



**U.S. DEPARTMENT OF STATE**

***FREEDOM OF INFORMATION ACT***

***ANNUAL REPORT***

***FISCAL YEAR 2007***

## **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 2007 (October 1, 2006 to September 30, 2007). Questions about this report may be addressed to:

Margaret P. Grafeld  
Director, Office of Information Programs and Services  
A/ISS/IPS, SA-2, Room 5073  
U.S. Department of State  
Washington, D.C. 20522-8100

Telephone: (202) 261-8300  
Fax: (202) 261-8590

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. Part 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. 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 U.S.	<i>Medina-Hincapie v. DOS</i> 700 F.2d 737 (DC Cir. 1983)
10 USC § 130c	Protects information of foreign governments and international organizations	No
10 USC § 424	Protects organizational and personnel information for DIA, NRO, and NIMA	<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)
22 USC § 4004	Protects Foreign Service employee records	No
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> 305 F. Supp. 2d 21 (DDC 2003)
42 USC § 2011	Protects records defining policy for development, use and control of atomic and nuclear energy in private, peaceful and military matters	No
50 USC § 402 note sec. 6	Protects 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 § 403-1(i)	Protects intelligence sources and methods under National Security Act	<i>CIA v. Sims</i> 471 US 159 (1985)
50 USC § 1701	Protects records on arbitration claims before the Iran-U.S. Claims Tribunal	No
50 USC § 2170(c)	Authority to review certain mergers, acquisitions and takeovers	No
50 USC § 2411(c)	Protects information concerning export license applications	<i>Export Information Twin Coast Newspapers, Inc. v. Dep't. of Commerce</i> No. 98-0978 (D.D.C. Nov. 6, 1979)

## 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>3799</u></b>  |
| 2. Number of requests received during current fiscal year   | <b><u>5078</u></b>  |
| 3. Number of requests processed during current fiscal year  | <b><u>4792</u></b>  |
| 4. Number of requests pending as of end of current fiscal year  | <b><u>4085*</u></b> |
| (*NOTE: Of the 4085 pending requests, only 3430 constituted the Department's backlog, i.e., 3430 pending requests were perfected and over 20 working days old.) |                     |

### B. Disposition of Initial Requests.

- |  |                   |
|--|-------------------|
| 1. Number of total grants  | <b><u>437</u></b> |
| 2. Number of partial grants due to some information being denied under FOIA exemptions | <b><u>929</u></b> |
| 3. Number of denials due to FOIA exemptions  | <b><u>210</u></b> |

## a. Number of times each FOIA exemption used

<b>Exemption 1</b>	<b>948</b>
<b>Exemption 2</b>	<b>131</b>
<b>Exemption 3</b>	<b>602</b>
<b>Exemption 4</b>	<b>125</b>
<b>Exemption 5</b>	<b>367</b>
<b>Exemption 6</b>	<b>665</b>
<b>Exemption 7 (A)</b>	<b>57</b>
<b>Exemption 7 (B)</b>	<b>2</b>
<b>Exemption 7 (C)</b>	<b>93</b>
<b>Exemption 7 (D)</b>	<b>23</b>
<b>Exemption 7 (E)</b>	<b>35</b>
<b>Exemption 7 (F)</b>	<b>7</b>
<b>Exemption 8</b>	<b>0</b>
<b>Exemption 9</b>	<b>0</b>



4. Other reasons for nondisclosure (total)	<b><u>3216</u></b>
a. no records	<b><u>766</u></b>
b. referrals	<b><u>587</u></b>
(“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.)	
c. request withdrawn	<b><u>72</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>123</u></b>
g. not an agency record*	<b><u>see “other,” below</u></b>
h. duplicate request	<b><u>60</u></b>
i. other (specify)	<b><u>1608</u></b>
(“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.)	

