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Description of document: Office of the Comptroller of the Currency (OCC) FOIA Standard Operating Procedure 2021

Requested date: 22-May-2022

Release date: 15-August-2022

Posted date: 05-December-2022

Source of document: Manager, Disclosure Services & Freedom of Information Act Officer
Communications Division
Office of the Comptroller of the Currency
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Washington, DC 20219
[Submit FOIA Request online \(PAL\)](#) (preferred)

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August 15, 2022

This is in response to your Freedom of Information Act request dated May 22, 2022, received in my office on May 22, 2022.

You requested a copy of each (internal) FOIA Standard Operating Procedure (SOP) at the OCC FOIA Office.

Your request has been granted. Copies of the pertinent records are enclosed.

Sincerely,,

Frank D. Vance, Jr.

Manager, Disclosure Services and Freedom of
Information Act Officer
Disclosure Services
Communications Division

#2022-00218-F

Freedom of Information Act Request Quick Tips

Disclosure Services comprises FOIA specialists who process all FOIA requests received by the OCC. We collaborate with each business unit to obtain the requested records and ensure that responses to the FOIA requests are delivered to requesters in a timely fashion. This fact sheet provides a brief overview of the FOIA process. We look forward to working with you.

OCC Points of Contact for FOIA Requests

Executive Committee Lite members are the points of contact (POC) for their respective business units. The POC serves as a liaison between Disclosure Services and the office(s) within the business unit that he or she assigns to search for responsive records. The POC is responsible for ensuring that the assigned office takes action before the due date stated in Disclosure Services' request for responsive records, in order to give Disclosure Services adequate time to respond to the requester and deliver the appropriate documents.

General Steps for Processing FOIA Requests

1. Disclosure Services receives a FOIA request and assigns the request to a FOIA specialist.
2. Based on his or her analysis of the request, the FOIA specialist sends a request for responsive records to the POC for each business unit that possesses or controls the responsive records. The request provides a FOIA identification number that must be included on all correspondence and a due date by which the business unit must respond to Disclosure Services.
3. The POC assigns the request to the appropriate office(s) or individual(s) within the business unit that will conduct the search for responsive records.
4. Before the specified due date, the assigned office(s) or individual(s) who conducted the search responds to the FOIA specialist (and cc's the FOIA Officer and POC) and includes the responsive records.
5. Once all assigned office(s) or individual(s) within the business unit have responded to the FOIA specialist, the POC sends the FOIA specialist a closing e-mail stating that the request for responsive records is complete and a copy of or access to all responsive records has been given to the FOIA specialist.

If the POC determines that the request for responsive records was sent in error, he or she should notify the FOIA specialist as soon as possible to discuss possible alternatives.

Basic FOIA Tips

When searching for responsive records, the assigned office or individual should keep the following tips in mind:

- A FOIA request is a request for records in the OCC's possession at the time of the FOIA request. Disclosure Services will not delay responding to any requests in anticipation of responsive records being created.
- Any person¹ may request any agency record, and the requester does not have to cite FOIA in his or her request. The person also does not need to state a reason for making a FOIA request.
- FOIA requires that Disclosure Services make a determination regarding disclosure within 20 working days of receipt of the FOIA request.
- The FOIA Officer is responsible for determining whether the requested records are publicly releasable or not.
- The FOIA process is not designed to answer open-ended questions.
- FOIA does not require the creation of records in order to respond to a request. Retrieving electronic data or generating reports from existing databases to extract responsive data is not deemed to be "creating responsive records." If you are unsure whether the method by which you must extract responsive data from an existing database is considered "creating responsive records," contact Disclosure Services.
- When contemplating a search, read the request for responsive records carefully. Disclosure Services is not seeking a data dump. Please remove duplicates and nonresponsive materials to the greatest extent possible.
- A "record" can be in any format, including electronic format.
- If you have questions concerning any aspect of the request, contact the FOIA specialist. The FOIA specialist will contact the requester for clarification, as necessary.
- Responsive records must be retained for six years from the end of the calendar year in which the FOIA request is closed.

For more information regarding the FOIA process, please refer to PPM 2100-15 (REV).

