



FEDERAL HOUSING FINANCE AGENCY 2020 CHIEF FOIA OFFICER REPORT

March 2020



Freedom of Information Act Office

Introduction

The Federal Housing Finance Agency (FHFA) was established by the Housing and Economic Recovery Act of 2008. FHFA is responsible for the effective supervision, regulation, and housing mission oversight of the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Federal Home Loan Bank System, which includes the 11 Federal Home Loan Banks and the Office of Finance. Since 2008, FHFA has also served as conservator of Fannie Mae and Freddie Mac.

FHFA's mission is to ensure that the housing government sponsored enterprises operate in a safe and sound manner so that they serve as a reliable source of liquidity and funding for housing finance and community investment.

Through its Freedom of Information Act (FOIA) Program, FHFA strives to achieve the following principles:

- Administer the FOIA with a clear presumption in favor of disclosure, remove doubts in favor of openness, and not withhold information based on speculative or abstract fears; and
- Ensure that requests are responded to in “a spirit of cooperation,” disclosures are timely, and modern technology is used to make information available to the public.

FHFA is committed to providing access to Agency records through a citizen-centered and results-oriented FOIA program. FHFA's FOIA Office, which is comprised of the Chief FOIA Officer, FOIA Officer and FOIA Liaison (FHFA-HQ), continually reviews ways to improve the efficiency, effectiveness, and transparency of FHFA's FOIA program. Like last year, this year's report includes information about the FHFA's Office of Inspector General (FHFA-OIG) FOIA program. The FHFA-OIG operates its own FOIA program separate and apart from FHFA-HQ. Where information is specific to the FHFA-OIG, it so noted in the report.



Reporting Period: March 2019 to March 2020

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's FOIA Guidelines is 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 least at the Assistant Secretary or equivalent level. 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.

- *David A. Lee, Managing Associate General Counsel, Chief Freedom of Information Act Officer.*

B. FOIA Training

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

- *Yes.*

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

- *Annual FOIAXpress Conference, Chief FOIA Officer's Council meeting and DOJ Annual FOIA Report Training.*

5. 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%*

6. 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.*

C. Outreach

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

- *No.*

D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

- *FHFA-HQ – All new hires at FHFA receive FOIA training as part of their onboarding process. In addition, each office within FHFA-HQ has designated a staff member to be a liaison between the office and the FOIA Office to assist in responding to FOIA requests. These liaisons receive refresher training as needed on their duties and responsibilities. Moreover, employees who have a role in administering the FOIA have FOIA-related performance standards in their annual performance evaluation plans.*
- *FHFA-OIG – The FOIA Office works with OIG program offices to explain the scope of the FOIA request at issue, to provide examples of the kinds of documents that might be responsive, to provide guidance and/or assistance regarding search terms that might yield responsive documents, and to answer any questions that may arise as the program offices gather documents.*

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

DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.



2019 FHFA CHIEF FOIA Officer Report

1. For Fiscal Year 2019, 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 2019 Annual FOIA Report.

- *FHFA-HQ – FHFA-HQ did not have any requests for expedited processing in Fiscal Year 2019.*
- *FHFA-OIG – <1 day.*

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, 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.*

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

- *FHFA-HQ – Yes. FHFA-HQ's FOIA program was tested and assessed as part of FHFA's annual Enterprise Risk Management and Internal Control oversight under OMB Circular A-123.*
- *FHFA-OIG – No.*

4. 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 FY 2018 (please provide a total number or an estimate of the number).

- *FHFA-HQ's Public Liaison received no requests for assistance.*
- *FHFA-OIG's Public Liaison received no requests for assistance.*

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

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). Please include links to these materials as well.



FHFA-HQ:

- *Press Releases*
- *Regulations, notices, and public comments*
- *Capital disclosures*
- *Letters to Congress*
- *Supervision handbooks and guidance*
- *Research papers*
- *Advisory Bulletins*
- *Final Opinions and Orders*
- *Policy and Administrative Staff Manuals*
- *Frequently Requested Records*
- *Annual Performance Plans*
- *FHFA Strategic Plans*
- *Performance and Accountability Reports*
- *Advisory Council Reports*
- *Resources for Consumers*
- *Regulatory Interpretations*
- *Collateral Securing Advances Reports*
- *Quarterly Conservator's Reports*
- *Federal Property Managers Reports*
- *FHFA Examination Manual*
- *Foreclosure Prevention Reports*
- *Dodd-Frank Act Tests*
- *Enterprise Guarantee Fees Reports*
- *Annual Housing Reports*
- *Scorecard for Fannie Mae, Freddie Mac and Common Securitization Solutions*
- *Office of Minority and Women Inclusion Annual Reports to Congress*
- *Federal Home Loan Bank Securitization Reports*
- *Refinance Reports*
- *Suspended Counterparty Program Notices*
- *Sustainability Plans*
- *Strategic Plans for the Conservatorships of Fannie Mae and Freddie Mac*
- *Various Data Sets*
 - *Public Use Databases for Fannie Mae and Freddie Mac*
 - *Public Use Databases for the Federal Home Loan Banks*
 - *Conforming Loan Limits*
 - *Countercyclical Stress Paths*
 - *Current Market Data*
 - *Duty to Serve Rural Areas Data*
 - *Federal Home Loan Bank Member Data*



