

**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 November 18, 2010. 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 Corporation'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.

## **I. Steps Taken to Apply the Presumption of Openness**

1. The Corporation applies the presumption of openness to all decisions involving the FOIA. The Chief FOIA Officer and the FOIA Officer have read and understand the President's FOIA Memorandum and the Attorney General's FOIA Guidelines, and are fully aware of the presumption of openness. As such, the Corporation has fully implemented the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. The FOIA Officer is responsible for reading, reviewing, and responding to all FOIA requests, which the Chief FOIA Officer reviews. The Chief FOIA Officer and FOIA Officer have attended training from the Department of Justice, the American Society of Access Professionals, and reviewed all DOJ written guidance. However, due to the small size of the FOIA staff, there has been no need to conduct other in-house training or publication.

For each FOIA request that has been received and for every record reviewed by the Corporation, the FOIA Officer and Chief FOIA Officer ask whether it is appropriate to disclose the record and not whether there is an applicable exemption. The FOIA Officer, under the supervision of the Chief FOIA Officer, withholds records only when there is a foreseeable harm to a Corporation interest or when disclosure is prohibited by law. For FY 2010 and FY 2011, we did not withhold any records. Again, due to the small size of the Corporation, the FOIA Officer is able to consult with the Chief FOIA Officer and staff to determine whether it is appropriate to waive an exemption and make a discretionary disclosure. For FY 2010 we disclosed a number of records that may have been protected by Exemption 2 and/or 5. In most of these cases, we determined that the release of this information would not create foreseeable harm to the Corporation and was not otherwise prohibited by law.

2. There has been relatively little change in the number of FOIA requests. In FY 2009, there was 1 full grant and 0 partial grants, and in FY 2010, there was 1 full grant and 0 partial grants.

## **II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests**

The FCA hired a new FOIA attorney during FY 2010, in part, to process the Corporation's FOIA requests. The new FOIA attorney has been sent to various trainings and conferences, as well as been trained and briefed internally by the Chief FOIA Officer.

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, ordinarily, a very simple and straightforward process. Each of the Corporation's employees knows what kinds of records the Corporation maintains and how to locate them. They also understand the importance of complying with the FOIA's requirements and cooperate fully and quickly in conducting searches. This enables the FOIA staff to proceed efficiently and effectively. The FOIA staff also strives to provide personal service to requesters, to communicate with them directly (usually by telephone), and to ensure that they receive records that are truly responsive to their needs. This is subject, of course, to applicable FOIA exemptions when the information may harm a Corporation interest or its disclosure is prohibited by law.

We believe that the FOIA Officer has conducted appropriate searches. The small FOIA staff ensures constant and clear communication. Program staff has been trained to appreciate the importance of FOIA compliance and has been fully cooperative in conducting searches. Senior staff members are routinely assigned to assist the FOIA Officer with searches and appropriate redactions of records.

Typically, the FOIA Officer begins to process a FOIA request on the day of or day after arrival. Upon receipt, the FOIA request is entered into a paper log for FOIA requests only. In FY 2011, we also started tracking FOIA requests in an electronic FOIA tracking system. The request is forwarded to appropriate program staff, who are ordinarily expected to produce any responsive documents within 10 business days. If the request poses any unusual problems, the FOIA staff works actively with the program staff to resolve them.

As explained above, the Corporation's small size and the accessibility of our records make it easy and efficient to conduct searches. The focused nature of the Corporation's mission also facilitates the search and redaction process; most employees know what records the Corporation keeps and where to find them.

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.

The Chief FOIA Officer interacts with senior leadership at the Corporation to ensure accountability and the sustainability of transparency, participation, and collaboration. However, with its small staff of ten, the Corporation does not have an Open Government team. The Corporation contracted with the FCA information technology division to assist staff in updating the Corporation's website in calendar year 2009. As a part of that process, Corporation management met and discussed in detail 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. For example, in December 2010, staff added a new page analyzing employee survey results, with a link to a "pdf" file of the full survey.

### **III. Steps Taken To Increase Proactive Disclosures**

The Corporation has an updated website. The Corporation continually updates its website to include relevant and interesting information for the public. The Corporation posts on its website numerous documents of interest, including its governing statutes, regulations, policies, reports, and other materials pertaining to the Corporation. Examples of material newly available on our website include: Corporation Statements of Financial Condition and Statements of Revenue and Expense; news releases; and employee survey results. Additionally, the Corporation has a “General Information” page with an overview of the Corporation, a chart illustrating the “Farm Credit System’s Cooperative Structure,” and an “Insurance Premiums and Fund” page. None of these documents have been previously made available through a FOIA request. 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. The Corporation does not use social media to disclose records to the public.

### **IV. Steps Taken To Greater Utilize Technology**

#### **1. Electronic Receipt of FOIA Requests**

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. Electronic Tracking of FOIA Requests**

The receipt of all FOIA requests is entered into the Corporation’s paper FOIA log, as well as the electronic FOIA tracking system. (As we do not have any components, the FOIA Officer ensures the electronic tracking of FOIA requests.)

#### **3. Electronic Processing of FOIA Requests**

The Corporation does not have the capability to electronically process FOIA requests. Due to the small number of requests, the Corporation has no plans at present to use automated FOIA processing, *i.e.*, electronic scanning of responsive records and redacting of electronic records. The Corporation’s current procedures produce timely responses, and electronic scanning and redacting may not be cost effective given the small number of FOIA requests the Corporation receives.

#### **4. Electronic Preparation of the Annual FOIA Report**

For the 2010 Annual FOIA Report, and preceding years, the Corporation did not have the capability for the electronic preparation of the Annual FOIA Report. We prepared the reports manually. Due to the small number of FOIA requests each year, preparation of the report was fairly simple and straightforward.

Nevertheless, the Corporation has purchased software to track incoming FOIA requests, which will also allow us to electronically prepare the annual FOIA reports in the future. This software is specific to the FOIA.

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

1. The Corporation does not have a backlog, and we do not remember there ever being one in prior years. In the time period we examined, the Corporation responded to all FOIA requests and FOIA appeals within the requisite 20 business days of receipt. In fact, as reported in the Corporation's last annual FOIA report, the Corporation's median response time for FY 2010 was 8 business days.

2. If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

Not applicable.

3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness.

Not applicable.

## **Spotlight on Success**

The Corporation is very proud of having implemented an electronic FOIA tracking 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. Finally, the electronic FOIA tracking system will assist the Corporation in efficiently and accurately producing the annual FOIA report.