



**Federal Deposit Insurance Corporation**

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General Counsel

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**From:** Sara A. Kelsey [REDACTED]  
General Counsel and Chief FOIA Officer

**Date:** October 31, 2008

**Subject:** FOIA Reading Room Certification

**A. Internal Review**

Pursuant to 5 U.S.C. 552(a)(2) and in accordance with guidance issued by the U.S. Department of Justice dated June 25, 2008, the FDIC has conducted an internal review of its FOIA Reading Room to determine legal compliance with the requirements of the Freedom of Information Act (FOIA). The FDIC maintains a single electronic FOIA Reading Room that is available to the public on the FDIC website at [www.fdic.gov](http://www.fdic.gov). The FDIC Public Information Center located at 3501 North Fairfax Drive, Room E-1002, Arlington, Virginia 22226, provides internet access through which a member of the public may obtain access to the FDIC's electronic FOIA Reading Room.

**B. Deficiencies Corrected**

The internal review identified two administrative staff manuals that fit the criteria of Reading Room materials that were not available in the FDIC FOIA Reading Room. These administrative staff manuals have now been added to the FOIA Reading Room.

**C. Certification**

Based on the aforementioned internal review of the FDIC FOIA Reading Room and the correction of the above-referenced deficiencies, I certify that the FDIC FOIA Reading Room is in compliance with the requirements of the FOIA. A copy of this certification has been posted on the FDIC FOIA website.

**TO:** All Division and Office Directors

**FROM:** Sara A. Kelsey [REDACTED]  
General Counsel and Chief FOIA Officer  
[REDACTED]

**DATE:** September 15, 2008

**SUBJECT:** FOIA Reading Room Certification

Executive Order 13392, *Improving Agency Disclosure of Information*, dated December 19, 2005, requires that agencies periodically evaluate their "Reading Room" materials and certify that such materials are in compliance with the Freedom of Information Act (FOIA). To comply with this Order, each FDIC Division/Office must review all FOIA Reading Room materials for which they are the competent authority, address any deficiencies identified, and certify compliance.

In order to complete this process, please designate a contact who will work with our FOIA/Privacy Act Group to complete your portion of the certification. Your designee should be someone with a good depth of knowledge of the type of records that your Division/Office generates. Your designee should contact Gary Jackson, Counsel, (202) 898-6902, or Fred Fisch, Supervisory Counsel, (202) 898-6901, who will assist them in completing your Division/Office certification and ensure the FDIC's compliance with the Executive Order. **Your FOIA Reading Room Division/Office certification must be completed by October 6, 2008.**

#### Background

The FOIA requires the FDIC to make available for public inspection and copying the following four categories of Reading Room materials:

- (1) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (2) statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*;
- (3) administrative staff manuals and instructions to staff that affect a member of the public; and
- (4) records released in response to a FOIA request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records (so-called "popular" FOIA requests).

This is an affirmative disclosure requirement and, as such, the FDIC is obligated not only to maintain, but also to continuously update all Reading Room materials. Reading Room materials created on or after November 1, 1996 must be available on the FDIC's FOIA Service Center web site at [www.fdic.gov/about/freedom/index.html](http://www.fdic.gov/about/freedom/index.html). Reading Room materials created *prior* to November 1, 1996, must be available either on the FDIC's FOIA Service Center web site or in paper form at the FDIC's Public Information Center, 3501 North Fairfax Drive, Room E-1002, Arlington, Virginia.