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Description of document: Federal Housing Finance Agency (FHFA) Freedom of Information Act (FOIA) Standard Operating Procedure (SOP) 2020

Requested date: 22-May-2022

Release date: 16-June-2022

Posted date: 28-November-2022

Source of document: FOIA Request
FHFA-OIG FOIA Requester Service Center
ATTN: FOIA Officer
400 7th Street, S.W., Eighth Floor
Washington, DC 20219
Fax: (202) 318-8602
Email: FOIA@fhfaoig.gov

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Federal Housing Finance Agency

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June 16, 2022

Re: FHFA FOIA No. 2022-FOIA-039

This letter is in response to your Freedom of Information Act (FOIA) request, dated May 22, 2022. Your request was received in the Federal Housing Finance Agency's (FHFA) FOIA office on May 23, 2022 and assigned FHFA FOIA request number 2022-FOIA-039. Your request was processed in accordance with the FOIA (5 U.S.C. § 552) and FHFA's FOIA regulation (12 CFR Part 1202).

You requested the following:

“A copy of each (internal) FOIA Standard Operating Procedure (SOP) at the FHFA FOIA Office. Please apply the foreseeable harm test, and discretionary release of what might otherwise be considered records exempt under b(5), and the presumption of openness.”

A search of FHFA files and records located material responsive to your request. FHFA has determined that the document is releasable in its entirety. Please find attached the responsive material, totaling 10 pages.

Your FOIA request is releasable to the public under subsequent FOIA requests. In responding to these requests, FHFA does not release personal information, such as home or email addresses and home or mobile telephone numbers which are protected from disclosure under FOIA Exemption 6 (5 U.S.C. § 552(b)(6)).

There are no fees associated with processing this request.

If you have any questions regarding the processing of your request, please contact us via email at foia@fhfa.gov or by telephone at (202) 649-3803.

Sincerely,

/s/

Stacy J. Easter
FOIA/Privacy Officer

CONTROLLED

FEDERAL HOUSING FINANCE AGENCY

Freedom of Information Act (FOIA)

Procedures



July 2020

Version 3.0

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Record of Revisions

Date Revised	Revised By	Revision Level	Description of Revision
May 2012	David Lee	New	Initial Release
August 2015	Stacy Easter	Rev 1.0	Update FOIA fee procedures to include OBFM's process for sending out FOIA fee invoices
August 2018	Stacy Easter	Rev 2.0	General updates; Add FOIA Point of Contact list
February 2021	Stacy Easter	Rev 2.1	Update SAOP with Tasha Cooper.
July 2021	Stacy Easter	Rev 3.0	Update POC list.

FREEDOM OF INFORMATION ACT PROCEDURES

These are internal procedures for processing Freedom of Information Act (FOIA) requests and administrative appeals. The procedures are consistent with the FOIA, codified at 5 U.S.C. § 552, and FHFA's implementing regulation, codified at 12 C.F.R. part 1202.

FHFA currently utilizes a commercial cloud based off-the-shelf software package (FOIAXpress) to process and track FOIA requests as well as generate necessary reports.

I. Processing a FOIA Request¹

- A. FHFA receives FOIA requests primarily through electronic mail. In addition, FOIA requests may also be received via U.S. Mail, Express Mail, facsimile, or in person.
- B. When a FOIA request is received, the FOIA Office reviews the FOIA request to determine whether it includes all required information set forth in 12 CFR 1202. If the request is "perfected" (i.e. has all the required information), a tracking number, sequentially by fiscal year, is assigned.
- C. For a perfected request, the FOIA Officer then determines if the request should be assigned to the simple or complex track. Requests assigned to the simple track (i.e., based on the volume and/or simplicity of the records requested) are given a due date of 20 working days. Requests assigned to the complex track (i.e., based on the volume and/or complexity of the records requested) are given a due date of 30 working days. This determination is then noted in the FOIA tracking software.
- D. The FOIA Office sends a confirmation to the requester within five working days of receipt of the perfected request. This confirmation acknowledges receipt of the FOIA request, and provides the requester with the tracking number, informs them whether the request has been assigned to the simple or complex track, and identifies the requester category that the requester falls into.
- E. If the FOIA request is incomplete or unclear (not considered "perfected"), the FOIA Office notifies the requester that the request needs to be clarified, additional information needs to be provided (i.e. basis for request for a fee waiver), or required information is

¹ Attachment I - establishes the process for handling requests for FHFA-OIG records.

missing (i.e. acknowledgement of the applicable fees charges as set forth in 12 CFR part 1202.11). The requester is given 15 calendar days to respond and is informed that if they do not respond, the request is closed.

