

2022 Chief FOIA Officer Report
Federal Deposit Insurance Corporation
Harrel Pettway, General Counsel and Chief FOIA Officer
March 2021 - March 2022

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

Section I. 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?

Answer: Yes

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

Answer: Harrel Pettway, General Counsel

Section I. 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.

Answer: The FDIC provides and promotes three different substantive FOIA trainings to agency personnel on the FDIC intranet (FDICLearn). These are Department of Justice's (DOJ) Office of Information Policy (OIP) e-Learning modules "FOIA Training for All Employees," "FOIA Training for Professionals," and a videotape of the FDIC's most recent FOIA Training which was conducted by attorneys from OIP. Additionally, the FOIA Group supervisor periodically does briefings on the FOIA to incoming FDIC staff, such as the Honors Attorneys. She has also conducted training this past year for various FDIC offices and divisions, including the Office of Minority and Women Inclusion and the Division of Resolutions and Receiverships.

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?

Answer: Yes

5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

Answer: FOIA training taken by FDIC staff consisted of virtual training provided by both DOJ OIP and private entities and included the following topics: Overview of the FOIA, FOIA-Privacy Considerations, FOIA Litigation, and FOIA Administration During COVID-19.

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.

Answer: 100%

7. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” 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.

Answer: N/A

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

Answer: The FOIA/Privacy Act Group Supervisor and all staff with FOIA responsibilities have participated in federal records management training conducted by the FDIC Records and Information Management Unit during this reporting period.

Section I. Other Initiatives

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.

Answer: The FDIC FOIA/Privacy Act Group engaged in outreach with the requester community or open government groups this past year by posting on our FOIA webpage guidance on the FDIC’s handling of requests during the COVID-19 pandemic. Additionally, all of the FOIA/Privacy Act Group staff frequently communicate with requesters, as needed, concerning particular FOIA requests, to ensure that the FDIC is processing its FOIA requests as accurately, thoroughly, and timely as possible.

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.

Answer: The Supervisor of the FOIA/Privacy Act Group continues to give virtual presentations to incoming employees, including FDIC interns and the Honor Attorneys, on FOIA basics and their role in the FOIA process. She has also conducted training for various FDIC offices and divisions, including the Office of Minority and Women Inclusion and the Division of Resolutions and Receiverships. Senior leaders of these various offices and divisions have been in attendance at these training sessions. Additionally, the FOIA/Privacy Act Group provides informal briefings on the FOIA throughout the year to all agency offices and divisions and the Department of Justice's e-Learning module, *FOIA Training for All Employees*, is available online to all employees through the FDIC's Corporate University.

11. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

Answer: In compliance with NARA's 2016-18 FOIA Advisory Committee's "Final Report and Recommendations," the FOIA/Privacy Act Group staff are disclosing the FOIA Logs quarterly and also make best efforts to disclose the Chairman's Calendars on a monthly basis. Also, as described in more detail below, the FOIA/Privacy Act Group is currently transitioning to the FDIC's new FOIA case management system. This system will make it easier to track records that are released three or more times. The features of this new system will allow us to quickly post these frequently-requested records publicly in compliance with the FOIA Improvement Act.

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

DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

Section II. Processing Procedures

1. For Fiscal Year 2021, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report.

Answer: The FDIC's average number of days for adjudicating requests for expedited processing was 6.93 days for Fiscal Year 2021.

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.

Answer: N/A

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

Answer: Yes, the FDIC fully complied with the FOIA Improvement Act of 2016 by having our revised regulations, in the form of an Interim Final Rule (“IFR”), published in the Federal Register on November 22, 2016 at [81 FR 83643](#). The IFR became final when the 60-day comment period ended on January 22, 2017, without a single comment being filed.

Section II. Requester Services

4. Standard Operating Procedures (SOPs) generally document your agency’s internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP’s guidance, having SOPs can improve the consistency and quality of an agency’s FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency’s institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

Answer: The FDIC has SOPs in the form of an agency-wide FOIA Directive and a document that memorializes the FOIA workflows. The FDIC’s transition to a new FOIA case management system has been an ideal opportunity to perfect these FOIA workflows. These documents set forth the steps for processing a FOIA request, and include how that process will work in the FDIC’s new FOIA case management system. The FDIC’s FOIA SOPs are reviewed whenever there are changes to FOIA law and when there are internal agency reviews. The FDIC FOIA webpages provide a detailed explanation to the public of how the FDIC processes FOIA requests and FOIA appeals at <https://www.fdic.gov/foia/> and <https://www.efoiarequest.fdic.gov>.

