



FEDERAL HOUSING FINANCE AGENCY 2021 CHIEF FOIA OFFICER REPORT

March 2021



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 2020 to March 2021

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 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.

- *David A. Lee, Managing Associate General Counsel, Chief FOIA Officer.*

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.

- *FHFA-HQ – FHFA-HQ encouraged all FHFA FOIA staff to take annual refresher training and to take all DOJ sponsored FOIA training and update classes/seminars. Further, FHFA-HQ encouraged all FHFA staff with ancillary FOIA responsibilities to take refresher training as well.*
- *FHFA-OIG – FHFA-OIG made outside (e.g., DOJ) FOIA training a priority for FOIA staff and required that all FHFA-OIG employees complete FOIA training prepared by FOIA staff. FHFA-OIG also regularly reviewed new FOIA-related court decisions and DOJ updates.*

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.



- *Artificial Intelligence 101 – different types of AI technologies, key terms, and possible applications to the FOIA process.*
- *Best Practices Workshop on FOIA Technology – better utilization of technology and implementation of best practices to improve FOIA administration.*
- *Annual FOIA Report Training – overview of annual FOIA reporting requirements.*
- *Chief FOIA Officer Report Training – overview of Chief FOIA Officer reporting requirements.*
- *FOIA Exemption 7 Workshop – presentation and discussion of FOIA’s primary exemption for law enforcement records, including the threshold requirement and substantive subparts.*
- *Fees and Fee Waivers Workshop – overview of the FOIA’s fee and fee waiver provisions.*
- *FOIA Processing from Start to Finish Workshop – the FOIA process from receipt by the agency to final response to the requester.*
- *Advanced FOIA Seminar*

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%.*

7. 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

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? 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

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.

- *FHFA-HQ – All new hires received FOIA training as part of their on-boarding process. In addition, each FHFA Office has a designated FOIA liaison to assist in responding to FOIA requests. These liaisons receive refresher training on an as needed basis.*
- *FHFA-OIG – FHFA-OIG conducted FOIA training of all FHFA-OIG employees; subjects included statutory and regulatory responsibilities, conducting record searches, and the FOIA process. This training will be conducted annually. In addition, the FOIA office works with OIG’s program offices to explain the scope of each FOIA request, to provide examples of documents that are responsive, to provide guidance or assistance with searches for responsive records, and to answer questions that 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.

1. For Fiscal Year 2020, 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 2020 Annual FOIA Report.

- *FHFA-HQ – 3 Days.*
- *FHFA-OIG – 15 Days.*
- *FHFA Overall – 7 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.

- *FHFA-HQ - Not applicable.*
- *FHFA-OIG – There were two cases in which requesters requested expedited processing but provided no rationale for their request. Our acknowledgement letters informed these requesters that they must demonstrate a “compelling need” for expedited processing and explained what qualifies under FHFA regulations as*



a “compelling need.” Because the requesters never provided a rationale, the requests for expedited processing were not further processed. Going forward, FHFA-OIG will ensure that in such cases the requests for expedited processing will be denied pending the submission of evidence justifying the request.

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 or raw 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 process under OMB Circular A-123.*
- *FHFA-OIG – Yes. As part of an A-123 internal controls assessment, FHFA-OIG looked at the numbers of FOIA/PA requests received/closed, the number of backlogged requests, the process for receiving FOIA fees, and information security controls for the FOIA record-keeping system.*

4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency’s FOIA process. In addition, describing an agency’s standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled.

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

- *FHFA-HQ – Yes.*
- *FHFA-OIG – No.*

b) If not, does your agency have plans to create FOIA SOPs?

- *FHFA-HQ – N/A.*
- *FHFA-OIG – Yes.*

c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?

- *FHFA-HQ – Annually.*
- *FHFA-OIG – Not applicable.*

d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?



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

5. 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 2020 (please provide a total number or an estimate of the number).

- *FHFA-HQ – 5.*
- *FHFA-OIG – 0.*
- *FHFA Overall – 5.*

6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process?

- *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? If not, what is your agency's plan to update your regulations?

- *Yes.*

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters.

- *As a result of the COVID-19 pandemic, FHFA-HQ and FHFA-OIG FOIA staff worked remotely. However, this had no adverse impact on receiving, searching, reviewing, or processing FOIA requests. Early on there were a few minor issues related to electronically delivering large document files to requesters, but this was overcome with the assistance of the Information Technology Office.*

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*
- *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 –*

- *Current Peer Review Reports*
- *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*
- *Compendiums of Open Recommendations*
- *Written Testimony to Congress*
- *A July 2020 Formal Order Deciding A Contractor Employee's Claim of Whistleblowing Reprisal*
- *Frequently Requested Records*
- *No FEAR Act Data*

This information can be found at www.fhfaoig.gov and www.fhfaoig.gov/FOIA/ReadingRoom.



