

**2020 Chief FOIA Officer Report  
Federal Deposit Insurance Corporation  
Nicholas J. Podsiadly, General Counsel and Chief FOIA Officer  
March 2019 - March 2020**

**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.

**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?

**Answer:** Yes

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

**Answer:**

Nicholas J. Podsiadly  
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?

**Answer:** Yes

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

**Answer:** All members of the FDIC's FOIA/Privacy Act Group ("FOIA Group") attended substantive FOIA training in this past year. At the end of this past January, as part of the FDIC's Chairman's Transparency Initiative, the FDIC FOIA Group conducted an all-day training session for our office and all FDIC Division FOIA Coordinators, as well as other staff (about 40 persons). This training allowed us to achieve a stated goal of the Chairman's Transparency Initiative to: "Requalify an expert cadre of Division/Office FOIA Request Coordinators prepared

to enhance FDIC’s comprehensive and timely search for, evaluation, and disclosure of all FDIC records appropriate for disclosure in response to FOIA requests.”

Facilitated by the FDIC’s Corporate University, this was a highly interactive training session that included group tabletop exercises, a FOIA Coordinator Panel on best practices, and team building exercises. Substantively, our training session: (1) reviewed sample, anonymized FOIA requests to ensure that all staff were interpreting and processing the sample requests uniformly and in accordance with FDIC regulations; and (2) reviewed sample documents to ensure the uniform application of the appropriate FOIA exemptions. Lastly, our training session discussed the posting of § 552(a)(2) records in our FOIA Reading Room and included a panel discussion led by some of the Division FOIA Coordinators on their best practices for searching and reviewing responsive records.

Additionally, several FDIC FOIA Coordinators completed one or both of the two e-Learning modules developed by the DOJ’s Office of Information Policy (“OIP”): *FOIA Training for Professionals* and *FOIA Training for All Employees*. Members of the FDIC’s FOIA Group staff also attended OIP FOIA seminars. Three FDIC FOIA Group staff also attended the annual American Society for Access Professionals (“ASAP”) National Training Conference that was held in May 2019.

Other separate and smaller training presentations were conducted. For example, in April, the FOIA Group Supervisory Counsel and a FOIA Group Counsel gave a brief overview of the 2016 FOIA Improvement Act to the Legal Division’s Supervision and Legislation Branch at their annual training conference. The FOIA Group Supervisory Counsel was also a guest panelist in a breakout session on disclosures at the FDIC’s Office of Minority and Women Inclusion (“OMWI”) symposium held in May.

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.

**Answer:** 100% of the FOIA Group’s professionals and staff attended substantive FOIA training during the reporting period. A significant percentage (90%+) of staff not in the FOIA Group but who have FOIA responsibilities in their respective FDIC Divisions or Offices attended the FOIA Coordinators Conference this past January.

6. 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

## **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.

**Answer:** The FDIC FOIA Group did not engage in any specific outreach or dialogue with the requester community or open government groups this past year. However, FDIC representatives did attend government-wide Chief FOIA Officer meetings, which included members of the requester community, and all of the FDIC FOIA 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 reasonably possible.

#### **D. Other Initiatives**

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. 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.

**Answer:** The Department of Justice's e-Learning module, *FOIA Training for All Employees*, has been made available online to all employees through the FDIC's Corporate University. FDIC FOIA Group Counsel also conducted training for non-FOIA professionals in the Legal Division's Supervision Branch on the changes made to the FOIA under the FOIA Improvement Act of 2016.

The FDIC Chairman has established a Corporation-wide "Transparency Initiative" that includes a Corporate Performance Goal for FOIA professional staff in 2019. Employee efforts to achieve this 2019 Corporate Performance Goal were considered in the performance ratings of the relevant FOIA staff.

9. 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:** The FDIC Chairman has established a Corporation-wide "Transparency Initiative" that includes a Corporate Performance Goal for the FOIA staff, as noted in the answer to #8. As stated in the 2019 Report, the FOIA staff performed an extensive review of the FDIC Reading Room, the reading rooms of sister banking agencies, and the relevant best practices set forth in the NARA 2016-18 FOIA Advisory Committee's "Final Report and Recommendations." In response to the FOIA Advisory Committee's global recommendations, the FDIC FOIA Staff are publicly posting, on a more frequent basis, the Chairman's Calendars (monthly) and the FOIA Logs (quarterly).

