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*"Rummaging in the government's attic"*

Description of document: Briefing on Freedom of Information Act (FOIA) to the Export Import Bank of the United States Board 2022

Requested date: 23-September-2022

Release date: 30-September-2022

Posted date: 17-July-2023

Source of document: The Freedom of Information and Privacy Office  
811 Vermont Ave., N.W.  
Washington, D.C. 20571  
Email: [foia@exim.gov](mailto:foia@exim.gov)  
[Ex-Im Bank FOIA Request Form](#)

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September 30, 2022

**Via Electronic Mail**

**Re: FOIA Request # 202200079F**

This is the final response to your Freedom of Information Act (FOIA) request to the Export-Import Bank of the United States (EXIM Bank). We received your request in our FOIA Office via the FOIA National Portal on September 23, 2022. You requested “a copy of the slides for the most recent briefing on FOIA to the Exim Bank Board.”

We conducted a comprehensive search of the files within the Office of Ethics, FOIA Department for records that would be responsive to your request. This is the component within EXIM Bank in which responsive records could reasonably be expected to be found. The search produced the attached records. After carefully reviewing the responsive document, we have determined that it is releasable in its entirety; no deletions or exemptions have been claimed. For your convenience, we are attaching the document to this message as a pdf file.

You may contact our FOIA Public Liaison, Ms. Lennell Jackson at (202) 565-3290 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. 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.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. §552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all of our requesters and should not be taken as an indication that excluded records do, or do not, exist.

EXIM Bank’s FOIA regulations at 12 C.F.R.404.9 (a) state that EXIM Bank shall charge fees to recover the full allowable direct cost it incurs in processing request, but as a courtesy, we are waiving all fees.

I trust that this information fully satisfies your request. If you need further assistance or would like to discuss any aspect of your request, please do not hesitate to contact our FOIA Analyst, Mrs. Natascha Joyner at (202) 565-3248 or by E-Mail at [Natascha.Joyner@exim.gov](mailto:Natascha.Joyner@exim.gov).

Sincerely,

 Digitally signed  
by LISA TERRY  
Date: 2022.09.30  
11:20:30 -04'00'

Lisa V. Terry  
Chief FOIA Officer

Attachment: Responsive Documents (1 PDF file)



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# BOARD OF DIRECTORS: FOIA BRIEFING

Lisa Terry, Senior Vice President and  
Chief FOIA Officer  
February 2022





# **OVERVIEW of the FOIA**

- > What is the Freedom of Information Act**
- > How it Works**
- > FOIA Reports**
- > Who is responsible for the FOIA**



# What is the Freedom of Information Act



## The FOIA is a Release Statute

“The FOIA gives any person the right to obtain access to federal agency records.”

The Agency in turn must take positive steps to make records or information public except to the extent that any portions are protected from disclosure by any of nine exemptions or by one of three law enforcement record exclusions.



# Categories of Information for Automatic Disclosure

## Through proactive disclosure

- Records EXIM deems important to the public
- Records requested 3 or more times through FOIA

## FOIA Request

- Any record not made available to the public can be requested by submitting a proper FOIA request.
- Upon receipt of a proper FOIA request, an agency must make the records available, unless the records or portions are exempt from disclosure.



# Structure of the Freedom of Information Act

## › **Records Subject to FOIA**

- Records created or obtained by an agency.
- Records under agency control when request received.



# Structure of the Freedom of Information Act



## Examples of Agency Records

- E-mails
- Text messages
- Transaction documents
- Board memos and minutes
- Correspondence with Congress
- Appointment calendars
- Contracts
- Claims records
- Employee travel records

# Structure of the Freedom of Information Act



## Time Limits

- An Agency has 20 working days to respond to a proper FOIA request.
- In “Unusual Circumstances” an agency may extend the time limit by 10 days by giving written notice to the requester
- Unusual Circumstances Include:
  - Record search in facilities other than the office processing the request
  - Voluminous records
  - Consult with another agency or among two or more components within the agency



# Structure of the Freedom of Information Act

## Exempt Information

- Agencies must identify any exempt information by applying the appropriate FOIA exemption.
- “Foreseeable harm standard:” The FOIA requires agencies to reasonably segregate and release non-exempt Information.



