

**FREEDOM OF INFORMATION ACT (FOIA) ANNUAL REPORT FY 2007**  
(October 1, 2006 through September 30, 2007)  
**MILLENNIUM CHALLENGE CORPORATION (MCC)**

**I. Basic Information Regarding Report**

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

Bruce L. Overton, Acting Assistant General Counsel-Administration  
Millennium Challenge Corporation  
875 Fifteenth Street, NW  
Washington, DC 20005  
Telephone: (202) 521-3874  
E-mail: [foia@mcc.gov](mailto:foia@mcc.gov)

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

<http://www.mcc.gov/about/reports/other/report-2007-foiaannualreport.pdf>

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

Contact Mr. Overton at the address or telephone number listed above.

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

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

Bruce L. Overton, Acting Assistant General Counsel-Administration  
Millennium Challenge Corporation  
875 Fifteenth Street, NW  
Washington, DC 20005  
Telephone: (202) 521-3874  
E-mail: [foia@mcc.gov](mailto:foia@mcc.gov)

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

Average processing time in FY 2007 was 24 days.

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

MCC denied part of five (5) information requests in FY 2007 invoking Exemption 4.

MCC denied one (1) information request in FY 2007 invoking Exemption 5.

MCC denied part of one (1) information request in FY 2007 invoking Exemption 5.

MCC denied six (6) information requests in FY 2007 because there were no records responsive to the requests.

MCC denied one (1) information request in FY 2007 because the records requested were not reasonably described.

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

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

*MCC* – Millennium Challenge Corporation. The independent executive agency established by Congress in the Millennium Challenge Act of 2003.

#### **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 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 MCC during FY 2007**

1. Brief description of type(s) of information withheld under each statute.  
  
Not applicable to MCC during FY 2007.
2. Statement of whether a court has upheld the use of each statute.  
If so, then cite example.  
  
Not applicable to MCC during FY 2007.

**V. Initial FOIA/PA Access Requests:**

**A. Numbers of initial requests:**

1. Number of requests pending as of end of FY 2007 .....0
2. Number of requests received during FY 2007 .....19
3. Number of requests processed during FY 2007 .....19
4. Number of requests pending as of end of FY 2007 .....0

**B. Disposition of initial requests:**

1. Number of total grants in FY 2007 .....5
2. Number of partial grants in FY 2007 .....6

3.	Number of full denials in FY 2007 .....	1
a.	<b>Number of times each FOIA exemption used in FY 2007:</b> (counting each exemption once per request)	
	(1) Exemption 1 .....	0
	(2) Exemption 2 .....	0
	(3) Exemption 3 .....	0
	(4) Exemption 4 .....	5
	(5) Exemption 5 .....	2
	(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) .....	7
a.	No records .....	6
b.	Referrals .....	0
c.	Request withdrawn .....	0
d.	Fee related reasons .....	0
e.	Records not reasonably described .....	1
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

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

**A. Numbers of appeals:**

1.	Number of appeals received during FY 2007 .....	0
2.	Number of appeals processed during FY 2007 .....	0

**B. Disposition of appeals:**

1.	Number completely upheld .....	Not Applicable
2.	Number partially reversed .....	Not Applicable

- 3. Number completely reversed ..... Not Applicable
  - a. Number of times each FOIA exemption used:  
(counting each exemption once per appeal)
    - (1) Exemption 1 ..... Not Applicable
    - (2) Exemption 2 ..... Not Applicable
    - (3) Exemption 3 ..... Not Applicable
    - (4) Exemption 4 ..... Not Applicable
    - (5) Exemption 5 ..... Not Applicable
    - (6) Exemption 6 ..... Not Applicable
    - (7) Exemption 7(A) ..... Not Applicable
    - (8) Exemption 7(B) ..... Not Applicable
    - (9) Exemption 7(C) ..... Not Applicable
    - (10) Exemption 7(D) ..... Not Applicable
    - (11) Exemption 7(E) ..... Not Applicable
    - (12) Exemption 7(F) ..... Not Applicable
    - (13) Exemption 8 ..... Not Applicable
    - (14) Exemption 9 ..... Not Applicable
- 4. Other reasons for nondisclosure (total) number of times each FOIA exemption used (counting each exemption once per appeal)
  - a. No records ..... Not Applicable
  - b. Referrals ..... Not Applicable
  - c. Request withdrawn ..... Not Applicable
  - d. Fee-related reasons ..... Not Applicable
  - e. Records not reasonably described ..... Not Applicable
  - f. Not a proper FOIA request for some other reason ... Not Applicable
  - g. Not an agency record ..... Not Applicable
  - h. Duplicate request ..... Not Applicable
  - i. Other (specify) ..... Not Applicable

