



# FOIA Reference Guide

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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.

## Access to Online Records

Ex-Im Bank's website, located at [www.exim.gov](http://www.exim.gov) contains detailed information about the activities of Ex-Im Bank. The website includes product descriptions, news, reports and Board Agenda's. Also, documents are posted on the Ex-Im Bank 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](http://www.digitalarchives.exim.gov).

## How to Make a FOIA Request

FOIA request should be sent directly to the Bank's FOIA Office. Request can be made for any agency record. Request should be in writing and should include the requesters name, return address and phone number. FOIA requests can be submitted electronically, via web form, e-mail PAL Portal and fax. 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, request should include 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 process the request.

## 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 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.

## Records Description

In making a request, the records description should be as specific as possible. Request should include relevant dates, format, subject matter and the name of any persons to whom the records is known to relate.

## 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 and assigned a FOIA Number.
- **Acknowledgment of Request:** When the Bank'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 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.
- **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 or if they are not satisfied with the initial response. FOIA appeals can be submitted via e-mail at [FOIA.Appeals@exim.gov](mailto:FOIA.Appeals@exim.gov). 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. Resolving Disputes

## 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](mailto: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 the Ethics Officer. The Ethics Officer 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 Bank's FOIA Appeal Officer.

- Chief FOIA Officer: Lisa Terry (202-565-3195)
- FOIA Public Liaison: Lennell Jackson (202-565-3290)
- FOIA Specialist: Natascha Simon (202-565-3248)
- OGC FOIA Lawyer: Lance Mathews (202-565-3428)
- FOIA Appeal Officer: Andrea Bernardo (202-565-3431)