

FEDERAL AVIATION ADMINISTRATION
FY 2003 FOIA ANNUAL REPORT

I. Basic Information

- A. Name, title, address, and telephone number of person to be contacted with questions about the report.

Tracy Paquin
Acting Manager, National Freedom of Information
Act Staff, ARC-40
Federal Aviation Administration
800 Independence Ave, S.W.
Washington, D.C. 20591

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

The World Wide Web address is <http://www.faa.gov/arc/foia>

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

A copy of the report in paper form may be obtained by contacting the National Freedom of Information Act Staff at the address listed above, or any of the FAA region/center FOIA offices listed below.

II. How to Make a FOIA Request

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

In addition to the national FOIA staff office listed above, FOIA requests for records located in FAA regions/centers may be sent directly to FOIA coordinators at the following addresses:

Ms. Tracey Hegna, FOIA Coordinator
FAA Alaskan Region, AAL-7
222 West 7th Avenue, #14
Anchorage, AL 99513-7587
Tel (907) 271-4609
Fax (907) 271-2800

Ms. Veronica Bailey, FOIA Coordinator
FAA Central Region, ACE-3B
901 Locust
Kansas City, MO 64106-2641
Tel (816) 329-2425
Fax (816) 329-2431

Ms. Trina Hankerson
FAA Eastern Region, AEA-60
1 Aviation Plaza
Jamaica, NY 11434-4809
Tel (718) 553-3361
Fax (718) 995-5663

Ms. Vickie Morris, FOIA Coordinator
FAA Great Lakes Region, AGL-4
2300 E. Devon Avenue
Des Plaines, IL 60018
Tel (847) 294-7069
Fax (847) 294-7184

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II. How to Make a FOIA Request

A. Ms. Carol Goodsell, FOIA Coordinator
FAA New England Region, ANE-40
12 New England Executive Park
Burlington, MA 01803
Tel (781) 238-7393
Fax (781) 238-7380

Ms. Mitzi Warren, FOIA Coordinator
FAA Northwest Mountain Region, ANM-4MW
1601 Lind Avenue SW
Renton, WA 98055-4056
Tel (425) 227-2005
Fax (425) 227-1005

Ms. Linda Chatman, FOIA Coordinator
FAA Southern Region, ASO-65D
PO Box 20636
Atlanta, GA 30320
Tel (404) 305-5906
Fax (404) 305-5854

Ms. Nancy Reilly, FOIA Coordinator
FAA Southwest Region, ASW-41
2601 Meacham Boulevard
Ft. Worth, TX 76193-0041
Tel (817) 222-5450
Fax (817) 222-5952

Ms. Carlette Young, FOIA Coordinator
FAA Western-Pacific Region, AWP-4
15000 Aviation Blvd
Hawthorne, CA 90250
Tel (310) 725-3809
Fax (310) 725-6813

Ms. Connie Toby, FOIA Coordinator
FAA Office of Aerospace Medicine
Civil Aerospace Medical Institute, AAM-3
PO Box 25082
Oklahoma City, OK 73125
Tel (405) 954-1002
Fax (405) 954-1010

Ms. Barbara Harris-Para, FOIA Coordinator
FAA Technical Center
Communications Staff, ACH-1
Atlantic City International Airport,
Atlantic City, NJ 08405
Tel (609) 485-4854
Fax (609) 485-4011

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II. How to Make a FOIA Request

A. Mr. Doug Burdette, FOIA Coordinator
FAA Mike Monroney Aeronautical Center
Flight Standards Service
Aviation Data Systems Branch, AFS-600
PO Box 25082
Oklahoma City, OK 73125
Tel (405) 954-6501
Fax (405) 954-4655

Ms. Carrie LaFollette, FOIA Coordinator
FAA Mike Monroney Aeronautical Center
Civil Aviation Registry, AFS-700
PO Box 25082
Oklahoma City, OK 73125
Tel (405) 954-4331
Fax (405) 954-5759

Ms. Margaret Fee, FOIA Coordinator
FAA Mike Monroney Aeronautical Center
Aviation System Standards
Program Support Branch, AVN-21
PO Box 25082
Oklahoma City, OK 73125
Tel (405) 954-8926
Fax (405) 954-3670

Ms. Joey Muth, FOIA Coordinator
FAA Mike Monroney Aeronautical Center, AMC-2
PO Box 25082
Oklahoma City, OK 73125
Tel (405) 954-5054
Fax (405) 954-3360

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

The FAA administers a decentralized FOIA program. FOIA coordinators and responding program offices acknowledge receipt of FOIA requests promptly. Response time for a request varies according to the clarity and complexity of the request, the volume of documents requested and the number of organizations assigned to respond to the request. Response time is facilitated when requesters are specific about the records they seek, and include the FAA organization(s) where the records may be located. Program offices contact requesters by telephone or in writing to clarify any uncertainties in a FOIA request, and to resolve any fee issues with the request, so that they may provide a response as soon as possible.

