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# Annual Report on the Freedom of Information Act for Fiscal Year 2016

Board of Governors of the Federal Reserve System

The following information is submitted to the U.S. Department of Justice by the Board of Governors of the Federal Reserve System (Board) in accordance with the requirements of the Freedom of Information Act (5 U.S.C. § 552(e)) (FOIA), as amended.

## **I. Basic Information Regarding Report**

1. The Board's contact person for questions about this report is Ms. Jeanne M. McLaughlin, Manager, Freedom of Information Office, Mail Stop 132, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW, Washington, DC 20551; Tel: 202-452-3684; TDD only: 202-452-3544; FAX: 202-872-7565.
2. A copy of this [2016 FOIA Annual Report](#) is available on the Board's website.
3. A paper copy of this report may be obtained by downloading it from the Board's website or requesting it from the Board's Freedom of Information Office (Tel: 202-452-3684).

## **II. How to Make a FOIA Request**

1. The Federal Reserve does not have individual agency components or offices that receive FOIA requests; all requests may be made to Mr. Robert deV. Frierson, Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW, Washington, DC 20551; Tel: 202-452-3711; FAX: 202-872-7565; or [electronically](#).
2. The exemptions most often applicable to information requested from the Board include (b)(4), (b)(5), (b)(6) and (b)(8). The Board receives a great deal of confidential supervisory information and privileged and private financial information

concerning individuals, business, and banking entities. Therefore, exemptions (b)(4), (b)(6) and (b)(8) are used to withhold confidential or privileged material. The Board uses exemption (b)(5) to withhold staff analyses and recommendations and inter-agency or intra-agency communications.

### III. Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms.
  - a. Board -- Board of Governors of the Federal Reserve System
  - b. FOIA -- Freedom of Information Act (5 U.S.C. § 552)
2. Basic 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. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
  - 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 which the agency relies on 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. **Perfect 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. 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

#### IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Total Number of Times Relied upon By Agency
N/A	N/A	N/A	<u>0</u>

#### V. FOIA Requests

##### A. Received, Processed and Pending FOIA Requests

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
<u>42</u>	<u>728</u>	<u>701</u>	<u>69</u>

##### B. (1) Disposition of initial requests

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	
<u>385</u>	<u>85</u>	<u>30</u>	<u>90</u>	<u>0</u>	<u>26</u>	<u>5</u>	<u>26</u>	<u>23</u>	<u>3</u>	<u>7</u>	<u>21</u>	<u>701</u>

##### B. (2) Disposition of FOIA Requests

Description of "Other" Reasons For Denials from Chart B (1)	TOTAL

<b>&amp; Number of Times Those Reasons Were Relied Upon</b>	
Directed Requester to another agency	<u>21</u>

B. (3) Disposition of FOIA Requests--Number of Times Exemptions Applied

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
<u>0</u>	<u>0</u>	<u>0</u>	<u>56</u>	<u>35</u>	<u>59</u>	<u>10</u>	<u>0</u>	<u>12</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>36</u>	<u>0</u>

**VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

A. Received, Processed, and Pending Administrative Appeals

<b>Number of Appeals Pending as of Start of Fiscal Year</b>	<b>Number of Appeals Received in Fiscal Year</b>	<b>Number of Appeals Processed in Fiscal Year</b>	<b>Number of Appeals Pending as of End of Fiscal Year</b>
<u>1</u>	<u>17</u>	<u>15</u>	<u>3</u>

B. Disposition of Administrative Appeals--All Processed Appeals

<b>Number Affirmed on Appeal</b>	<b>Number Partially Affirmed &amp; Partially Reversed/Remanded on Appeal</b>	<b>Number Completely Reversed/Remanded on Appeal</b>	<b>Number of Appeals Closed for other Reasons</b>	<b>TOTAL</b>
<u>4</u>	<u>5</u>	<u>0</u>	<u>6</u>	<u>15</u>

C. (1) Reasons for Denial on Appeal--Number of Times Exemptions Applied

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
<u>0</u>	<u>0</u>	<u>0</u>	<u>5</u>	<u>2</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>7</u>	<u>0</u>

C. (2) Reason for Denial on Appeal--Reasons Other than Exemptions

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	InLitigation	ExpeditedDenial	Other
<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>

C. (3) Reasons for Denial on Appeal--"Other" Reasons from Section VI, C (2) Chart

Description of "Other" Reasons For Denials from Chart B (1) & Number of Times Those Reasons Were Relied Upon	TOTAL
Untimely Appeal	<u>3</u>
No agency response to adjudicate	<u>1</u>