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

### **A. Number of Appeals**

- |   |                   |
|---|-------------------|
| 1. Number of appeals received during fiscal year  | <b><u>390</u></b> |
| 2. Number of appeals processed during fiscal year | <b><u>110</u></b> |

### **B. Disposition of Appeals**

- |                               |                  |
|-------------------------------|------------------|
| 1. Number completely upheld   | <b><u>65</u></b> |
| 2. Number partially reversed  | <b><u>16</u></b> |
| 3. Number completely reversed | <b><u>6</u></b>  |

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

<b>Exemption 1</b>	<b>38</b>
<b>Exemption 2</b>	<b>2</b>
<b>Exemption 3</b>	<b>54</b>
<b>Exemption 4</b>	<b>2</b>
<b>Exemption 5</b>	<b>25</b>
<b>Exemption 6</b>	<b>20</b>
<b>Exemption 7 (A)</b>	<b>3</b>
<b>Exemption 7 (B)</b>	<b>0</b>
<b>Exemption 7 (C)</b>	<b>6</b>
<b>Exemption 7 (D)</b>	<b>1</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>23</u>
a. no records	<u>9</u>
b. referrals	<u>0</u>
c. request withdrawn	<u>4</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>8</u>
2) appeal of other agency documents:	<u>2</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 ones. Requests are placed in processing tracks based on the degree of effort required to complete them, such as the number of searches 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, until we have had the opportunity to review the records we will not know how much consultation with other offices, agencies or governments is necessary. Thus, 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.

Until last year, the Department included in its FOIA/PA request backlog all requests from date of receipt, including requests that were less than 20 working days old and unperfected requests. As it did last year, to be more in line with the intent of the FOIA, this year the Department excluded from its backlog these two types of requests.

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

1. Simple Requests – “Fast Track”\*

a. number of requests processed	<b><u>1909</u></b>
b. median number of days to process	<b><u>67</u></b>

2. Routine/Complex Requests

a. number of requests processed	<b><u>2875</u></b>
b. median number of days to process	<b><u>212</u></b>

3. Requests Accorded Expedited Processing

a. number of requests processed	<b><u>8</u></b>
b. median number of days to process	<b><u>41</u></b>

B. Status of Pending Requests

1. Number of FOIA/PA requests pending **4085\***  
as of end of current fiscal year

(\*NOTE: Of the 4085 pending requests, only 3430 constituted the Department’s backlog, i.e., 3430 pending requests were perfected and over 20 working days old.)

2. Median number of days that such requests were pending **226**

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

A. Comparison of numbers of requests received:

FY 2006: 4937

FY 2007: 5078

Percentage of Change: 3% increase

B. Comparison of numbers of requests processed

FY 2006: 3866

FY 2007: 4792

Percentage of Change: 24% increase

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

FY 2006: 193

FY 2007: 226

Percentage of Change: 17% increase

D. Other statistics significant to Agency:

- |  |                   |
|--|-------------------|
| 1. Number of requests for expedited processing     | <b><u>158</u></b> |
| 2. Number of requests granted expedited processing | <b><u>11</u></b>  |

E. Other Narrative Statements:

1. Training

In partnership with the Department of Justice, the Department of State sponsored a training session in September 2007 for all Department of State employees with FOIA responsibilities. More than 150 participants received a full day of FOIA training with special emphasis on Department-related issues. The training covered a range of FOIA issues, including fees, fee waivers, exemptions, and litigation considerations, and included an overview of E.O. 13392.

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. This collection currently totals close to 270,000 pages in addition to previously released FOIA documents.

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. As part of the Department's FOIA improvement plan, the site was updated according to feedback received from the requester community, and links to all parts of the FOIA Reference Guide are accessible from the same page.

## 3. Processing Improvement Initiatives

During the reporting period, IPS continued its efforts to achieve certification under the ISO 9001:2000 (the latest iteration of ISO 9000) quality management standard for certain of its staff. This standard, which is internationally recognized, requires an organization to create, maintain, and apply full, complete, and accurate documentation of its business processes, and meet its performance goals. This documentation is then audited by an external entity for certification. On August 15, 2007, the branch within IPS that serves as the initial point of receipt for incoming FOIA/PA requests received full ISO 9000 certification. In order to be certified the branch demonstrated its commitment to customer service, a systematic approach to organizational procedures, full involvement of its employees, and a commitment to continually improve.

