

**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 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. He receives legal guidance as necessary from another Senior Counsel who is not otherwise a part of the basic FOIA process.

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

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

The Corporation is a small agency and the FOIA Office consists of the Chief FOIA Officer and a FOIA Officer. As such, the Corporation did not see a need to hold an agency conference. The Chief FOIA Officer, a highly-seasoned FOIA veteran, provides ongoing training to the Corporation's FOIA Officer.

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?

Most likely, the answer is yes. Of note, however, is that it is difficult to determine the exact number of discretionary releases (if any) 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 Corporation and is not prohibited by law. Instead, if it meets those two criteria, the release is usually 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?

Unknown because there were no releases where the material was definitely known to be exempt. We have not gone back and analyzed released material to determine whether it could possibly qualify for an exemption if it was determined to be not likely to cause harm to the Corporation and release was not prohibited by law.

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

Not applicable.

5. 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.

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 the Corporation 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 senior leadership at the Corporation to ensure accountability and the sustainability of transparency, participation, and collaboration. However, due to its small size the Corporation does not have an Open Government Team

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 Corporation 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 Corporation has posted the following documents: financial statements; fund graphs; news releases; premium planning guidance; premium rates; 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 Corporation is acting to make posted information more useful to the public.

3. If so, provide examples of such improvements.

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.

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 Corporation 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 Corporation 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?

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.

8. 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.

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 13.8 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 Corporation 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 Corporation 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 FOIA request wherein the requester sought a list containing certain attributes. Since no such list existed in the Corporation, responsive documents that would reflect the information sought would have been voluminous and searching for and compiling such a list most likely would have taken a lot of time and involved the need to charge fees. Even though the FOIA does not require agencies to create documents, in the spirit of cooperation and to maximize efficiency and to reduce costs, we simply typed out the list that contained all the information that the requester was looking for. This increased processing efficiency, sped processing time, and eliminated the need to charge any fees.