C. (4) Response Time for Administrative Appeals

Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
33	70	7	319

C. (5) Ten Oldest Pending Administrative Appeals

D.	Oldest Appeal	2nd	3rd	4th	5th	6th	7th	8th	9th	10th Oldest Appeal
Date of Receipt of Ten Oldest Appeals	2015-11-12	2016-05-23	2016-07-21	N/A						
Number of Days Pending	<a href="#">224</a>	<a href="#">92</a>	<a href="#">51</a>	0	0	0	0	0	0	0

**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

A. Processed Requests--Response Time for All Processed Perfected Requests

SIMPLE				COMPLEX				EXPEDITED			
Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
4	9	1	258	33	57	1	402	0	0	0	0

**B. Processed requests--Response Time for Perfected Requests in Which Information Was Granted**

SIMPLE				COMPLEX				EXPEDITED			
Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
5	10	1	258	36	66	1	402	0	0	0	0

**C. Processed Requests--Response Time in Day Increments**

Simple Request													
1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
333	25	9	0	3	0	0	2	0	0	1	0	0	373

Complex Request													
1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
86	79	28	23	17	10	4	11	7	2	7	4	1	279

Requests Granted Expedited Processing													
1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
0	0	0	0	0	0	0	0	0	0	0	0	0	0

**D. Pending Requests--All Pending Perfected Requests**

SIMPLE	COMPLEX	EXPEDITED PROCESSING
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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
N/A	N/A	N/A	67	40	63	N/A	N/A	N/A

### E. Pending Requests--Ten oldest Pending Perfected Requests

F.	Oldest Request Pending	2nd	3rd	4th	5th	6th	7th	8th	9th	10th Oldest Request Pending
Date	2015-07-14	2015-09-14	2015-10-01	2015-10-07	2016-03-16	2016-03-28	2016-04-11	2016-04-15	2016-04-27	2016-04-28
Number of Days Pending	<a href="#">308</a>	<a href="#">265</a>	<a href="#">252</a>	<a href="#">248</a>	<a href="#">140</a>	<a href="#">132</a>	<a href="#">122</a>	<a href="#">118</a>	<a href="#">110</a>	<a href="#">109</a>

## VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

### A. Requests for Expedited Processing

Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
<a href="#">0</a>	<a href="#">11</a>	10	8	8

### B. Requests for Fee Waiver

Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
<u>1</u>	<u>0</u>	4	4

## IX. FOIA PERSONNEL AND COSTS

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*
6	12	18	\$2,776,452.00	\$38,000.00	\$2,814,452.00

\*The total costs have been updated.

## X. FEES COLLECTED FOR PROCESSING REQUESTS

Total Amount of Fees Collected	Percentage of Total Costs
\$5,000.00	0.18%

## X. FOIA REGULATIONS

[FRB: FOIA Regulations Regarding Availability of Information](#)

## XI. BACKLOGS, CONSULTATIONS, AND COMPARISONS

### A. Backlogs of FOIA Requests and Administrative Appeals

Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
<u>43</u>	<u>3</u>

B. Consultations on FOIA Requests--Received, Processed, and Pending Consultations

Number of Consultations Received from Other Agencies that Were <i>Pending</i> at the Federal Reserve Board as of <i>Start of the Fiscal Year</i>	Number of Consultations <i>Received</i> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <i>Processed</i> by the Federal Reserve Board During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <i>Pending</i> at the Federal Reserve Board as of <i>End of Fiscal Year</i>
<u>1</u>	<u>2</u>	<u>3</u>	<u>0</u>

C. Consultations on FOIA Requests--Ten Oldest Consultations Received from Other Agencies and Pending at the Federal Reserve Board

D.	Oldest Consultation and Number of Days Pending	2nd	3rd	4th	5th	6th	7th	8th	9th	10th Oldest Consultation and Number of Days Pending
Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days	0	0	0	0	0	0	0	0	0	0

D. Comparison of Numbers of Requests from Previous and Current Annual Reports--Requests Received, Processed and Backlogged

NUMBER OF REQUESTS RECEIVED	NUMBER OF REQUESTS PROCESSED
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<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<a href="#">778</a>	<a href="#">728</a>	<a href="#">770</a>	<a href="#">701</a>

<b>Number of Backlogged REQUESTS as of End of Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged REQUESTS as of End of Fiscal Year from Current Annual Report</b>
<a href="#">14</a>	<a href="#">43</a>

E. Comparison of numbers of Administrative Appeals from Previous and Current Annual Report--Appeals Received, Processed, and Backlogged

<b>NUMBER OF APPEALS RECEIVED</b>		<b>NUMBER OF APPEALS PROCESSED</b>	
<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<a href="#">19</a>	<a href="#">17</a>	<a href="#">18</a>	<a href="#">15</a>

<b>Number of Backlogged APPEALS as of End of Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged APPEALS as of End of Fiscal Year from Current Annual Report</b>
<a href="#">1</a>	<a href="#">3</a>