

2020 Chief FOIA Officer Report
National Credit Union Administration

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 the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at this level?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Linda Dent, Acting 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 trainings, including FOIA continuing legal education, and advanced FOIA training. The trainings covered substantive aspects of how a FOIA service center responds to records requests and the application of commonly used exemptions.

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.

100% of NCUA's FOIA professionals 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? 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.

Yes. NCUA's 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 addition, the FOIA professionals met with and presented information on the FOIA to staff in various agency program offices and new supervisors.

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

1. For Fiscal Year 2019, what was the average number of days your agency reported for adjudicating requests for expedited processing?

An average of 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.

N/A.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? 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.

Yes. 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 2019 (please provide a total number or an estimate of the number).

Two requesters sought assistance from the FOIA Public Liaison.

Section III: Steps Taken to Increase Proactive Disclosures

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

Examples are multiple new NCUA Budget and Supplementary Materials at <https://www.ncua.gov/about-ncua/budget-strategic-planning/budget-supplementary-materials>, and applications requested and released multiple times at <https://www.ncua.gov/foia/credit-union-applications>.

2. 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.

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

NCUA is committed to ensuring its websites and content are more useful to the public, as evidenced by the following three examples.

1. NCUA posted updated website policies at <https://www.ncua.gov/about-ncua/open-government/website-policies> and contact information for questions about accessibility and feedback to improve website usability.
2. NCUA posted updated FOIA information to be more useful to the public at <https://www.ncua.gov/foia/how-submit-foia-request> and <https://www.ncua.gov/foia/frequently-asked-questions>.
3. NCUA transitioned to using regulations.gov for managing public comments to its rulemaking activities. This increases transparency and access.

Section IV: Steps Taken to Greater Utilize Technology

1. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

Yes. The agency utilizes search technology for certain interoffice records. The agency is exploring additional options as part of its Enterprise Modernization efforts.

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. 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 2019?

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 2020.

N/A.

5. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

The link is <https://www.ncua.gov/foia/annual-reports>.

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.

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 2019?

Yes. The overall average number of days to process simple requests was approximately nine days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

Approximately 29%.

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 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

The agency backlog decreased from 12 requests at the close of FY 2018 to one request at the close of FY 2019.

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

N/A.

7. If your agency's request backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

N/A.

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 2019.

Less than 1%.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

N/A.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2019, 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 2019.

N/A.

C. Backlog Reduction Plans

13. Did you agency implement a backlog reduction plan last year?

N/A.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

N/A.

D. Status of Oldest Requests, Appeals, and Consultations

OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Yes.

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 2018 Annual FOIA Report.

N/A.

17. 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

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

N/A. There were zero pending.

19. 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 2018 Annual FOIA Report.

N/A.

20. 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

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

N/A. There were zero pending.

22. 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 2018 Annual FOIA Report.

N/A.

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

The agency has closed all of its requests from FY 2019. Obstacles to closing them included the volume of requests received, their complexity, and required review and redaction time. Complex requests included those containing multiple requests within one, and requiring consultation with multiple offices, line-by-line review for redactions, and submitter notices.

24. 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.

25. 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 2020. N/A.

F. Success Stories

Of all the activities undertaken by the agency since March 2019 to increase transparency and improve FOIA administration, the following accomplishments are successes emblematic of the agency’s efforts:

- Agency staff made more information publicly available to consumers and other entities regarding potential FOIA or Privacy Act requests;
- Agency staff analyzed and completed responses to approximately 150 FOIA requests during FY 2019;
- 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.