# Freedom of Information Act Exemptions

## FOIA Exemptions

Exemption 1: Classified or national security information

Exemption 2: Agency internal or personnel rules and practices

Exemption 3: Prohibited from disclosure by another federal law

Exemption 4: Trade Secrets or Commercial or Financial Information that is Confidential or Privileged

Exemption 5: Privileged communication within or between agencies

# Freedom of Information Action Exemptions



## FOIA Exemptions Continued

Exemption 6: Information that would invade an individual's personal privacy

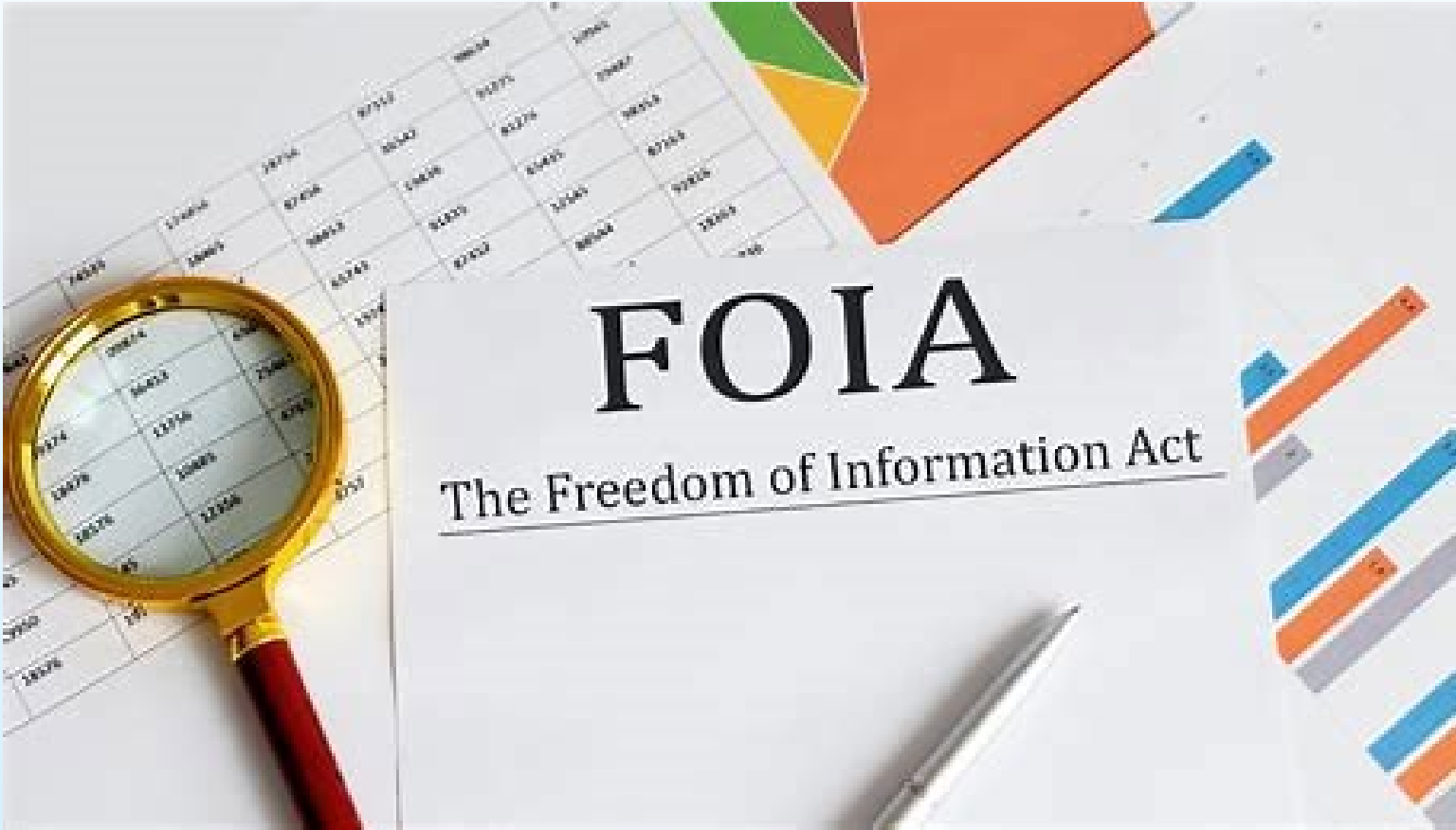
Exemption 7: Information compiled for law enforcement purposes:

