

National Credit Union Administration
Annual Freedom of Information Act Report
for
Fiscal Year 2007

The following Annual Freedom of Information Act report covers the Period 10/01/2006 through 09/30/2007, except as indicated below for Part XII of the report, as required by 5 U.S.C. 552. The URL for this report is:
www.ncua.gov/FOIA/Reports/2007FOIAAnnualReport.

I. Basic Information Regarding Report

A. If you have any questions regarding this report, you may contact Linda Dent, Staff Attorney, 1775 Duke Street, Alexandria, Virginia 22314, (703) 518-6540.

B. The report is available on-line at <http://www.ncua.gov>. You can click on any underlined term to link directly to the corresponding document on the NCUA website.

C. To obtain a copy of this report in paper form you may come to the NCUA reading room located in room 6076B, at 1775 Duke Street, Alexandria, Virginia 22314-3428 from 8 a.m. to 5:00 p.m. Monday through Friday, or call (703) 518-6540 to request that a copy be sent to you.

II. How to make a FOIA Request

You can consult the publication entitled, "A Handbook for Obtaining Information from NCUA" for information on making a FOIA request. The Handbook is available on the Internet at <http://www.ncua.gov>, or you can request a copy from the Office of Public and Congressional Affairs by calling (703) 518-6330.

A. FOIA requests may be submitted to one of two NCUA offices, both of which are located at 1775 Duke Street, Alexandria, Virginia 22314-3428. For records maintained by the Office of Inspector General (OIG) direct your request to the OIG at the above address. You may also send a request to the OIG by facsimile at (703)518-6349, or by e-mail to OIGmail@ncua.gov. For all other requests, submit your request to the Freedom of Information Act Officer at the above address. You may also send such requests by facsimile to (703) 518-6569 or by e-mail to FOIA@ncua.gov.

B. Brief Description of NCUA response-time ranges:

Usually we respond within 20 business days. During this fiscal year we had a median processing time of 16 days for simple requests and 32 days for complex requests.

C. Brief Description of why some requests are not granted:

Generally, exempt information includes credit union examination reports; records which if released, would cause an unwarranted invasion of personal privacy; confidential proprietary business information; internal communications regarding proposed NCUA policies; and law enforcement investigative records.

III. Definitions of Terms and Acronyms Used in the Report

Basic terms, expressed in common terminology.

1. FOIA/PA request - Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial request - a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal - a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal - a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing - an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for

the records which warrants prioritization of his or her request over other requests that were made earlier.

7. Simple request - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

8. Complex request - a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

9. Grant - an agency decision to disclose all records in full response to a FOIA request.

10. Partial grant - an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

11. Denial - an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. Time limits - the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a Perfected FOIA request).

13. Perfected request - a FOIA request for records that adequately describes the records sought, which has been received by the FOIA office of each agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute - a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b) (3).

15. Median number - the middle, not average number. For example, of 3, 7, and 14, the median number is 7.

16. Average number - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

A. NCUA relied on no Exemption 3 statutes during the current fiscal year.

V. Initial FOIA Requests

A. Number of Initial Requests

1. Requests pending as of end of preceding year: 19
2. Requests received during current FY: 196
3. Requests processed during current FY: 206
4. Requests pending as of end of current FY: 9

B. Disposition of Initial Requests

1. Number of total grants: 101
2. Number of partial grants: 72
3. Number of denials: 7
4. Number of other: 26

C. Number of times each FOIA exemption used:

- (b)(1): 0
- (b)(2): 4
- (b)(3): 0
- (b)(4): 38
- (b)(5): 18
- (b)(6): 45
- (b)(7)(A): 0
- (b)(7)(B): 0
- (b)(7)(C): 0
- (b)(7)(D): 0
- (b)(7)(E): 0
- (b)(7)(F): 0
- (b)(8): 48
- (b)(9): 0

4. Other reasons for nondisclosure: 26

- (D)(1) (a) No records: 11
- (D)(2) (b) Referrals: 1
- (D)(3) (c) Request withdrawn: 5
- (D)(4) (d) Fee-related reason: 1
- (D)(5) (e) Records not reasonably described: 1
- (D)(6) (f) Not a proper FOIA request for some other reason: 7
- (D)(7) (g) Not an agency record: 0
- (D)(8) (h) Duplicate request: 0

