



**U.S. DEPARTMENT OF STATE**  
**FREEDOM OF INFORMATION ACT**  
**ANNUAL REPORT**  
**FISCAL YEAR 2006**



## **I. Basic Information**

In compliance with 5 U.S.C. § 552(e) and section 3(c)(ii) of Executive Order 13392, the Department of State (“the Department”) submits the attached report on its Freedom of Information Act (“FOIA”) program. This report addresses the time period for fiscal year 2006 (October 1, 2005 to September 30, 2006). Questions about this report may be addressed to:

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Washington, D.C. 20522-8100

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This report is available on our web site at <http://www.foia.state.gov>. Paper copies may be requested by contacting A/ISS/IPS at the above address.

## **II. How to Make A FOIA Request**

FOIA requests to the Department must be in writing. Requests may be submitted in any one of the following ways:

- by mail to the Office of Information Programs and Services at the address provided at the end of this section; **or**
- by fax to (202) 261-8579; **or**
- on-line at our website: <http://www.foia.state.gov/foiareq/foialetter.asp>.

Requests should describe the records sought as precisely as possible and include details such as a specific topic, a time frame for the records’ creation, and the overseas post or office where they were created or received. The more specific the request, the more quickly it can be processed and the greater the likelihood that responsive records (if any exist) can be located. Requests concerning individuals should include the individuals’ complete names, dates and places of birth, and citizenship status (if known). A request for records about oneself must include reasonable verification of identity (see 22 C.F.R. § 171.32). A request for records about an individual other than the requester should include a properly executed authorization from the subject individual (see 22 C.F.R. § 171.12) or evidence of the individual’s death, as appropriate, in order to gain the greatest access to those records. If such documentation cannot be provided, the request should indicate that fact. The request should also indicate the requester’s willingness to pay applicable fees, or provide appropriate justification to support a fee waiver.

If mailing or faxing a request, the envelope or subject line of the fax coversheet should be clearly labeled with: "Freedom of Information Act Request." Very importantly, requests should include a daytime telephone number or email address where we can reach the requester to resolve any deficiencies in the request.

Requests may also be made on-line at the Department's FOIA website (<http://www.foia.state.gov>). This site contains an electronic request form, and helpful tips to assist requesters in formulating their requests.

We can only process requests that comply with our published regulations. Those regulations are available at 22 C.F.R. § 171. A request is not perfected when it does not contain enough information to permit us to locate the requested records; or it does not contain either an agreement to pay applicable fees or a justification to support a fee waiver.

Whenever possible, we will contact the requester by telephone or email to obtain whatever additional information is needed to validate a request. If we cannot reach the requester within a reasonable amount of time, we will send a letter to the requester explaining what is needed and asking the requester to resubmit the request with the additional information.

We make every attempt to promptly advise the requester of the date of receipt, the case number assigned to the request, and whether or not the records sought are under the Department's control. Whenever possible, we will process the request within 20 working days.

If information is withheld, the requester will be notified of the amount of information withheld, the basis for the withholding, and how to appeal it. For more information about making a FOIA request, you may visit our web site at <http://www.foia.state.gov>. You may also contact IPS by calling us at (202) 261-8484, or writing to us at the following address:

Information and Privacy Coordinator  
Office of Information Programs and Services  
A/ISS/IPS, SA-2  
Department of State  
Washington, D.C. 20522-8100

### **III. Definitions of Terms and Acronyms Used in the Report**

#### **A. Agency-Specific Terms**

1. A/ISS/IPS – Bureau of Administration (A), Deputy Assistant Secretary for Information Sharing Services (ISS), Office of Information Programs and Services (IPS).

