

**EXXIM**

**EXPORT-IMPORT BANK  
OF THE UNITED STATES**

*Reducing Risk. Unleashing Opportunity.*

*Chief FOIA  
Officer Report  
March 2018*

---

# **EXPORT-IMPORT BANK OF THE UNITED STATES**

## **Chief FOIA Officer Report**

**Lisa V. Terry, Chief FOIA Officer**

**March 12, 2017**

---

The Export Import Bank of the United States (EXIM Bank or Agency) is the official export credit agency of the United States. Our mission is to ensure that U.S. companies, large and small, have access to the financing they need to turn export opportunities into sales. Keeping with our mission, the agency has a strong interest in ensuring that accurate and relevant information about its activities is made available or is easily accessible by the public. Available via the EXIM Bank website, for instance, the public can access Quarterly Deal Data Information, Annual Reports, FOIA Logs, Country Limitation Schedule, Minutes of the Board of Directors and Credit Committee, Congressional Budget Justification Report, Competitiveness Reports to Congress and Transition Landing Team Documents.

### **Section I: Steps Taken to Apply the Presumption of Openness**

#### **A. FOIA Training:**

- 1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA Training or conferences during the reporting period such as that provided by the Department of Justice?*

Yes.

*2. If yes, please provide a brief description of the type of training attended and the topics covered.*

In 2017, EXIM Bank's FOIA Team attended the Department of Justice FOIA Best Practices Seminar, the Freedom of Information Act for Attorneys and Access Professionals Seminar, Chief FOIA Officer Report Refresher Training. Topics discussed include Proactive Disclosures, Request Processing from start to finish, Appeals, Fees and changes to the Chief FOIA Officer Report.

*3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period?*

In 2017, all members (100%) of the EXIM Bank's FOIA Team attended and participated in FOIA training.

*4. 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 period.*

Not applicable.

**B. Other Outreach:**

*5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding the Administration of FOIA.*

Yes, during this reporting period, our FOIA Public Liaison attended the Chief FOIA Officer's Council Meeting. Our FOIA Public Liaison was able to speak with members of the requester community regarding various FOIA topics. Specifically, the Agency received valuable feedback about the Agencies response times to request and the type of information they would like to see posted on the website.

### **C. Other Initiatives:**

*6. Describe any efforts your agency has taken to inform non-FOIA professionals of their obligations under the FOIA?*

EXIM Employees are informed of their FOIA Obligation as a part of the Banks "On Boarding" process. Also, the FOIA Office continues to meet with components within the Agency to discuss various aspects of the FOIA process, specifically how to conduct a reasonable search and to accurately document the search. Also, the FOIA Reference Guide is available on our external and internal website. It provides guidance on how the FOIA process works at EXIM.

*7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here?*

The presumption of openness is essential to the Bank's FOIA practice. The FOIA Team continues to consult frequently with the Bank components that created/generated the records, in order to discuss the records' significance and determine any actual harm in disclosure. The agency continues to release documents on the EXIM Bank website to provide public access to records. These records include environmental and social documents and historical documents, quarterly deal data and US Export Data by State.

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

EXIM Bank receives most requests electronically, either via E-Mail to a dedicated FOIA mailbox, through a fillable form on the Bank's website or the PAL Portal. The PAL Portal allows requesters to submit a request electronically and to check the status of their FOIA request. Because EXIM Bank is a small Agency and its FOIA office is centralized, the Headquarters is the only component within the Bank which receives FOIA requests. Each member of the Bank's FOIA Team receives these requests via E-Mail; this ensures that the initial request is seen by at least two team members. The FOIA Team logs in any requests that are received via direct mail or email and a tracking number is assigned and provided to the requester via direct mail or E-mail. Requests submitted through the PAL Portal are logged automatically

and assigned a tracking number and automatically provided to the requester via E-mail. The FOIA Team analyzes each request to determine whether the request contains sufficient information to clearly identify the records in question. If the requested records are not clearly identifiable, the FOIA Public Liaison contacts the requester via telephone or E-mail to seek clarification. If the request is overly broad, the FOIA Liaison works with the requester to determine their specific need so the scope of the request can be clearly defined and the request can be processed in the most expeditious manner possible.

