

FREEDOM OF INFORMATION ACT
FY 2006
(October 1, 2005 – September 30, 2006)

I. Basic Information Regarding Report

A. Point of Contact:

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Washington, DC 20237
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B. Electronic address for report:

The FY 2006 FOIA Report for the Broadcasting Board of Governors (BBG) will be available on the Agency's website, at: <http://www.bbg.gov/>

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

Contact Ms. Diaz-Ortiz at the address or telephone number listed above.

II. How to Make a FOIA Request

- A. Freedom of Information Act requests must be made in writing and submitted by mail or facsimile transmission to the Broadcasting Board of Governors FOIA Officer at the address listed above. Freedom of Information Act Request should be written on the outside of the envelope as well as the letter.
- B. Range of Agency response-time: The response time to respond to FOIA requests ranged from 1 day to 6 months depending on the complexity of the request.
- C. Why some requests are not granted: Requests for records may not be granted for the following reasons: 1) the documents have been transferred to the ownership of the National Archives and Records Administration; 2) the requested records contain predecisional information that if released would cause harm to the BBG's decision-making processes; 3) portions of records contain personal and/or proprietary information; 4) records contain information compiled for law enforcement purposes; or 5) the requester asked for information specifically prohibited from disclosure by other statutes.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms:

BBG-- Broadcasting Board of Governors

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. (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 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 number by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
17. **Days** -- the number of calendar days used to compute calculations.

IV. Exemption 3 Statutes

Exemption 3 statutes relied on by agency during current fiscal year: Smith-Mundt Act.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of FY2005: 3
2. Number of requests received during FY2006: 59

3. Number of requests processed during FY2006: 52
4. Number of requests pending as of end of FY2006: 10

B. Disposition of initial requests.

1. Number of total grants: 25
2. Number of partial grants: 6
3. Number of denials: 1
 - a. Number of times each FOIA exemption used (counting each exemption once per request):
 - (1) Exemption 1 - 0
 - (2) Exemption 2 - 0
 - (3) Exemption 3 - 1
 - (4) Exemption 4 - 3
 - (5) Exemption 5 - 0
 - (6) Exemption 6 - 7
 - (7) Exemption 7(A) - 1
 - (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/denial

- (1) No records - 9
- (2) Referrals - 0
- (3) Request withdrawn - 5
- (4) Fee-related reason - 3
- (5) Records not reasonably described - 0
- (6) Not a proper FOIA request for some other reason - 2
- (7) Not an agency record - 1
- (8) Duplicate request - 0
- (9) Other (specify) - 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year: 0
2. Number of appeals processed during fiscal year: 0

B. Disposition of appeals.

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

3. Number completely reversed: 0

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

- (1) Exemption 1 - 0
- (2) Exemption 2 - 0
- (3) Exemption 3 - 0
- (4) Exemption 4 - 0
- (5) Exemption 5 - 0
- (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)

- a. No records - 0
- b. Referrals - 0
- c. Request withdrawn - 0
- 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 reporting period.

NOTE: BBG uses a single first-in, first-out method of processing requests.

- 1. Number of requests processed: 52
- 2. Median number of days to process: 20
- 3. Complex requests (specify for any and all tracks used).
 - a. number of requests processed: 0
 - b. median number of days to process: 0
- 4. Requests accorded expedited processing. 0
 - a. number of requests processed: 0
 - b. median number of days to process: 0

B. Status of pending requests

1. Number of requests pending as of end of current fiscal year
(Enter this number from Line V.A.4.) : 10
2. Median number of days requests were pending as of that date: 11

VIII. Comparison With Previous Years (Optional):

No comparisons noted. The agency received zero requests for expedited processing and granted zero expedited processing.

IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time/occasional FOIA duties: .25
3. Total number of personnel (in work-years): .25

B. Total costs (including staff and all resources)

1. FOIA processing (including appeals): \$20,000
2. Litigation-related activities (estimated): 0
3. Total costs: \$20,000

X. Fees

- A. Total amount of fees collected by agency for processing requests: 0
- B. Percentage of total costs: 0%

XI. FOIA Regulations (Including Fee Schedule)

BBG FOIA regulations are published at: <http://www.bbg.gov>.

XII. Report on FOIA Executive Order 13,392 Implementation

On December 14, 2005, the President issued Executive Order 13392, entitled "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to the administration of the Freedom of Information Act. The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

This section of the annual FOIA report contains the description of the Agency's progress in implementing the milestones and goals of its FOIA Improvement Plan.

The reporting period for Section XII is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2006. The reporting period for this section concerning EO 13,392 implementation activities includes progress made by the Agency through January 2007.

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

Not applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The BBG has met all the goals established in the report it submitted in June 2006, in response to Executive Order 13,392, that were to be completed for this reporting period. We discuss below each of the goals identified in our improvement plan and our accomplishments.

In regards to the first improvement area, FOIA Web Pages/Reading Room Records, the FOIA Officer examined ways to improve the BBG FOIA web page to make it user-friendlier. The FOIA Officer also met with the IT/Computer Services staff to discuss refining and updating the format for locating and posting reading room documents. The BBG FOIA web page is now carefully reviewed quarterly to assure that information is accurate, current and complete. Documents requested routinely are being reviewed for public posting.

With regard to the second area of improvement, in-house FOIA and Privacy Act Training, the targeted goal dates were met and exceeded to establish an in-house electronic FOIA and Privacy Act training program for all designated FOIA coordinators. The FOIA coordinators will be trained annually to increase efficiency in handling requests for documents in the agency's systems of records by the 9/30/07 target date. The FOIA Officer identified and spoke with other Federal agencies that have effective electronic training programs. The SBA's electronic training program was selected as being the best fit for the agency's use. With the support and authorization of the SBA, we are now in the early stages of modifying an electronic training program for agency use by 9/30/07. The FOIA Officer has met with in-house IT/Computer Services and Training to discuss the implementation of the electronic training program. The agency has exceeded its targeted goals by six months in this area.

The FOIA Officer attended the Department of Justice's December 2006 FOIA Guide Seminar and the FOIA Public Liaison attended the DOJ's July 2006 training for all FOIA Public Liaisons.

In regards to the third area of improvement, Use of Information Technology and Update Data Program, the agency's goal is to increase efficiency and improve document and information retrieval. The FOIA Officer has integrated the use of the PDF scanner to process FOIA requests and transmittal covers electronically. This expedites the response time in searching for documents. The National Labor Relations Board was identified as having an advanced FOIA Tracking System (FTS), which allows for increased electronic tracking and reporting of FOIA requests and BBG actions regarding these requests. Such improvements include adding information concerning the agency's handling of FOIA appeals, allowing for electronic generation of FOIA invoices, and providing for searches of FOIA requests. In addition to generating statistics for the Annual Report more quickly and accurately, the new FTS will improve the agency's ability to monitor the progress of pending FOIA cases, which ensures the agency's continued success in timely processing FOIA requests. The FOIA Officer and a staff member in IT/Computer Services met with NRLB to review its newly revised FOIA Tracking System Program. We have no doubt that full-scale implementation of the FTS program will be completed within the next couple of months, well ahead of the 12/30/07 target date.

The FOIA Officer, who has other job responsibilities in addition to FOIA, has successfully met and far exceeded the anticipated target dates.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable

D. Additional narrative statements regarding other executive order-related activities (if applicable)

Not applicable

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (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; (8)

information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional Statistics:

1. Time range of requests pending by date of request (or, where applicable, by date of referral from other agency): October 1, 2005 to January 29, 2007.
2. Time range of consultations pending with other agencies, by date of initial interagency communication: None pending

G. Attachment: Agency improvement plan:

The FOIA Improvement Plan is attached.