#### **B. Basic Terms from the U.S. Department of Justice (“FOIA Update,” Spring 1997).**

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. (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 (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 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 - 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 therefore 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

Statute Cited	Type of Information Withheld	Statute Upheld in Court?
8 USC § 1202(f)	Protects records pertaining to the issuance or refusal of visas to enter the United States	<i>Medina-Hincapie v. DOS</i> 700 F.2d 737 (DC Cir. 1983)
10 USC § 130b	Protects information regarding armed forces, Department of Defense, and Coast Guard personnel in overseas, sensitive or routinely deployable units	No
10 USC § 424	Protects organizational and personnel information for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency	<i>Larson v. DOS et al.</i> Docket # 02-1937 (DDC Aug. 10, 2005)
22 USC § 2778(e)	Protects information concerning arms export licensing cases	<i>Council for a Livable World Education Fund v. DOS</i> Docket #96-1807 (DDC Nov. 23, 1998)
41 USC § 253b(m)	Protects contractor proposal solicited by and made to executive agency except for proposal set forth or incorporated by reference in an ensuing contract between the contractor and the soliciting agency	<i>Hornbostel v. DOI</i> 350 F. Supp. 2d 21 (DDC 2003)
42 USC § 2011	Protects records defining policy for the development, use and control of atomic and nuclear energy in private, peaceful and military matters	No
50 USC § 402 note sec. 6	Information regarding National Security Agency activities and personnel	<i>Church of Scientology v. NSA</i> , 610 F.2d 824 (DC Cir. 1979)
50 USC § 403g	Protects the nature of the CIA's functions and personnel under the Central Intelligence Agency Act	<i>Minier v. CIA</i> 88 F. 3d 796 (9 <sup>th</sup> Cir. 1996)
50 USC § 403-3(c)(7)	Protects intelligence sources and methods under National Security Act	<i>Sims v. CIA</i> 471 US 159 (1985)
50 USC § 1701	Protects records on arbitration of claims before the Iran-U.S. Claims Tribunal	No

## V. Initial FOIA/PA Access Requests

**N.B.** to sections V through VIII: Statistics reported are accurate to the greatest extent possible. Where data is not available from the Department's automated request tracking system, the Department uses the best available data for purposes of making the required calculations. For example, median processing times are calculated using as start dates the dates requests were received instead of the dates on which requests were actually perfected (and thus able to be processed).

Many FOIA/PA requests to the Department require searches of multiple records systems, offices and/or overseas posts. The Department typically processes these requests incrementally. Thus, as we retrieve and review material responsive to these requests, we process it and provide responsive non-exempt records to the requester incrementally rather than waiting until all searches and reviews are done. However, when we calculate how long it takes to process a request, incremental releases are not reflected in that calculation.

Time is reported in calendar days.

### A. Numbers of Initial Requests.

- |  |                     |
|--|---------------------|
| 1. Number of requests pending as of end of preceding fiscal year | <b><u>2728</u></b>  |
| 2. Number of requests received during current fiscal year        | <b><u>4937</u></b>  |
| 3. Number of requests processed during current fiscal year       | <b><u>3866</u></b>  |
| 4. Number of requests pending as of end of current fiscal year   | <b><u>3799*</u></b> |
- (\*NOTE: Of the 3799 pending requests, only 3218 constituted the Department's backlog, i.e., 3218 pending requests were perfected and over 20 working days old. As of January 24, 2007, the Department had further reduced its backlog to **2922** requests.)

### B. Disposition of Initial Requests.

- |  |                   |
|--|-------------------|
| 1. Number of total grants  | <b><u>438</u></b> |
| 2. Number of partial grants due to some information being denied under FOIA exemptions | <b><u>864</u></b> |
| 3. Number of denials due to FOIA exemptions  | <b><u>159</u></b> |

## a. Number of times each FOIA exemption used

<b>Exemption 1</b>	<b>785</b>
<b>Exemption 2</b>	<b>128</b>
<b>Exemption 3</b>	<b>467</b>
<b>Exemption 4</b>	<b>62</b>
<b>Exemption 5</b>	<b>316</b>
<b>Exemption 6</b>	<b>522</b>
<b>Exemption 7 (A)</b>	<b>50</b>
<b>Exemption 7 (B)</b>	<b>0</b>
<b>Exemption 7 (C)</b>	<b>67</b>
<b>Exemption 7 (D)</b>	<b>17</b>
<b>Exemption 7 (E)</b>	<b>29</b>
<b>Exemption 7 (F)</b>	<b>6</b>
<b>Exemption 8</b>	<b>0</b>
<b>Exemption 9</b>	<b>0</b>



