U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
FY2000 FOIA ANNUAL REPORT
(Covers October 1, 1999 through September 30, 2000)

I.   **Basic Information Regarding Report**

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

> Joanne Paskar, FOIA Officer
> U.S. Agency for International Development
> Information and Records Division
> Room 2.7C
> Washington, DC 20523-2701
> TELEPHONE: 202-712-0879

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

http://www.usaid.gov/about/foia

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

Contact Ms. Paskar at the address or telephone number given in Section I.A. above.

II.   How to make a FOIA Request

A.   Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

Initial Requests:

> U. S. Agency for International Development
> Information and Records Division
> Room 2.07C
> Washington, DC 20523-2701
> TELEPHONE: 202-712-0960
> TELEPHONE FAX: 202-216-3070

Appeals:

> U.S. Agency for International Development
> Director of the Office of Administrative Services
> Room 4.06B
> Washington, DC 20523-4601
> TELEPHONE: 202-712-4410
> TELEPHONE FAX: 202-216-3369

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

During FY2000, the median processing time for all combined initial requests was 45 calendar days. Not all requests took 45 days to process. Requests for readily available documents that involved little or no review were processed much faster. Other requests took longer to process for a variety of reasons. Some requesters asked for a large volume of documents that had to be located, photocopied, and reviewed. USAID is an international organization that has many overseas offices. Delays in our response time occurred when documents had to be transported from the overseas offices to Washington. USAID received many requests for procurement-related documentation, especially for contracts and grant proposals. Such requests were often time-consuming and labor-intensive because they involved repeated discussions with contractors/grantees concerning the competitive ramifications of releasing the requested information.

C.   Brief description of why some requests are not granted

USAID sometimes was required to withhold requested information under one or more of the FOIA's exemptions. The numbers of instances in which USAID used an exemption in FY2000 are listed in Section V.B.3. Exemptions 3 and/or 4 normally were used to protect commercial or financial information provided by contractors and grantees. Exemption 5 was used to protect vital deliberative-process information or attorney-client information. Exemption 6 was used to protect the privacy of individuals named in documents. At times, a request was not fulfilled for an administrative reason. The various types of administrative reasons are listed in Section V.B.4.

III.   Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

USAID - U.S. Agency for International Development

B. Basic terms, expressed in common terminology.

1. **FOI/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. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

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 requester who has an urgent need for records may request expedited processing (see below).

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 (nonexpedited) 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 entireties, 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 described 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

A.   List of Exemption 3 statutes relied on by agency during current fiscal year.

41 U.S.C. 253b(m)

1.   Brief description of type(s) of information withheld under each statute.

41 U.S.C. 253b(m) - Places restrictions on the release of proposal information submitted by a contractor in response to the requirements of a competitive solicitation.

2.   Statement of whether a court has upheld the use of each statute.

USAID has not been involved in litigation involving the use of the above statute.

V.   Initial FOIA/PA Access Requests

A.   Numbers of initial requests.

1. Number of requests pending as of end of FY1999: 88
2. Number of requests received during FY2000: 251
3. Number of requests processed during FY2000: 228
4. Number of requests pending as of end of FY2000: 111

B.   Disposition of initial requests.

1. Number of total grants: 87
2. Number of partial grants: 65
3. Number of denials: 76

a.   number of times each FOIA exemption used
        (counting each exemption once per request)

(1)   Exemption 1:   1
(2)   Exemption 2:   0

(3) Exemption 3: 16
(4) Exemption 4: 36
(5) Exemption 5: 11
(6) Exemption 6: 16
(7) Exemption 7(A): 1
(8) Exemption 7(B): 0
(9) Exemption 7(C): 4
(10) Exemption 7(D): 2
(11) Exemption 7(E): 0
(12) Exemption 7(F): 0
(13) Exemption 8: 0
(14) Exemption 9: 0

4. Other reasons for nondisclosure (total): 80

a. no records: 35
b. referrals: 2
c. request withdrawn: 18
d. fee-related reason: 20
e. records not reasonably described: 4
f. not a proper FOIA request for some other reason: 0
g. not an agency record: 1
h. duplicate request: 0
i. other reasons: 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1. Number of appeals received during FY2000: 5
2. Number of appeals processed during FY2000: 4

B. Disposition of appeals.

1. Number completely upheld: 4
2. Number partially reversed: 0
3. Number completely reversed: 0

a. number of times each FOIA exemption used

(counting each exemption once per appeal)

(1) Exemption 1: 0
(2) Exemption 2: 0
(3) Exemption 3: 0
(4) Exemption 4: 0
(5) Exemption 5: 1
(6) Exemption 6: 0
(7) Exemption 7(A): 0
(8) Exemption 7(B): 0
(9) Exemption 7(C): 0
(10) Exemption 7(D): 0
(11) Exemption 7(E): 0
(12) Exemption 7(F): 0
(13) Exemption 8: 0
(14) Exemption 9: 0

4.   Other reasons for nondisclosure (total): 3

a.   no records: 2
b.   referrals: 0
c.   request withdrawn: 1
d.   fee-related reason: 0
e.   records not reasonably described: 0
f.   not a proper FOIA request for some other reason: 0
g.   not an agency record: 0
h.   duplicate request: 0
i.   other (specify): 0

VII.   Compliance with Time Limits Status of Pending Requests

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

1.   Simple requests (if multiple tracks used) – N/A
      a.   number of requests processed:
      b.   median number of calendar days to process:

2.   Complex requests (if multiple tracks used) - N/A
      a.   number of requests processed:

        b.   median number of calendar days to process:

3.   All requests (both simple and complex) -
        a.   number of requests processed: 228
        b.   median number of calendar days to process: 45

4.   Requests accorded expedited processing -
        a.   number of requests processed: No requests
        b.   median number of days to process: N/A

B.   **Status of pending requests.**

1.   Number of requests pending as of end of FY2000: 111

2.   Median number of calendar days that such requests were pending as of the end of FY2000: 59 days

VIII. Comparison with Previous Year(s) (Optional):

During FY99, the median number of calendar days needed to process all requests was 35 days. In FY2000, the median number of calendar days needed to process all requests was 45 days. This is an increase of 28.6%.

IX. Costs/FOIA Staffing

    A.   **Staffing levels.**

1.   Number of full-time FOIA personnel: 4
2.   Number of personnel with part-time or occasional FOIA duties (in total work-years): 1.75
3.   Total number of personnel (in work-years): 5.75

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

1.   FOIA processing (including appeals): $ 307,400
2.   Litigation-related activities (estimated): $0.00
3.   Total costs: $
4.   Comparison with previous year(s) (including percentage of change) (optional) - A decrease of $121,400 from FY1999; 28.6% decrease.

X.   **Fees**

This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A.   Total amount of fees collected by agency for processing requests: $2,470.
B.   Percentage of total costs: .0080351%

XI.   **FOIA Regulations and Fee Schedule**