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**National Association of Federally-Insured Credit Unions**

January 23, 2017

Gerard Poliquin  
Secretary of the Board  
National Credit Union Administration  
1775 Duke Street  
Alexandria, VA 22314

Re: Comments on Revisions to the Freedom of Information Act Regulation

Dear Mr. Poliquin:

On behalf of the National Association of Federally-Insured Credit Unions (NAFCU), the only national trade association focusing exclusively on federal issues affecting the nation's federally-insured credit unions, I am writing in regards to the National Credit Union Administration's (NCUA) revisions to its *Freedom of Information Act* (FOIA) regulations, pursuant to requirements under the *FOIA Improvement Act of 2016*.

Signed into law in June 2016, the *FOIA Improvement Act of 2016* requires federal regulatory agencies to increase transparency and openness. Specifically, the law mandated that federal agencies amend FOIA regulations by December 27, 2016 to include new procedures for disclosing records under the FOIA, assessing fees, and notifying requestors of options. On December 15, 2016, the NCUA Board approved an interim final rule to meet the statute's mandate.

As a longstanding proponent of transparency, NAFCU fully supports the *FOIA Improvement Act*, and believes that the agency's interim final rule meets all the technical statutory requirements. However, NAFCU urges the NCUA to exceed minimum statutory standards and zealously apply an approach to information-sharing that would surpass the Act's goal of adopting a "presumption of openness."

NAFCU believes that the agency could best pursue this proactive approach by publicly disclosing information of significant importance as soon as it is known, without a prerequisite FOIA request, especially as it relates to deliberations concerning the agency's operating budget, the overhead transfer rate, the National Credit Union Share Insurance Fund (NCUSIF), and the Temporary Corporate Credit Union Stabilization Fund (TCCUSF). To its credit, NCUA has already provided significant amounts of information regarding these matters, but NAFCU anticipates there will be increased agency deliberation in 2017 as the disposition of the TCCUSF and NCUSIF premiums are considered. NAFCU encourages the agency to not withhold information or impede the pace of disbursement.

National Credit Union Administration

January 23, 2017

Page 2 of 2

In addition to disbursing information before it is even requested, NAFCU believes the agency could also proactively post every FOIA response to its website as another way to demonstrate an unparalleled commitment to transparency. Although the interim final rule enacts longstanding Department of Justice (DOJ) guidance to post records that are requested three or more times, NAFCU believes the agency should embrace a “release to one is a release to all” presumptive standard. As DOJ has noted, this concept would ensure that all citizens—not just those making a request—have access to information released under the FOIA. While not required by statute, such a move holds the potential to reduce staff time needed to reply to redundant responses. Further, NCUA would be a leader in transparency among federal agencies.

NAFCU believes the agency has demonstrated a renewed commitment to transparency, especially in recent months. We look forward to the agency’s continued adoption of a presumption of openness. Should you have any questions, please do not hesitate to contact me at (703) 842-2249 or [memancipator@nafcu.org](mailto:memancipator@nafcu.org)

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Emancipator", with a stylized flourish at the end.

Michael Emancipator