



FOIA Reference Guide

The Freedom of Information Act (FOIA), found in Section 552 of Title 5 of the United States Code, was enacted by Congress to provide the public with access to federal records. The Act requires federal agencies to produce government records in response to requests from the public. The Export-Import Bank of the United States (EXIM), like all federal agencies, charges for processing FOIA requests, unless a statutory fee exemption applies. EXIM is committed to transparency and responsiveness to all FOIA requests.

Access to Online Records

EXIM's website, located at www.exim.gov contains detailed information about the activities of EXIM. The website includes product descriptions, news, reports and Board Agenda's. Also, documents are posted on EXIM's FOIA website. Requesters may want to review what is posted prior to making a FOIA request. In addition, the Agencies Library posts records that may be of interest to the public. The digital archive is available at www.digitalarchives.exim.gov.

Privacy Act Request

U.S. citizens or aliens lawfully admitted for permanent U.S. residence who are seeking information about themselves may submit a Privacy Act (PA) Request. Privacy Act requests must include a return address that identifies your street name/number and clearly identifies the particular records. Also, in order to protect your privacy as well as the privacy of others, whenever you request information about yourself you must provide a notarized statement signed under penalty of perjury stating that you are the person who you say you are. This requirement may be fulfilled by completing and signing Form DOJ-361 or having your signature on your request letter witnessed by a notary.

How to Make a Request

FOIA request should be sent directly to EXIM's FOIA Office. Requests can be made for any agency record. Requests should be in writing and should include the requesters' name, return address, and phone number and email address. FOIA requests can be submitted electronically, via the on-line web form, e-mail, PAL Portal and the National FOIA Portal. FOIA request should include the notation "Freedom of Information Act Request" in the e-mail or on the front of the request envelope and also at the beginning of the request letter. Requesters should specify the format in which they want to receive the records. Also, the request should include whether you are seeking expedited processing and a fee statement expressing willingness to pay fees for the requested records or a request for a fee waiver. Fee statements can specify the maximum amount a requester is willing to pay for processing the request.

Fees and Waivers

A fee is not charged if the charges for processing the request are equal to or less than \$25 and if EXIM fails to comply with the FOIA's time limits in which to respond to a request. EXIM ordinarily will collect all applicable fees before sending copies of records to a requester. If the estimated fees exceed \$25 or the specified maximum

amount a requester is willing to pay, the requester shall be notified. Advance payment of fees is required if the total amount is expected to exceed \$250. The following is a chart of the three fee categories and chargeable fees:

| Category | Chargeable fees |
|--|--|
| Commercial Use Requester | Search, Review and Duplication |
| Educational and Non-commercial Scientific Institutions Requesters and Representatives of the News Media Requesters | Duplication (excluding the cost of the first 100 pages) |
| All Other Requesters | Search and Duplication (excluding the cost of the first 2 hours of search and 100 pages) |

The Export-Import Bank of the United States applies the following fee schedule under 12 C.F.R.404.10.

| Service | Rate |
|---|--|
| Clerical Search/Review of Records | Hourly rate \$33.00 |
| Professional Search/Review of Records | Hourly rate \$ 57.00 |
| Direct Cost | Based upon the salary of the employee performing and 16 percent of benefits. |
| Computerized Search/Other Equipment | Based upon the salary of the employee performing and 16 percent of benefits. |
| Additional Cost for Offsite Records Retrieval | Based upon the salary of the employee performing and 16 percent of benefits. |
| Duplication of Records | \$.10 per page |
| Special Service Charge | The full cost of providing the service. |
| Certification of Records | \$25 |

Requesters may seek a waiver of fees by submitting a written request to EXIM’s FOIA Office. Documents will be furnished without charge or at reduced charges if disclosure of the information is in the public interest because it is likely to contribute significantly to the public understand of the operations or activities of the government and is not primarily in the commercial interest of the requester.

Records Description

In making a request, the records description should be as specific as possible. The request should include relevant dates, format, subject matter, and the name of any person(s) to whom the records are known to relate.

FOIA Process

- **Request Received:** Requests received via the on-line web form, U.S. mail, E-mail, PAL Portal, or the National FOIA Portal to the FOIA office. FOIA request logged into tracking system and assigned a FOIA Number.
- **Acknowledgment of Request:** When EXIM's FOIA office receives your request, it will provide a letter or e-mail acknowledging the request and assigning it a tracking number. Please note that in order for a request to be deemed received it must contain a sufficient request description and a fee statement.
- **Processing Fee:** FOIA staff, based upon search time, processing time, and copying expenses necessary to process requests as provided by appropriate EXIM divisions, submits fee estimate to the requestor.
 - Media requests are usually granted a fee waiver consistent with statute.
- **Fee Payment:** EXIM continues to process request if the requestor agrees to pay or fully pays the estimated fees.
- **Document Retrieval/Search:** FOIA office coordinates with all relevant component offices to retrieve documents appropriate to the FOIA request.
 - Emails are retrieved through an IT search tool. Generally, the component offices retrieve letters, files, and other non-email related documents.
- **FOIA Review:** All documents associated with the request are reviewed by FOIA staff to remove or redact personal, privileged, or confidential information. FOIA staff apply all appropriate FOIA and Privacy Act exemptions. The agency's correspondence includes responsive records, clearly stating whether any exemptions were applied to exclude any information and provides appeal rights and instructions to the requestor.
 - Submitter Notice: Third party entities are notified and have the opportunity to provide comments related to FOIA information on their respective entity prior to release.
- **Legal Review:** FOIA staff complete the final response package which is reviewed by OGC lawyers for legal sufficiency.
- **Final Notification:** FOIA staff provides notification to appropriate EXIM offices prior to release.
- **FOIA Appeals:** Requestors have the right to appeal any negative determination associated with their FOIA request or if they are not satisfied with the initial response. FOIA appeals can be submitted via e-mail at FOIA.Appeals@exim.gov. The Assistant General Counsel of the Administrative Law Group serves as the EXIM's FOIA Appeal Officer. This administrative appeal may then be further appealed in federal court.

Dispute Resolution

The Agencies FOIA Public Liaison can assist you throughout the request process, from working with you on request formulation or alternative time frames for processing your request, provide the status of your request and assists in resolving disputes. You may contact our FOIA Public Liaison, Ms. Lennell Jackson at 202-565-3290. Also, the Office of Government Information Service (OGIS), offers mediation services to FOIA requesters. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

FOIA Contacts

The responsibility for FOIA has been designated to the Office of Ethics. The Deputy General Counsel serves as the Chief FOIA Officer. The Office of General Counsel provides legal review of FOIA packages and the AGC of the Administrative Law Group serves as the EXIM's FOIA Appeal Officer.

- Chief FOIA Officer: Victoria Coleman (202-565-3435)
- Deputy Chief FOIA Officer: Lance Mathews (202-570-2263)
- HQ FOIA Public Liaison: Lennell Jackson (202-565-3290)
- OIG FOIA Public Liaison: John Walz (202-565-3924)
- FOIA Specialist: Natascha Simon (202-565-3248)
- FOIA Specialist: James Dixon (202-565-3292)
- FOIA Specialist: Nadia Brown (202-565-3197)
- OGC FOIA Lawyer: Calvin Boles (202-565-3425)
- OGC FOIA Lawyer: Darryl Joe (202-476-0638)
- OGC FOIA Lawyer: Sarah Lanks
- OGC FOIA Lawyer: Matthew Paprocki
- OGC FOIA Lawyer: Elijah Isom (202-565-3430)
- FOIA Appeal Officer: Michael Soybel (202-565-3475)