

# OFFICE OF THE COMPTROLLER OF THE CURRENCY (OCC)

## FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR FISCAL YEAR 2008

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#### I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2008 FOIA Report for the Office of the Comptroller of the Currency.

#### **Questions about the report may be directed to:**

Frank D. Vance, Manager  
Disclosure Services and Administrative Operations  
Ph: 202/874-4700; Fax: 202/874-5274

<http://www.occ.treas.gov/foia/2008AnnualFOIAReport.pdf>

Address:  
FOIA Request  
Communications Division  
Comptroller of the Currency  
250 E Street, SW  
Washington, DC 20219

**OCC FOIA Home Page:** <http://www.occ.treas.gov/foia/foia.htm>

Paper copies of this report may be obtained by contacting Disclosure Services or by downloading from the Treasury FOIA website at:

<http://www.occ.treas.gov/foia/2008AnnualFOIAReport.pdf>

## II. MAKING A FOIA REQUEST.

The OCC's on How to Make a FOIA is available at <https://appsec.occ.gov/publicaccesslink>, or by contacting the Disclosure Officer at:

### 1. Names, addresses, and phone number.

*Comptroller of the Currency (CC)*

Frank Vance

Ph: 202/874-4700

Fax: 202/874-5274

Address:

Disclosure (FOIA) Office

Washington, DC 20219

2. Brief description of why some requests are not granted and an overview of certain general categories of the OCC's records to which the FOIA exemptions apply.

The most common reasons reported by the OCC regarding why requests for records could not be granted were: (1) protecting personal privacy; (2) deliberative process privilege; (3) the records reflected the internal practices involved in investigations or inspections; (4) the records contained confidential taxpayer information and other statutorily protected information; and (5) the records contained contractor confidential and proprietary commercial information. Others: records did not exist; procedural requirements were not followed.

## III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. There are no OCC specific acronyms or other forms used in this report.

## 2. Basic Terms Used in This Report

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not however, include records for which the agency

has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-track processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
  - ii. **Simple request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
  - iii. **Complex request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a "perfected" FOIA request).

3. Descriptions of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

III. EXEMPTION 3 STATUTES

A. Exemption 3 Statutes Relied upon to Withhold Information

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | Total Number of Times Relied upon by Agency |
|---------|------------------------------|---------------|---|---|
|         |                              |               | 0   | 0   |

## V. FOIA REQUESTS.

## A. Received, Processed and Pending FOIA Requests.

| <b>Number of Requests Pending as of Start of Fiscal Year</b> | <b>Number of Requests Received in Fiscal Year</b> | <b>Number of Requests Processed in Fiscal Year</b> | <b>Number of Requests Pending as of End of Fiscal Year</b> |
|--|---|--|--|
| 0  | 3,233   | 3,210  | 23   |

## B. (1) Disposition of FOIA Requests – All Processed Requests (continued below)

| <b>Number of Full Grants</b> | <b>Number of Partial Grants/Partial Denials</b> | <b>Number of Full Denials Based on Exemptions</b> |
|------------------------------|---|---|
| 284                          | 47  | 32  |

## B.(1) Disposition of FOIA Requests (continued from above)

| <b>Number of Full Denials Based on Reasons Other than Exemptions</b> |  |                           |                           |   |   |                          |                          |                                      |              |
|--|--|---------------------------|---------------------------|---|---|--------------------------|--------------------------|--------------------------------------|--------------|
| <b>No Records</b>  | <b>All Records Referred to Another Component or Agency</b> | <b>Request With-drawn</b> | <b>Fee-Related Reason</b> | <b>Records not Reasonably Described</b> | <b>Improper FOIA Request for Other Reason</b> | <b>Not Agency Record</b> | <b>Duplicate Request</b> | <b>Other *Explain in chart below</b> | <b>TOTAL</b> |
| 124  | 126  | 24                        | 6                         | 10                                      | 4   | 6                        | 1                        | 6                                    | 307          |

## B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions (from Section V. B(1) Chart

| <b>Description of “Other” Reasons for Denials from Chart B (1) &amp; Number of Times those Reasons were Relied upon</b> | <b>TOTAL</b> |
|---|--------------|
| No response from requester for more information to process request.   | 6            |