4. Other reasons for nondisclosure (total)	<b><u>2405</u></b>
a. no records	<b><u>522</u></b>
b. referrals (“Referrals” include cases in which all responsive records were referred to originating agencies for direct reply, and in which the entire request was directed to another agency.)	<b><u>513</u></b>
c. request withdrawn	<b><u>127</u></b>
d. fee-related reason*	<b><u>see “other,” below</u></b>
e. records not reasonably described*	<b><u>see “other,” below</u></b>
f. not a proper FOIA request for some other reason	<b><u>158</u></b>
g. not an agency record*	<b><u>see “other,” below</u></b>
h. duplicate request	<b><u>46</u></b>
i. other (specify) (“Other” includes cases with unresolved issues related to fees, third-party access, or inadequate descriptions of records; cases in which the requested records did not exist, were not agency records, or were in the public domain. For cases in the last category, we either provided the information or advised requesters how to find it.)	<b><u>1039</u></b>

## **VI. Appeals of Initial Denials of FOIA/PA Requests**

A. Number of appeals	
1. Number of appeals received during fiscal year	<b><u>264</u></b>
2. Number of appeals processed during fiscal year	<b><u>138</u></b>
B. Disposition of Appeals	
1. Number completely upheld	<b><u>76</u></b>
2. Number partially reversed	<b><u>54</u></b>
3. Number completely reversed	<b><u>4</u></b>

- a. Number of times each FOIA exemption used in responding to an appeal

<b>Exemption 1</b>	<b>78</b>
<b>Exemption 2</b>	<b>5</b>
<b>Exemption 3</b>	<b>51</b>
<b>Exemption 4</b>	<b>4</b>
<b>Exemption 5</b>	<b>29</b>
<b>Exemption 6</b>	<b>24</b>
<b>Exemption 7 (A)</b>	<b>0</b>
<b>Exemption 7 (B)</b>	<b>0</b>
<b>Exemption 7 (C)</b>	<b>2</b>
<b>Exemption 7 (D)</b>	<b>2</b>
<b>Exemption 7 (E)</b>	<b>1</b>
<b>Exemption 7 (F)</b>	<b>0</b>
<b>Exemption 8</b>	<b>0</b>
<b>Exemption 9</b>	<b>0</b>

4. Other reasons for nondisclosure (total)	<u>4</u>
a. no records	<u>1</u>
b. referrals	<u>0</u>
c. request withdrawn	<u>2</u>
d. fee-related reason	<u>0</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>0</u>
h. duplicate request	<u>0</u>
i. other (specify)	<u>0</u>
1) appeal overtaken by litigation:	<u>1</u>
2) appeal of other agency documents:	<u>0</u>
3) document under appeal was determined to be non-relevant:	<u>0</u>

## **VII. Compliance with Time Limits/Status of Pending Requests**

A. The Department uses two processing tracks for distinguishing simple requests from more complex requests. Requests are placed in processing tracks based on the degree of effort required to complete them, such as the number of searches and/or location of the records, the volume of responsive records, the complexity of the search, the sensitivity of the records, and the need for consultation in the review. Because the Department's search function is decentralized for certain bureaus and for most contemporary records, we usually do not know the number and complexity of responsive records until all searches have been returned. Similarly, we will not know how much consultation with other offices or agencies is necessary until we have had the opportunity to review the records. As a result, requests can

move between tracks. For example, a seemingly simple new case can become complex when searches come back with voluminous amounts of material or particularly sensitive records.

Historically, the Department has not calculated its backlog of pending requests by excluding requests that were less than 20 working days old or were unperfected. In this report, the Department has calculated this backlog by subtracting these two types of requests from its total pending cases.

