



FEDERAL HOUSING FINANCE AGENCY 2024 CHIEF FOIA OFFICER REPORT

March 2024



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.

The agency's core values are fairness, accountability, integrity and respect, which form the principles that FHFA's Freedom of Information Act (FOIA) Program strives to achieve through:

- Fairness and Integrity - Administering 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
- Accountability and Respect - Ensuring 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 has a decentralized FOIA system, as each component (FHFA Headquarters (FHFA-HQ) and FHFA Office of Inspector General (FHFA-OIG)) maintains and processes its own records in response to FOIA requests. Where information is specific to a component office, it is so noted in this report.



Reporting Period: March 2023 to March 2024

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General’s 2022 [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. See 5 U.S.C. § 552(j)(1)(2018). 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 DAEO 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 is currently working to incorporate FOIA into its next strategic plan edition. We also emphasize the importance for all new employees, appointees, contractors, and interns regardless of their division, office, or level to complete FOIA training. It is FHFA’s core mission for all FHFA staff to understand that FOIA is everyone’s responsibility, and we all play a role in ensuring that we respond to FOIA requests fully and efficiently in a way that is fair to the American public. We hold each staff accountable for its role in the FOIA process and adhere to the value of treating all requesters with respect.*
- *FHFA-OIG – A FOIA performance metric is included in the current Strategic Plan under the strategic goal to strengthen communications with the FHFA leadership, 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.*

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 *Glomar* response. If your agency tracks Glomar responses, please provide:

- a. 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 – 1 full response.*
- b. 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 – Exemption 7(C) – 1 time.*

6. If your agency does not track the use of Glomar responses, are you planning to track this information in the future?

- *FHFA-HQ – N/A*
- *FHFA-OIG – N/A*

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General’s 2022 [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. FOIA training is required of all new agency personnel and non-FOIA personnel can request individual office training led by FHFA FOIA personnel.*
- *FHFA-OIG – Specialized FOIA training provided by DOJ is 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 guidance 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.

- *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.*
- *Introduction to the Freedom of Information Act – takes attendees through the process of a FOIA request from receipt by the agency to final response to the requester. The course also provides an overview of the FOIA's exemptions from mandatory disclosure.*
- *Exemption 1 and Exemption 7 training – overview of Executive Order 13526 and the withholding of classified national security information.*



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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 during the FHFA on-boarding process. In addition, each FHFA Office has a designated FOIA point of contact to assist FOIA professionals with responding to a FOIA document request. These points of contact receive refresher training on an as needed basis. Those in senior leadership positions (such as the Director and Office Executives) receive one-on-one, in-person FOIA briefing. The FOIA Office also engages with individual offices when questions or concerns regarding the FOIA process arise. These engagements are beneficial in helping staff understanding their FOIA obligations. In addition, FHFA’s FOIA office has an internal FOIA resources page on its SharePoint Intranet, which consists of FOIA guidance that any employee can access and reference throughout the year.*
- *FHFA-OIG – We conduct mandatory annual FOIA training for all FHFA-OIG employees; subjects include 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.*



B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous request in an effort to clarify or narrow the scope of the request so requesters can receive response more quickly?

- *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. This is often helpful to the requester because it can possibly limit the scope of the request, which allows for a more efficient search and review of records.*
- *FHFA-OIG – When appropriate, FOIA staff reaches out to requesters to clarify the scope of a request. For example, one FOIA requester asked for records related to “fines, and penalties” resulting from a “criminal investigation” of a certain firm. In performing a search for records, we discovered records of a civil investigation of the firm that did not result in any fines or penalties. These records were technically not responsive to the exact terms of the FOIA request. Nonetheless, given that there was an investigation, we reached out to the requester to confirm the scope of his request, and he clarified that he sought records related to the civil investigation as well.*

8. Outside of the standard request process or routine FOIA liaison or FOIA Requester Service Center interactions, 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, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provided FOIA training to member of the public? 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*

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 2023 (please provide a total number or an estimate of the number for the agency overall).

- *The Public Liaisons 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 is in the process of training a new hire to perform FOIA duties for at least 50% of their duty time and is currently engaging one full time contractor support.*
- *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’s FOIA Office utilizes its request tracking system to run monthly reports of its case management data. This data helps to keep management aware of the agency’s FOIA case load and helps to determine what, if any, additional resources are needed.

In addition, FHFA’s Office of General Counsel (OGC) has developed a tracking report system that requires all open FOIA matters to be logged. This system tracks open cases and staff processing of FOIA requests. The system is used as an organizational tool to help with work efficiently and to determine assignment priorities. The system also allows supervisors to monitor work progress and priorities.

The Attorney General’s 2022 [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. How long after identifying a record for proactive disclosure does it take your agency to post it.

- *FHFA-HQ – Within two business days of identifying a record.*
- *FHFA-OIG – Within 48 hours of identifying a record.*

3. Does your agency post logs of its FOIA requests?

- *Yes.*

a. If so, what information is contained in the logs?

- *Received Date, Request Description, Request ID, Requester/Organization, Request Type, Requester Category, Request Status, Final Disposition, Closed Date*

b. Are they posted in CSV format? If not, what format are they posted in?

- *FOIA request logs are posted as an accessible PDF.*

4. 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](#)
 - [Data Tool](#)
 - [HPI data](#)
 - [NMBD data](#)
 - [UAD data](#)



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- *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.fhfaoig.gov/> (FHFA-OIG reports, testimony, compendia, etc.) and <https://www.fhfaoig.gov/FOIA/ReadingRoom>.