## 4. Backlog

Given the diversity, range, and scope of its records-related responsibilities, IPS has developed an extremely flexible workforce whose members have multiple areas of expertise, thereby enabling the re-deployment of staff to those areas most in need. Consistent with this strategy, resources from other program areas within IPS were reassigned for a short-term backlog reduction effort in 2006.

As the result of this temporary infusion of supplemental resources, the backlog was decreased to 2,922 requests in January 2007. During the past year, the Department has been challenged with a number of exigencies that have impacted productivity and prevented the backlog from being reduced; indeed, with the exception of item 3 below, these same conditions will continue to challenge the Department for the near term. They include the following:

1) **Staffing** - The Department has begun to experience serious workforce challenges. OPM projects that during the four fiscal years ending in FY 2010, 18.5% of full-time FTE will retire. For the first time, the central FOIA office has begun to experience a “brain drain,” losing to retirement 22% of its expert staff – many of whom had as many as twenty years of experience in State’s program. Informal projections indicate that as much as 40% of the current permanent workforce in the FOIA office would be eligible to retire within the next two years. While the Department has been moving to fill these vacancies, the current “war for talent” coupled with the requirement for national security clearances impedes the real time replacement of long-standing expertise and experience in the workforce. Furthermore, traditional reliance on supplemental resources through contracting has diminished considerably. While the central FOIA office has begun to rely on alternative hiring methods and has even created its own innovative approaches to staffing through recruiting a large student workforce, there is simply no immediate replacement for the lost institutional knowledge and expertise in State’s unique environment.

2) **New Mandates and Other Developments** - As previously mentioned, IPS has built a cadre of experts with interchangeable skill sets and abilities who can be reassigned to meet critical requirements. Three new mandates that bring increasing obligations – involving protection of Personally Identifiable Information (PII), the scheduling of all Department electronic records under the E-Gov Act, and the review for declassification of all historical records referred from other agencies under EO 12958 – are competing for the same IPS resources used to reduce the FOIA backlog. Additionally, the Department has experienced a sharp increase in the number of Congressional requests for documents, the expedited processing of which also competes for the same resources in IPS. Finally, the ISO 9000 certification process described above required the diversion of employees from their regular FOIA processing duties to the participation in this important initiative.

3) **Passport Details** - During the summer of 2007, the Department experienced a dramatic increase in the number of passport applications and relied on the temporary reassignment of employees from throughout the Department - including IPS – to meet the compelling demands of American citizens scheduled to travel.

## IX. Costs/FOIA Staffing

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.

### Staffing levels

1. Number of full-time FOIA/PA personnel	<u>67</u>
2. Number of personnel with part-time or occasional FOIA/PA duties (in work-years)	<u>37.25</u>
3. Total number of personnel (in work-years)	<u>104.25</u>

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

1. FOIA/PA processing (including appeals)	<u>\$4,294,328</u>
2. Litigation-related activities	<u>\$188,250</u>
3. Total costs	<u>\$4,482,578</u>

## X. Fees

A. Total amount of fees collected for processing requests	<u>\$20,683</u>
B. Percentage of total costs	<u>% 0.5</u>

## XI. FOIA Regulations

The Department's FOIA regulations have been codified at 22 C.F.R. Part 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 using the median salary rate (plus 16% for benefits) in each of three categories of personnel conducting the search or review (i.e., administrative/clerical, professional and executive). 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 a description of the Department's progress in implementing its improvement plan from February 1, 2007 through December 31, 2007. (The Department previously reported on the milestones it met in January 2007.) As discussed below in Part B, the Department found that a pilot project milestone was not feasible. As was contemplated as a possibility in the Department's original plan, initiating the pilot was made contingent upon obtaining a certain result in a related planned step/milestone. Inasmuch as that result was not achieved, the pilot was not initiated. The Department met all other milestones planned for completion in 2007 on schedule.

**A. Supplemental/modification of agency improvement plan (if applicable):**  
none.

### **B. Departmental implementation of improvement plan**

The milestones completed during February – December 2007 were aimed at improving customer service, better informing the public about the FOIA process, identifying resources needed to reduce the backlog of requests, leveraging the use of technology, improving expedited and multi-track processing, increasing affirmative disclosures under subsection (a)(2), and improving business processes. Following are some highlights from these activities.