Exemption 8: Supervision of Financial Institution

Exemption 9: Geological and geophysical information and data



# How IT Works





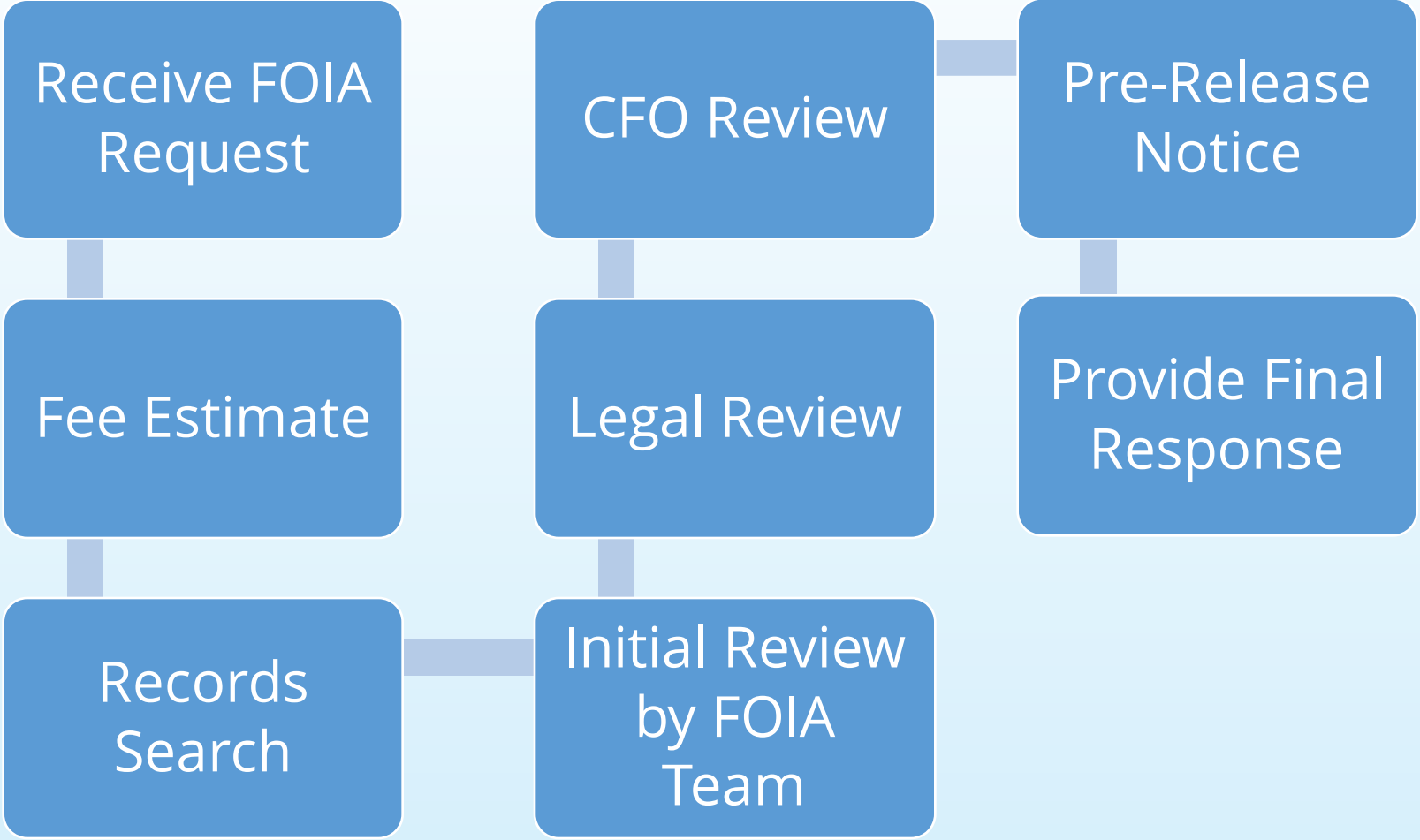
**“The FOIA should be administered with a clear presumption of openness.”**

Information will not be kept confidential because of:

- Embarrassment
- Errors or failures might be exposed
- Speculative or abstract fears



# EXIM Bank's FOIA Process





# Administration of the Freedom of Information Act



## Pre-Release Notice

FOIA staff provides notification of release to the following:

- SVP, Office of the Chief Financial Officer
- SVP, Office of Board Authorized Finance
- SVP, Office Congressional & Intergovernmental Affairs
- SVP, Office of Communications & External Engagement
- SVP, Office of General Counsel
- Assistant General Counsel for Administrative Law
- Office of the Chairman

# Administration of the Freedom of Information Act



## FOIA Appeals:

Requesters can appeal any adverse determination:

- Adequacy of the search
- Redactions/withholdings
- Denial of fee waiver/expedited treatment

EXIM Bank's final appellate authority: Assistant General Counsel for Administration

