



EXPORT-IMPORT BANK OF THE UNITED STATES
Chief FOIA Officer's Report
David Sena, Chief Financial Officer and Chief FOIA Officer
March 7, 2017

The Export Import Bank of the United States (Ex-Im 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 Ex-Im 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, and Competitiveness Reports to Congress.

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 2016, Ex-Im Bank's FOIA Team attended the Department of Justice FOIA Best Practices Seminar, the Freedom of Information Act for Attorneys and Access

Professionals Seminar and Digital Government Institute (DGI), E-Discovery, Records and Information Management Conference, as well as the Annual Users' Group Conference, which describes updates to the Bank's automated FOIA request tracking and processing system. Topics discussed include Proactive Disclosures, Request Processing from start to finish, Appeals, Fees and the implementation of the FOIA Improvement Act of 2016.

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 2016, all members (100%) of the Ex-Im 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. Outreach:

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

Yes, the agency and its FOIA professional did engage in outreach and dialogue with the requester community.

The agency received an influx of FOIA requests, media requests and Environmental Portal requests from a particular organization. In an effort to help them better understand certain aspects of the agencies processing practices and to provide information on the Bank and how it functions, agency officials met with the organization. In addition, the FOIA office has corresponded with the organization about processing, FOIA policy, tracks, queues and better ways to formulate requests.

C. Other Initiatives:

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

The FOIA Office has met with various components within the Agency to discuss various aspects of the FOIA process, most significant being how to conduct a reasonable search.

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 FOIA Team continues to consult more 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 Ex-Im Bank website to provide public access to Deal Data Information, Annual Reports, FOIA Logs, and the Country Limitation Schedule, Minutes of the Board of Directors and Credit Committee, Budget Justification Report, Transition Document, and Competitiveness Reports to Congress. Also, environmental and social documents and historical documents are available on the website. The presumption of openness is essential to the Bank's FOIA practice.

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

Ex-Im 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 Ex-Im 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 immediately 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 immediately 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 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.

Ex-Im 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 affect updates and improvements. Also, the 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.

A. Processing Procedures:

1. *For Fiscal Year 2016, what was the average number of days your agency reported for adjudicating request for expedited processing?*

Ex-Im received five requests for expedited processing in FY 2016. Ex-Im reported 2 days 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. *Provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.*

In FY 2016, 31 processed requests were from commercial use requesters. 25% of the requests received by HQ were from commercial use requesters.

B. Requester Services:

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 ten requesters have sought assistance from the agency's FOIA Public Liaison after notification was provided.

5. *The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency FOIA reference guide.*

The Ex-Im Bank FOIA reference guide is available at:
<http://www.exim.gov/about/foia>.

C. Requester Services:

6. *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. During this fiscal year, the FOIA office sought to improve the quality and efficiency of FOIA processing. For example, the FOIA office created and implemented a new FOIA processing form in order to improve the documentation of decision made throughout the life of the case. The FOIA office closely monitored cases placed on the simple track in an effort to close those cases within 20 days 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 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 Ex-Im Bank's specific needs. Additionally, more internal documents are being filed electronically at the time they are created, making it faster and easier to conduct searches for these documents. The FOIA office is also taking steps necessary to transition to a paperless case processing system.

Section III: Steps Taken to Increase Proactive Disclosures

A. Posting Material:

1. *Describe your agency's process or system for identifying "frequently requested" records that should be posted online.*

The FOIA Team reviews recent disclosure trends to identify requests or information that may be of interest to the public. When three or more requests are received for the same information, those records are flagged and then posted on the website. Also, the Bank continues to update the downloadable statistical data relating to Bank transactions and as required by the Bank's Charter, the Bank releases environmental and social documents. This information is available on the Ex-Im Bank website.

2. *Does your agency have distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.*

Yes, the FOIA Team consults with Bank components that created/generated the records to discuss the records' significance and determine any actual harm in disclosure and placing that information on our FOIA Website. Also, once information is requested three times, it is posted on the FOIA Website.

3. *Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?*

No, Ex-Im Bank has not encountered significant challenges when posting proactive disclosures on its FOIA website.

4. *If so, briefly explain those challenges and how your agency is working to overcome them.*

Not applicable.

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

Materials Ex-Im Bank has proactively disclosed and posted on the FOIA Web site include, FOIA Annual Reports, Ex-Im 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, Ex-Im 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 Ex-Im 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 Ex-Im Bank website at: <http://www.exim.gov/policies/ex-im-bank-and-the-environment/environmental-impact-assessment-reports>. Moreover, the Ex-Im Bank Library posts historical information to the Banks Digital Archives. This information can be accessed at: <http://www.digitalarchives.exim.gov/>.

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

No.

B. Other Initiatives:

7. *If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?*

No.

Section IV: Steps Taken to Greater Utilize Technology

A. Making Material Posted Online More Useful:

1. *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.

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

Ex-Im 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.

B. Other Initiatives:

3. *Did your agency successfully post all four quarterly reports for Fiscal Year 2016?*

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 2017.*

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 2016, was the average number of days to process simple requests twenty working days or fewer?*

No.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.*

In 2016, 52.9 percent of the requests processed were placed in 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 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.*

No. The backlog remained the same, 33.

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

In 2015, Ex-Im Bank reported a backlog of 33 cases. In 2016, the Bank reported a backlog of 33 cases. In 2016, Ex-Im Bank continued its efforts to clean-up of the FOIA backlog. This effort resulted in the closure of 23 backlogged cases, which included 8 of the ten oldest cases, with the oldest dating back to fiscal year 2014. Also, the FOIA office has provided interim responses to 8 of the reported backlogged request that remain open. The 2016, backlog dates back to fiscal year 2014. In addition, the number of requested received increased by 24% in FY 2016 and many of these requests are for voluminous e-mail results that will take a significant amount of time to process. Additionally, the Bank lost two members of its FOIA staff for four months and as a result, the numbers of backlog cases do not increase.

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 2016.*

In FY 2016, 27 percent of requests make up the backlog.

Backlogged Appeals

8. *If your agency has a backlog of appeals at the close of the Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015?*

Ex-Im Bank did not have a backlog of appeals at the close of fiscal year 2016.

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 2016.*

Not applicable.

C. Status of Ten Oldest Requests, Appeals, and Consultations:

Ten Oldest Requests

11. *In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?*

No.

12. *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 2015 Annual FOIA Report.*

In FY 2016, Ex-Im Bank closed eight of the ten oldest requests

13. *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 did not close any of these requests because they were withdrawn by the requester.

Ten Oldest Appeals

14. *In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?*

N/A

15. *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 2015 Annual FOIA Report.*

Ex-Im Bank did not have any pending appeals at the end of FY 2015.

Ten Oldest Consultations

16. *In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?*

N/A.

17. *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.*

Ex-Im Bank did not have any consultations pending at the end of FY 2015.

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

18. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals and consultations from Fiscal Year 2016.*

The Bank has three main challenges in closing the ten oldest requests in that it require 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 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.

19. *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.*

Not applicable.

20. *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 2017.*

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

E. Success Stories:

The Export Import Bank continues to show its commitment to the principles of Open Government. FOIA professionals were able to close 23 of its oldest pending FOIA request, of which 8 were the 10 oldest. Also, Ex-Im closed 121 FOIA cases, 2 consultations and 9 appeals in FY 2016, despite the loss in members of its FOIA staff.

Additionally, the Bank continues to make information accessible to the public by posting environmental and social documents, as required by the Banks Charter, historical information and continuing to disclose the data providing details of Ex-Im Bank transactions.