## **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.

1. For Fiscal Year 2019, 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 2019 Annual FOIA Report.

**Answer:** The FDIC's average number of days for adjudicating requests for expedited processing was 7.35 days for Fiscal Year 2019.

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.

**Answer:** 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.

Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

**Answer:** As part of the FDIC Chairman's Transparency Initiative, the FOIA Group has continued its review of the FOIA Reading Room to identify best practices or improvements that could be made. In addition, to ensure efficiency, the FOIA Group produces regular reports which are used to monitor the processing of requests and to conduct quality assurance on our requests, including timeliness. In addition, the FOIA Group routinely reviews its automated FOIA system (FOIAXpress) to ensure the proper processing of requests. Finally, the FDIC updated its internal Directive on responding to FOIA requests and associated administrative appeals to clarify authorities and update terminology.

4. 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 FY 2018 (please provide a total number or an estimate of the number).

**Answer:** Requesters sought the assistance from the FDIC's FOIA Public Liaison an estimated 6 times from March 2019 to the present.

5. Optional - 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.

**Answer:** In order to ensure efficiency, the FOIA Group produces regular reports which are used to monitor the processing of requests and to conduct quality assurance on our requests, including timeliness. In addition, the FOIA Group routinely reviews its automated FOIA system (FOIAXpress) to ensure the proper processing of requests. Among other things, all FOIA correspondence and responsive records are maintained electronically to improve efficiency. Occasional technological limitations can occur with FOIAXpress, and FDIC Division of Information Technology staff provide support to resolve or assist in finding alternative solutions to these limitations.

### **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.

1. Provide examples of 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:

Fourth Quarter 2018 – <https://www.fdic.gov/bank/analytical/quarterly/2019-vol13-1/fdic-v13n1-4q2018.pdf>

First Quarter 2019 – <https://www.fdic.gov/bank/analytical/quarterly/2019-vol13-2/fdic-v13n2-1q2019.pdf>

Second Quarter 2019 – <https://www.fdic.gov/bank/analytical/quarterly/2019-vol13-3/fdic-v13n3-2q2019.pdf>

FDIC Consumer News:

December 2018 - <https://www.fdic.gov/consumers/consumer/news/december2018.html>

January 2019 - <https://www.fdic.gov/consumers/consumer/news/january2019.html>

February 2019 - <https://www.fdic.gov/consumers/consumer/news/february2019.html>

March 2019 - <https://www.fdic.gov/consumers/consumer/news/march2019.html>  
April 2019 - <https://www.fdic.gov/consumers/consumer/news/april2019.html>  
May 2019 - <https://www.fdic.gov/consumers/consumer/news/may2019.html>  
June 2019 - <https://www.fdic.gov/consumers/consumer/news/june2019.html>  
July 2019 - <https://www.fdic.gov/consumers/consumer/news/july2019.html>  
August 2019 - <https://www.fdic.gov/consumers/consumer/news/august2019.html>  
September 2019 - <https://www.fdic.gov/consumers/consumer/news/september2019.html>  
October 2019 - <https://www.fdic.gov/consumers/consumer/news/october2019.html>  
November 2019 - <https://www.fdic.gov/consumers/consumer/news/november2019.html>

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

Third Quarter 2018 – <https://www.fdic.gov/about/strategic/corporate/cfo-report-3rdqtr-18/index.html>  
Fourth Quarter 2018 – <https://www.fdic.gov/about/strategic/corporate/cfo-report-4thqtr-18/index.html>  
First Quarter 2019 – <https://www.fdic.gov/about/strategic/corporate/cfo-report-1stqtr-19/index.html>  
Second Quarter 2019 – <https://www.fdic.gov/about/strategic/corporate/cfo-report-2ndqtr-19/index.html>  
Third Quarter 2019 - <https://www.fdic.gov/about/strategic/corporate/cfo-report-3rdqtr-19/index.html>

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

<https://www.fdic.gov/news/board/>

FDIC Chairman's Calendars:

Third and Fourth Quarter 2018 and Monthly October through September 2019 -  
<https://www.fdic.gov/about/freedom/chairmanschedule.html>