2019 FHFA CHIEF FOIA Officer Report

- *U.S. House Price Index Report*
- *Monthly interest rate survey data*
- *Underserved Areas Data*
- *Staff Working Papers*
- *Low Income Housing and Community Development Activities of the Federal Home Loan Banks*
- *No-Fear Act Data*
- *Report on Collateral Pledged to Federal Home Loan Banks*
- *Mortgage Market Notes*
- *Executive Compensation Information*
- *Court Documents*
- *Testimony*

This information can be found at:

<https://www.fhfa.gov/AboutUs/FOIAPrivacy/Pages/Reading-Room.aspx>

FHFA-OIG:

- *Press Releases*
- *Peer Review Reports*
- *Regulations, notices, and public comments*
- *Semi-Annual Reports to Congress*
- *Status and Special Reports*
- *Management Alerts and Advisories*
- *Compliance Reviews*
- *Audit Reports*
- *Evaluation Reports*
- *White Papers*
- *Audit and Evaluation Plans*
- *Strategic Plans*
- *Compendium of Open Recommendations*
- *Testimonies*
- *Frequently Requested Records*
- *No-Fear Act Data*

These proactively disclosed materials can be found at www.fhfaoig.gov.

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.
 - *FHFA-HQ – In addition to posting documents to FHFA’s FOIA Reading Room, FHFA is also posting documents in other locations on FHFA’s website where the public is more likely to look for them, rather than the FOIA Reading Room, such as FHFA Reports and Plans, and Research and Policy documents under FHFA’s Research and Policy Website page.*
 - *FHFA-OIG – FHFA-OIG posts documents on its website where the public is more likely to look for them, rather than in its FOIA Reading Room. For example, rather than posting the Administrative Inquiry into Allegations of Misconduct by the FHFA Director in the FOIA Reading Room, it was posted under the Status and Special Reports page of the website.*

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

1. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.
 - *FHFA-HQ – No.*
 - *FHFA-OIG – No.*
2. 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?
 - *FHFA-HQ – Yes.*
 - *FHFA-OIG – Yes.*
3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018?
 - *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 2020.

- *Not Applicable.*

5. 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 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

- [https://www.fhfa.gov/AboutUs/Reports/Pages/Freedom-of-Information-Act-\(FOIA\)-Report-FY2018.aspx](https://www.fhfa.gov/AboutUs/Reports/Pages/Freedom-of-Information-Act-(FOIA)-Report-FY2018.aspx)

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

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. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

- *FHFA-HQ – Yes.*
- *FHFA-OIG – Yes.*

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?

- *FHFA-HQ – Yes.*
- *FHFA-OIG – Yes.*



3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

- *FHFA-HQ – 54.7%.*
- *FHFA-OIG – 72.7%.*

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?

- *Not Applicable.*

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. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

- *FHFA-HQ – No.*
- *FHFA-OIG – No.*

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

- *FHFA-HQ – No.*
- *FHFA-OIG – Yes.*

7. If your agency's request backlog increased during Fiscal Year 2019, 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:

- An increase in the number of incoming requests.
- A loss of staff.



- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.
- *FHFA-HQ – Not Applicable.*
- *FHFA-OIG – FHFA-OIG’s Acting FOIA Officer has limited FOIA experience and is performing other job duties in addition to FOIA duties. Moreover, there was an increase in the complexity of the requests received (in terms of time periods, numbers of documents and pages). Many of the Complex Track requests increased in complexity due to requesters seeking a large unaversive of documents and declining to narrow the scope of the request, despite FHFA-OIG explaining that the scope of the request was overbroad and would therefore take many months or longer to complete.*

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 2019.

- *FHFA- HQ – 6.33%.*
- *FHFA –OIG – 26%.*

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

- *Not Applicable.*

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

- *Not Applicable.*

11. If your agency’s appeal backlog increased during Fiscal Year 2018, 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:

- An increase in the number of incoming appeals.
- A loss of staff.



- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
 - Any other reasons – please briefly describe or provide examples when possible.
- *Not Applicable.*

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 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."

- *Not Applicable.*

C. Backlog Reduction Plans

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you 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 2018?

- *Neither FHFA-HQ nor FHFA-OIG had a backlog of over 1000 requests in Fiscal Year 2018.*

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

- *Not Applicable.*

D. Status of Ten Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.



TEN OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

- *No.*

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 2018 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- *FHFA-HQ – 4.*
- *FHFA-OIG – 0. However, FHFA-OIG continues to make rolling monthly productions on its oldest request.*

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

- *FHFA-HQ did not take any additional steps as FHFA's backlog was very small and all backlogged requests were closed.*
- *FHFA-OIG – FHFA-OIG contacted requesters and has sought agreement on narrowing requests so they may be processed more quickly; however no requester has agreed to do so.*

TEN OLDEST APPEALS

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

- *Not Applicable.*

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 2018 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- *Not Applicable.*

20. Beyond on 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

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

- *Not Applicable.*

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 2017 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- *Not Applicable.*

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

- *FHFA-HQ – There were no obstacles to closing the ten oldest requests, appeals or consultations in 2019.*
- *FHFA-OIG – While, the FHFA-OIG Acting FOIA Officer has continued to obtain training and gain experience with the FOIA, the lack of comprehensive knowledge has slowed OIG’s progress in closing its ten oldest requests. OIG anticipates that this challenge will be temporary in nature and will abate over time.*

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.

- *Not Applicable.*

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 2019.

- *FHFA-HQ – Not Applicable.*



- *FHFA-OIG – FHFA-OIG will continue to produce as many documents as practicable in its monthly rolling productions for the oldest requests in the Complex Track. When complete, that request will be closed and FHFA-OIG will move on to the next request in the Complex Track queue.*

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 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. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- *None.*