# FOIA Reports



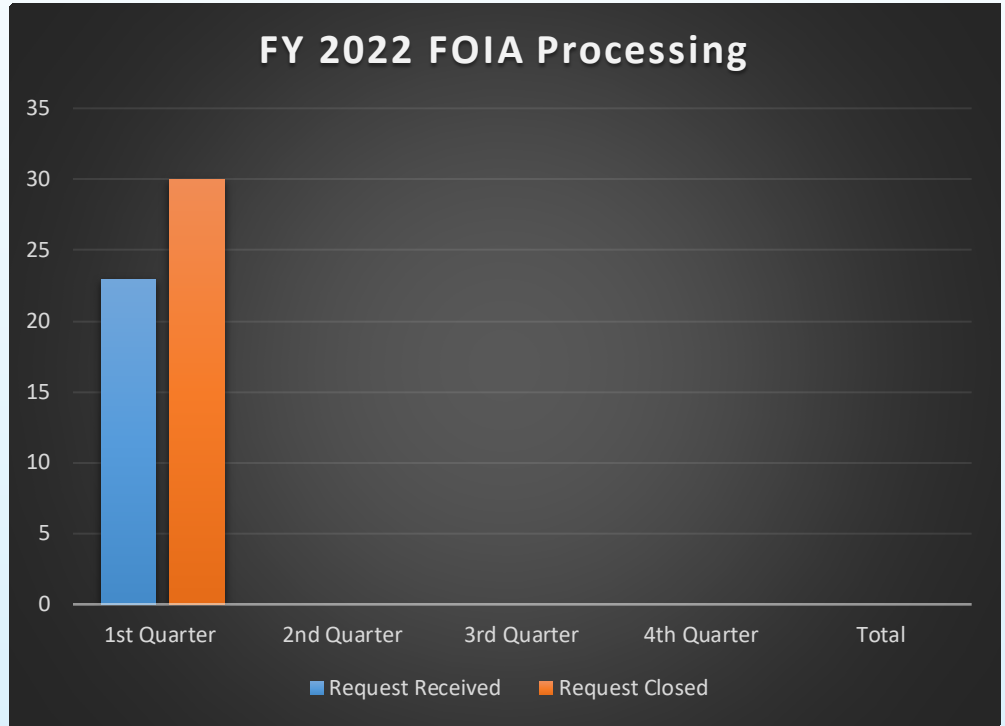
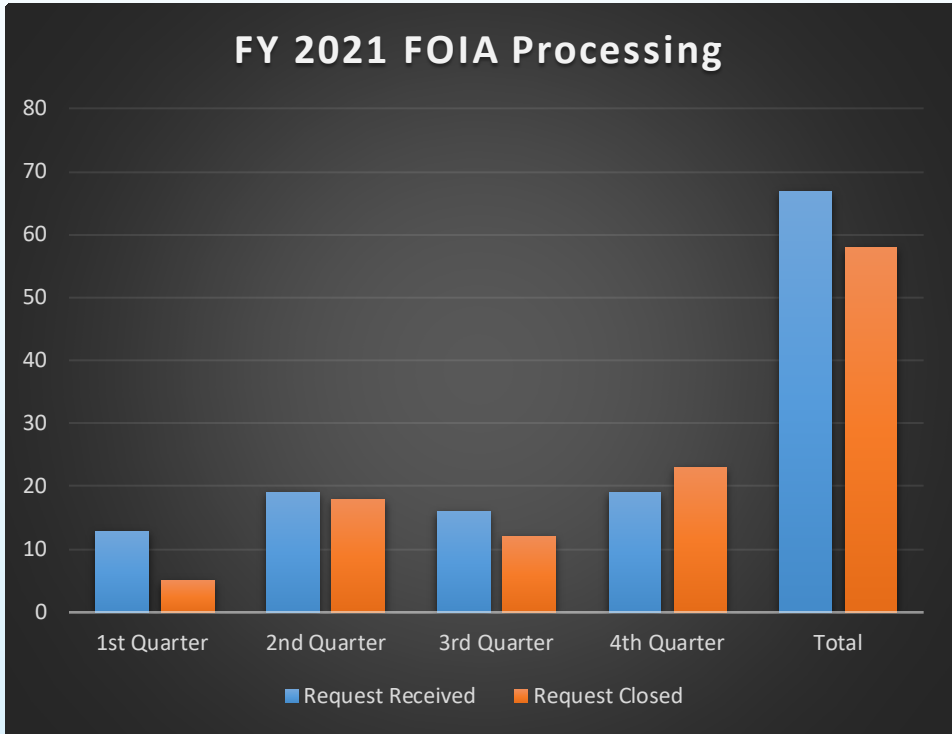
# FOIA Accountability Reports