1. If the requester does not provide the information by the date requested, the FOIA request is closed and a note is placed in the file documenting this.
 2. If the requester timely provides the requested information, the request is considered “perfected.” The FOIA Office sends a confirmation to the requester within five working days of receipt of the valid request. This confirmation acknowledges receipt of the FOIA request, and provides the requester with the tracking number, informs them whether the request has been assigned to the simple or complex track and identifies the requester category that the requester falls into.
- F. If a FOIA request includes a request for expedited processing or a fee waiver, within 10 working days of receipt of the expedited request or 20 working days of receipt of the fee waiver, the FOIA Office either grants or denies, in writing, the request and notifies the requester. If the request for expedited processing is granted, the request is given priority and will be processed as soon as practicable.
- G. After receipt of a perfected FOIA request, the FOIA Office will i) search for responsive records; ii) submit a request for electronic records (see paragraph H); and/or iii) forward the request to the appropriate FHFA Office point of contact (POC)².
- H. For electronic record searches, the FOIA office will complete the ESI Questionnaire and submit it to the Office of Technology and Information Management’s Help Desk. The Help Desk will assign the search to the appropriate staff for processing.
- I. For office searches, each POC is asked to distribute the FOIA request to individuals in their office who might have responsive records, whether paper, or electronic. Each individual is required to search for any responsive records. When the individual has completed their search, they are to forward any responsive documents to the Office POC, indicate how they searched for documents (i.e. searched paper files, emails, and

² Attachment II shows list of FHFA Office Point of Contacts.

network drives), and provide the amount of time spent searching for documents. The POC then aggregates all responses received and forwards any responsive records, along with the number of hours spent searching for records and the information on how the searches were conducted to the FOIA Office.

- J. The FOIA Office compiles, reviews and redacts, if appropriate, the records located that are responsive to the FOIA request. Assistance may be requested of subject matter experts to assist in determining whether a record is exempt from disclosure.
- K. If needed, the Chief FOIA Officer reviews the response and the records to be released and either i) concurs with the recommended response; or ii) modifies the response as necessary, including changing what should be released or withheld. Once completed, the package is returned to the FOIA Officer.
- L. The FOIA Officer prepares the documents for release, making changes, if necessary. These documents are forwarded to the General Counsel for approval. Once approved, the FOIA Officer documents the approval and prepares the final response letter.
- M. The FOIA Officer then transmits a response to the requester that includes all releasable responsive records along with any applicable fees associated with searching for and reviewing records. If the FOIA Office denies the request in whole or in part, the requester is informed of the administrative appeal process and information regarding the Office of Government Information Services' non-binding services to resolve disputes between FOIA requesters and Federal agencies. The request is then closed.

II. Fees

- A. If fees will likely exceed \$25.00, and the requester has not given prior approval, the FOIA Office will require the requester to agree in writing to pay the actual or estimated costs prior to considering the request "perfected." If the requester does not agree to pay such fees, the request will not be processed.
- B. If fees are likely to exceed \$250.00, the requester will be required to give satisfactory assurance of full payment if they have a history of prompt payment of fees.
- C. If the fee will likely exceed \$1000.00, or the requester has failed to pay previously assessed fees, the FOIA Office may require payment of the past due fee, with interest, and the current estimated fee in advance prior to processing a new FOIA request, or

finishing processing a pending request. If the requester does not pay either the past due amount or the current estimated fee, the request will not be processed.

- D. The FOIA Office may decide to waive a fee if the fee is \$100 or less; the cost of collection and processing will equal or exceed the amount of the fee; or disclosure of the records is in the public interest.
- E. Upon completion of processing a FOIA request and where fees are to be assessed, whether records are released or not, the FOIA Office prepares a FOIA fee invoice and forwards the invoice and a copy of the response letter to OBFM for invoice processing.
- F. OBFM is responsible for invoicing and collecting fees from requesters.
 - 1. OBFM staff prepares and sends an invoice to the FOIA requester, with a copy to the FOIA Officer, with payment instructions. FOIA fees are paid by the FOIA requester directly to the Bureau of the Public Debt. OBFM staff maintains and monitors FOIA receivables.
 - 2. The Bureau of the Public Debt deposits the collection into the appropriate agency account.
 - 3. If the requester does not pay the fees within 30 days of the initial invoice date, OBFM sends a second invoice for payment to the requester. Each request includes the fees assessed plus applicable interest charges to date.
 - 4. If the requester does not pay the fees within 60 days of the initial invoice date, OBFM sends a third invoice for payment to the requester. Each request includes the fees assessed plus applicable interest charges to date.
 - 5. 180 days after the date of the initial invoice, the Deputy Chief Financial Officer reviews each uncollected receivable and refers it to the Chief Financial Officer for further action. The CFO, in consultation with the Chief FOIA Officer, determines the further action to be taken, which may include processing the outstanding invoice under FHFA's Debt Collection regulation.
 - 6. OBFM notifies the FOIA Officer of collection activity as it occurs.