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

**A. Median processing time for requests processed during FY 2007:**

- 1. Simple requests (if multiple tracks used)
  - a. Number of requests processed .....19
  - b. Median number of days to process .....18
  - c. Complex requests (specify for any and all tracks used) .....0
  - d. Number of requests processed ..... Not Applicable

- e. Median number of days to process ..... Not Applicable
    - 2. Requests accorded expedited processing
      - a. Number of requests processed .....0
      - b. Median number of days to process ..... Not Applicable
  - B. **Status of pending requests:**
    - 1. Number of requests pending as of end of FY 2007 .....0
    - 2. Median number of days that such requests were pending as of that date ...0
- VIII. Comparison with Other Years:**
- A. Number of requests accorded expedited processing .....0
    - 1. Number received .....0
    - 2. Number granted ..... Not Applicable
- 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) ..... .01 (work-years)
    - 3. Total number of personnel (in work-years) ..... .01 (work-years)
  - B. **Total costs** (including staff and all resources):
    - 1. FOIA processing (including appeals) ..... Unknown  
Not separately calculated by MCC.
    - 2. Litigation-related activities (estimated) ..... Not Applicable
    - 3. Total costs ..... Unknown  
Not separately calculated by MCC.
    - 4. (Optional) Comparison with previous year(s)  
(including percentage of change) ..... Not Applicable
  - C. (Optional) **Statement of additional resources  
needed for FOIA compliance** ..... Unknown  
Not separately calculated by MCC.
- X. Fees**
- A. **Total amount of fees collected by agency for processing requests** .....0
  - B. **Percentage of total costs** ..... Not Applicable  
Not separately calculated by MCC.
- XI. FOIA Regulations** (Including Fee Schedule)
- XII. Report on FOIA Executive Order Implementation**
- 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

MCC's FOIA regulation was published in the Federal Register on 08/28/07.

MCC reviewed its internal FOIA handbook and determined updates were not needed because in the 4 years of MCC's existence we have received a total of (38) FOIA requests. The vast majority of these requests were for routine matters such as contracts or other internal functions related to MCC as a federal agency. Only a few of these requests involved requests for information related to MCC's programs. Because of a lack of FOIA request volume we have been unable to identify any specific deficiency that would improve our FOIA Handbook. In 2008 we will again monitor our FOIA request volume and update the handbook as appropriate.

- C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)..... Not Applicable

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

MCC will now send acknowledgment letters to all requestors upon receipt of FOIA requests and MCC's FOIA request index will be modified to be more inclusive.

- E. Concise descriptions of FOIA exemptions

MCC cited exemptions 4 and 5 when denying requests made in FY07.

FOIA exemption 4 was used for requests that asked for confidential business information.

FOIA exemption 5 was used for requests that asked for inter or intra agency communication that was deliberative process, litigation, or other privileges.

- F. Additional statistics:

1. Ten Oldest Pending FOIA Requests

Calendar Year	2004	2005	2006	2007
Requests	0	0	0	0

2. Consultations

a.) Number of Consultations Received, Processed, and Pending

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
1	1	0

b.) Ten Oldest Pending Consultations Received From Other Agencies

Calendar Year	2004	2005	2006	2007
Consults Received	0	0	0	0

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