



NCUA
National Credit Union Administration

National Credit Union Administration Chief FOIA Officer Report

2021





NCUA Chief FOIA Officer Report • 2021

Table of Contents

Section I: Steps Taken to Apply the Presumption of Openness.....	2
Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests	3
Section III: Steps Taken to Increase Proactive Disclosures	4
Section IV: Steps Taken to Greater Utilize Technology	5
Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs	6



Section I: Steps Taken to Apply the Presumption of Openness

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level? **Yes.**
2. Please provide the name and title of your agency's Chief FOIA Officer. **Linda Dent, Acting Deputy General Counsel.**

B. FOIA Training

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel. **The agency provided all employees with training addressing their FOIA obligations.**
4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice? **Yes.**
5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered. **Staff attended Department of Justice training and third-party vendor trainings, including FOIA continuing legal education, and advanced FOIA training. The trainings covered substantive aspects of how a FOIA service center responds to records requests and the application of commonly used exemptions.**
6. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period. **100% of NCUA's FOIA professionals and staff attended substantive FOIA training during this reporting period.**
7. If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year. **N/A.**



C. Outreach

8. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Yes. Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration. **NCUA's FOIA professionals periodically engaged in dialogue with the requester community on strategies for improving customer service and coordination.**

D. Other Initiatives

9. 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.

The agency provides FOIA training annually to all employees online as part of the required Information Security and Privacy training. In addition, the FOIA professionals periodically met, in-person and online, to brief non-FOIA staff in various agency program offices on the FOIA requirements and process. This included new supervisor training and sharing our FOIA program plan with other office staff.

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

1. For Fiscal Year 2020, what was the average number of days your agency reported for adjudicating requests for expedited processing? **According to Section VIII.A. of our Fiscal Year 2020 Annual FOIA Report, this is an average of 2.33 days.**

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2020 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less. **N/A.**

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? **Yes.** If so, please describe the methods used, such as reviewing Annual Report or raw data, using active workflows and track management, reviewing and



updating processing procedures, etc. **The agency uses the DOJ OIP FOIA Self-assessment Toolkit modules to review its process.**

4. Standard Operating Procedures (SOPs):

a) Does your agency have SOPs that outline general processes for handling FOIA requests and appeals? **Yes.**

b) If not, does your agency have plans to create FOIA SOPs? **N/A.**

c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology? **Periodically and at least annually.**

d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website? **Yes, at <https://www.ncua.gov/freedom-information-act-requests>.**

5. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2020. **Approximately five requesters.**

6. Does your agency frequently receive common categories of first-party requests? **No.**

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? **Yes.** If not, what is your agency's plan to update your regulations? **N/A.**

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. **The agency notifies the public on its website that the processing of requests sent by regular mail to the physical office address will be delayed due to the current pandemic. In addition, FOIA professionals and staff have communicated this directly to requesters.**

Section III: Steps Taken to Increase Proactive Disclosures

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). **Examples are multiple new NCUA Budget and Supplementary Materials at <https://www.ncua.gov/about-ncua/budget-strategic-planning/budget-supplementary-materials>, and applications**



requested and released multiple times at <https://www.ncua.gov/foia/credit-union-applications>.

2. 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.**

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

- NCUA posted updated [Website Policies](#) and [Accessibility Statement](#) and practices to improve website usability and contact information.
- NCUA established its Enterprise Data Governance Council as an intra-agency body dedicated to advancing the development and implementation of the agency's Enterprise Data Program. Part of this initiative is making more information available to the public [NCUA Open Data](#) and [Analysis](#).

Section IV: Steps Taken to Greater Utilize Technology

1. Please briefly describe the types of technology your agency uses to support your FOIA program. **The agency utilizes search technology for certain interoffice records.** In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology. **N/A.**

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

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020? **Yes.**

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 2021. **N/A.**



5. Please provide the link to this posting for your agency's Fiscal Year 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report. **The link is <https://www.ncua.gov/foia/annual-reports>.**

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

A. Simple Track

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

1. Does your agency utilize a separate track for simple requests? **Yes.**
2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2020? **Yes, the overall average number of days to process simple requests was approximately ten days.**
3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100. **Approximately 21%.**
4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer? **N/A.**

B. Backlogs

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.

BACKLOGGED REQUESTS

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



backlog reported at the end of Fiscal Year 2019? **The agency backlog of one request was the same number at the close of FY 2020, as at the end of FY 2019. The agency subsequently has closed out both of those cases.**

6. If not, according to Annual FOIA Report Section V.A, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019? **No.**

7. If your agency's request backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. **N/A.**

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2020. **Less than 1%.**

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, 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 2019? **N/A.**

10. If not, according to section VI.A of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019? **N/A.**

11. If your agency's appeal backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. **N/A.**

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2020. **N/A.**

C. Backlog Reduction Plans

13. In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2019 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? **N/A.**

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, please explain your agency's plan to reduce this backlog during Fiscal Year 2021. **N/A.**



D. Status of Oldest Requests, Appeals, and Consultations

From Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,”

OLDEST REQUESTS

15. In Fiscal Year 2020, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2019 Annual FOIA Report?

Yes.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2019 Annual FOIA Report. **N/A.**

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests. **The agency took steps to reduce the overall age of the pending requests by generally processing the older requests before the newer requests, within the complex and simple tracks.**

TEN OLDEST APPEALS

18. In Fiscal Year 2020, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2019 Annual FOIA Report? **N/A.**

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that. **N/A. There were zero pending.**

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals. **N/A.**

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2020, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report?

N/A. There were zero pending.

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that. **N/A.**



E. Additional Information on Ten Oldest Requests, Appeals, and Consultations and Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019. **N/A. The agency has closed all of its requests from FY 2019.**

24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending. **N/A.**

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2021. **N/A.**

F. Success Stories

Out of all the activities undertaken by your agency since March 2020 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts.

Related to “Section II, Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests,” NCUA’s success stories are:

- **The NCUA FOIA team published a program plan, which increases transparency, efficiency and effectiveness by explaining to staff its mission, key FOIA activities, and internal procedures.**
- **The NCUA FOIA team facilitated progress on administrative/program activities by developing and implementing a month-by-month tactical plan and holding monthly accountability check-ins.**
- **The NCUA FOIA team facilitated workforce depth by creating internal job aids.**
- **The NCUA FOIA team increased non-FOIA staff’s understanding of the FOIA program by creating an internal FOIA intranet page.**