## › The Three Accountability Report Required by DOJ:

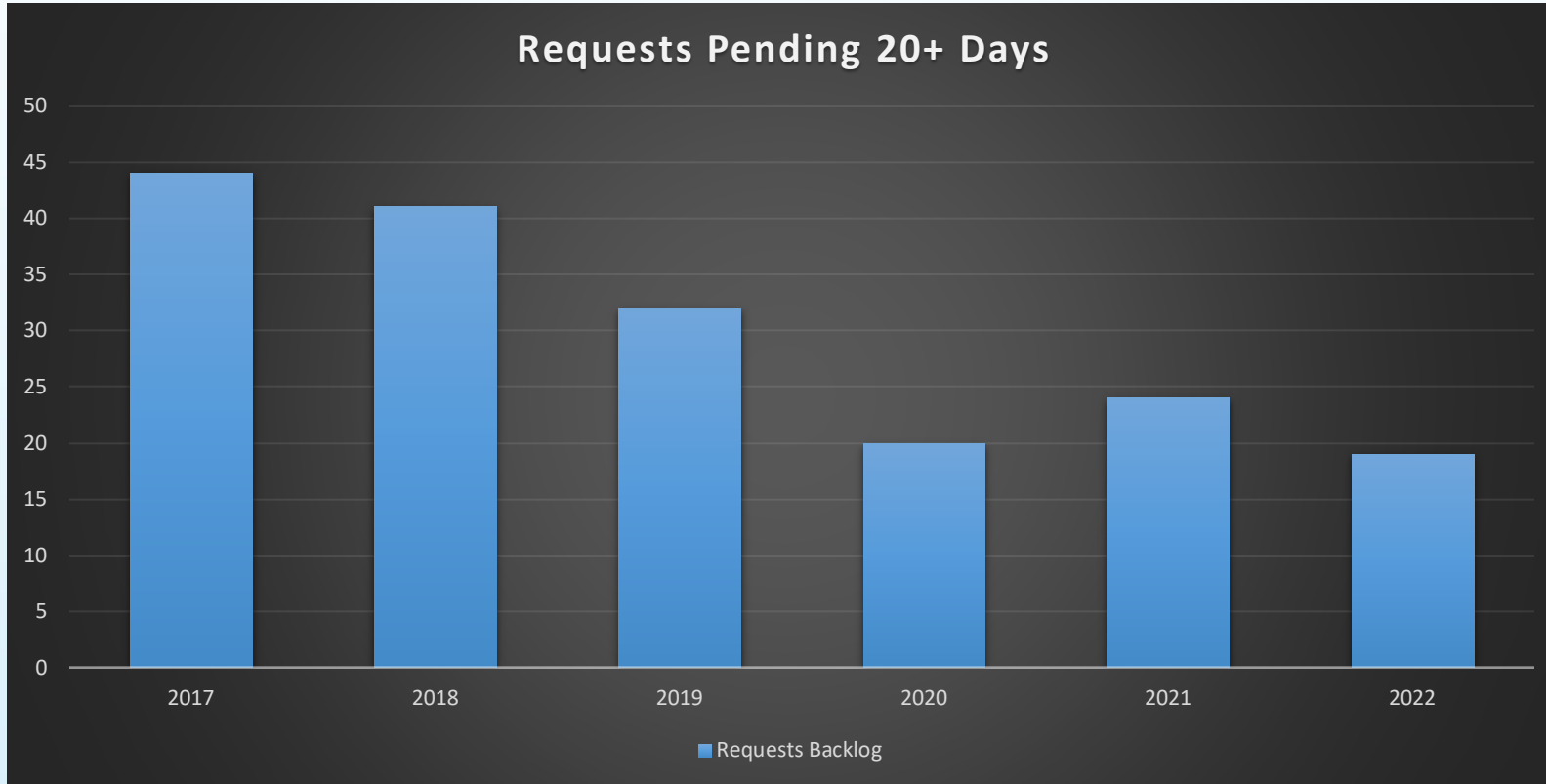
- Annual Report: An accounting of the agency's handling of the FOIA during the preceding fiscal year.
- Quarterly Reports: Real time reporting of the FOIA.
- Chief FOIA Officer Report: A narrative describing the agency's program, including steps taken to improve the administration of the FOIA and to increase information disclosure.

# FOIA Stats





# FOIA Backlog Reduction



# Who Is Responsible for the FOIA?



**FOIA is Everyone's Responsibility**

# QUESTIONS?

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**EXIM**  
EXPORT-IMPORT BANK  
OF THE UNITED STATES

1-800-565-3946 | [exim.gov](https://www.exim.gov)