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

Answer: N/A

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

Answer: No. The FDIC receives many FOIA requests from customers of both active and inactive banks. These type of requests are usually processed under both the FOIA and the Privacy Act. Additionally, we receive first-party requests for Office of Inspector General records and personnel files. Because these frequently requested records are protected under the Privacy Act, the FDIC cannot use alternative means of access outside of the FOIA/Privacy Act process for these records.

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.

Answer: There are no opportunities at this time to develop alternative means of access. The FOIA/Privacy Act Group is the most experienced FDIC staff to work with these records.

8. Did your agency conduct a self-assessment of its FOIA program during the reporting period? If so, please describe the methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.

Answer: During the last year, the implementation of a new FOIA case management system has been an ideal time to assess our FOIA/Privacy Act Program. During the process of customizing our new FOIA case management system, the staff of the FOIA/Privacy Act Group reviewed its workflows and processing procedures in order to make positive changes.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during this reporting period (please provide a total number or an estimate of the number).

Answer: Requesters sought assistance from the FDIC's FOIA Public Liaison five (5) times during this reporting period.

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

Answer: The FDIC has reviewed staffing in its FOIA/Privacy Act Group in light of several changes this past year. This includes a change in personnel. After a decade, there is a new FOIA/Privacy Act Group Supervisor. She was promoted within the FOIA/Privacy Act Group from a Counsel position, which left a staffing gap. The FDIC is currently searching for a replacement for this Counsel position. Also, the FOIA/Privacy Act Group is assessing whether it may need additional support at the Government Information Specialist level to manage a series of complex, high page count requests.

11. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively
- Any challenges your agency faces in this area

Answer: In order to ensure efficiency and effectiveness, the FDIC FOIA/Privacy Act Group produces regular reports for its management in order to monitor the timely and proper processing of requests. Additionally, the FDIC's Division of Information Technology staff provides support to resolve any network glitches that may occur with our FOIA case management system.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Section III: Posting Material

1. Please describe what steps your agency takes to identify, track and post (a)(2) proactive disclosures.

Answer: At this time, the FOIA/Privacy Act Group manually identifies and tracks our own (a)(2) postings throughout the year. While drafting the FOIA Annual Report, the FOIA/Privacy Act Group reaches out to each of FDIC's Divisions and Offices to get an accounting of their yearly (a)(2) postings. Our new FOIA case management system has artificial intelligence capabilities which will assist the FOIA/Privacy Act Group with identifying frequently requested records for posting.

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). Please include links to these materials as well.

Answer:

Information posted on the FDIC's website during the reporting period includes:

Quarterly Banking Profiles:

Third Quarter 2020 to Third Quarter 2021 can be found at

<https://www.fdic.gov/analysis/quarterly-banking-profile/index.html>.

FDIC Consumer News:

January 2021 – <https://www.fdic.gov/resources/consumers/consumer-news/2021-01.html>

February 2021 – <https://www.fdic.gov/resources/consumers/consumer-news/2021-02.html>

March 2021 – <https://www.fdic.gov/resources/consumers/consumer-news/2021-03.html>

April 2021 – <https://www.fdic.gov/resources/consumers/consumer-news/2021-04.html>

May 2021 - <https://www.fdic.gov/resources/consumers/consumer-news/2021-05.html>

June 2021 - <https://www.fdic.gov/resources/consumers/consumer-news/2021-06.html>

July 2021 – <https://www.fdic.gov/resources/consumers/consumer-news/2021-07.html>

August 2021 – <https://www.fdic.gov/resources/consumers/consumer-news/2021-08.html>

September 2021- <https://www.fdic.gov/resources/consumers/consumer-news/2021-09.html>

October 2021 - <https://www.fdic.gov/resources/consumers/consumer-news/2021-10.html>

November 2021 – <https://www.fdic.gov/resources/consumers/consumer-news/2021-11.html>