FDIC FOIA Log:

Fiscal Year 2018 - <https://www.fdic.gov/about/freedom/fdicfoialogy2018.pdf>  
Fiscal Year 2019 Quarters 1 to 3 - <https://www.fdic.gov/about/freedom/fdicfoialogy2018.pdf>

Frequently Requested FOIAs:

Washington Mutual Limited Power of Attorneys (LPOAs) -  
[https://www.fdic.gov/about/freedom/washington\\_mutual\\_p\\_and\\_a.pdf](https://www.fdic.gov/about/freedom/washington_mutual_p_and_a.pdf)  
Office of Financial Institution Adjudication – Administration Law Judges  
<https://www.fdic.gov/about/freedom/resolution-alj-mcneil.pdf>  
<https://www.fdic.gov/about/freedom/oath-alj-mcneil.pdf>  
<https://www.fdic.gov/about/freedom/resolution-jennifer-whang.pdf>  
<https://www.fdic.gov/about/freedom/oath-whang.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)).

**Answer:** During the intake process for new FOIA requests, FOIA staff perform electronic searches for similar FOIA requests within our FOIAXpress database to uncover documents that have been previously requested and released. We are currently looking into Artificial Intelligence (AI) software that would assist us in locating these records.

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?

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

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

**Answer:**

The FDIC's Chairman, Jelena McWilliams, announced a new Corporate-wide "Trust through Transparency" initiative. As explained on the home page of the FDIC's public web site at <https://www.fdic.gov/transparency/>:

The longstanding mission of the FDIC is to maintain public confidence and stability in the U.S. financial system—a mission that we cannot achieve without the trust and confidence of the institutions we supervise and insure, our fellow regulators, and the public. The best way to build trust and confidence is through openness and accountability. To that end, I am pleased to announce the FDIC's *'Trust through Transparency'* initiative.

This initiative builds upon the FDIC's solid foundation of public trust and accountability by fostering a deeper culture of openness. This initiative will further unite each business area across the FDIC behind the goals of being accessible, understandable, and responsive.

A key feature of the *Trust through Transparency* initiative is the publication of performance metrics, such as turnaround times for examinations and bank charter applications, call center usage and response times, and data on the status of supervisory and assessment appeals.

A dedicated email address for the public's feedback to the Chairman on transparency has also been created: [Transparency@fdic.gov](mailto:Transparency@fdic.gov).

The FDIC's Office of Communications continues to use the GovDelivery network to distribute emailed announcements to any users of the FDIC's public website who opt to receive a wide variety of the FDIC's latest news and other public information releases on a wide variety of topics. This subscription service provides the convenience of direct information delivery to the public, thereby making the FDIC's public website even more accessible and user friendly. Below is a list of the high-level FDIC categories of public information currently available for direct email subscription:

- Bank Data & Statistics
- Bank/Regulatory Policy
- Consumers
- Corporate Plans & Reports
- Failed Bank Information
- News & Events
- Research & Analysis
- Real Estate Sales

The FDIC's web link for obtaining subscriptions via the GovDelivery network is at: <https://service.govdelivery.com/accounts/USFDIC/subscriber/new>.

Lastly, the FDIC continues to leverage its use of social media to interface with the public via Twitter, Facebook and LinkedIn.

5. Optional - Please describe the best practices used to improve proactive disclosures and 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. We are not aware of any challenges to this effort.

#### **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 that describes your agency's efforts in this area.

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.

**Answer:** Yes. The FDIC continues to use the latest version of a FOIA request management system, and is exploring a potential new FOIA request management system that features e-discovery and artificial intelligence capabilities in the processing of agency records. The type of technology is based on a well-known retail e-discovery program.

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?

**Answer:** Yes. As noted above on page 3, the FOIA staff has recently performed an extensive review of the FDIC Reading Room, the reading rooms of sister banking agencies, and the relevant best practices set forth in the NARA 2016-18 FOIA Advisory Committee’s “Final Report and Recommendations.”

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

**Answer:** Yes. All four of the FDIC’s quarterly FOIA reports for Fiscal Year 2019 were successfully posted online.

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.

**Answer:** 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 2018 Annual FOIA Report and, if available, for your agency’s Fiscal Year 2019 Annual FOIA Report.