III. Processing Administrative Appeals

- A. FHFA receives FOIA appeals primarily through electronic mail. In addition, FOIA appeals may also be received via U.S. Mail, Express Mail, facsimile or in person.
- B. When a FOIA appeal is received, FHFA reviews the appeal to determine whether it includes all required information set forth in 12 CFR 1202. If the appeal does, the FOIA Office forwards the appeal to the FOIA Appeals Officer. The FOIA Appeals Officer assigns an attorney to review and draft a decision on the appeal. The FOIA file is provided to the assigned attorney responsible for drafting the decision.
- C. Within 20 working days of receipt of the appeal, the FOIA Appeals Officer determines whether to grant or deny the appeal in whole or in part. The FOIA Appeals Office sends the signed decision letter to the requester, with a copy to the FOIA Office to be filed in the FOIA case file. The decision includes a notice of right to judicial review under 5 U.S.C. § 552(a)(4), information about the Office of Government Information Services' dispute resolution services as an alternative to litigation, any additional appropriately redacted responsive records to be disclosed, and a FOIA fee invoice, if applicable.

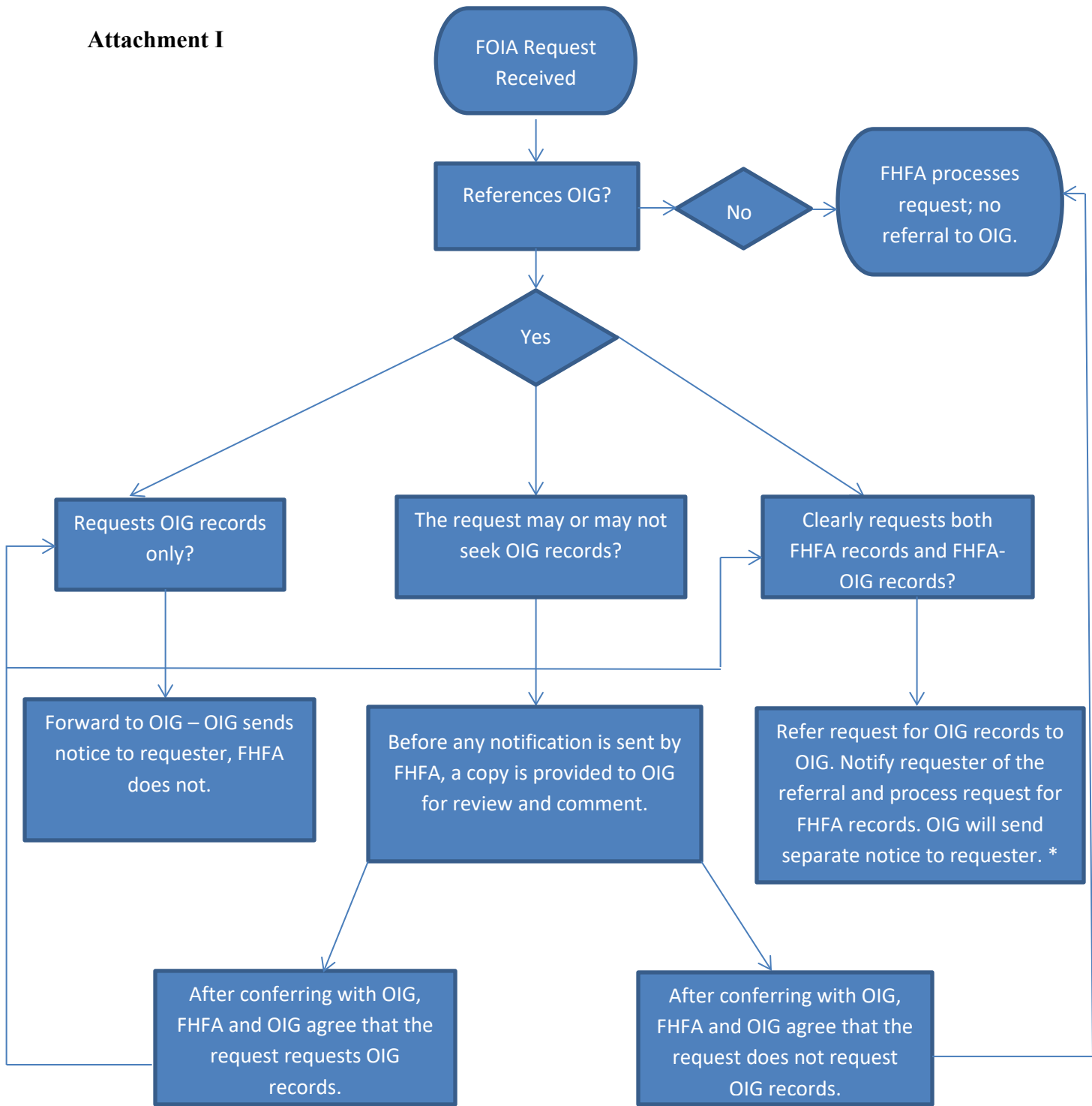
IV. Extension of Time

In unusual circumstances, the 20 working-day time limit for responding to a FOIA request or an appeal of a FOIA response may be extended in accordance with 12 CFR part 1202. If an extension of time is necessary, the requester/appellant is notified of the reason(s) for the extension and the date on which a response is expected. If the due date of a FOIA request is extended, the requester is informed of the opportunity to either limit the scope of the request or arrange an alternative time frame for processing the request. The due date is adjusted accordingly.

V. Records

Records of all FOIA requests, whether valid or not; all correspondence (internal and external); and all responsive documents (paper and electronic) in original and redacted form, will be maintained in accordance with the National Archives and Records Administration, General Records Schedule (GRS 4.2).

Attachment I