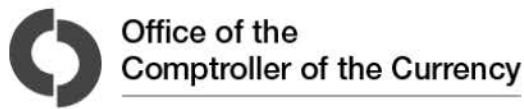
Contact Us

Frank Vance, FOIA Officer, (202) 649-6758

Marilyn Burton, FOIA Specialist (Team Leader), (202) 649-6762

Jacqueline England, FOIA Specialist (Team Leader), (202) 649-6763

¹For purposes of FOIA, the term person includes individuals, partnerships, corporations, associations, and public or private organizations, but excludes federal agencies.



Policies and Procedures Manual

PPM 2100-15

Section: **Public Affairs**

Subject: **Processing Requests Under the Freedom of Information Act**

To: All OCC Employees

Purpose

This PPM revises the Freedom of Information Act (FOIA) policies and procedures of the Office of the Comptroller of the Currency (OCC) and the responsibilities of the agency's employees in administering FOIA requests. This issuance revises PPM 2100-15, "Processing Requests Under the Freedom of Information Act," dated January 13, 2006. This PPM implements a key change that streamlines the OCC's FOIA procedures. The whistleblower statement in this PPM was updated in accordance with 5 USC 2302(b)(13) regarding whistleblower protection.

This PPM requires each Senior Deputy Comptroller (SDC) to assign an employee to serve as the primary point of contact (POC) for the OCC's FOIA Officer and Disclosure Services, which is part of OCC Public Affairs. The POC must work with the FOIA Officer and Disclosure Services staff members to ensure that FOIA requests are processed within 20 working days, as required by law. Additionally, the primary POC must identify a secondary POC to serve in the absence of the primary POC and to notify the FOIA Officer and Disclosure Services staff members of the absence.

The POC serves as the liaison between Disclosure Services and the assigned office(s) within the SDC business unit whose responsibility it is to forward document requests received from Disclosure Services to the appropriate office. The POC ensures that the appropriate attention is given to the document request and coordinates the delivery of the responsive records to the FOIA Officer and Disclosure Services by the due date established in the document request. For a current list of POCs, see the appendix, "FOIA Points of Contact by SDC Business Unit," and the Disclosure Services intranet site at <http://occnet.occ/workplace-services/public-affairs-services/disclosure-services/foia-bu-pocs.html>.

References

- 5 USC 552, Freedom of Information Act
- 5 USC 2302, "Prohibited Personnel Practices"
- 12 CFR 4, subpart B, "Availability of Information Under the Freedom of Information Act"
- 31 CFR 1, subpart A, "Disclosure of Records," Freedom of Information Act
- "The OCC Comprehensive Records Retention Schedule"

- “National Archives and Records Administration General Records Schedules”

Background

FOIA gives the public the right of access to federal agency records, unless the records fall under the protection of one or more of nine FOIA exemptions. These exemptions are described in the Freedom of Information Act, 5 USC 552(b)(1)-(9), and the OCC’s FOIA regulations found in 12 CFR 4, subpart B, “Availability of Information Under the Freedom of Information Act.” FOIA also requires federal agencies to make a determination regarding each FOIA request within 20 working days from receipt by the office of record.¹

The OCC’s FOIA Officer, acting under delegated authority, is authorized to decide whether a record is exempt or must be released. To make this determination, the FOIA Officer must have access to all requested OCC records.

OCC employees are required to give the FOIA Officer and Disclosure Services staff members prompt access to all OCC records responsive to FOIA requests. Disclosure Services staff members will not disclose information to the public before consulting with the appropriate OCC business unit. All OCC employees, including Disclosure Services staff members, are subject to the same prohibitions regarding unauthorized disclosures of nonpublic OCC information.

Scope

This PPM applies to all OCC employees. Employees must immediately forward to the FOIA Officer and Disclosure Services (1) any FOIA requests that they receive, and (2) all records requested by Disclosure Services staff members. The FOIA Officer, working with Disclosure Services staff members, is responsible for reviewing all records requested under FOIA and providing the requester with an initial determination regarding disclosure within 20 working days of receipt of the FOIA request.

