

2019 Chief FOIA Officer Report

National Credit Union Administration

Lara Daly-Sims, Deputy General Counsel

Section 1: Steps Taken to Apply the Presumption of Openness

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level? Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer. Lara Daly-Sims, Deputy General Counsel.

B. FOIA Training

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

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered. Staff attended Department of Justice training and third-party vendor training on the subject, including FOIA continuing education, advanced FOIA training, and agency training on the FOIA.

5. 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.

6. 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. N/A.

C. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Yes. **Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.** FOIA professionals periodically engaged in dialogue with the requester community on strategies for improving customer service and coordination.

D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. The agency provided all employees with training addressing their FOIA obligations in 2018. In addition, the FOIA Officer met with and presented information on the FOIA to groups of staff in agency program offices. **Please also indicate whether your agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.** The agency considered it.

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-ncua/open-government>.

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

1. For Fiscal Year 2018, what was the average number of days your agency reported for adjudicating requests for expedited processing? 7.5 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. N/A.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? Yes. If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc. The agency uses the DOJ OIP FOIA Self-assessment Toolkit modules to review its process.

4. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2018 (please provide a total number or an estimate of the number). An estimate of two requesters sought assistance from the FOIA Public Liaison.

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area. The FOIA Officer met regularly with both the service center staff and with the FOIA Public Liaison to discuss and improve search and review processes.

Section III: Steps Taken to Increase Proactive Disclosures

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material. Examples are multiple new NCUA Budget and Supplementary Materials at <https://www.ncua.gov/about-ncua/budget-strategic-planning/budget-supplementary-materials>, including the overhead transfer rate

summary available at <https://www.ncua.gov/files/publications/budget/overhead-transfer-rate-summary-2019.pdf>.

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)). The agency identifies records requested and released 3 times by searching agency FOIA records for the request wording upon receipt.

3. 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? Yes.

4. If yes, please provide examples of such improvements. The public can find information more easily with the 2019 launch of redesigned versions of NCUA.gov and MyCreditUnion.gov. The new NCUA.gov features a mobile-first design that allows users to access and view the agency's website on a variety of platforms, including smartphones, tablets, laptops and desktops.

The NCUA's redesigned consumer website, MyCreditUnion.gov, also features an improved, mobile-first design, new menu options, and a better search function. The agency also reorganized the website to help consumers more easily find popular content, applications, learning tools, and resources.

The NCUA will continue to add new features and additional content to these websites. Users can send their comments and suggestions for future improvements to NCUA.gov by email to pacawebeditor@ncua.gov and to mycreditunion@ncua.gov for future improvements to MyCreditUnion.gov.

5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area. In order to increase the public's awareness of the agency's mission and role, the agency proactively discloses information on its open government page at <https://www.ncua.gov/about-ncua/open-government>. The agency also livestreams and, later, posts links to videos of the agency open meetings at <https://www.ncua.gov/about-ncua/ncua-board/board-meetings-agendas-results/board-meeting-calendar-and-actions-2019>.

Section IV: Steps Taken to Greater Utilize Technology

1. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? Yes. **If so, please describe the type of technology used.** The agency utilizes search technology for certain interoffice records. **If not, please explain why and please describe the typical search process used instead.** N/A.

2. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance? Yes.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018? 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 2019. N/A.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report. The link is <https://www.ncua.gov/foia/annual-reports>.

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area. FOIA staff attended training on advanced techniques to improve further online management of FOIA requests.

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

A. Simple Track

1. Does your agency utilize a separate track for simple requests? Yes. If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency. N/A.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2018? 8.55 average number of days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track. Approximately 43%.

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? N/A.

B. Backlogs

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017? No, the backlog at the close of FY 2018 was 12, and the backlog at the end of FY 2017 was zero.

6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017? Yes.

7. If your agency's request backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming requests.** Yes.
- **A loss of staff.** No.
- **An increase in the complexity of the requests received.** Yes. **If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.** Complex requests included those containing multiple requests within one, and requiring consultation with multiple offices, line-by-line review for redactions, and submitter notices.
- **Any other reasons – please briefly describe or provide examples when possible.**

8. 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 2018. If your agency has no request backlog, please answer with "N/A." Approximately 8%.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017? N/A.

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017? N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. N/A.

12. 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 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A." N/A.

C. Backlog Reduction Plans

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2017 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? N/A. If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2018? N/A.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019? N/A.

D. Status of Oldest Requests, Appeals, and Consultations

OLDEST REQUESTS

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report? The agency reported seven pending requests in the FY 2017 Report and closed all seven.

16. 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 2016 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that. The agency had fewer than ten total oldest requests to close.

17. 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.

18. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests. The agency took steps to reduce the overall age of the pending requests by generally processing the older requests before the newer requests, within the complex and simple tracks.

TEN OLDEST APPEALS

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report? There were no appeals pending.

20. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that. N/A.

21. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals. N/A.

TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report? N/A. There were zero pending.

23. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that. N/A. There was none to close.

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

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018. The agency has closed the majority of its 10 oldest requests from FY 2018. Obstacles to closing all of them include the volume of requests received, their complexity, and required review and redaction time.

25. 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. N/A.

26. 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 2018. Agency staff developed a plan of action, including additional requester follow-ups, deploying additional staff resources, and prioritizing oldest pending requests.

F. Success Stories

Of all the activities undertaken by the agency since March 2018 to increase transparency and improve FOIA administration, the following accomplishments are successes emblematic of the agency’s efforts:

- Agency staff made more information publicly information to consumers and other entities regarding potential FOIA or Privacy Act requests, helping to decrease the number of requests;
- Agency staff analyzed and completed responses to approximately 150 FOIA requests during 2018 fiscal year;
- Agency staff reviewed and worked with the agency webmaster to update FOIA links and information posted on www.ncua.gov; and
- Agency staff continued offering requesters electronic pay options with their invoices.