

# **INTER-AMERICAN FOUNDATION**

## **Freedom of Information Act Annual Report FY 2006**

### **I. Basic Information Regarding Report**

- A. Person(s) to be contacted with questions about the report:

Asst. General Counsel and Chief FOIA Officer  
Office of the General Counsel  
Inter-American Foundation  
901 N. Stuart Street, 10<sup>th</sup> Floor  
Arlington, VA 22203  
(703) 306-4301

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

[http://www.iaf.gov/privacy\\_security/privacy\\_statement\\_en.asp?pr\\_id=22](http://www.iaf.gov/privacy_security/privacy_statement_en.asp?pr_id=22)

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

Write to the above address or visit the IAF website at [www.iaf.gov](http://www.iaf.gov).

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

FOIA requests must be made in writing. Please send requests to the address listed in Section I.A. or email [jnieva@iaf.gov](mailto:jnieva@iaf.gov), with a copy to [foia@iaf.gov](mailto:foia@iaf.gov).

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

Jocelyn Nieva  
Assistant General Counsel  
and Chief FOIA Officer  
Inter-American Foundation  
901 N. Stuart Street, 10<sup>th</sup> Floor  
Arlington, VA 22203

Patrick Breslin  
Senior Advisor  
and FOIA Public Liaison  
Inter-American Foundation  
901 N. Stuart Street, 10<sup>th</sup> Floor  
Arlington, VA 22203

- B. The Inter-American Foundation strives to answer all FOIA requests in the 20-day response time mandated by FOIA.

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

A request for records may be denied if the requested record contains information which falls into one or more of the nine categories listed below. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released.

Categories of Exempt Information:

Exemption One: Records which are specifically authorized under criteria established by an Executive Order to be kept secret in interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Exemption Two: Records related solely to the internal personnel rules and practices of the Inter-American Foundation.

Exemption Three: Records specifically exempted from disclosure by statute, provided that such statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issues, or establishes particular criteria for withholding or refers to particular types of matter to be withheld.

Exemption Four: Trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Exemption Five: Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Inter-American Foundation.

Exemption Six: Personnel, medical, and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exemption Seven: Records compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records could reasonably be expected to interfere with enforcement proceedings; would deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy; could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished records on a confidential basis; would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or could

reasonably be expected to endanger the life or physical safety of any individual.

Exemption Eight: Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions.

Exemption Nine: Geological and geophysical information and data, including maps, concerning wells.

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

#### **A. Agency-specific acronyms or other terms.**

IAF – Inter-American Foundation

#### **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 complexity 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 average is obtained by dividing the sum of a group of numbers by the number of number in the group itself. 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 the IAF during the last fiscal year.

None.

**V. Initial FOIA Access Requests**

A. Numbers of initial requests

- 1. Number of requests pending as of end of FY 2005: 0
- 2. Number of requests received during FY 2006: 5
- 3. Number of requests processed during FY 2006: 5
- 4. Number of requests pending as of end of FY 2006: 0

B. Disposition of initial requests

- 1. Number of total grants: 3
- 2. Number of partial grants: 0
- 3. Number of denials: 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: 0
- (8) Exemption 8: 0
- (9) Exemption 9: 0

- 4. Other reasons for nondisclosure (total): 2
  - a. no records: 2
  - 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 (publicly available information): 0

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

A. Number 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 appeal)

- (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): 0

- 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 year

1. Simple requests (if multiple tracks used)
  - a. number of requests processed: 5
  - b. median number of days to process: 8.0
2. Complex requests (specify for any and all tracks used)
  - a. number of requests processed: N/A
  - b. median number of days to process: N/A
3. Requests accorded expedited processing
  - a. number of requests processed: N/A
  - b. median number of days to process: N/A

**B. Status of pending requests**

1. Number of requests pending as of end of FY 2005: 0
2. Median number of days that such requests were pending as of that date: N/A

**VIII. Comparisons with Previous Year(s) (Optional)**

The IAF did not receive any requests for expedited processing.

**IX. Costs/FOIA Staffing**

**A. Staffing levels.**

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 0.1
3. Total number of personnel: 0.1

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

1. FOIA processing (including appeals): Negligible
2. Litigation-related activities (estimated): 0
3. Total Costs: Negligible
4. Comparison with previous year(s) (including percentage of change) (optional) No significant change

**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)**

22 C.F.R. Section 1002

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

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

N/A

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

The IAF successfully completed all of the agency's milestones required for Calendar Year 2006 in a timely manner. The IAF

- (i) created a [foia@iaf.gov](mailto:foia@iaf.gov) email address; and
- (ii) added a direct link to its FOIA webpage from the IAF homepage.

The IAF accomplished both of these milestones in the Fall of 2006, well over a month prior to the December 31<sup>st</sup> deadline.

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

None.

D. Additional narrative statement regarding other executive order-related activities (optional)

The IAF continues to progress toward the achievement of its milestones on schedule in Calendar Year 2007.

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:

- a. Time range of requests pending, by date of request (or, where applicable, by date of initial interagency communication)

None.

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

None.

G. Attachment: Agency improvement plan (in its current form)