

**NATIONAL ENDOWMENT FOR THE HUMANITIES
FREEDOM OF INFORMATION ACT (FOIA)
ANNUAL REPORT FOR FISCAL YEAR 2002**

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I. BASIC INFORMATION REGARDING REPORT

A. Name, title, address, and telephone number of person(s) to be contacted with questions about report.

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(202) 606-8273

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B. Electronic address for this report on the World Wide Web.

<http://www.neh.gov/whoweare/foiamain.html>

C. How to obtain a copy of this report in paper form.

Paper copies of this report can be obtained from Heather Gottry. Ms. Gottry's contact information is provided in Item I. A.

II. HOW TO MAKE A FOIA REQUEST

For basic information on how to make a FOIA request, visit our Website at

<http://www.neh.gov/howeare/foiamain.html>

A. Agency components and offices that received FOIA requests.

FOIA requests should be addressed to: Office of the General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 529, Washington, DC 20506. E-mail requests may be addressed to: gencounsel@neh.gov

B. Brief description of the agency's response-time ranges.

The agency responded to simple requests in approximately fourteen (14) working days and complex requests in approximately thirty (30) working days.

C. Brief description of why some requests are not granted.

The primary reason for not fully granting requests for which records are located is that disclosure would result in unwarranted invasions of personal privacy. Generally, small, segregable portions of the records are withheld in those instances. The secondary reason for not granting requests is that the agency had no records responsive to the request.

III. DEFINITIONS OF TERMS AND ACRONYMS USED IN THE REPORT

A. Agency-specific acronyms or other terms.

NEH - National Endowment for the Humanities

B. Basic terms, expressed in common terminology.

1. FOIA/PA request

Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests.

2. Initial Request

A request to a federal agency for access to records under the Freedom of Information Act.

3. **Appeal**
A request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. **Processed Request or Appeal**
A request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. **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 in each track are processed on a first-in/first-out basis. A requestor who has an urgent need for records may request expedited processing.
6. **Expedited processing**
An agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **Simple request**
A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. **Complex request**
A FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. **Grant**
An agency decision to disclose all records in full in response to a FOIA request.
10. **Partial grant**
An agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. **Denial**
An agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. Time limits

The time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a “perfected” FOIA request).

13. “Perfected” request

A FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute

A separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b) (3).

15. Median number

The middle, not average number. For example, of 3, 7, and 14, the median number is 7.

16. 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.

IV. EXEMPTION 3 STATUTES

No exemption 3 statutes were used by the agency during fiscal year 2002.

V. INITIAL FOIA/PA ACCESS REQUESTS

A. Numbers of Initial Requests.

1. Number of requests pending as of end of preceding fiscal year	<u>9</u>
2. Number of requests received in current fiscal year	<u>67</u>
3. Number of requests processed during current fiscal year	<u>72</u>
4. Number of requests pending as of end of current fiscal year	<u>4</u>

B. Disposition of initial requests.

1. Number of total grants	<u>23</u>
2. Number of partial grants	<u>26</u>
3. Number of denials	<u>0</u>
a. Number of times each FOIA exemption used	
Exemption 1	<u>0</u>
Exemption 2	<u>0</u>

Exemption 3	<u>0</u>
Exemption 4	<u>13</u>
Exemption 5	<u>11</u>
Exemption 6	<u>15</u>
Exemption 7	<u>0</u>
Exemption 8	<u>0</u>
Exemption 9	<u>0</u>
4. Other reasons for nondisclosure (total)	<u>23</u>
a. no records	<u>11</u>
b. referrals	<u>0</u>
c. request withdrawn	<u>7</u>
d. fee-related reason	<u>1</u>
e. records not reasonably described	<u>1</u>
f. not a proper FOIA request for some other reason	<u>0</u>
g. not an agency record	<u>3</u>
h. duplicated request	<u>0</u>
i. other (specify)	<u>0</u>

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS

A. Number of Appeals.

1. Number of appeals received during fiscal year	<u>4</u>
2. Number of appeals processed during fiscal year	<u>4</u>

B. Disposition of appeals.

1. Number completely upheld	<u>4</u>
2. Number of partially reversed	<u>0</u>
3. Number of completely reversed	<u>0</u>
a. number of times each FOIA exemption used	
Exemption 1	<u>0</u>
Exemption 2	<u>0</u>
Exemption 3	<u>0</u>
Exemption 4	<u>1</u>
Exemption 5	<u>1</u>
Exemption 6	<u>1</u>
Exemption 7	<u>0</u>
Exemption 8	<u>0</u>
Exemption 9	<u>0</u>

4. Other reasons for nondisclosure (total)	<u>3</u>
a. no records	<u>1</u>
b. referrals	<u>0</u>
c. request withdrawn	<u>0</u>
d. fee-related reason	<u>1</u>
e. records not reasonably described	<u>0</u>
f. not a proper FOIA request for some other reason	<u>0</u>
g. not an agency record	<u>1</u>
h. duplicated request	<u>0</u>
i. other (specify) Request granted in full	<u>0</u>

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS

A. Average processing time for requests processed during the year.

1. Simple requests	
a. number of requests processed	<u>60</u>
b. average number of days to process	<u>11</u>
2. Complex requests	
a. number of requests processed	<u>12</u>
b. average number of days to process	<u>23</u>
3. Requests accorded expedited processing.	
a. number of requests processed	<u>0</u>
b. average number of days to process	<u>0</u>

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year	<u>4</u>
2. Average number of days that such requests were pending as of that date	<u>12</u>

VIII. COMPARISONS WITH PREVIOUS YEAR(S)

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2002</u>
A. Number of requests received in:	53	55	67
B. Number of requests processed in:	46	53	72
C. Number of request pending at end of FY:	8	9	4
D. Other statistics significant to agency:	No requests for expedited processing received		

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records)

A temporary part-time attorney was hired for approximately four months in 2002 to assist with the increased FOIA workload. With the assistance of this temporary help, the average number of days to respond to FOIA requests was reduced to half and the number of pending requests at the end of fiscal year was reduced by more than half. In several instances, FOIA requesters were referred to the agency website to retrieve information responsive to their specific request. The agency plans to make more information available on its website in an effort to further reduce the FOIA workload and to avoid the increasing costs associated with responding to FOIA in future fiscal years.

IX. COSTS/FOIA STAFFING

A. Staffing levels.

1. Number of full-time FOIA personnel	<u>0</u>
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	<u>0.58</u>
3. Total number of personnel (in work-years)	<u>0.58</u>

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals)	<u>\$45,000</u>
2. Litigation-related activities (estimated)	<u>0</u>
3. Total costs	<u>\$45,000</u>

C. Statement of additional resources needed for FOIA compliance (optional)

X. FEES

A. Total amount of fees collected by agency for processing requests	<u>0</u>
B. Percentage of total costs	<u>0</u>

XI. FOIA REGULATIONS (INCLUDING FEE SCHEDULE)

<http://www.neh.gov/howeare/foia/foiaguide.html>