



# 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, like all federal agencies, charges for processing FOIA requests, unless a statutory fee exemption applies. The Bank is committed to transparency and responsiveness to all FOIA requests.

## FOIA Process

- **Request Received:** Requests received via on-line form, U.S. mail, E-mail or fax to the FOIA office. FOIA request logged into tracking system.
- **Processing Fee:** FOIA staff, based upon search time, processing time, and copying expenses necessary to process request as provided by appropriate Bank divisions, submits fee estimate to the requestor.
  - Media requests are usually granted a fee waiver consistent with statute.
- **Fee Payment:** Bank continues to process request if the requestor agrees to pay or fully pays the estimated fees.
- **Document Retrieval:** 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 if 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.
- **OGC Review:** FOIA staff complete the final response package which is reviewed by OGC lawyers for legal sufficiency.
- **CFO Review:** OGC lawyers complete review for legal sufficiency which is then reviewed by the Chief FOIA Officer and approved for release.
- **Final Notification:** FOIA staff provides notification to appropriate Bank offices prior to release.
- **FOIA Appeals:** Requestors have the right to appeal any negative determination associated with their FOIA request. The Assistant General Counsel of the Administrative Law Group serves as the Bank's FOIA Appeal Officer. This administrative appeal may then be further appealed in federal court.

## FOIA Contacts

The responsibility for FOIA has been designated to the Office of Ethics. The Chief Ethics Officer serves as the Chief FOIA Officer and the FOIA Public Liaison manages the dedicated FOIA team. The Office of General Counsel provides legal review of FOIA packages and the AGC of the Administrative Law Group serves as the Bank's FOIA Appeal Officer.

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|---|----------------------|-----------------|----------------|
| • | FOIA Public Liaison: | Lennell Jackson | (202-565-3290) |
| • | FOIA Specialist:     | Natascha Simon  | (202-565-3248) |
| • | FOIA Specialist:     | James Dixon     | (202-565-3292) |

- FOIA Specialist: Naida Ruiz (202-565-3197)
- Chief FOIA Officer: Lisa V. Terry (202-565-3195)
- Administrative Lawyer: Dana Jackson (202-565-3475)
- Administrative Lawyer:
- FOIA Appeal Officer: Susan Gerson (202-565-3495)