Median processing time for FOIA/PA requests processed during the year.

1. Simple Requests – “Fast Track”\*

a. number of requests processed **1357**

b. median number of days to process **54**

2. Routine/Complex Requests

a. number of requests processed **2493**

b. median number of days to process **210**

3. Requests Accorded Expedited Processing

a. number of requests processed **16**

b. median number of days to process **231.5\***

(\*As previously noted, the Department processes requests in incremental stages, providing requesters with release determinations on segments as they become available. The median processing time for initial release determinations for expedited requests was **157.5** days.)

B. Status of Pending Requests

1. Number of FOIA/PA requests pending

as of end of current fiscal year **3799\***

(\*NOTE: Of the 3799 pending requests, only 3218 constituted the Department’s backlog, i.e., 3218 pending requests were perfected and over 20 working days old. As of January 24, 2007, the Department had further reduced its backlog to **2922** requests.)

2. Median number of days that such requests were pending **193**

### **VIII. Comparisons with previous year(s) (Optional)**

A. Comparison of numbers of requests received\*

FY 2005: 4602

FY 2006: 4937

Percentage of Change: 7% increase

B. Comparison of numbers of requests processed

FY 2005: 3870

FY 2006: 3866

Percentage of Change: 0.10 % decrease

C. Comparison of median number of days requests were pending as of end of fiscal year:

FY 2005: 148

FY 2006: 193

Percentage of Change: 30% increase

\*Includes cases that were re-opened in FY 2006.

D. Other statistics significant to Agency:

1. Number of requests for expedited processing **170**
2. Number of requests granted expedited processing **16**

E. Other Narrative Statements:

1. Training

IPS provides ongoing training for both new employees and staff. Training also allows for discussion of FOIA procedural issues and the implementation of E.O. 12958, as amended (Classified National Security Information), and includes guidance on new rules and directives and covers new court decisions and their effect on the Department's FOIA program.

IPS continues to recruit students from local colleges and universities to provide support in responding to FOIA requests and other document production

demands. The students are trained in the various phases of FOIA request processing and are encouraged to remain as permanent employees after graduation to support continuity in the infrastructure.

## 2. Public Availability of New Categories of Records

IPS maintains the Department's Internet FOIA website at <http://www.foia.state.gov>. Since its inception in March 1998, the site has developed into an information-rich, direct source for Department records and information. It contains a large collection of unique records of international significance that have been made available to the public under the FOIA, or as special collections. The site received over 133 million hits during the current reporting period. The number of hits tends to spike immediately following the release of a special collection.

Special interest collections currently total close to 270,000 pages (nearly triple the amount reported for FY 2005) in addition to previously released FOIA documents on such topics as foreign offers of assistance in the wake of Hurricane Katrina, the President's Emergency Plan for AIDS Relief, and the Future of Iraq Project. We also continue to review and add to the website additional telephone transcripts from the tenure of former Secretary of State Henry Kissinger (dating from September 1973 to December 1976). The transcripts include records of Dr. Kissinger's role in the Middle East peace process, US-Soviet Union relations, Strategic Arms Limitation Talks (SALT) negotiations, and actions in negotiating a Vietnam peace treaty.

The site provides a number of aids to help users understand the content of our records and how to access them; how records are reviewed and processed for release; why some information may continue to be withheld; and our appeals procedures. The search engine offers both standard and advanced search capabilities that include full text retrieval of the documents on the site.

In addition, the site provides extensive links to other sources of Department records or information. IPS has applied technology to enhance performance and increase the level of satisfaction for our many customers, who include the general public, the White House, the Congress, other Federal agencies, the courts, academia, historians, journalists, attorneys, private interest groups, and Department offices and overseas posts.

## 3. Backlog Reduction

The Department's improvement plan under E.O. 13392 contains a milestone on backlog reduction, which is discussed in Section XII of this Report.

