

Federal Financial Institutions Examination Council (FFIEC)
Annual Freedom of Information Act Report
Fiscal Year 2018

(For the period 10/01/2017 through 09/30/2018)

I. BASIC INFORMATION REGARDING THIS REPORT

1. The FFIEC contact person for questions about this report is Judith E. Dupre, Executive Secretary, FFIEC, 3501 Fairfax Drive, Room B7081a, Arlington, VA, 22226-3550; telephone: (703) 516-5590, fax: (703) 562-6446.
2. This report is available on the FFIEC website at <http://www.ffiec.gov>.
3. A paper copy of this report may be obtained by downloading it from the FFIEC website or by requesting a copy from the FFIEC FOIA Public Liaison, FFIEC, 3501 Fairfax Drive, Room B7081a, Arlington, VA, 22226-3550; telephone: (703) 516-5591, fax: (703) 562-6446 or e-mail: rpiccirilli@fdic.gov.
4. This report conforms to the guidance outlined in the 2018 “Department of Justice Handbook for Agency Annual Freedom of Information Act Reports” so that content below, where applicable is formatted directly from the Department of Justice Annual FOIA Report tool to ensure consistency between the two versions of the Annual FOIA Report that agencies are required to provide.

II. MAKING A FOIA REQUEST TO THE FFIEC

1. All FOIA requests to the FFIEC must be in writing and directed to the FFIEC, Attn: Executive Secretary, 3501 Fairfax Drive, Room B7081a, Arlington, VA, 22226-3550. Requests may also be submitted electronically through the FFIEC’s Electronic FOIA Office on the website at <http://www.ffiec.gov/foia.htm> using the email link provided: FOIA@ffiec.gov. The FFIEC’s FOIA Guide is available on the FFIEC website at <http://www.ffiec.gov/foia.htm>.
2. Some FOIA requests are denied in whole or in part because the information requested is exempted from disclosure by the FOIA (5 U.S.C. §552 (b)). The exemptions most often applicable to information requested from the FFIEC include (b)(4), (b)(6) and (b)(8). The FFIEC receives a great deal of privileged and private financial information concerning individuals, businesses, and banking entities by virtue of its role as the interagency body empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions by the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Consumer Financial Protection Bureau (CFPB), and to make recommendations to promote uniformity in the supervision of financial institutions. Exemptions (b)(4) and (b)(6) are invoked to withhold confidential or privileged material received by the FFIEC. The FFIEC invokes FOIA exemption (b)(8) to

withhold financial institution examination reports and related information. Other exemptions may be used occasionally. In some cases, records cannot be located.

3. The FFIEC FOIA regulations and fee schedule are found at 12 CFR § 1101.4 and are available at https://www.ecfr.gov/cgi-bin/text-idx?SID=321921d0718522e8a670e4cce1c13986&mc=true&node=se12.10.1101_14&rgn=div8.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. There are no FFIEC-specific acronyms or other terms used in this report.
2. Definition of terms used in this report:
 - a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
 - b. **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.
 - c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
 - d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests.
 - e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
 - f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and upon which the agency relies to withhold information under subsection (b)(3) of the FOIA.
 - g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to

the requester are included in this report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or

administrative appeals.

- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. Concise descriptions of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information.
- b. **Exemption 2:** internal agency rules and practices.
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law.
- d. **Exemption 4:** trade secrets and other confidential business information.
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.
- f. **Exemption 6:** information involving matters of personal privacy.
- g. **Exemption 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.
- h. **Exemption 8:** information relating to the supervision of financial institutions.
- i. **Exemption 9:** geological information on wells.

4. Agency Component Abbreviations

| Component Abbreviation | Component Name |
|------------------------|----------------|
| | |
| | |
| | |

There are no "Agency Component Name or Component Abbreviations" for the FFIEC.