## B. (3) Disposition of FOIA Requests - Number of Times Exemptions Applied:

| <b>Ex. 1</b> | <b>Ex. 2</b> | <b>Ex. 3</b> | <b>Ex. 4</b> | <b>Ex. 5</b> | <b>Ex. 6</b> | <b>Ex. 7(A)</b> | <b>Ex. 7(B)</b> | <b>Ex. 7(C)</b> | <b>Ex. 7(D)</b> | <b>Ex. 7(E)</b> | <b>Ex. 7(F)</b> | <b>Ex. 8</b> | <b>Ex. 9</b> |
|--------------|--------------|--------------|--------------|--------------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|--------------|
| 0            | 0            | 0            | 32           | 26           | 20           | 1               | 0               | 0               | 0               | 0               | 0               | 63           | 0            |





## C. Processed Requests – Response Time in Day Increments

**Simple Requests**

| 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| 3210      | 0          | 0          | 0          | 0           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0         | 3210  |

**Complex Requests**

| 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| 145       | 0          | 0          | 0          | 0           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0         | 145   |

**Requests Granted Expedited Processing**

| 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| 0         | 0          | 0          | 0          | 0           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0         | 0     |

## D. Pending Requests

1.

| SIMPLE         |                  |                   | COMPLEX        |                  |                   | EXPEDITED PROCESSING |                  |                   |
|----------------|------------------|-------------------|----------------|------------------|-------------------|----------------------|------------------|-------------------|
| Number Pending | Median # of Days | Average # of Days | Number Pending | Median # of Days | Average # of Days | Number Pending       | Median # of Days | Average # of Days |
| 13             | 10               | 10                | 10             | 10               | 15                | 0                    | 0                | 0                 |

## E. Pending Request – Ten Oldest Pending Perfected Request

| 10 <sup>th</sup> Oldest Request & # of Days Pending | 9 <sup>th</sup>    | 8 <sup>th</sup>    | 7 <sup>th</sup>    | 6 <sup>th</sup>   | 5 <sup>th</sup>   | 4 <sup>th</sup>   | 3 <sup>rd</sup>  | 2 <sup>nd</sup>   | Oldest Request & # of Days Pending |
|---|--------------------|--------------------|--------------------|-------------------|-------------------|-------------------|------------------|-------------------|------------------------------------|
| 9/8/08<br>16 days                                   | 9/10/08<br>12 days | 9/17/08<br>11 days | 9/16/08<br>10 days | 9/23/08<br>5 days | 9/26/08<br>2 days | 9/26/08<br>2 days | 9/29/08<br>1 day | 9/30/08<br>0 days |                                    |

| PERSONNEL                            |   |   | COSTS            |                          |              |
|--------------------------------------|---|---|------------------|--------------------------|--------------|
| Number of “Full-Time FOIA Employees” | Number of “Equivalent Full-Time FOIA Employees” | Total Number of “Full-Time FOIA Staff” (The sum of Columns 1 & 2) | Processing Costs | Litigation-Related Costs | Total Costs  |
| 6                                    | 2   | 8   | \$ 903,431.31    | NA                       | \$903,431.31 |

### VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

#### A. Requests for Expedited Processing

| Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number of Adjudicated within Ten Calendar Days |
|----------------|---------------|-------------------------------------|--------------------------------------|--|
| 0              | 0             | 0                                   | 0                                    | 0  |

#### B. Requests for Fee Waiver

| Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |
|----------------|---------------|-------------------------------------|--------------------------------------|
| 0              | 0             | 0                                   | 0                                    |

### IX. FOIA PERSONNEL AND COSTS

### X. FEES COLLECTED FOR PROCESSING REQUESTS

| Total Amount of Fees Collected | Percentage of Total Costs |
|--------------------------------|---------------------------|
| \$210,979.80                   | 28.8%                     |

### XI. FOIA REGULATIONS

OCC’s FOIA regulations and fee schedule can be found at:



D. Comparison of Numbers of requests from previous and current annual report – requests received, processed, and backlogged

| <b>Number of Requests Received</b>                                |   | <b>Number of Requests Processed</b>                                |  |
|---|---|--|--|
| Number Received during Fiscal Year from Last Year's Annual Report | Number Received during Fiscal Year from current Annual Report | Number Processed during Fiscal Year from Last Year's Annual Report | Number Processed during Fiscal Year from current Annual Report |
| 3719  | 3233  | 3739   | 3210   |

| <b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b> | <b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b> |
|---|--|
| 0   | 0  |

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged.

| <b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b> | <b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b> |
|--|---|
| 0  | 5   |

F. Discussion of Other FOIA Activities (Optional)

Provide here any further information about the agency's efforts to improve FOIA administration.

<http://www.treas.gov/foia/reading-room/foia-improvement-plan.pdf>