#### 4. Process Improvement Initiatives

In addition to FOIA compliance, IPS is responsible for many of the Department's other records access and records management programs. As previously reported, IPS realigned its workforce and organizational structure at the beginning of FY 2006 to address other business requirements, including records management, privacy protection, classification management, and historical records declassification.

In FY 2006, IPS continued its efforts to achieve certification under the ISO 9000 quality management standard for certain of its staff. This standard, which is internationally recognized, requires an organization to create and maintain full, complete, and accurate documentation of its business procedures. This documentation is then audited by an external entity for certification. The branch within IPS that serves as the initial point of receipt for incoming FOIA requests was the first IPS component to participate in this initiative. Through this process the branch was able to produce more comprehensive communications at the initial processing stage in FOIA and Privacy cases. For example, through the review and creation of the necessary ISO 9000 documents (i.e., quality policies, work instructions, process maps, etc.), the branch used a histogram to eliminate redundant steps in the initial processing of FOIA and Privacy requests. It also instituted a checklist and decision tree to document decisions, and to ensure consistent and appropriate analysis of each request.

### **IX. Costs/FOIA Staffing**

Given its diverse records-related responsibilities, IPS maintains a flexible workforce, such that staff are trained at multiple tasks and can be reassigned where needed to more effectively address backlogs or increases in workload as they arise.

Staffing levels reported below reflect estimates of both IPS staff resources and staff resources in departmental bureaus that maintain decentralized records and also perform FOIA request processing activities.

The Department continues to experience substantial budget cuts and these will impact our FOIA reviewer, technology and support staff workforce.

#### **Staffing levels**

1. Number of full-time FOIA/PA personnel

- |  |               |
|--|---------------|
| 2. Number of personnel with part-time or occasional FOIA/PA duties (in work-years) | <u>39.75</u>  |
| 3. Total number of personnel (in work-years)                                       | <u>107.75</u> |

**A. Totals Costs (including staff and all resources - estimates)**

- |   |                     |
|---|---------------------|
| 1. FOIA/PA processing (including appeals) | <u>\$5,471,349</u>  |
| 2. Litigation-related activities          | <u>\$171,177</u>    |
| 3. Total costs                            | <u>\$5,642,526*</u> |
- (\*Costs reported in prior annual reports reflected an aggregation of resources associated with the Department's umbrella Information Access Program, which includes, among other activities, systematic declassification under E.O. 12958, document production for special investigatory bodies, and the technology that supported the overall Information Access Program. In an effort to further refine our cost accounting, the number reported above more accurately reflects the resources dedicated exclusively to FOIA and Privacy Act implementation as covered by this report.)

**X. Fees**

- |   |                |
|---|----------------|
| A. Total amount of fees collected for processing requests | <u>\$7,571</u> |
| B. Percentage of total costs                              | <u>0.13%</u>   |

**XI. FOIA Regulations**

The Department's FOIA regulations have been codified at 22 C.F.R. § 171. These regulations are available through the Government Printing Office's (GPO) website at <http://www.gpoaccess.gov/cfr/index.html> or from links at our website at <http://www.foia.state.gov>.

Search and review fees are assessed at the rate of basic pay for the individual performing the activity, plus 16 percent. Paper copies are assessed at the rate of \$0.15 per page. For all other copies, including electronic media, the Department assesses the actual cost of reproduction.

**XII. Report on Executive Order 13392 Implementation**

Executive Order (E.O.) 13392 (Improving Agency Disclosure of Information) required Federal agencies to review their FOIA operations and develop plans for



improving FOIA administration and to include a description of progress made in meeting the milestones established in their improvement plans in their FOIA annual reports. This section of the FOIA annual report contains the Department's description of its progress in implementing the improvement plan. The reporting period for Section XII includes progress made through January 2007.