EXIM Bank utilizes a FOIA-specific software package, which allows us to efficiently track and process requests in a timely manner. All members of the Bank's centralized FOIA Team have access to this software. Members of the Bank's FOIA and IT Teams regularly consult with the software vendor's IT staff in order to identify, discuss and manage updates and improvements. Also, the Chief FOIA Officer reports weekly to the Chairman of the Bank.

The FOIA Team meets regularly to review the status of outstanding requests and discuss any issues as they arise, and to set and adjust goals if necessary.

1. *For Fiscal Year 2017, what was the average number of days your agency reported for adjudicating request for expedited processing?*

EXIM received 13 requests for expedited processing in FY 2017. EXIM reported less than 1 day for adjudicating these request for expedited processing.

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?*

No, in FY 2017 EXIM Bank did not conduct a self-assessment.

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 how often requesters sought assistance from your agency's FOIA Public Liaison.*

The Bank notifies requesters about the services provided by the Agency's FOIA Public Liaison in the acknowledgment letter and final response letter, but approximately 8 requesters have sought assistance from the agency's FOIA Public Liaison after notification was provided.

5. *If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.*

The FOIA staff continuously assesses our processes to ensure that the FOIA system operates efficiently and effectively. The FOIA office sought to improve the quality and efficiency of FOIA processing. This Fiscal Year, the FOIA office continued to monitor cases placed on the simple track in an effort to close those cases within 20 days, as required by the FOIA statute and to reduce overall processing times of simple track request. The FOIA Office and the Agency's Office of the Chief Information Officer continue to improve the process for e-mail searches and the processing of e-mail. The FOIA Office acquired new software that improves the Bank's ability to process e-mail. The Bank's FOIA and IT Teams regularly consult with the software vendor's IT staff to further enhance and fine-tune its FOIA software-processing package to EXIM Bank's specific needs.

### **Section III: Steps Taken to Increase Proactive Disclosures**

#### **A. Posting Material:**

1. *Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.*

Materials EXIM Bank has proactively disclosed and posted on the FOIA Web site include, FOIA Annual Reports, EXIM Bank Annual Reports, the FOIA Log, Country Limitation Schedule, Minutes of the Board of Directors and Credit Committee, the Chief FOIA Officer Reports, Budget Justification Reports, Trump Transition

Document and Competitiveness Reports to Congress. Also, EXIM Bank continues to proactively disclose a large amount of statistical data related to Bank transactions on our FOIA Web site. To maximize use by the public, the FOIA Application Deal Information files are downloadable and are posted in CSV format for the users' convenience; users may create custom reports using these files. In addition, included with the data file is a "key" that explains each column heading in every data file. These files are available on EXIM Bank's Web site at <http://www.exim.gov/about/foia/frequently-requested-records-and-proactive-disclosures>. Additionally, the Bank releases environmental and social documents, as required by the Banks Charter. These files are available on the EXIM Bank website at: <http://www.exim.gov/policies/ex-im-bank-and-the-environment/environmental-impact-assessment-reports>. Moreover, the EXIM Bank Library posts historical information to the Banks Digital Archives. This information can be accessed at:

<http://www.digitalarchives.exim.gov/>.

2. *Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.*

No.

3. *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.

4. *If yes, please provide examples of such improvements.*

EXIM Bank continuously updates its website and FOIA page to make information easily accessible to the public and more user friendly. Content on the website is

provided either in HTML, PDF, XML and CSV formats. Electronic forms are provided to allow requesters or users to apply for services online. Also, the Bank continues to update the downloadable statistical data relating to Bank transactions.

5. *If there are any other steps your agency has taken to improve proactive disclosures, please describe them here.*

No.

#### **Section IV: Steps Taken to Greater Utilize Technology**

1. *Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referral, or employing software that can sort and de-duplicate documents?*

Yes, EXIM Bank recently acquired new software that assists the document processing function. The software sorts and de-duplicates e-mail. This tool automates some of the key functions necessary for processing FOIA request, which will increase efficiency over time.