Policy and Procedures

This PPM explains the OCC’s process for handling requests from persons² seeking access to records under the agency’s control.³

Under the OCC’s process, FOIA requests

¹ Per the OCC’s regulations, the OCC’s office of record is Disclosure Services, which is a unit of the OCC’s Communications Division (see 12 CFR 4.15(g)).

² Under FOIA, “persons” comprises individuals, partnerships, corporations, associations, and public or private organizations, but not federal agencies.

³ A “record” is defined more broadly under FOIA than under the Federal Records Act (44 USC 3301). FOIA defines a record as any information that would be an agency record subject to FOIA requirements when maintained by an agency in any format, including an electronic format and information maintained for an agency under a government contract (5 USC 552(f)(2)). An agency record is a record if it is (1) created or obtained by an agency, and (2) under agency control at the time of the FOIA request. See *Department of Justice v. Tax Analysts*, 492 US 136, 144-45 (1989).

- do not have to specifically reference FOIA to be processed under FOIA.
- cannot be used to gain answers to open-ended questions or general queries.
- cannot require the OCC to create records in response to the request.

Persons seeking access to OCC records are encouraged to file FOIA requests electronically through the OCC's FOIA website at <https://foia-pal.occ.gov/palMain.aspx>.

Additionally, FOIA requests may be submitted by mail or personal delivery to:

Freedom of Information Act Officer
Disclosure Services, Communications Division
Office of the Comptroller of the Currency
400 7th St. SW
Suite 3E-218, Mail Stop 6W-11
Washington, DC 20219

Any OCC business unit or office that receives FOIA requests should immediately forward the requests to Disclosure Services at Mail Stop 6W-11.

Certain requests for records are handled by other business units and should be forwarded accordingly as follows:

- Requests made pursuant to 12 CFR 4, subpart C, "Release of Non-Public OCC Information," which are handled by the OCC's Director for Litigation, the Director for Enforcement and Compliance, or the appropriate District Counsel, as provided in 12 CFR 4.34.
- Requests from Congress, which are handled by the OCC's Director for Congressional Liaison.
- Requests made pursuant to information-sharing agreements between the OCC and other federal or state regulatory or law enforcement agencies, which are handled by the appropriate supervisory office.
- Requests for information contained in the public file (as defined in 12 CFR 5.9, "Public Availability") maintained by OCC licensing offices and related to corporate applications (as defined in 12 CFR 5, "Rules, Policies, and Procedures for Corporate Activities"), which are handled by the appropriate OCC licensing office.

OCC licensing offices are responsible for disclosing public files for corporate applications or filings in their possession. Disclosure Services handles these requests only when (1) district office staff members believe deciding officials should make determinations on the release of certain information contained in the public portion of applications, or (2) the requests seek access to a broader range of documents beyond the public file.

OCC licensing offices that receive requests for records not contained in the public files must forward the requests, along with any responsive OCC records in the licensing office's files, to the FOIA Officer for review and response to requesters.

Authority

By law, decisions to allow public access to OCC records under FOIA rest with the Comptroller of the Currency. The Comptroller delegated this authority to the SDC for Management and Chief Financial Officer. The authority was redelegated to the Chief Information Officer, who redelegated that to the Deputy Comptroller for Public Affairs to implement the certain Paperwork Reduction Act (44 USC 3501) requirements in 44 USC 3506 with respect to compliance with the Privacy Act of 1974 as well as compliance with the Freedom of Information Act.

The Comptroller delegated the authority for deciding appeals of initial FOIA determinations to the SDC and Chief Counsel or the SDC and Chief Counsel's designee.

Responsibilities

OCC employees. OCC employees are required to provide Disclosure Services staff members with prompt access to all OCC records that are responsive to FOIA requests. OCC employees must direct all FOIA requests for OCC records, corporate documents, and requests for information to Disclosure Services.

All OCC employees, including Disclosure Services staff members, are subject to the same prohibitions regarding the release of nonpublic information. In addition, Disclosure Services staff members can face substantial personal penalties for *not* providing all responsive and nonexempt records that a FOIA requester is entitled to receive under the law.