December 2021 - <https://www.fdic.gov/resources/consumers/consumer-news/2021-12.html>

Special Edition 2021 - <https://www.fdic.gov/resources/consumers/consumer-news/2021-special-edition.html>

Chief Financial Officer's (CFO) Reports to the Board:

Fourth Quarter 2020 – <https://www.fdic.gov/about/financial-reports/corporate/cfo-report-4thqtr-20/index.html>

First Quarter 2021 – <https://www.fdic.gov/about/financial-reports/corporate/cfo-report-1stqtr-21/index.html>

Second Quarter 2021 – <https://www.fdic.gov/about/financial-reports/corporate/cfo-report-2ndqtr-21/index.html>

Documents considered at FDIC Board of Director's open meetings:

<https://www.fdic.gov/news/board-matters/index.html>

FDIC Chairman's Calendars:

Monthly November 2020 through January 2021 -

<https://www.fdic.gov/foia/chairmanschedule.html>

FDIC FOIA Log:

Fiscal Year 2021 Quarters 1 through 2 - <https://www.fdic.gov/foia/readingroom.html>

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples, and if applicable, statutory authority.

Answer: Yes, the FDIC has several databases on our website where the public can access information and records outside of the FOIA.

Our website includes a BankFind feature that allows you to search for information about active and inactive FDIC-insured banking institutions. You may search under one or more parameters (e.g., Bank Name, FDIC Certificate Number, City, State) to obtain financial, historical and demographic information. Summary Statistics about FDIC-insured Institutions also are available. <https://banks.data.fdic.gov/bankfind-suite/bankfind>

Our website also includes an Unclaimed Fund feature. The FDIC provides deposit insurance to financial institutions and depositors of these institutions. If a financial institution is closed, by a regulatory agency, the FDIC is appointed as Receiver and is responsible for the payment of insured deposits and the liquidation of the remaining assets. Individuals and companies can view any possible monies that are owed to them. If they see funds that were not claimed by them, they then can fill out the form on the webpage and submit the request to FDIC online. <https://closedbanks.fdic.gov/funds/>

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?

Answer: Yes, the FDIC has taken steps to make information posted on its website more useful to the public.

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.

Answer: The FDIC web specialists periodically review and ensure the FDIC's FOIA web pages, including its Reading Room are easily navigable. The FDIC does have several open, machine-readable databases on its website that are very useful to the public. Examples of these are BankFind (the searchable FDIC Institution Directory) and Deposit Market Share Reports. These can be found at <https://www.fdic.gov/resources/data-tools/>

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

The FOIA Office collaborates with the FDIC Legal web specialists when making proactive disclosures. They work with us on making sure the documents are 508 compliant and post them to the appropriate location in our FOIA Reading Room. The other FDIC Divisions post their own proactive disclosures and keep the FOIA Office updated for our reporting purposes.

Section III: Other Initiatives

7. Optional -- Please describe:

- Best practices used to improve proactive disclosures
- Any challenges your agency faces in this area

Answer: In accordance with the FDIC Chairman's "Trust through Transparency" initiative, the FDIC is actively striving to become even more transparent.

<https://www.fdic.gov/about/initiatives/trust-through-transparency/>. We are not aware of any challenges to this effort. Our new FOIA case management system uses artificial intelligence to make it easier to identify and post frequently requested records that have been released multiple times and records that are of significant interest to the public.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

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

Answer: Yes, the FDIC has reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

Answer: The FDIC is in the midst of transitioning to a new FOIA case management system that uses e-discovery and artificial intelligence capabilities in the processing of agency records.

3. 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?

Answer: The FDIC web specialists periodically review and ensure the proper functioning of the FDIC's FOIA web pages, including that its Reading Room is easily navigable. A review of this website was completed in the past two weeks. In light of the transition to the new FOIA case management system, we are updating our website to include information about the transition process and how it will affect our requester community.

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

Answer: No

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.

Answer: We encountered a technical error, in which we were unaware that it was not posted on FOIA.gov. The FDIC has now successfully posted all quarterly reports for Fiscal Year 2021 on FOIA.gov.

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.

