

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 Office of Information Policy email of September 30, 2009. 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 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 Department of Justice 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 one Acting FOIA Officer and one Senior Attorney. 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. Consistent with Executive order 13,392, 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.

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.

I. Steps Taken to Apply the Presumption of Openness

1. The Corporation applies the presumption of openness to all decisions involving the FOIA. The Corporation has fully implemented the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. The Chief FOIA Officer/Acting FOIA Officer is responsible for reading, reviewing, and responding to all FOIA requests. The Chief FOIA Officer/Acting FOIA Officer and the senior attorney have attended training from the Department of Justice and reviewed all written guidance. The small FOIA staff has read the President's FOIA Memorandum and the Attorney General's FOIA Guidelines and is fully aware of the presumption of openness. The Chief FOIA Officer/Acting FOIA Officer has read and understands the President's FOIA memorandum and Attorney General's FOIA guidelines and carries them out in response to FOIA requests. However, due to the small size of the FOIA staff, there has been no need to conduct other in-house training or publication. For FY 2009, we received three requests and did not claim any exemptions. For FY 2010, we have received three requests to date and have not withheld any records. There have not been any administrative appeals. For both these years, we have not had an opportunity to make a discretionary disclosure.
2. There has been no relative change in the number of FOIA requests. In FY 2008, there was 1 full grant and 0 partial grants, and in FY 2009, 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

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 know 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, subject, of course, to applicable FOIA exemptions.

We believe that the Chief FOIA Officer/Acting FOIA Officer 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 Chief FOIA Officer/Acting 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. The request is forwarded to appropriate program staff, which is ordinarily expected to produce any responsive documents within 20 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 Chief FOIA Officer/Acting 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.

III. Steps Taken To Increase Proactive Disclosures

The Corporation has an updated Web site. The Corporation continuously updates its Web site to include relevant and interesting information for the public. The Corporation posts on its Web site numerous documents of interest, including its governing statutes, regulations, policies, reports, and other materials pertaining to the Corporation. Examples of additional material available on our Web site include: an "Investment Portfolio" page, which shows the composition of FCSIC's investment portfolio; a "Laws and Regulations" page, which contains links to the Corporation Regulations database, Title 5, "Ethics Supplement" and the Farm Credit Act; a "General Information" page that replaces the "Overview" page and has an overview of the Corporation, an explanation of the secure base amount, and a chart illustrating the "Farm Credit System's Cooperative Structure;" an "Insurance Premiums" page with four charts related to the Insurance Fund and the secure base amount; updating the Strategic Plans page with two new links to the Annual Plan and the Strategic Plan; and link to the No Fear Act data page on "Filing a Discrimination Complaint."

IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

No.

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically?

The number of requests to the Corporation is so small that the current electronic system suffices. Thus, 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.

5. Does your agency use technology to process requests?

No.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

The number of requests to the Corporation is so small that using an electronic system for responding is unnecessary and would not be cost-effective.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

No.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

The number of requests to the Corporation is so small that using an electronic system for responding is unnecessary and would not be cost-effective.

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 Corporation's last annual FOIA report, the Corporation's median response time for FY 2009 was 15 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 improve timeliness in responding to requests and to administrative appeals.

Not applicable.