OCC employees are responsible for

- maintaining files and records, including electronic systems, to properly document the OCC's business, consistent with the policies and procedures established and maintained by OCC Records Management, the Federal Records Act of 1950 (as amended), "The OCC Comprehensive Records Retention Schedule," and the "National Archives and Records Administration General Records Schedules."
- responding promptly to requests from Disclosure Services and for records responsive to FOIA requests so that a determination on whether to release the records can be made within 20 working days from the date the FOIA request is received, as required by law, unless an alternative release schedule is arranged.
- providing Disclosure Services with timely access to, or copies of, all records believed to be responsive to FOIA requests, whether or not the requested records are privileged or may be subject to a FOIA exemption. If the responsive records are voluminous (estimated to be more than 1,000 pages) and appear to be exempt from disclosure under FOIA, employees must work with Disclosure Services to determine the best method for compiling and searching the records so that Disclosure Services can review the records according to legal requirements.
- providing the Administrative and Internal Law Division (AIL) with timely access to all records that AIL staff members believe may be relevant to an appeal of an initial determination made pursuant to FOIA.

Business unit POC. The POC serves as the liaison between Disclosure Services and the assigned office(s) within the SDC business unit. The POC is not required to personally perform FOIA searches; the POC, however, is required to forward document requests from Disclosure Services to the assigned office(s). The POC ensures that appropriate attention is given to requests and coordinates the provision of responsive records to Disclosure Services by the due date stated in the document request from Disclosure Services. The POC also identifies an alternate individual within the business unit to serve as the secondary POC and to handle FOIA-related matters in the absence of the primary POC or when otherwise appropriate.

The **primary and secondary POCs for business units** are responsible for

- processing document requests from Disclosure Services.
- working with business unit staff members to arrange for the performance of reasonable searches⁴ to identify, locate, assemble, and provide to Disclosure Services copies of or access to all responsive records, regardless of format, by the due date stated in Disclosure Services' document request.
- requesting assistance from Disclosure Services in compiling and submitting voluminous quantities of electronic documents.
- advising Disclosure Services of the need for an extended completion time frame due to volume of documents, difficulty of search, or temporary staff absences. Designated POCs and other employees, however, should understand that the agency is required by law to issue a determination on the FOIA request within 20 working days.
- ensuring that responsive records that were withheld and not turned over to Disclosure Services are maintained for the duration of the FOIA retention period or the retention per the records retention schedule, whichever is longer.
- notifying Disclosure Services when the role of designated POC has been transferred to another individual in the business unit.

Disclosure Services. The OCC FOIA Officer supervises Disclosure Services staff members and oversees the processing of all FOIA requests.

The **OCC FOIA Officer** is responsible for

- reviewing all responsive records and consulting with the proper business units to make initial determinations on whether the requested records may be released to the public.
- reviewing case law, FOIA's statutory exemptions, and OCC disclosure precedents and procedures to determine whether any exemptions apply to the requested records and whether there are any segregable portions of otherwise exempt records that should be released. The FOIA Officer consults with the AIL staff as necessary.
- reviewing all responsive records, regardless of whether the records are ultimately released or withheld by the FOIA Officer.

⁴ The application of the "reasonable search" standard will vary from case to case. The reasonableness of a search, however, can be determined by considering whether the agency searched all files, systems, and locations where responsive records were likely to be found.

- asserting all appropriate exemptions, consistent with FOIA, to protect records deemed nonpublic.
- providing procedures (e.g., required file format) and a repository for voluminous compilations of electronic documents.
- providing written responses to FOIA requests.
- prior to the release of documents, ensuring that POCs know whether documents they provide are released or withheld under FOIA.