**Answer:** <https://www.fdic.gov/about/freedom/reports.html>

6. Optional - Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

**Answer:** The FOIA Group recently successfully implemented the latest version of FOIAXpress software on the FDIC’s network and has successfully been receiving FOIA requests through the FOIA.gov web portal.

### **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 2018 Annual FOIA Report and, when applicable, your agency’s 2017 Annual FOIA Report.

## **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. 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 so, was your FY 2019 average time for simple requests 20 working days or fewer?

**Answer:** Yes. The average number of days to process simple requests in Fiscal Year 2019 was 10.55 days.

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

**Answer:** 55% of requests processed by the FDIC in Fiscal Year 2019 were placed in the simple track (189 out of 341).

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

## **B. Backlogs**

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 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

### **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?

**Answer:** The FDIC had a backlog of 1 request at the end of both Fiscal Year 2018 and Fiscal Year 2019.

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

**Answer:** 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. 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.
- Any other reasons – please briefly describe or provide examples when possible.

**Answer:** 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. 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 2019 is 0.29% (1 out of 341).

## **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?

**Answer:** The FDIC reported no backlogged appeals at the end of either Fiscal Year 2018 or Fiscal Year 2019.

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

**Answer:** 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. 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.
- Any other reasons – please briefly describe or provide examples when possible.

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

**Answer:** N/A

### **C. Backlog Reduction Plans**

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 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 2019?

**Answer:** 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?

**Answer:** N/A

### **D. Status of Oldest Requests, Appeals, and Consultations**

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 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

#### **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?

**Answer:** Yes. In Fiscal Year 2019, the FDIC closed the ten oldest requests that were reported pending in its Fiscal Year 2018 Annual FOIA Report.

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

**Answer:** 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.

**Answer:** N/A

### **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?

**Answer:** The FDIC did not have any pending ten oldest appeals in Fiscal Year 2018.

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. 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

### **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?

**Answer:** The FDIC did not have any pending ten oldest consultations in Fiscal Year 2018.

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

**Answer:** 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.

**Answer:** N/A

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:** 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.

**Answer:** N/A

## **F. Success Stories**

Out of all the activities undertaken by your agency since March 2019 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. 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:**

In our last Chief FOIA Officer Report, we noted how the FDIC’s Chairman, Jelena McWilliams, had announced a new Corporate-wide “Trust through Transparency” initiative. As explained on the home page of the FDIC’s public web site at <https://www.fdic.gov/transparency/>:

A key feature of the *Trust through Transparency* initiative is the publication of performance metrics, such as turnaround times for examinations and bank charter applications, call center usage and response times, and data on the status of supervisory and assessment appeals.

In line with the Chairman’s transparency initiative, the FDIC’s web site home page includes a link to the Legal Division’s performance metrics, which includes the following chart graphic displayed below, at <https://www.fdic.gov/transparency/legal.html>.

**FOIA Requests Received, Processed and Pending  
Fiscal Year (FY) Period October 1 - September 30**

<b>Fiscal Year (FY) <sup>1</sup></b>	<b>Requests Pending as of the Start of FY</b>	<b>Requests Received in the FY</b>	<b>Requests Processed in the FY</b>	<b>Requests Pending as of the End of FY</b>
2018	22 <sup>2</sup>	423	431	14
2017	22	440	442	20

Statutory mandate: 20 days to process a FOIA request.

The average response time for all processed perfected simple requests was 9.95 days in 2018.

<sup>1</sup> Fiscal Year (FY) covers October 1<sup>st</sup> of the prior year through September 30<sup>th</sup> of the year indicated on the respective row.

<sup>2</sup> The number of requests pending as of the start of Fiscal Year 2018 was adjusted after a database review.

For more information: [Freedom of Information Act \(FOIA\) Service Center](#).

This chart shows the overall volume of FOIA requests pending (as of the start of the year), received and processed for fiscal years 2017-18 along with our average response time for all processed perfected simple requests. Although this same information can be gleaned from our DOJ Annual Reports, the posting of these FOIA processing performance metrics on the FDIC’s web home page, as part of our Chairman’s “Trust through Transparency” initiative, is emblematic of our agency’s efforts and commitment toward increasing transparency and improving the administration of the FOIA.