*In the event that FHFA refers a FOIA request to the OIG and then references that referral in its own notice to the requester, the FHFA notice shall provide as follows: “The part of your request that seeks FHFA-OIG records has been forwarded to FHFA-OIG for a determination as to whether FHFA-OIG possesses responsive materials. FHFA-OIG will respond directly to you. This referral does not constitute a determination by FHFA as to whether any responsive records exist or are releasable.”

Attachment II – FHFA Office Point of Contacts

Division/Office	Primary POC
Office of the Director	Denise Lorenzen
Office of Minority & Women Inclusion	Amanda Tucker
Office of Equal Opportunity & Fairness	Brian Guy
Division of Enterprise Regulation (DER)	Eric Wilson
Division of Accounting and Financial Standards - Nina Nichols	Nina Nichols
Office of General Counsel	Tavonna Evans
Office of Congressional Affairs & Communications	Danielle Walton
Office of Executive Compensation	Danielle Walton
Division of Resolutions	Cheryl Naiman
Division of FHLBank Regulation	Rick Dalton
Division of Housing Mission and Goals	Amanda Mullens
Division of Research and Statistics	Lynn Fisher
Office of the Chief Operating Officer	Katrina Jones
Office of Human Resources Management	Takisha Koonce (operations)/ Marie Harte (employee relations)
Office of Facilities Operations Management	Ayoka Fajardo
Records and Information Management	Brigitte Tolbert
Office of Budget & Financial Management	Kevin Klekner (contracts) /Amy Boyles (budget)
Office of Technology & Information Management	Candy Fenn
Office Enterprise Program Management	Vacant
Office of the Ombudsman	Vacant

Attachment III – FHFA FOIA Office Roles and Responsibilities

Title	Responsibility	Name
Chief FOIA Officer	Responsible for the overall FOIA program supervision, policy and budgeting	Tasha L. Cooper
FOIA Officer	Responsible for the day-to-day implementation of the FOIA program, including intake, document management, coordinating searches, making initial determination, data collection and required reporting	Stacy J. Easter
FOIA Public Liaison	Point of contact for requesters questions, concerns and complaints	Stacy J. Easter
Senior Counsel	Assist with FOIA matters	Duane Smith
FOIA Appeals Officer	Manages and oversees the processing of appeals of denied FOIA requests for FHFA records	Miriam Smolen