Disclosure Services staff members are responsible for

- receiving and analyzing all FOIA requests, including
 - reviewing requests to determine whether they are overly broad or vague and consulting with the appropriate POC (see the appendix, “FOIA Points of Contact by SDC Business Unit”), as necessary, to gain a sufficient understanding of the requests and the scope of the requests.
 - communicating with requesters to clarify and narrow requests when requests are overly broad or vague.
 - reviewing requests in a timely manner to determine when it is appropriate to assess fees for the processing of the requests and, when fees are appropriate, communicating with the appropriate POC to obtain information sufficient to provide fee estimates to requesters. Such reviews should occur as a matter of course and should occur in a timely fashion to avoid inadvertent fee waivers.
 - conducting searches that are reasonably calculated to uncover all responsive records.
 - reviewing responsive records to determine whether
 - records are subject to any FOIA exemptions.
 - there are reasonably segregable portions of otherwise exempt materials that may be disclosed.
 - there are any exempt records that should be disclosed on a discretionary basis, pursuant to the President’s FOIA Memorandum and Attorney General’s FOIA guidelines.⁵
 - records are not exempt and should be disclosed.
- submitting document requests to the appropriate POC (see the appendix, “FOIA Points of Contact by SDC Business Unit”) for the functional area(s) believed to possess or control access to records and files deemed responsive to the FOIA request within five working days of receiving the request from the requester.
- establishing reasonable time frames for business units to locate and turn over responsive records to Disclosure Services so that the OCC can comply with statutory time frames.
- establishing and maintaining files and records of requests made under FOIA that meet statutory requirements and support subsequent reviews and appropriate records retention requirements. These files include initial requests, any additional communications with requesters, all responsive records, notes pertaining to searches conducted, and copies of the OCC’s final responses.

⁵ Presidential Memorandum on the Freedom of Information Act, 74 Fed. Reg. 4683, January 26, 2009; and Office of the Attorney General’s “Memorandum for Heads of Executive Departments and Agencies” on the Freedom of Information Act, March 19, 2009.

- ensuring that responsive records are retained, in case of litigation, for six years from the end of the year in which the FOIA requests are closed.
- providing timely and accurate status reports to business unit POCs and others on pending requests for documents submitted to business units.
- preparing the OCC's fiscal year statistical summaries for all FOIA requests, appeals, and litigation for inclusion in the *U.S. Department of the Treasury Freedom of Information Act Annual Report to the Attorney General*.
- compiling and submitting to the Treasury Department the OCC's monthly statistical summaries for all FOIA requests, appeals, and litigation.
- maintaining a current list of FOIA Points of Contact by SDC Business Unit on the Disclosure Services intranet site at <http://occnet.occ/workplace-services/public-affairs-services/disclosure-services/foia-bu-pocs.html>.

Administrative and Internal Law Division. FOIA requesters who (1) believe they have been improperly denied access to records responsive to requests, (2) believe they have been improperly denied fee waivers, or (3) have not received responses to FOIA requests within the statutory time frame of 20 working days may file administrative appeals of initial determinations. FOIA requires the agency to decide an appeal within 20 working days from the date the appeal was received. When an appeal is filed, Disclosure Services provides AIL with a copy of the complete administrative file on the case. AIL reviews all related materials, contacts appropriate business units, and makes a recommendation for the SDC and Chief Counsel or a designee's signature.

AIL staff members are responsible for

- reviewing initial determinations that are appealed under FOIA.
- recommending the final determination on the appeal to the SDC and Chief Counsel (or a designee).
- issuing the final decision on the appeal to the appellant.

Whistleblower Protection Notice

“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling. This agreement, policy or form (as applicable) does not prohibit or restrict an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection.” (5 USC 2302(b)(13))

Further Information

To learn more, see the “[Freedom of Information Act Request Quick Tips](#).”

Direct questions concerning the policy and procedures to the FOIA Officer or Disclosure Services staff members at (202) 649-6700. Direct questions about the FOIA appeals process to AIL at (202) 649-5560.

Bryan Hubbard
Deputy Comptroller for Public Affairs

Appendix A: FOIA Points of Contact by SDC Business Unit**Primary POC****Secondary POC****Chief National Bank Examiner**

Christina Benson

Deborah Merkle

Chief of Staff

William Rowe

Susan Chew

Economics

Inga Swanner

Laura St. Claire

Large Bank Supervision

Jennifer Eccles

Lori Bittner

Midsize and Community Bank Supervision

Beverly Cole

Quade Whitmire

Office of Management

Tamara Wiseman

Mavis Pratt-Davis

Office of the Comptroller

Susan Chew

William Rowe

Ombudsman

Teresa Spain

Joseph Meinhardt

Senior Deputy Comptroller and Chief Counsel

Diane Page

Alexis Reese