

2022 Chief FOIA Officer Report of the Farm Credit Administration

The Farm Credit Administration (FCA) is an independent agency in the executive branch of the U.S. Government. It is responsible for regulating and examining the banks, associations, and related entities of the Farm Credit System (System), including the Federal Agricultural Mortgage Corporation. The System is a nationwide network of borrower-owned financial institutions that provides credit to farmers, ranchers, and agricultural and rural utility cooperatives. Originally created in 1933 by an Executive order, the Agency derives its powers and authorities from the Farm Credit Act of 1971, as amended.

SECTION I

A. Leadership Support for FOIA

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. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

Yes.

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

Jane M. Virga, Assistant General Counsel

3. What steps has your agency taken to incorporate FOIA into its core mission?

The FCA applies the presumption of openness and FCA strives to have an excellent Freedom of Information Act (FOIA) program, to process all FOIA requests within the statutory time frames, and to comply with all aspects of the FOIA. The FCA is a small Agency and typically on average receives less than 50 requests per year. FCA's FOIA staff conduct its records searches quickly and efficiently. We have no backlog. The FOIA office is housed in the Office of General Counsel. The FOIA Officer processes all FOIA requests. FCA's Director of the Office of Administrative Services, who is not a member of the Office of General Counsel, serves as the FOIA Appeals Officer.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Yes, only if we are withholding records. Otherwise, if we have a no records response or if we are releasing the records in full, we do not provide this confirmation in a response.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a Glomar response. With respect to these responses, please answer the below questions:

In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a Glomar response?

Yes, FCA would track Glomar Responses if we issued any Glomar Response.

If yes, please provide: the number of times your agency issued a full or partial Glomar response (separate full and partial if possible); the number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

Zero

If your agency does not track the use of Glomar responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.

Not Applicable.

6. 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.

The FCA applies the presumption of openness. Whenever possible we waive any applicable exemptions. As a matter of discretion during the reporting year we have made numerous proactive disclosures. For instance, we disclosed several internal personnel policies and waived the deliberative process.

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

A. FOIA Training

1. 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.

To ensure timely and appropriate responses, the FOIA staff attends annual training and, if needed, provide training to all FCA staff. FOIA training and counsel is provided to agency personnel by the Chief FOIA Officer or FOIA Officer (an OGC advisory attorney).

2. 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.

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.
 - **FCA has a FOIA training section as part of FCA's Human Resources onboarding presentation for all newly hired employees. During each orientation session, an overview of the FOIA, including records disclosure guidelines and employees' FOIA responsibilities, is part of the**

training. This is an on-going activity that occurs regularly throughout the year.

- **The Chief FOIA Officer attended the ASAP 15th Annual National Training Conference held July 19-21, 2022. This training consisted of Basic/Refresher Track - FOIA Processing: Key Procedural Elements, FOIA Case Law, Defining a Federal Record, FOIA Exemption 6 and 7(C) Privacy Interest, Exemption 5, FOIA and Privacy Act Interface, and FOIA Redaction Workshop.**
 - **DOJ OIP Training: Chief FOIA Officer Refresher Training**
4. 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%

5. 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.

Not Applicable.

6. 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?

All agency personnel receive FOIA training when joining the agency, which consists of a Power Point presentation that takes approximately one hour to complete. All agency personnel are reminded periodically through the year by articles in the agency's daily newsletter. As requested, FOIA staff has presented FOIA training to various divisions. As FCA is a small agency and the Chief FOIA Officer is an employee of long standing (over 30 years), the FOIA staff has institutional knowledge on who to approach to locate responsive records. Senior leaders are very approachable and have received briefings on the FOIA's resources, obligations, and expectations during the FOIA process.

Additionally, FCA's standard operating procedures governing communications incorporate the presumption of openness and outline the responsibilities of all agency personnel to comply with the requirements of FOIA. At the end of the fiscal year the FOIA Officer did an internal control review, which looked at internal policies and procedures, receipt of requests, response time, and rate and success of appeals. The review concluded that the FOIA Office complied with the law and that there was an efficient and effective program.

In Fiscal Year 2022, we responded to most of FCA FOIA requests within 20 business days. The FOIA staff continuously assesses our processes to ensure that our FOIA system operates efficiently and effectively. Therefore, FCA has an effective system in place for responding to FOIA requests.

B. Outreach

7. 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?

