



FEDERAL HOUSING FINANCE AGENCY 2023 CHIEF FOIA OFFICER REPORT

March 2023



Freedom of Information Act Office

Introduction

The Federal Housing Finance Agency (FHFA) was established by the Housing and Economic Recovery Act of 2008. FHFA is responsible for the effective supervision, regulation, and housing mission oversight of the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Federal Home Loan Bank System, which includes the 11 Federal Home Loan Banks and the Office of Finance. Since 2008, FHFA has also served as conservator of Fannie Mae and Freddie Mac.

FHFA's mission is to ensure that the housing government sponsored enterprises operate in a safe and sound manner so that they serve as a reliable source of liquidity and funding for housing finance and community investment.

Through its Freedom of Information Act (FOIA) Program, FHFA strives to achieve the following principles:

- Administer the FOIA with a clear presumption in favor of disclosure, remove doubts in favor of openness, and not withhold information based on speculative or abstract fears; and
- Ensure that requests are responded to in “a spirit of cooperation,” disclosures are timely, and modern technology is used to make information available to the public.

FHFA is committed to providing access to Agency records through a citizen-centered and results-oriented FOIA program. FHFA's FOIA Office, which is comprised of the Chief FOIA Officer, Senior FOIA Officer, and FOIA Officer and Liaison (FHFA-HQ), continuously reviews ways to improve the efficiency, effectiveness, and transparency of FHFA's FOIA program. Like last year, this year's report includes information about FHFA Office of Inspector General's (FHFA-OIG) FOIA program. FHFA-OIG operates its own FOIA program separate and apart from FHFA-HQ. Where information is specific to the FHFA-OIG, it is so noted in this report.



Reporting Period: March 2022 to March 2023

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General’s [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency’s Chief FOIA Officer at or above this level?

- *Yes.*

2. Please provide the name and title of your agency’s Chief FOIA Officer.

- *Sean Dent, Principal Deputy General Counsel for the Administrative Law and ADAEO Branch*

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

- *FHFA-HQ – None.*
- *FHFA-OIG – FOIA and a FOIA performance metric are included in the current Strategic Plan under the broader strategic goal of strengthening communications with the Agency, Congress, and other stakeholders.*

B. Presumption of Openness

4. The Attorney General’s 2022 FOIA Guidelines provided that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your agency provide such confirmation in its response letters?

- *FHFA-HQ – Yes.*
- *FHFA-OIG – Yes.*



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5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:

- a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?
 - *FHFA-HQ – Yes.*
 - *FHFA-OIG – Yes.*
- b. If yes, please provide:
 - i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible);
 - *FHFA-HQ – None issued.*
 - *FHFA-OIG – None issued.*
 - ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).
 - *FHFA-HQ – None issued.*
 - *FHFA-OIG – None issued.*
- c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.
 - *FHFA-HQ – N/A.*
 - *FHFA-OIG – N/A.*

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General’s [FOIA Guidelines](#) provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.



A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

- *FHFA-HQ – FOIA personnel are encouraged to attend annual refresher training, Department of Justice (DOJ) sponsored FOIA training/seminars, and review DOJ updates. Non-FOIA personnel can request individual office training led by FHFA FOIA personnel.*
- *FHFA-OIG – Specialized FOIA training provided by DOJ continued to be a priority for FHFA-OIG FOIA professionals. To maintain a high level of current knowledge, FOIA staff regularly review new FOIA-related court decisions and DOJ updates.*

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

- *Yes.*

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

- *Procedural Requirements and Fees Workshop - overview of the FOIA procedural requirements, as well as fees and fee waivers provisions.*
- *Virtual Litigation Workshop – overview of considerations that arise during FOIA litigation, guidance on successful litigation strategy, and details on the preparation of Vaughn Indices and declarations.*
- *Annual FOIA Report Refresher and Quarterly Report – overview of annual and quarterly FOIA reporting requirements.*
- *Continuing FOIA Education – current legal and policy developments impacting FOIA administration, and an overview of recent court decisions.*
- *Privacy Considerations Workshop – interface between FOIA and Privacy Act, and an overview of FOIA Privacy Act, and an overview of FOIA privacy-related Exemptions 6 and 7(c).*
- *Exemption 4 and Exemption 5 Workshop – overview of the requirements of protecting trade secrets, certain commercial and financial information, and the submitter-notice process, as well as an overview of civil discovery.*
- *Virtual Litigation Seminar – overview of litigation considerations, advanced litigation considerations, and attorney fees.*
- *FOIA Summit for Agency Professionals – overview of trends in FOIA litigation, using FOIA data for program management, recent FOIA Reports from the Government Accountability Office and the impact of COVID on FOIA Programs.*



4. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

- 100%

5. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

- N/A

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process?