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.

- *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 have revised our FOIA website pages to make locating reports and other documents as efficient as possible. For example, OIG lists its reports and publications chronologically and by type, and lists materials in its Electronic Reading Room by subject. Several high-visibility reports now are accessible in both the list of reports and in the Electronic Reading Room. At this time, FHFA-OIG does not plan to convert documents released under FOIA into open or native formats but will consider this in the future, particularly for spreadsheets and other data-dense documents as to which native format might provide a public benefit.*

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. Please briefly describe the types of technology your agency uses to support your FOIA program. 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.

- *Both FHFA-HQ and FHFA-OIG use FOIAXpress to process FOIA requests.*

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?



- *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.

- *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 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report.

- <https://www.fhfa.gov/AboutUs/Reports/Pages/Freedom-of-Information-Act-Report-FY-2019.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?

- *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.
 - *FHFA-HQ* – 9.29%.
 - *FHFA-OIG* – 8.52%.
 - *FHFA Overall* – 8.98%

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.

- *FHFA-HQ* – 51.5%.
- *FHFA-OIG* – 76%.
- *FHFA Overall* – 62%.

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 2019 and Fiscal Year 2020 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 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?

- *FHFA-HQ* – *No.*
- *FHFA-OIG* – *Yes.*
- *FHFA Overall* – *No.*

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?



- *FHFA-HQ – No.*
- *FHFA-OIG – Not applicable.*
- *FHFA Overall – 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. 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 – An increase in the complexity of the requests received, the number of documents to be reviewed increased, and the need to consult with two or more offices on requests.*
- *FHFA-OIG – Not applicable.*

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. 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. If your agency has no request backlog, please answer with "N/A."

- *FHFA-HQ – 15.3%.*
- *FHFA-OIG – 33.3%.*
- *FHFA Overall – 22.5%*

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?

- *FHFA Overall – No.*



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?

- *FHFA-HQ – Yes.*
- *FHFA-OIG – N/A.*
- *FHFA Overall – No.*

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. 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.
- *FHFA-HQ – The backlog was due to the retirement of the FOIA Appeals Officer who wasn't replaced for several months.*
 - *FHFA-OIG – 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. 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. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."

- *FHFA-HQ – 33.3%.*
- *FHFA-OIG – N/A.*
- *FHFA Overall – 25%*

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? 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 2020?

- *Not applicable.*

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.

- *Not applicable.*

D. Status of 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 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

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?

- *FHFA-HQ – No.*
- *FHFA-OIG – No.*
- *FHFA Overall – 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 2019 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

- *FHFA-HQ – 8.*
- *FHFA-OIG – 2.*
- *FHFA Overall – 8.*

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 – FHFA-HQ worked with our IT department to help in eliminating duplicates which will reduce the number of documents that will need to be reviewed.*



- *FHFA-OIG – FHFA-OIG contacted requesters to confirm their continued interest in receiving a response and has sought agreement with requesters to narrow their original requests so that the requests could be processed more quickly. These efforts have resulted in a significant reduction of FHFA-OIG’s backlog between September and December 2020.*

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?

- *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 2019 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

- *Not Applicable.*

20. 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

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?

- *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 2019 Annual FOIA Report. If you had fewer 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 – Obstacles facing FHFA-HQ include limited staff, increase in the*



number of documents to review, increase in the complexity of the requests, and the retirement of the appeals officer.

- *FHFA-OIG – OIG has seen FOIA-staff turnover in FY 2020 and FOIA staff is tasked with performing a number of other job functions. This has limited our progress in closing our 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.

- *FHFA-HQ – Not Applicable.*
- *FHFA-OIG – 2 of the 10 oldest requests are awaiting a response from another Government agency. The two FOIA requests, which involve the same records, were received on May 9 and May 16, 2016. On June 6, 2016, the records were sent to the other agency the records for consultation. The other agency was last contacted agency on August 24, 2020. To date, no response has been received.*

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.

- *FHFA-HQ –FHFA-HQ will continue to review and produce documents on a rolling basis.*
- *FHFA-OIG – FHFA-OIG has implemented steps to intensify its focus on backlogged requests. These steps include increased contact with requesters to narrow requests where possible. FHFA-OIG has also begun to better use FOIA staff and to process multiple backlogged requests simultaneously. These changes have already yielded positive results and a significant reduction in our backlog between September and December 2020.*

