

**2016 Chief FOIA Officer Report
National Credit Union Administration
Lara Rodriguez, Deputy General Counsel**

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? Staff attended Department of Justice training and third-party vendor training on the subject.

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. One hundred percent of the FOIA Officer and service center staff attended substantive FOIA training during this reporting period.

3. 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.

Discretionary Releases:

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

If so, please briefly describe this process. NCUA follows the Attorney General's FOIA Guidelines encouraging agencies to make discretionary disclosures when information technically falls within an exemption but its disclosure is not prohibited by law and disclosure would not cause harm; and, to make partial disclosures whenever full disclosures are not possible. The FOIA Service Center regularly considers whether discretionary release is appropriate. The Chief FOIA Officer makes the determination if discretionary release is appropriate, after considering the applicable interests and determining the interests served by disclosure outweigh other relevant interests.

If your agency is decentralized, please specify whether all components of your agency have such a process or system in place? Not applicable.

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

6. What exemption(s) would have covered the material released as a matter of discretion? The deliberative process exemption under (b)(5) of the FOIA would have covered the released information.

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. As a matter of discretion, the agency released types of information where the public has a strong interest in the explanation of an agency policy and the agency's deliberative process. Specific examples from this reporting year include budget related documents at <https://www.ncua.gov/About/Documents/Budget/Misc%20Documents/2011PwCOTRReview.pdf> and <https://www.ncua.gov/About/Documents/Budget/Misc%20Documents/Additional%20Documents/2003%20Board%20Briefing%20-%20Detailed%20Explantion%20of%20Methodology.pdf>.

8. If your agency was not able to make any discretionary releases of information, please explain why. 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. The agency is committed to applying the presumption of openness through releases to the public, including postings on its open government page at <https://www.ncua.gov/About/Pages/open-government.aspx>.

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? One day.

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. Not applicable.

3. 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. The agency did not have occasion to send a "still interested" inquiry.

Requester Services:

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. 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. If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here. The agency FOIA Requester Service Center and FOIA Public Liaison services are already robust and meet any demand for them. FOIA staff through the FOIA requester service center informs requesters about how the FOIA process works, provides details on the handling of individual requests, and assists requesters in resolving disputes. FOIA staff, as needed, communicates directly with requesters and also inform requesters if there is public information pertinent to their requests already available on NCUA's website. If necessary, FOIA staff works with requesters to significantly modify the requests to be for the information they are actually seeking. Further, if necessary, FOIA staff also assists requesters to identify other agency staff with whom to address substantive, non-FOIA issues.

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. FOIA staff regularly reviews all outstanding cases in light of prior requests and current information that is or could be made available on the agency's public website to find greater efficiencies to respond to requests. FOIA staff also improves search processes by communicating routinely with other internal agency offices and designated staff contacts about requests for records and information.

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.** When a record is requested multiple times, FOIA staff identifies the record and informs the Chief FOIA Officer that it should be posted online. The FOIA staff then send the record to the agency webmaster to post it at <https://www.ncua.gov/services/Pages/freedom-of-information-act/requested-information.aspx>.
- 2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? Yes. If so, please describe your agency's process or system.** If appropriate, FOIA staff discusses possibilities for proactive disclosure with the office of records.
- 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? Yes. If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.** FOIA staff work with the agency webmaster in efforts to identify and load the releasable documents onto the agency website in a compliant format, as applicable. An annual estimate for each FOIA professional and the agency overall is less than an hour each.
- 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.** Examples of posted material include: line-item budget data and overhead transfer rate analysis and other documents at <https://www.ncua.gov/about/Pages/budget-strategic-planning.aspx>.
- 7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? Yes, those efforts included press releases, social media, and email-subscription services.**

Other Initiatives:

- 8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.** The agency continues to proactively disclose information to increase the public's awareness of its mission and role through releases to the public, including postings on its open government page at <https://www.ncua.gov/About/Pages/open-government.aspx>.

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.** The agency launched a redesigned website at: <https://www.ncua.gov/newsroom/Pages/news20151102NCUA-Launches-Redesigned-Website.aspx#sthash.oPfk9vaX.dpuf>. The new website features improved navigation and a mobile-responsive design that adapts to facilitate its viewing on various platforms, including smartphones, tablets, laptops, and desktops. Other new website features and improvements include: a "Small Credit

Union Learning Center” featuring training videos and materials; an online newsroom and social media hub where stakeholders can get the latest news, read articles from The NCUA Report and download graphics and photos; an “I’m a...” search function that allows users to self-identify and quickly access the agency’s most frequently requested content; and a consumer section that links to the agency’s consumer protection resources, consumer assistance center, share insurance information, and financial literacy materials. The agency also posted a brief video about the new website’s features at: <https://www.ncua.gov/newsroom/Pages/news20151102NCUA-Launches-Redesigned-Website.aspx>.

Other Initiatives:

The agency publicly posted the Chairman’s Open Forum Video and other videos of interest to credit union system stakeholders at <https://www.ncua.gov/newsroom/Pages/videos.aspx>. In addition, the agency continually posts useful new information on its website solely for consumers www.mycreditunion.gov, such as resources to help consumers in fighting identity theft” at <http://www.mycreditunion.gov/Protect/Pages/taxidtheft.aspx>. The agency also posted new consumer share insurance videos at <http://www.mycreditunion.gov/protect/Pages/SI.aspx>. In addition, the agency continually offers free webinars to credit unions and for the public on financial topics. Finally, the agency still solicits comments and suggestions for improving its website at plainwriting@ncua.gov.

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? Yes. If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters? E-mail.

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? Not applicable. If yes, does your agency inform requesters about such limitations? 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? Yes.

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? Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track. Approximately 54.65% (47 requests in the simple track/86 requests processed).

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? Not applicable.

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.

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. 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.

9. If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. 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. Not applicable.

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? Yes.

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. Not applicable. **If you had less than ten total oldest requests to close, please indicate that.** The agency closed the two oldest requests to close.

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. One. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal? No.

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? Yes.

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. Not applicable. **If you had less than ten total oldest appeals to close, please indicate that.** The agency closed the one oldest appeal to close.

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. Not applicable. **If you had less than ten total oldest consultations to close, please indicate that.** The agency had zero total oldest consultations to close.

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. The agency closed one request after contacting the requester twice to obtain required information with no reply.

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.

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? No.

2. If so, please provide the total number of times exclusions were invoked. Not applicable.