

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

The Farm Credit Administration (FCA or Agency) submits this report in response to the request by the United States Department of Justice (DOJ) Office of Information Policy. This report has been prepared by Jane Virga, Chief FOIA Officer.

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 only a small number of FOIA requests (usually less than 50 requests per year). Although FCA has four small field offices, its headquarters in McLean, Virginia, retains most of the Agency's records. Thus, FCA's FOIA staff is able to conduct 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 Management Services, who is not a member of the Office of General Counsel, serves as the FOIA Appeals Officer.

Section I: Steps Taken to Apply the Presumption of Openness

FOIA Training:

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

- Yes. All FOIA staff attended training either offered by the Department of Justice or the American Society of Access Professionals.

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

- 100 percent of the Agency's FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training during this reporting period

3. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

- Not applicable.

Outreach:

OPTIONAL: Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

- Not applicable.

Discretionary Releases:

4. Does your agency have a distinct process or system in place to review records for discretionary release?

- Yes. Our process is to review every responsive record for discretionary release. 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.

5. During the reporting period, did your agency make any discretionary releases of information?

- Yes. We believe the FCA made many discretionary releases of material otherwise exempt from disclosure, especially with respect to b2 and b5. However and for reasons discussed above, 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.

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on implementing the President's and Attorney General's 2009 FOIA Memoranda.

- We believe that exemption b2 and b5 would have covered the information that was released as a matter of discretion. But since we stop the analysis and simply release in cases where release is not likely to harm the Agency and is not prohibited by law, we have likely released material that would have been covered by other exemptions as well.

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

- 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. An example of where FCA released information known to be covered by an exemption as a matter of discretion is as follows: despite the applicability of Exemption b2, we disclosed a number of internal personnel policies.

8. If your agency was not able to make any discretionary releases of information, please explain why. For example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the only exemptions that were applied were those that do not lend themselves to discretionary release (i.e. Exemptions 1, 3, 4, 6, 7A, 7B, 7C, 7F).

- Not applicable.

Other Initiatives:

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

- Not applicable.

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

Processing Procedures:

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2015 Annual FOIA Report.

- We adjudicated requests for expedited processing during Fiscal Year 2015 in an average of 11.3 days.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

- In the future, the FCA will address requests for expedited processing in less than ten calendar days by prioritizing such requests.

3. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

- Not applicable. We did not send any "still interested" inquiries as we have no backlog.

Requester Services:

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

- FCA has not taken any steps recently to strengthen these services because there has been no need to due to a nonexistent demand. We are a small FOIA Office and not only provide personalized service to all requesters, but process all FOIA requests within 20 business days.

Other Initiatives:

5. If there are 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., please describe them here.

- 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.

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

- We have a process to identify frequently requested records as follows. The FOIA Officer would automatically identify "frequently requested" records due to the low volume of requests. However, to date, we have not identified any "frequently requested" records.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

- 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.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

- FCA's FOIA professionals do not code records for Section 508 compliance. This work is done by OCPA.

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

- No.

5. If so, please briefly explain those challenges.

- Not applicable.

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

- Here is the link to all posted material: <http://fca.gov/news/archivesupdates.html>. Examples of posted material include: testimony of FCA officials, informational memoranda, frequently asked questions, and proposed and final regulations.

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

- 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.

Other Initiatives:

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

- Not applicable.

Section IV: Steps Taken to Greater Utilize Technology

Making Material Posted Online More Usable:

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website?

- Yes.

2. If yes, please provide examples of such improvements.

- We have included a subscription list on our website that allows visitors to provide an email address to subscribe to updates from our website. We also provide an email address for the public to report problems with the subscription list and request assistance. For our Open Government Initiative we ask the public to tell us what we can

do better. If the outlined resources fail to meet the information needs of a member of the public, we ask for feedback and ideas to improve participation and collaboration at FCA. We ask the public for input and to write to us at opengov@fca.gov.

Use of Technology to Facilitate Processing of Requests:

Other Initiatives:

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

- Yes.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2016.

- Not applicable.

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications." (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

- Yes. In all instances we respond to FOIA requesters in email when possible. However, we respond in the format as requested by the requester.

6. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See *id.*

- Not applicable.

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

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

- No. It is not required because we respond in all instances in 20 business days.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

- Not applicable.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

- Not applicable.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

- Yes.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

- Not applicable. We continue to not have a backlog of requests.

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- Not applicable.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2015.

- Not applicable.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

- Not applicable as we continue to not have a backlog of appeals.

9. If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:

- Not applicable.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals *received* by your agency in Fiscal Year 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A."

- Not applicable.

Backlog Reduction Plans:

TEN OLDEST REQUESTS

11. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

- Not applicable.

12. 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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- Not applicable.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

- Not applicable.

TEN OLDEST APPEALS

14. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

- Not applicable.

15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- Not applicable.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

- Not applicable.

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- Not applicable.

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

- Not applicable.

19. If your agency was unable to close any of its ten oldest requests 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.

- Not applicable.

20. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2016.

- Not applicable.

Interim Responses:

Not applicable.

Use of the FOIA's Law Enforcement Exclusions

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

- Not applicable.

2. If so, please provide the total number of times exclusions were invoked.

- Not applicable.

Success Story

Not applicable.