VI. Appeals of Initial Denials of FOIA Requests

A. Number of Appeals

1. Number of appeals received during FY: 3
2. Number of appeals processed during FY: 3

B. Disposition of Appeals

1. Number completely upheld: 0
2. Number partially reversed: 3
3. Number completely reversed: 0
4. Number of other: 0

C. Number of times each FOIA exemption used:

- (b)(1): 0
- (b)(2): 0
- (b)(3): 0
- (b)(4): 2
- (b)(5): 2
- (b)(6): 2
- (b)(7)(A): 0
- (b)(7)(B): 0
- (b)(7)(C): 0
- (b)(7)(D): 0
- (b)(7)(E): 0
- (b)(7)(F): 0
- (b)(8): 1
- (b)(9): 0

D. Other reasons for nondisclosure: 0

- (a) No records: 0
- (b) Referrals: 0
- (c) Request withdrawn: 0
- (d) Fee-related reason: 0
- (e) Records not reasonably described: 0
- (f) Not a proper FOIA request for some other reason: 0
- (g) Not an agency record: 0
- (h) Duplicate request: 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median Processing Time for Requests Processed during the Year

1. Simple Requests

- a. Number of requests received: 110
- b. Number of requests processed: 113
- c. Median number of days to process: 16

2. Complex Requests

- a. Number of requests received: 86
- b. Number of requests processed: 93
- c. Median number of days to process: 32

3. Requests accorded expedited processing

- a. Number of requests received: 0
- b. Number of requests processed: 0
- c. Median number of days to process: 0

B. Status of Pending Requests

- 1. Number of requests pending as of the end of FY: 9
- 2. Median number of days that such requests were pending as of that date: 36

VIII. Comparisons with Previous Fiscal (FY) Year

A. Comparison of number of requests received:

196 in FY07 vs. 193 in FY06, a 1.02% increase

B. Requests for expedited processing:

Received – 1 in FY07

Granted – 0 in FY07

IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 1.33
3. Total number of personnel (in work-years): 1.33

B. Total costs (including staff and all resources)

1. FOIA processing (including appeals): \$164,510
2. Litigation-related activities (estimated): \$0.00
3. Total costs: \$164,510

X. Fees

- A. Total amount of fees collected by agency for processing requests: \$1213.05
- B. Percentage of total costs: .73%

XI. FOIA Regulations (Including Fee Schedule)

Copies are attached. The link for the fee schedule is:

www.ncua.gov/FOIA/feesched.html The link for the regulation is:

www.ncua.gov/RegulationsOpinionsLaws/rules_and_regs/NCUA_RR_Complete_2.pdf

XII. Report on Executive Order 13,392 Implementation

This section of the annual FOIA report contains a description of the NCUA's progress in implementing the goals and objectives of its FOIA improvement plan. The reporting period for this section covers the period from February 1, 2007 through December 31, 2007.

A. Description of supplementation/modification of agency improvement plan (if applicable).

Not applicable.

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The NCUA focused its improvement efforts on three areas: a consideration of reorganizing the FOIA program, staff training and a reduction or elimination of any backlog of unanswered FOIA requests. The agency met all of its objectives and milestones. However, one milestone, as discussed below, was met later than the original target date.

The agency prepared and approved a memorandum regarding the reorganization of the FOIA program before the deadline of August 31, 2007. The memorandum considered whether a transfer of the FOIA program to another agency office might be an effective way to reduce or eliminate any backlog in FOIA requests. Because of a lack of expertise, training, and staff in other areas, as well as a continued need for support from the Office of General Counsel (OGC) in processing complex requests, the staff recommended that the FOIA program remain the responsibility of the OGC. The recommendation of the staff was approved by the agency's Deputy General Counsel.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

1. FOIA Improvement Plan area to which the deficient milestone relates.

Reorganization of the FOIA program.

2. Deficient milestone and the original target date.

Adoption of staff recommendations by the Chief FOIA Officer on or before March 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

The Chief FOIA Officer adopted staff recommendations on August 24, 2007.

4. Future remedial steps and the dates by which the steps will be completed.

Not applicable.

D. Additional narrative statements regarding other executive order-related activities (optional).

Not applicable.

E. Concise descriptions of FOIA exemptions.

The nine exemptions to the FOIA authorizes federal agencies to withhold information covering: (1) classified national security; (2) internal agency rules and practices; (3) information prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications protected by legal privileges; (6) matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) the supervision of financial institutions; and (9) geological information on wells.

F. Additional Statistics:

1. Ten Oldest Pending FOIA Requests, as of January 1, 2008.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests								Nov 14 Nov 14 Nov 20 Nov 21 Dec 11 Dec 21

2. Consultations.

a.) Number of Consultations Received, Processed, and Pending.

NCUA did not receive any consultation from other agencies during FY07.

Consultations Received From other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

b.) Ten Oldest Pending Consultations Received From Other Agencies.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency improvement plan:

The FOIA Improvement Plan for the NCUA is attached.