5. 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 – No.*

6. 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 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.*



7. 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. We also collaborate with the Office of Technology and Information Management and the Communications Branch to proactively disclose records on FHFA’s website and to ensure that materials are posted in the correct format. FHFA also collaborates with the appropriate divisions and offices – which generally are the subject matter experts – on questions that arise about the posting of substantive information.*
- *FHFA-OIG – 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’s (and soon FHFA-OIG) utilizes an Automated Programing Interface (API) to receive FOIA requests from the National FOIA Portal and a Public Access Link (PAL) to enable the public to submit and view their FOIA/PA requests; download their requested documents; and communicate with the FOIA Requester Service Center. The API/PAL will allow users to register and submit new FOIA/PA requests by completing an electronic form that identifies required and optional information regarding the requester and the request. Registrants will also be able to use the PAL to track the status of a request, communicate with FOIA staff, and access responsive records we make available.*



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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 – The FHFA-HQ FOIA office utilizes FOIAXpress to process and track FOIA requests and make redactions. It also utilizes Encase eDiscovery to conduct searches, remove or reduce duplicate records and to identify the longest email chain in a series.*
- *FHFA-OIG – 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?

- *Yes.*

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2023 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 2024.

- *N/A.*

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 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.

- *2022 - [FOIA Report - FY2022](#).*
- *2023 - [FOIA Report - FY2023](#).*

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?

- *FHFA-HQ – Yes.*
- *FHFA-OIG – No. However, FHFA-OIG has purchased the necessary API/ PAL add-ons and we expect them to be launched in the next two months.*



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

The Attorney General’s 2022 [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 (nine in FY23). 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.*

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

FHFA continues to improve public access to data and most recently taken the following steps:

- *In 2023, FHFA published the Uniform Appraisal Dataset (UAD) Appraisal-level Public Use File (PUF). The UAD Appraisal-level PUF is the nation’s first publicly available appraisal-level dataset of appraisal records, giving the public new access to a selected set of data filed found in appraisal reports.*
- *Significantly expanded the UAD Aggregate Statistics, which provides easy-to-use*



- public access to a broad set of data points and trends found in appraisal reports.*
- *Improved public access to fair lending data by releasing updated statistics in the Fair Lending Data Dashboard and the FHFA Mission Report.*
- *Expanded the data series and data documentation for the National Mortgage Database Aggregate Statistics.*
- *In response to Executive Order 13166, entitled “Improving Access to Services for Persons with Limited English Proficiency.” FHFA recognizes that to fulfill its mission, it must reach out to all segments of the population, including individuals with Limited English Proficiency (LEP). FHFA is in the process of drafting its Language Access Plan. The plan will address FHFA’s interactions with individuals LEP and help to eliminate or reduce LEP as a barrier to those accessing FHFA’s activities and programs.*

B. Timeliness

4. For Fiscal Year 2023, 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 2023 Annual FOIA Report.

- *FHFA-HQ – 3 days.*
- *FHFA-OIG – 0 Days.*

5. 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 2023 Annual 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.*

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

- *FHFA – Yes.*

7. 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 2023?

- *FHFA – No, the average was 25.66 days.*

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

- *FHFA – No, the average processing time increased from FY22 to FY23.*



9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 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 – 78.57%.*

10. 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

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, 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 2022?

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

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

- *FHFA – Yes, FHFA processed more requests in FY23.*

13. If your agency’s request backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

- *FHFA-HQ – The 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.*

14. 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 2023. 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 – 43.57%.*



BACKLOGGED APPEALS

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, 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 2022?

- *FHFA – FHFA did not have an appeal backlog in FY23.*

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?

- *N/A.*

17. If your agency's appeal backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

- *N/A.*

18. 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 2023. 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 2023 and/or has no appeal backlog, please answer with "N/A."

- *N/A.*

D. Backlog Reduction Plans

19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 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 2023?

- *N/A.*

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2024.

- *FHFA did not have a backlog of over 1,000 requests in Fiscal Year 2023.*



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

TEN OLDEST REQUESTS

21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?

- *FHFA-HQ - No.*
- *FHFA-OIG – N/A.*

22. 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 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

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

23. 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 awarded a five-year contract for temporary staff in the third quarter of FY23 to help reduce the overall age of its pending requests. Also, FHFA is in the early stages of investigating and educating itself with how the use of machining learning can assist with the agency's FOIA backlog.*
- *FHFA-OIG – N/A.*

TEN OLDEST APPEALS

24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?

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

25. 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 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- *N/A.*

26. 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

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?

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

28. 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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

- *N/A.*

ADDITIONAL INFORMATION REGARDING TEN OLDEST

29. 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 2024.

- *FHFA-HQ – The primary obstacle to closing its backlog was due to limited staff resources. In the third quarter of FY23, FHFA-HQ hired a new FHFA employee. Once trained, 50% of their duty time will be assigned to the FOIA office. Also, FHFA intends to explore new technology, like Artificial Intelligence, to assist with the agency’s backlog as well as with its overall processing.*
- *FHFA-OIG – N/A.*

F. Additional Information about FOIA Processing

30. 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 – Yes. FHFA-HQ has three complex requests in litigation due to a lack of response within the statutory timeframe.*
- *FHFA-OIG – No.*