2. *Did your agency successfully post all four quarterly reports for Fiscal Year 2017?*

Yes.

3. *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 2017.*

Not applicable.

4. *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 2016 Annual Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.*

Fiscal Year 2016 Annual Report Raw Data:

<https://www.exim.gov/about/freedom-information-act/foia-annual-reports/2016>

5. *If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.*

Not applicable.

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

### **A. Simple Track:**

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

Yes.

2. *If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?*

Yes, in 2017, the average number of days for EXIM to process simple request is 10.4 days.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.*

In 2017, 55.3 percent of the requests processed were placed on the simple track.

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:**

### **Backlogged Requests**

- 5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016? If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.*

No, the backlog increased by 10 requests, from 33 to 43.

- 6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.*

In 2017, EXIM Bank continued its efforts to clean-up of the FOIA backlog. This effort resulted in the closure of 27 backlogged cases, which included 4 of the ten oldest cases. Also, the FOIA office provided interim responses to 13 of the reported backlogged request that remain open. In addition, the number of requested received increased by 15.32% in FY 2017 and many of these requests are for voluminous e-mail results. In the last 60 days of the fiscal year, the Bank received 33 new requests. Additionally, the Bank lost a member of its FOIA Legal staff. The numbers of backlog cases increased, as a result of the loss of staff and increase of the complexity of FOIA requested received at the Bank.

- 7. 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 2017.*

In FY 2017, 30 percent.

### **Backlogged Appeals**

- 8. If your agency has a backlog of appeals at the close of the Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?*

EXIM Bank did not have a backlog of appeals at the close of fiscal year 2017.

9. *If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.*

Not applicable.

10. *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 2017.*

Not applicable.

### **C. Backlog Reduction Plans**

11. *In the 2017 guidelines for Chief FOIA Officer Report, any agency with a backlog of over 1000 requests in Fiscal Year 2016 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 the agency was able to achieve backlog reduction in Fiscal Year 2017?*

Not applicable.

12. *If your agency had a backlog of more than 1000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?*

Not applicable.

### **D. Status of Ten Oldest Requests, Appeals, and Consultations:**

#### **Ten Oldest Requests**

13. *In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?*

No.

14. *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 2016 Annual FOIA Report.*

In FY 2017, EXIM Bank closed 4 of the ten oldest requests and provided interim response for the six requests that remain open.

15. *Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?*

The Agency closed one of these requests because it was withdrawn by the requester. However, prior to the requester withdrawal EXIM had provided 4 interim responses to the requester.

### **Ten Oldest Appeals**

16. *In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?*

Not applicable.

17. *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 2016 Annual FOIA Report.*

EXIM Bank did not have any pending appeals at the end of FY 2017.

### **Ten Oldest Consultations**

18. *In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?*

Not applicable.

19. *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 2015 Annual FOIA Report.*

EXIM Bank did not have any consultations pending at the end of FY 2017.

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

20. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals and consultations from Fiscal Year 2017.*

The Bank has three main challenges in closing the ten oldest requests in that it required the search of multiple Divisions within the Bank, involves the review of complex or voluminous records and the need to employ the submitter notice process. These FOIA requests include transaction records and e-mail correspondences regarding transactions and the Bank's due diligence and decision-making processes. These records also contain personal and confidential business information and information of interest to the submitter, which requires an additional review under the submitter notice process. These challenges add significant time to the processing of these requests, but despite these challenges the Bank has provided interim responses to the all of the six oldest requests that remain open.

21. *If your agency was unable to close any of its ten oldest request 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.*

Date Initially Received	Date of Initial Consultation	Date Last Contacted the Consulting Agency
3/9/2015	10/11/2016	1/11/2018

*22. 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 2018.*

EXIM Bank will close out the 6 remaining of the ten oldest FOIA request by continuing to review documents and provide interim responses on a rolling basis.

**F. Success Stories:**

The Export Import Bank continues to show its commitment to the principles of Open Government. FOIA professionals were able to close 27 of its oldest pending FOIA request, of which 4 were the 10 oldest. Also, EXIM closed 132 FOIA cases and 1 appeal in FY 2017, despite the loss in staff.