IV. EXEMPTION 3 STATUTES

| Statute | Type of Information Withheld | Case Citation | Agency / Component | Number of Times Relied upon by Agency / Component | Total Number of Times Relied upon by Agency Overall |
|---------|------------------------------|---------------|--------------------|---|---|
| n/a | N/A | N/A | FFIEC | 0 | 0 |
| | | | | | |
| | | | | | |

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

| Agency / Component | Number of Requests Pending as of Start of Fiscal Year | Number of Requests Received in Fiscal Year | Number of Requests Processed in Fiscal Year | Number of Requests Pending as of End of Fiscal Year |
|--------------------|---|--|---|---|
| FFIEC | 0 | 8 | 8 | 0 |
| | | | | 0 |
| AGENCY OVERALL | 0 | 8 | 8 | 0 |

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

| Agency / Component | Number of Full Grants | Number of Partial Grants / Partial Denials | Number of Full Denials Based on Exemptions | Number of Full Denials Based on Reasons Other than Exemptions | | | | | | | | | TOTAL | |
|--------------------|-----------------------|--|--|---|---|-------------------|--------------------|----------------------------------|--|-------------------|-------------------|-------------------------------|-------|---|
| | | | | No Records | All Records Referred to Another Component or Agency | Request Withdrawn | Fee-Related Reason | Records not Reasonably Described | Improper FOIA Request for Other Reason | Not Agency Record | Duplicate Request | Other *Explain in Chart Below | | |
| FFIEC | 2 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 8 |
| | | | | | | | | | | | | | | 0 |
| AGENCY OVERALL | 2 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 8 |

**V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS
 BASED ON REASONS OTHER THAN EXEMPTIONS"**

| Agency / Component | Description of "Other" Reasons for Denials from Chart B(1) | Number of Times "Other" Reason Was Relied Upon | TOTAL |
|-----------------------|--|--|-------|
| FFIEC | N/A | 0 | 0 |
| AGENCY OVERALL | | | 0 |
| | | | |

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

| Agency / Component | Number of Appeals Pending as of Start of Fiscal Year | Number of Appeals Received in Fiscal Year | Number of Appeals Processed in Fiscal Year | Number of Appeals Pending as of End of Fiscal Year |
|--------------------|--|---|--|--|
| FFIEC | 6 | 0 | 0 | 6 |
| | | | | 0 |
| AGENCY OVERALL | 6 | 0 | 0 | 6 |

VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

| Agency / Component | Number Affirmed on Appeal | Number Partially Affirmed & Partially Reversed/Remanded on Appeal | Number Completely Reversed/Remanded on Appeal | Number of Appeals Closed for Other Reasons | TOTAL |
|--------------------|---------------------------|---|---|--|-------|
| FFIEC | 0 | 0 | 0 | 0 | 0 |
| | | | | | 0 |
| AGENCY OVERALL | 0 | 0 | 0 | 0 | 0 |

VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

| Agency / Component | Description of "Other" Reasons for Denial on Appeal from Chart C(2) | Number of Times "Other" Reason Was Relied Upon | TOTAL |
|--------------------|---|--|-------|
| FFIEC | N/A | 0 | 0 |
| AGENCY OVERALL | | | 0 |
| | | | |

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

| Agency / Component | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
|--------------------|-----------------------|------------------------|-----------------------|------------------------|
| | | | | |
| | | | | |
| AGENCY OVERALL | 0.00 | 0.00 | 0.00 | 0.00 |

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

| Agency / Component | | 10th Oldest Appeal | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Appeal |
|--------------------|------------------------|--------------------|-----|-----|-----|------------|------------|------------|------------|-----------|---------------|
| | Date of Appeal | | | | | | | | | | |
| | Number of Days Pending | | | | | | | | | | |
| AGENCY OVERALL | Date of Appeal | N/A | N/A | N/A | N/A | 2017-04-03 | 2017-04-03 | 2017-04-03 | 2017-04-03 | 04/03/017 | 04/03/017 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 376 | 376 | 376 | 376 | 376 | 376 |

