did not have any pending consultations.

- h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.

Not applicable.

Reasons for Any Backlogs:

3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeal Backlog

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?
b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?
c. Was the lack of a reduction in the request and/or appeal 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 and/or appeal backlog?

“Ten oldest” Not Closed

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.
- f. If your agency was unable to close any of its ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014.

Not applicable.

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency’s plan for achieving backlog reduction in the year ahead.

Not applicable.

Interim Responses:

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Not applicable. We answer all FOIA requests within 20 business days. However, if we cannot answer the FOIA within 10 days, we send an interim response with the tracking number and resolve any included requests if applicable (e.g., requests for expedited processing).

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage 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”

1. Did your agency invoke a statutory exclusion during Fiscal Year 2013?

No.

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

Not applicable.

Spotlight on Success

The Corporation is especially proud of the following:

- In the spirit of transparency and openness, and our renewed commitment to FOIA principles, the Corporation is very proud of having always complied with the FOIA's requirement to process all FOIA requests within 20 business days.
- The Corporation actively considers whether particular records (whether or not requested under the FOIA) should be made available through the Corporation's website.
- The successful collaboration within the Corporation and the use of FCA FOIA staff promotes timeliness and responsiveness in its response to requests from the public for its information.