- *FHFA-HQ – All new hires receive FOIA training in the FHFA on-boarding process. In addition, each FHFA Office has a designated FOIA point of contact to assist FOIA professionals with office document searches. These points of contact receive refresher training on an as needed basis. Senior leadership is periodically briefed on resource needs and also FOIA responsibilities and requirements.*
- *FHFA-OIG – We conduct mandatory annual FOIA training for all FHFA-OIG employees; subjects included statutory and regulatory responsibilities, conducting records searches, and the FOIA process. In addition, the FOIA office works with OIG’s program offices to explain the FOIA process/timeline, provide guidance and assistance with searches for responsive records, and answer questions that arise as the program offices gather records. The recently confirmed Inspector General received a briefing on FHFA-OIG FOIA resources and responsibilities shortly after being sworn into office.*

B. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your



agency's FOIA administration.

- *No.*

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.

- *FHFA-HQ – When it is discovered that a request will produce a large number of documents or when additional information is needed to process a request, FOIA staff reaches out to the requesters to possibly narrow or clarify the request.*
- *FHFA-OIG – FOIA staff do not hesitate to reach out to requesters to clarify the scope of a request.*

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2022 (please provide a total number or an estimate of the number).

- *FHFA-HQ – The Public Liaison received no requests for assistance.*
- *FHFA-OIG – The Public Liaison received no requests for assistance.*

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

- *FHFA-HQ – Yes, FHFA-HQ anticipates hiring a new staff person for whom FOIA duties will comprise 50% of their duty time. FHFA-HQ will continue to engage one full time contractor support. Personnel resources will be evaluated on an annual basis to ensure FOIA demands are met.*
- *FHFA-OIG – Yes, FHFA-OIG current staffing level is sufficient to respond to our current and anticipated FOIA demands.*

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

- *FHFA does not currently use data or processing metrics to manage its workload.*



SECTION III: PROACTIVE DISCLOSURES

The Attorney General’s [FOIA Guidelines](#) emphasize that “proactive disclosure of information is . . . fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

- *FHFA-HQ – In addition to the electronic FOIA Reading Room on FHFA.gov, the agency’s website is reviewed annually to ensure proactive disclosures are being made and FOIA requests are reviewed to identify which responses should be posted.*
- *FHFA-OIG – The FHFA-OIG FOIA office maintains an electronic FOIA Reading Room as part of its public FOIA website. The FOIA Officer regularly reviews FOIA requests and responses to identify materials that may be required or appropriate for posting to the FOIA Reading Room.*

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

- *FHFA-HQ:*
 - [Advisory Bulletins](#)
 - [Final Opinions](#)
 - [Final Orders](#)
 - [Policy and Administrative Staff Manuals, FOIA Reports and Frequently Requested Records](#)
 - [Press Releases, Statements, Speeches and Testimony](#)
 - [Regulations, Notices, and Public Comments](#)
 - [Reports to Congress](#)
 - [Research papers](#)
 - [Staff Working Papers](#)
 - [Statutorily/ Regulatory Reports and Plans](#)
 - [Suspended Counterparty Program Notices](#)
 - [Various Data Sets](#)
- *FHFA-OIG:*
 - *Press Releases*
 - *Current Peer Review Reports*
 - *Semi-Annual Reports to Congress*
 - *Status and Special Reports*
 - *Management Alerts and Advisories*



- *Compliance Reviews*
- *Audit Reports*
- *Evaluation Reports*
- *White Papers*
- *Audit and Evaluation Plans*
- *FY 2023 Annual Plan*
- *Compendium of Open Recommendations*
- *Management and Performance Challenge Memoranda*
- *Frequently Requested Records*
- *No-Fear Act Data*
- *Strategic Plan*
- *FOIA Request Reports (By Year)*

The FOIA Request Reports and other proactively disclosed materials can be found at <https://www.fhfa.ig.gov/> (FHFA-OIG reports, testimony, compendia, etc.) and <https://www.fhfa.ig.gov/FOIA/ReadingRoom>.

3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

- *FHFA-HQ – Yes.*
- *FHFA-OIG – Yes.*

4. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

- *FHFA-HQ – FHFA-HQ is in the process of revamping FHFA.gov, including the FOIA page, to make it more user-friendly. In addition to posting documents to FHFA's FOIA Reading Room, documents are posted to other locations on FHFA's website where the public is likely to look for them. When possible, FHFA posts material in machine-readable format. For example, data sets are posted in .xlsx.*
- *FHFA-OIG – This calendar year the FHFA-OIG FOIA office began posting our FOIA Requests Reports at the end of the quarter and released additional information about each request. In addition, our website is structured to make locating reports and other documents as efficient as possible. For example, OIG lists its reports and publications chronologically and by type and lists materials in its Electronic Reading Room by subject. Several high-visibility reports are accessible in both the list of reports and in the Electronic Reading Room. We do not plan to convert documents released under FOIA into open or native formats*



but will consider doing so in the future where this makes sense.