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

| Agency / Component | SIMPLE | | | COMPLEX | | | EXPEDITED PROCESSING | | |
|--------------------|----------------|-----------------------|------------------------|----------------|-----------------------|------------------------|----------------------|-----------------------|------------------------|
| | Number Pending | Median Number of Days | Average Number of Days | Number Pending | Median Number of Days | Average Number of Days | Number Pending | Median Number of Days | Average Number of Days |
| | | | | | | | | | |
| | | | | | | | | | |
| AGENCY OVERALL | 0 | N/A | N/A | 0 | N/A | N/A | 0 | N/A | N/A |

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

| Agency / Component | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number Adjudicated Within Ten Calendar Days |
|--------------------|----------------|---------------|-------------------------------------|--------------------------------------|---|
| | | | | | |
| | | | | | |
| AGENCY OVERALL | 0 | 0 | N/A | N/A | 0 |

VIII.B. REQUESTS FOR FEE WAIVER

| Agency / Component | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |
|--------------------|----------------|---------------|-------------------------------------|--------------------------------------|
| | | | | |
| | | | | |
| AGENCY OVERALL | 0 | 0 | N/A | N/A |

IX. FOIA PERSONNEL AND COSTS

| Agency / Component | PERSONNEL | | | COSTS | | |
|--------------------|--------------------------------------|---|--|------------------|--------------------------|-------------|
| | Number of "Full-Time FOIA Employees" | Number of "Equivalent Full-Time FOIA Employees" | Total Number of "Full-Time FOIA Staff" | Processing Costs | Litigation-Related Costs | Total Costs |
| FFIEC | 0 | 0.1 | 0.1 | \$10,168.00 | \$0.00 | \$10,168.00 |
| | | | 0 | | | \$0.00 |
| AGENCY OVERALL | 0 | 0.1 | 0.1 | \$10,168.00 | \$0.00 | \$10,168.00 |

X. FEES COLLECTED FOR PROCESSING REQUESTS

| Agency / Component | Total Amount of Fees Collected | Percentage of Total Costs |
|--------------------|--------------------------------|---------------------------|
| FFIEC | \$0.00 | 0.00% |
| | | |
| AGENCY OVERALL | \$0.00 | 0.00% |

XI.A. NUMBER OF TIMES SUBSECTION (C) USED

| Agency / Component | Number of Times Subsection Used |
|--------------------|---------------------------------|
| FFIEC | 0 |
| | |
| AGENCY OVERALL | 0 |

XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS

| Agency / Component | Number of Records Posted by the FOIA Office | Number of Records Posted by Program Offices |
|--------------------|---|---|
| FFIEC | 11 | 15 |
| | | |
| AGENCY OVERALL | 11 | 15 |

XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

| Agency / Component | Number of Backlogged Requests as of End of Fiscal Year | Number of Backlogged Appeals as of End of Fiscal Year |
|--------------------|--|---|
| FFIEC | 0 | 6 |
| | | |
| AGENCY OVERALL | 0 | 6 |

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

| Agency / Component | Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year | Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year | Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year | Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year |
|--------------------|---|--|--|---|
| FFIEC | 0 | 0 | 0 | 0 |
| | | | | 0 |
| AGENCY OVERALL | 0 | 0 | 0 | 0 |

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

| Agency / Component | NUMBER OF REQUESTS <u>RECEIVED</u> | | NUMBER OF REQUESTS <u>PROCESSED</u> | |
|--------------------|---|---|--|--|
| | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| FFIEC | 35 | 8 | 36 | 8 |
| | | | | |
| AGENCY OVERALL | 35 | 8 | 36 | 8 |

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

| Agency / Component | Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report | Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report |
|--------------------|--|---|
| FFIEC | 0 | 0 |
| | | |
| AGENCY OVERALL | 0 | 0 |

XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

| Agency / Component | NUMBER OF APPEALS <u>RECEIVED</u> | | NUMBER OF APPEALS <u>PROCESSED</u> | |
|--------------------|---|---|--|--|
| | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| FFIEC | 6 | 0 | 0 | 0 |
| | | | | |
| AGENCY OVERALL | 6 | 0 | 0 | 0 |

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

| Agency / Component | Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report | Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report |
|--------------------|---|--|
| FFIEC | 6 | 6 |
| | | |
| AGENCY OVERALL | 6 | 6 |