Answer: <https://www.fdic.gov/foia/reports.html>

Section IV: Other Initiatives

7. Optional -- Please describe:

- Best practices used in greater utilizing technology
- Any challenges your agency faces in this area

Answer: The FDIC is in the midst of transitioning to a new FOIA case management system that uses e-discovery and artificial intelligence capabilities in the processing of agency records. There will be temporary work disruptions during this transition, but all FDIC personnel with FOIA responsibilities will be provided training in an effort to minimize these disruptions.

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's FY 2020 and 2021 Annual FOIA Reports.

Section V: 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. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Answer: 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?

Answer: Yes, the average number of days to process simple track requests in Fiscal Year 2021 was 14.35 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.

Answer: 37.6% of requests processed by the FDIC in Fiscal Year 2021 were placed in the simple track (111 out of 295).

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?

Answer: N/A

Section V: Backlogs - Requests

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.A, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Answer: No, the FDIC's Fiscal Year 2021 backlog (24) increased compared with our backlog reported at the end of Fiscal Year 2020 (11).

6. If not, according to Annual FOIA Report Section V.A, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

Answer: No, the FDIC processed 295 requests during Fiscal Year 2021, compared to 360 requests processed for Fiscal Year 2020.

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. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Impact of COVID-19 and workplace and safety precautions.
- Any other reasons – please briefly describe or provide examples when possible.

Answer: The FDIC's backlog increased during Fiscal Year 2021, due to the impact of COVID-19 and workplace and safety precautions. As of March 14, 2020, all FDIC employees were required to telework with no access to agency records stored only in paper format. Accordingly, for those requests where records in a paper format are potentially responsive, we have been unable to timely complete our standard process for the search and review of these records. However, when electronic records have also been responsive to these requests, we have generally processed and provided the electronic records.

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. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

Answer: The percentage of requests that make up the backlog reported at the end of Fiscal Year 2021 is 7.69% (24 out of 312).

Section V: Backlogs - Appeals

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

Answer: The FDIC reported 1 backlogged appeal at the end of Fiscal Year 2021, which was an increase of 1 compared to Fiscal Year 2020.

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

Answer: The FDIC processed more appeals (7) during Fiscal Year 2021, compared to 5 processed appeals in Fiscal Year 2020.

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. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Impact of COVID-19 and workplace and safety precautions.
- Any other reasons – please briefly describe or provide examples when possible.

Answer: The FDIC's appeal backlog increased by 1 during Fiscal Year 2021, due to the complexity of the noted appeal.

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. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."

Answer: 14.28%

Section V: 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? 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?

Answer: 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. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.

Answer: N/A

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.

Section V: Ten 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?

Answer: No

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. If you had fewer than ten total oldest requests to close, please indicate that.

Answer: Five

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

Answer: N/A

Section V: Ten Oldest Appeals

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2020 Annual FOIA Report?

Answer: Yes

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 2020 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Answer: 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.

Answer: N/A

Section V: 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?

Answer: N/A

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. If you had fewer than ten total oldest consultations to close, please indicate that.

Answer: N/A

Section V: Additional Information on Ten Oldest

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

Answer: As noted above, we were unable to close the ten oldest requests primarily due to not having access to potentially responsive paper records because of mandatory telework for all FDIC personnel. Additional obstacles faced were resource challenges and waiting on another party for assistance.

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.

Answer: Request received on February 20, 2020; Consultation sent on March 27, 2020; Date last contacted the agency was on March 31, 2021.

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.

Answer: We fully expect to close out all requests involving the search for potentially responsive paper records once the necessary FDIC agency personnel in the affected divisions and offices can physically return to their duty stations. (The remaining pending ten oldest requests from FY 2020 are Log #s 19-0197, 20-0143, 20-0197, 20-0198, 20-0251).

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. The success story can come from any one of the five key areas, but should not be something that you have reported in a prior year. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer:

The FDIC has successfully procured and is in the midst of deploying our new FOIA/Privacy Act case management system. Our new system uses both e-discovery and artificial intelligence capabilities in the processing of agency records. Additionally, our new system offers a number of benefits, including enhanced case management capabilities, improved analytics and reporting, and enhanced automatic redaction capabilities. We are very excited to have this new intuitive tool with enhanced functionality, and know that it will be a great asset to support our FOIA/Privacy Act program.