5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

- *FHFA-HQ – Yes. Various offices provide the FOIA office with documents to be posted to the FOIA Reading Room. For example, FHFA’s Office of Budget and Finance Management periodically provides the FOIA office with its updated Government Purchase Card Holders List to post.*
- *FHFA-OIG – Yes. The FHFA-OIG FOIA office works with the OIG Chief of Staff and Public Affairs Specialist to post 508 complaint documents to our FOIA Reading Room.*

SECTION IV: STEPS TAKE TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General’s [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

- *FHFA-HQ – Yes.*
- *FHFA-OIG – Yes.*

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

- *FHFA-HQ – Although FHFA is in the implementation stage, FHFA’s FOIA office has acquire a commercial off-the-shelf system that will allow the public to submit and track the status of a request on-line.*
- *FHFA-OIG – N/A.*

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

- *FHFA-HQ – Yes. The FHFA-HQ FOIA office utilizes FOIAXpress to process and track FOIA requests and make redactions. It also utilizes Encase eDiscovery to conduct searches.*



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- *FHFA-OIG – Yes. The FHFA-OIG FOIA office utilizes the most current version of FOIAXpress to process and track FOIA requests but has not identified a need to use technology to automate record processing.*

4. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

- *FHFA-HQ – Yes.*
- *FHFA-OIG – Yes.*

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2022 appear on FOIA.gov?

- *Yes.*

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023.

- *Yes.*

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

- *2021 - [https://www.fhfa.gov/AboutUs/Reports/Pages/Freedom-of-Information-Act-\(FOIA\)-Report-FY2021.aspx](https://www.fhfa.gov/AboutUs/Reports/Pages/Freedom-of-Information-Act-(FOIA)-Report-FY2021.aspx)*
- *2022 - [https://www.fhfa.gov/AboutUs/Reports/Pages/Freedom-of-Information-Act-\(FOIA\)-Report-FY2022.aspx](https://www.fhfa.gov/AboutUs/Reports/Pages/Freedom-of-Information-Act-(FOIA)-Report-FY2022.aspx)*

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

- *Although FHFA has been granted a temporary exception to the interoperability requirement, it has recently awarded a contract to enable FHFA to achieve this requirement.*



SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General's [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

- *No.*

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

- *FHFA-HQ – FHFA-HQ receives a small amount of first-party request (three in FY22). Those requests are generally from FHFA employees. These employees have direct access to the FOIA office; therefore, we believe there is no need to establish an alternative method.*
- *FHFA-OIG – The vast majority of first-party requests FHFA-OIG receives are from persons seeking results of inquiries into complaints submitted via the FHFA-OIG Hotline. Due to the personal nature of these complaints – and the unavoidable fact that investigation files often contain highly sensitive PII – FOIA remains the only avenue to obtain Hotline investigation records. That said, FOIA staff have developed a FOIA request form to simplify the process for these persons to submit a FOIA request. Given the past and current volume of first-party FOIA requests, our view is that this system is working effectively.*

B. Timeliness

3. For Fiscal Year 2022, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report.

- *FHFA-HQ – 7 days.*

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2022 Annual



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FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

- *FHFA – N/A.*

5. Does your agency utilize a separate track for simple requests?

- *FHFA – Yes.*

6. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2022?

- *FHFA – No, average was 21.45 days.*

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

- *FHFA – No, the average processing time increased from FY21 to FY22.*

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

- *FHFA – 82%.*

9. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

- *FHFA – N/A.*

C. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

- *FHFA – No, FHFA's backlog increased.*

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?



- *FHFA – No, FHFA did not process more requests.*

12. If your agency's request backlog increased during Fiscal Year 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

- *FHFA-HQ – An increase in backlog is contributed to limited staff, increase in the complexity of the requests received, increase to the number of documents to be reviewed and the need to consult with multiple offices.*
- *FHFA-OIG – N/A.*

13. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

- *FHFA – 39%.*

BACKLOGGED APPEALS

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2021?

- *FHFA – FHFA did not have an appeal backlog in FY22.*

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

- *N/A.*

16. If your agency's appeal backlog increased during Fiscal Year 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

- *N/A.*

17. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with "N/A."

- *N/A.*



D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2022?

- *N/A.*

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.

- *Neither FHFA-HQ nor FHFA-OIG had a backlog of over 1,000 requests in Fiscal Year 2022.*

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

- *FHFA-HQ - No.*
- *FHFA-OIG – Yes, FHFA-OIG did not have any ten oldest requests.*

21. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- *FHFA-HQ – Seven.*
- *FHFA-OIG – N/A.*

22. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

- *FHFA-HQ obtained temporary staff in FY22 to help reduce the overall age of its pending requests.*
- *FHFA-OIG – N/A.*

TEN OLDEST APPEALS



23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?

- *FHFA – FHFA did not have any ten oldest appeals.*

24. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- *N/A.*

25. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

- *N/A.*

TEN OLDEST CONSULTATIONS

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

- *FHFA – FHFA did not have any ten oldest consults.*

27. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- *N/A.*

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2023.

- *FHFA-HQ – The primary obstacle to closing its backlog was limited staff resources. FHFA-HQ plans to hire a new FHFA employee for which 50% of their duty time will be assigned to the FOIA office. This time will include a focus on reducing the overall age of pending requests.*
- *FHFA-OIG – N/A.*

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and



backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

- *FHFA-HQ – No.*
- *FHFA-OIG – Yes. Two FOIA referrals from another agency were the subject of litigation; however, the litigation was primarily handled by counsel for the other agency. The additional communications with the requester and agency counsel had no effect on our FOIA request processing.*

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).

- *FHFA-HQ – Thirteen.*
- *FHFA-OIG – N/A.*