Based on input from requesters and a review of industry best practices, the Department developed and posted on its Internet website a customer service plan that contains qualitative and quantitative customer service standards. (To find the plan, go to <http://www.state.gov>; at the bottom of the page click on the "FOIA Requester Service Center (FRSC)" link.)

The Department streamlined its acknowledgment letter templates making them clearer for requesters, and easier to create for employees. Standards and written procedures for the acknowledgment process were revised and formalized, and employees have been trained on them.

To improve service to the requesters contacting the FOIA Requester Service Center, allow for the collection of data on the number of incoming calls received and the amount of time spent by staff on such calls, as well as to specifically address some callers' concerns about the quality of communications, the

Department purchased and instituted a new telephone system. The Department surveyed other Federal agencies to find a system that could provide the functionality needed. This system allows supervisors to monitor calls from requesters about the status of their requests, and provide staff with immediate feedback about the quality of service provided. In addition, managers now have access to call data on a daily, weekly or monthly basis to help them determine appropriate staffing levels for answering the telephones. All employees who respond to status inquiries have received customer service training.

The Department hosted a focus group of requesters to help determine customer satisfaction with the FOIA website, evaluated the results, and conducted its own evaluation of the website. Based primarily on the results of the focus group and the expressed desires of the requester community, the Department re-organized its website, removing less useful content and consolidating related content to make it easier to find and navigate. This included the consolidation of links to all parts of the FOIA Reference Guide so that they are accessible from a single page.

For security and business reasons, the Department's FOIA request processing system operates on a classified network and the Department, at present, is not able to move electronic versions of declassified and releasable records securely from its FOIA request processing system directly to any unclassified electronic media or e-mail. To examine methods that might allow the Department to perform electronic releases in a manner that was both reasonable from a cost perspective, and responsible from a security perspective, the Department examined available COTS (commercial off-the-shelf) solutions that would facilitate the secure, low-cost movement of declassified and releasable documents from its FOIA request processing system to the World Wide Web or to Compact Disk (CD). In January 2007, a Proof of Concept was completed with one such product. The measurement for success of the product, and the basis for initiating a related milestone to conduct a pilot project, was for the product to be capable of ensuring such transactions met the highest possible security standard within the national security/intelligence community. Although the product was found capable of accomplishing secure redactions and electronic disclosures while operating in an unclassified environment, the same result could not be achieved in a classified environment. Thus, a pilot for this purpose was not initiated because this result could not be achieved. The Department remains committed to testing and exploring new technologies to enable it to provide such disclosures even while operating in a classified environment.

The Department reviewed its processing guidelines and practices to correct inconsistencies discovered during its FOIA operations review under E.O. 13392. Clearer criteria were established for requests falling in the "fast track" and requests in the "complex track." All requests that had not been determined by regulations

to qualify for expeditious processing were assigned to either the fast track or the complex track based on established criteria.

**C. Deficiencies in meeting plan milestones:** none.

**D. Other EO related activities:** none.

**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. Ten Oldest Pending FOIA Requests**

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	Feb 23, 2000	Feb 8, 2001 Sept 27, 2001 Oct 16, 2001 Dec 13, 2001	Jan 4, 2002 Jan 14, 2002 Jan 18, 2002 Apr 11, 2002 July 3, 2002					

## 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)
927*	943*	947*

**\*These statistics include referrals from other agencies in which either the Department was asked to respond directly to the agency, or the Department was asked to respond directly to the requesters.**

### b.) Ten Oldest Pending Consultations Received from Other Agencies

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received*					May 16, 2003 July 11, 2003	Mar 17, 2004 Apr 6, 2004 Apr 21, 2004 Aug 13, 2004 Aug 13, 2004 Aug 13, 2004 Sept 17, 2004	Feb 10, 2005		

**\*These statistics include referrals from other agencies in which either the Department was asked to respond directly to the agency, or the Department was asked to respond directly to the requesters.**

G. Attachment: Agency Improvement Plan

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