



NCUA
National Credit Union Administration

National Credit Union Administration Chief FOIA Officer Report

2022





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Table of Contents

Section I: Steps Taken to Apply the Presumption of Openness.....	2
Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests	3
Section III: Steps Taken to Increase Proactive Disclosures	4
Section IV: Steps Taken to Greater Utilize Technology.....	6
Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs.....	6



Section I: 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. See 5 U.S.C. § 552(j)(1) (2018). 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, Deputy General Counsel.**

B. FOIA Training

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel. **The agency provided all employees with training addressing their FOIA obligations.**
4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice? **Yes.**
5. 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 other FOIA training. The trainings covered substantive aspects of how a FOIA service center responds to records requests and the application of commonly used exemptions.**
6. Please 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 and staff attended substantive FOIA training during this reporting period.**
7. 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.**



8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period? **Yes.**

C. Outreach

9. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, 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. **NCUA's FOIA professionals periodically engaged in dialogue with the requester community on strategies for improving customer service and coordination.**

D. Other Initiatives

10. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe: how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process? **The agency provides FOIA training annually to all employees online as part of the required Security, Privacy, Records Management, and FOIA Awareness training. In addition, the FOIA professionals periodically met, online, to brief non-FOIA staff, including senior agency leaders in various agency offices on the FOIA requirements and process. This included new supervisor training and sharing the FOIA Program Plan with other offices.**

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

1. For Fiscal Year 2021, what was the average number of days your agency reported for adjudicating requests for expedited processing? **According to Section VIII.A. of our Fiscal Year 2021 Annual FOIA Report, this is an average of 6 days.**

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report, 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. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? **Yes.** If not, what is your agency's plan to update your regulations? **N/A.**

4. Standard Operating Procedures (SOPs): Does your agency have up-to-date internal SOPs for your FOIA administration? **Yes.**

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs? **N/A.**

6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process? **Yes.**

7. If yes, please provide examples. **The agency established a Privacy Record Request Process, for persons who would like to request a copy of the agency's records about them; an amendment or correction to an agency record about them; or an accounting of the agency's disclosures of records about them.**

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? **Yes.** If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. **The agency used the DOJ OIP FOIA Self-assessment Toolkit modules to review its process.** In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program. **In addition, the agency uses software-generated graphs and custom reports to assess the program.**

9. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2021. **Approximately 0 times.**

10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands? **Yes.**

Section III: Steps Taken to Increase Proactive Disclosures



1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures. **The agency FOIA staff reviews each FOIA records request and release to identify whether the agency is required proactively to post publicly the information pursuant to (a)(2). The agency also proactively posts on the agency public website the non-exempt information from the following records categories without a specific request: final agency opinions and orders; specific policy statements not published in the Federal Register; administrative staff manuals and staff instructions affecting the public; and records that are or are likely to become the subject of subsequent requests; as well as records requested multiple times. The agency FOIA staff track and count the number of records publicly posted under (a)(2). Staff work with the agency offices of External Affairs and Communications and Chief Information Officer to post the disclosures.**

2. 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). **Examples are multiple new NCUA Budget and Supplementary Materials at <https://www.ncua.gov/about-ncua/budget-strategic-planning/budget-supplementary-materials>, and an agency Memorandum of Understanding with the Consumer Financial Protection Bureau, at <https://www.ncua.gov/files/foia/ncua-cfpb-memorandum-understanding.pdf>.**

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? **Yes.** If yes, please provide examples and, if applicable, statutory authority. **Examples are credit union information at <https://mapping.ncua.gov/ResearchCreditUnion.aspx>.**

4. 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.**

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges. **NCUA is committed to ensuring its websites and content are more useful to the public, including in open formats, to the extent feasible, as evidenced by the following examples.**

- **NCUA posted updated [Website Policies](#) and [Accessibility Statement](#) and practices to improve website usability and contact information.**
- **NCUA posted updated information available to the public on its website pages for [NCUA Open Data](#) and [Analysis](#).**



6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? **Yes.** If so, describe this interaction. **FOIA staff request approval from the agency Office of External Affairs and Communication and then follow relevant procedures to ensure the Office of the Chief Information Officer proactively post the records.**

Section IV: Steps Taken to Greater Utilize Technology

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands? **Yes.**

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program. **The agency's deployment of new, cloud-based, Microsoft 365 and Microsoft Teams software during the reporting period supported the FOIA program.**

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

4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov? **Yes.**

5. 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 2022. **N/A.**

6. 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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 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

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests.

1. Does your agency utilize a separate track for simple requests? **Yes.**
2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021? **Yes, the overall average number of days to process simple requests was approximately five days.**
3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100. **Approximately 13%.**
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

When answering these questions, please refer to Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020? **N/A.**
6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020? **N/A.**
7. If your agency's request backlog increased during Fiscal Year 2021, 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 2021. **N/A.**

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020? **N/A.**

10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020? **N/A.**

11. If your agency's appeal backlog increased during Fiscal Year 2021, 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 2021. **N/A.**

C. Backlog Reduction Plans

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your 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 2021? **N/A.**

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. **N/A.** In particular, please also detail how your agency developed and plans to execute your backlog reduction plans. **N/A.**

D. Status of Oldest Requests, Appeals, and Consultations

OLDEST REQUESTS

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 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 2020 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 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report? **N/A.**

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 VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. **N/A. There were zero pending.**

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 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report? **Yes. There was one 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 2020 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 2020. **N/A. The agency has closed all of its requests from FY 2020.**

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 2022. **N/A.**

F. Success Stories

Out of all the activities undertaken by your agency since March 2021 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts.

**Related to “Section I, Steps Taken to Apply the Presumption of Openness,”
NCUA’s success story is:**

- **The Office of General Counsel FOIA team created and delivered a customized, livestreamed, interactive training program. This resulted in increased awareness and understanding of the FOIA requirements and the agency processing procedures. This training program was emblematic of the FOIA team’s continuing outreach efforts this reporting year to address the needs of internal stakeholders in the agency’s virtual work environment.**