A. Supplemental/modification of agency improvement plan (if applicable)

Not applicable

B. Departmental implementation of improvement plan

The Department's improvement plan contains an ambitious number of individual milestones (50) covering eight improvement areas. Ten milestones were due through January 2007 and were aimed at improving customer service, better informing the public about the FOIA process, reducing the backlog of direct requests, use of information technology, and improving data integrity and business processes. All ten milestones were achieved on schedule. Following are some highlights from these milestones.

Customer Service

One of the Department's objectives was to improve the requests acknowledgment process in terms of content and response times. To this end, senior managers within IPS undertook an in-depth review of this process. As part of the ISO 9000 initiative described in Section VIII of this report, the managers oversaw the development of a new checklist and decision tree to provide for accurate, consistent analysis of each request and appropriate content of acknowledgement letters. In addition, the Department established an "e-card" acknowledgment for requests received through the Department's FOIA website. This has hastened the acknowledgment process significantly and has been particularly helpful in providing speedy notifications to requesters who incorrectly file Privacy Act requests and third party FOIA requests through the website. (Due to privacy concerns and the need to verify identity appropriately, such requests cannot be accepted on the website.)

Informing the Public about the FOIA Process

The Department hosted a focus group of requesters as a means of evaluating customer satisfaction with our FOIA website, and to better discern requester preferences in general about the website and how it could be improved. The focus group provided important insight from a user's perspective, and offered several useful suggestions for improving the website's organization, simplifying the

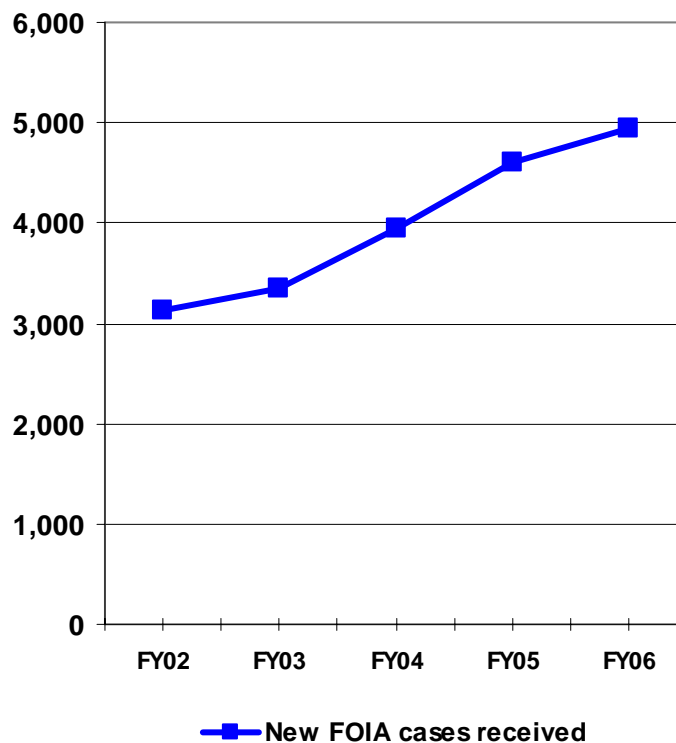
information on the site, and making it easier for visitors to navigate the website. We will be reviewing these suggestions, conducting further evaluation of the website and working on needed improvements over the next few months.

### Backlog Reduction

Although the Department's backlog of FOIA/PA requests increased in fiscal year 2006, the Department took measures during the course of the year to minimize the size of the increase, and the backlog has decreased by almost ten percent since the end of FY 2006.

After several years of relative stability, the number of FOIA requests received by the Department increased substantially over the past three fiscal years and reached an all-time high in fiscal year 2006. (See chart below.)

**New FOIA Cases Received**



Midway through fiscal year 2006, the Department projected that without redirecting resources, the backlog of “direct”<sup>\*</sup> FOIA and Privacy Act requests would exceed 3,700 by the end of the current reporting period (FY 2006). Accordingly, we redirected resources in an attempt to reduce and minimize the

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<sup>\*</sup>“Direct” requests are ones that are submitted by requesters directly to the Department.

projected backlog of direct FOIA and Privacy Act requests by 35 percent by the end of FY 2006. By the end of October, IPS had exceeded this goal by reducing the backlog of direct FOIA/PA requests to 2,128 requests, or over 40 percent of the projected backlog.

