Office of Management and Budget
Annual Freedom of Information Act (FOIA) Report for FY 1999

I. Basic Information Regarding Report
   Copies of this report, as well as information on how to make a Freedom of Information Act (FOIA) request to OMB, are available at the "FOIA" site on the OMB Home Page at http://www.whitehouse.gov/OMB. Any questions concerning this report, as well as requests for a copy of the report in paper form, should be addressed to the Office of Management and Budget, Attn: Darrell Johnson, FOIA Officer, 725 17th Street NW, Washington, DC 20503, (202) 395-5715.

II. How to Make a FOIA Request
   Guidance on how/where to submit a FOIA request can be found on the OMB Home Page mentioned above. As noted in the guidance, all FOIA requests to OMB are received at the address shown on the Home Page.
   OMB processed 190 FOIA requests/appeals during fiscal year 1999 with a median response time of 43 days. Of the 190 requests/appeals processed, 108 were granted in total. With respect to the remaining 82 requests/appeals, either OMB had no documents responsive to the request (48), some or all of the responsive documents were withheld under one of the FOIA exemptions (20), the request was referred to another agency (4), or the records were not reasonably described/fee related reasons (10).

III. Definitions of Terms and Acronyms Used in the Report
   See Attachment A to this report (definitions provided by Department of Justice, Office of Information and Privacy).

IV. Exemption 3 Statutes
   OMB, during the reporting period, did not withhold any documents under an exemption 3 statute.

V. Initial FOIA/PA Access Requests
   A. <u>Numbers of initial requests</u>

     1. Number of requests pending as of end of
      fiscal year 1998 10

     2. Number of requests received during
      fiscal year 1999 174

     3. Number of requests processed during
      fiscal year 1999 184

     4. Number of requests pending as of end of
      fiscal year 1999* 0
     *one document was pending resolution on declassification.

B. Disposition of initial requests.

    1. Number of total grants__107__

    2. Number of partial grants__14__

    3. Number of denials__3__

      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.__1__

        (5) Exemption 5.__17__

        (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)__60__

      a. no records__46__

      b. referrals__4__

c. request withdrawn__0__

d. fee-related reason__6__

e. records not reasonably described__2__

f. not a proper FOIA request for some other reason__2__

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 fiscal year 1999__6__

2. Number of appeals processed during fiscal year 1999__6__
(There were no appeals pending as of end of fiscal year 1999.)

B. Disposition of appeals.

1. Number completely upheld__4__

2. Number partially reversed__1__

3. Number completely reversed__1__

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.__3__

(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)__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 (specify)__0__

VII. Compliance with Time Limits/Status of Pending Requests/Appeals
    A. Median processing time for requests/appeals processed during the year.

    number of requests/appeals processed__190__

    median number of days to process__43__

    requests/appeals accorded expedited processing__0__

B. Status of pending requests/appeals.

    1. Number of requests/appeals pending as of end of fiscal year 1999 __0__

    2. Median number of days that such requests/appeals were pending as of that date __N/A__

VIII. Comparison to Previous Year (optional)

    While the number requests/appeals processed increased by eleven, the median number of days to process a FOIA request/appeal declined from 52 days to 43 days (or 17%). OMB will continue to try and reduce its response time.

IX. Costs/FOIA Staffing

    As a small agency of approximately 500 people, OMB does not employ a person, on a full time basis, to work only on FOIA issues. However, OMB does have several people who, on a part time basis, handle recurring administrative and legal issues for the FOIA program. In addition, when a FOIA request is received by OMB it is assigned to the OMB office with general responsibility for the subject matter of the request. One of the staff in that office is then assigned the responsibility to search for any records that may be responsive to the request and to coordinate with any other offices in OMB that may have responsive records. Due to this decentralized processing and the number of FOIA requests that fall below the fee threshold, OMB does not have data on the total costs for processing FOIA requests during fiscal year 1999. However, based upon our general experience with processing FOIA requests, we estimate that OMB expended somewhere between $150,000 and $200,000 in processing FOIA requests and appeals during the FY 1999. This range is based upon an estimate of the approximate amount of time that it takes to carry out the administrative, search, and review activities for responding to the most simple requests that OMB receives, which is then adjusted to reflect the fact that a portion of OMB's requests are complex and require more processing time.

X. Fees

    A. Total amount of fees collected by agency for processing requests -- $1,488

    B. Percentage of total costs-- approximately one percent.

XI. FOIA Regulations (Including Fee Schedule)

    OMB's FOIA regulations are located at 5 CFR 1303 and can be found on the OMB Home Page referenced in the "Background Information Regarding Report" section above. A copy is also provided at Attachment B.

Definitions of Terms Used in the Report

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 (nonexpedited) 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 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 with holding 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.

Attachment B

OMB's FOIA regulations can be found at 5 CFR 1303.