FCA does not conduct outreach outside of the standard request process.

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly?

Yes, if necessary FOIA professionals contact the requesters to clarify a request or to discuss potentially complex or voluminous requests in order to respond more quickly.

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 Fiscal Year 2022 (please provide a total number or an estimate of the number).

Zero.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands?

The FOIA Officer performed an internal review of FOIA demands and the review concluded that the FOIA Office complied with the law and that there was an efficient and effective program. Therefore, no additional FOIA resources are needed at this time.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload?

FCA tracks FOIA workload in SharePoint. SharePoint tracks due dates for the FOIA workload.

SECTION III: PROACTIVE DISCLOSURES

The Attorney General's FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

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

The FCA has a distinct process to identify records for proactive disclosure. The Office of Congressional and Public Affairs (OCPA) identifies such records. The Assistant Director for OCPA directs the posting of such records to the FCA's website and consults with the FOIA staff as necessary. FCA strives to continuously expand and improve in this regard. Examples of posted material include testimony of FCA officials, informational memoranda, frequently asked questions, and proposed and final regulations.

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.

- <https://www.fca.gov/required-notices/frequently-requested-documents>
- <https://ww3.fca.gov/readingrm/exammanual/SitePages/Home.aspx>
- <https://ww3.fca.gov/readingrm/infomemo/Lists/InformationMemorandums/By%20Memorandum%20Date.aspx>
- <https://ww3.fca.gov/readingrm/Handbook/FCA%20Board%20Policy%20Statements/Forms/AllItems.aspx>
- <https://www.fca.gov/newsroom/news>
- <https://www.fca.gov/newsroom/speeches-and-statements>
- <https://www.fca.gov/about/reports-publications>
- <https://www.fca.gov/bank-oversight/mergers-name-changes-and-other-corporate-activity>
- <https://www.fca.gov/bank-oversight/young-beginning-and-small-farmer-lending>

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?

Yes.

4. 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.

The FCA has an FCA News Email List that allows FCA to highlight proactive disclosures for public awareness. By subscribing to this list, the public can receive email alerts of items as the following: News releases, Informational Memoranda, Bookletters, Policy Statements, Reports, FCA Handbook updates, and Federal Register notices.

5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Yes, all offices within FCA work collaboratively with OCPA to complete the proactive disclosure process.

SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

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

FCA has not identified any issues with technological resources regarding responding to FOIA demands.

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

Not Applicable.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

FCA has not processed any large volumes of records that required an automated records processing system. However, if needed, FCA has Relativity available for use.

4. 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?

Yes

5. Did all four of your agency's quarterly reports for Fiscal Year 2022 appear on FOIA.gov?

Yes

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023.

Not Applicable.

7. 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 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

See Annual Reports located at <https://www.fca.gov/required-notice/freedom-of-information-act>.

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes.

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

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General's FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

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

Not Applicable.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report.

FCA did not adjudicate any requests for expedited processing.

4. 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 2022 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.

Not Applicable.

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

No.

6. 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 2022?

Not Applicable.

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Not Applicable.

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 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.

100%

9. 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?

Yes, FCA's average number of days to process non-expedited request was 12.5 days.

C. Backlogs

Backlogged requests

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, 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 2021?

Not Applicable. FCA has no backlog.

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

Not Applicable.

12. If your agency's request backlog increased during Fiscal Year 2022, 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:

Not Applicable.

13. 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 2022. 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."

Not Applicable.*Backlogged appeals*

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, 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 2021?

Not Applicable. FCA does not have a backlog of appeals.

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

Not Applicable.

16. If your agency's appeal backlog increased during Fiscal Year 2022, 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:

Not Applicable.

17. 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 2022. 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 2022 and/or has no appeal backlog, please answer with "N/A."

Not Applicable.**D. Backlog Reduction Plans**

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 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 2022?

Not Applicable.

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.

Not Applicable.**E. Reducing the Age of Requests, Appeals, and Consultations***Ten oldest requests*

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

Not Applicable.

21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not Applicable.

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

Not Applicable.*Ten oldest appeals*

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?

Not Applicable.

24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Not Applicable.

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

Not Applicable.*Ten oldest consultations*

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

Not Applicable.

27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not Applicable.*Additional information regarding ten oldest*

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2023.

Not Applicable.

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency's overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

Not Applicable.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).

Not Applicable.