Over the past few months, we reassigned a small number of the staff to concurrently work on the backlog of referrals. Using lessons learned during the backlog reduction effort for direct requests, the Department's FOIA/PA total backlog was reduced from 3218 at the end of FY 2006 to 2922 as of January 24, 2007. (NOTE: The figures 3218 and 2922 reflect perfected requests that were more than 20 working days old.)

IPS will continue to search for innovative ways to minimize the backlog of requests in accordance with its limited resources and its diverse information access and records management responsibilities.

The Department's FOIA operation is substantially centralized in IPS, but certain offices review their own records for disclosure due to special sensitivities within those records. To build awareness within the Department about the requirements of E.O. 13392, IPS distributed a newsletter that provided an overview of E.O. 13392 requirements in September 2006. In addition, the Undersecretary for Management sent a memo to all assistant secretaries in September 2006 asking them to appoint senior officers at the Deputy Assistant Secretary level to serve as Bureau Chief FOIA Officers. Bureau Chief FOIA Officers are responsible for monitoring FOIA operations within their bureaus, reporting problems or successes to the Department's Chief FOIA Officer, and serving as senior advocates for FOIA. The Bureau Chief FOIA Officers were then invited to a meeting with the Department's Chief FOIA Officer in October at which they were briefed on E.O. 13392 requirements and their roles in ensuring departmental compliance with FOIA and E.O. 13392.

We evaluated the operational reviews conducted by the decentralized bureaus. These reviews reflect the unique and specialized nature of each bureau's operations. In general, the bureaus reported finding ways to reduce or eliminate their FOIA/PA backlogs, streamline their business processes, use information technology to track requests, use their websites to provide the public with more information about their organizations and records, and train employees.

#### Improving Data Integrity and Business Processes

IPS conducted an in-depth analysis of data in its case tracking system, and performed extensive data corrections. In addition, IPS identified common errors made in entering data, then developed and implemented standards, responsibilities

and procedures for data entry for all staff who work in FOIA/PA request processing. Staff received initial training on these procedures. IPS has begun to establish a system of monitoring that is aimed at ensuring that the data contained in the automated case tracking system is accurate, consistent and complete.

C. Deficiencies in meeting plan milestones: none.

D. Other EO related activities:

Nearly a decade before the President signed Executive Order 13392, the Department established the Requester Liaison Division, which had been performing all of the functions of a FOIA Requester Service Center, as defined in the Order, and more. Part of IPS, the Requester Liaison Division serves both internal and external customers as a one-stop-shopping place for making new requests, finding out the status of pending requests, and getting assistance or information about the range of the Department's information access programs, including the FOIA website. The Requester Liaison Division is divided into two branches: the Requester Communications Branch, which handles all new requests; and the Advocacy and Oversight Branch, which is responsible for providing customers with prompt and informative answers to their status inquiries.

E. Concise descriptions of FOIA exemptions under Subsection (b):

- (b)(1) classified national defense and foreign relations information;
- (b)(2) internal agency rules and practices;
- (b)(3) information that is prohibited from disclosure by another federal law;
- (b)(4) trade secrets and other confidential business information;
- (b)(5) inter-agency or intra-agency communications that are protected by legal privileges;
- (b)(6) information involving matters of personal privacy;
- (b)(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;
- (b)(8) information relating to the supervision of financial institutions; and
- (b)(9) geological information on wells.

F. Additional statistics:

1. Time range of requests pending, by date of request

November 28, 1997 – January 24, 2007

2. Time range of consultations pending with other agencies, by date of initial interagency communication

April 13, 1989 – January 24, 2007

G. Attachment: Agency improvement plan

<http://foia.state.gov/PDFs/EO13392ReportPlan.pdf>