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

The FAA releases records requested under FOIA except those protected from disclosure by one or more of the nine exemptions under the FOIA. Other reasons for not responding to a request under the FOIA include the following:

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- C. a. the request is not reasonably described enough to make a search possible
- b. the request poses questions rather than seeks documents
- c. the information is already publicly available
- d. the request should more properly be answered under another Act, such as the Privacy Act or the Pilot Records Improvement Act (PRIA).
- e. fees for previous requests have not been paid

III. Definitions of Terms and Acronyms Used in the Report

A. 1. Agency-specific acronyms or other terms.

Remanded appeal - An appeal request, particularly a no records appeal, sent back to the original action office or forwarded to another office when the requester provides additional information either clarifying the documents sought or providing additional search parameters. The action office considers the request as if it were a new request, responding directly to the requester. Remanded appeal responses may again be appealed; appeal rights are provided if the remanded appeal response is a denial, partial denial or no records determination.

B. 1. Basic terms expressed in common terminology.

FOIA/PA Request - Freedom of Information Act/Privacy Act request. A FOIA 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 for oneself; such requests are also treated as FOIA requests.

- 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 a faster 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.

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III. Definitions of Terms and Acronyms Used in the Report

- B. 9. Grant - an agency decision to disclose all records in full in response to a FOIA request.
10. Partial Grant - an agency decision not 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 exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part. Within the FAA, this determination is also used for a decision to disclose the requested records located in response to a FOIA request, and other specifically requested records for the same request are not located.
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 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 agency during current fiscal year.
1. Brief description of type(s) of information withheld under each statute.
- 49 USC 40115 - Information harmful to US position in international aviation negotiations, or harmful to any US international air carrier
- 49 USC 40119(b) - Transportation security
- 49 USC 46311 - Information from air carrier records
- 31 USC 3729(d) - Certain information on false claims

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IV. Exemption 3 Statutes

A. 35 USC Section 205 - Information on inventions in which US has interest

107, Ethics in Government Act (5USC App.) - Confidential financial disclosure reports

Statement of whether a court has upheld the use of each statute.
 None of these statutes has been the subject of litigation.

V. Initial FOIA Access Requests

A. Number of initial requests

1. Number of requests pending as of end of preceding fiscal year	1,672
2. Number of requests received during current fiscal year	7,215
3. Number of requests processed during current fiscal year	7,033
4. Number of requests pending as of end of current fiscal year	1,854

B. Disposition of initial requests

1. Number of total grants	3,055
2. Number of partial grants	1,055
3. Number of denials	120

number of times each FOIA exemption used

(1) Exemption 1	1
(2) Exemption 2	20
(3) Exemption 3	12
(4) Exemption 4	94
(5) Exemption 5	329
(6) Exemption 6	591
(7) Exemption 7(A)	116
(8) Exemption 7(B)	7
(9) Exemption 7(C)	17
(10) Exemption 7(D)	0
(11) Exemption 7(E)	4
(12) Exemption 7(F)	0
(13) Exemption 8	0
(14) Exemption 9	0
4. Other reasons for nondisclosure (total)	2,803
a. no records	1,967
b. referrals	104
c. request withdrawn	503
d. fee-related	104
e. records not reasonably described	8
f. not a proper FOIA request for some other reason	101
g. not an agency record	16
h. duplicate request	0

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NOTES:

- 1) VA1. This number is 63 fewer than the number reported as pending at the end of the year on the FY 2002 report; these 63 were either double FY 2002 entries discovered during FY 2003, or FY 2002 closures that were not entered until FY 2003.
- 2) VB4a. A significant number of the no records determinations result from FOIA requests from airlines for accident/incident histories of prospective airline pilots.
- 3) VB4c. A substantial number of requests are withdrawn when requesters learn that they can readily obtain the same information outside the FOIA program.

VI. Appeals of Initial Denials of FOIA Requests

A. Number of appeals

- | | |
|---|----|
| 1. Number of appeals received during fiscal year | 39 |
| 2. Number of appeals processed during fiscal year | 88 |

B. Disposition of appeals

- | | |
|-------------------------------|----|
| 1. Number completely upheld | 27 |
| 2. Number partially reversed | 14 |
| 3. Number completely reversed | 12 |

number of times each FOIA exemption used

- | | |
|--|----|
| (1) Exemption 1 | 0 |
| (2) Exemption 2 | 0 |
| (3) Exemption 3 | 0 |
| (4) Exemption 4 | 1 |
| (5) Exemption 5 | 1 |
| (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) | 35 |
| a. no records | 0 |
| b. referrals | 0 |
| c. request withdrawn | 29 |

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VI. Appeals of Initial Denials of FOIA Requests

B. Disposition of appeals

4. 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)	6

NOTES:

1) VIA. The number of appeals processed is larger than the number of appeals received because there were appeals pending from the previous fiscal year.

2) VIB4i. These are remanded appeals.

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	4,994
b. median number of days to process	6

2. Complex requests (specify for any and all tracks used).

a. number of requests processed	1,967
b. median number of days to process	30

3. Requests accorded expedited processing

a. number of requests processed	72
b. median number of days to process	14

B. Status of pending requests

1. Number of requests pending as of end of current fiscal year	1,854
2. median number of days that such requests were pending as of that date	138

VII NOTES:

1) The median number of days is reported in working days.

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2) The FAA national FOIA staff administers a decentralized FOIA program. FOIA requests are answered by the headquarters/region/center program area with responsibility for the requested records. If requested records involve several regions and/or program areas (e.g., flight standards, air traffic, aircraft certification), the agency may opt to have each program area respond separately, or to develop a consolidated response. For the annual report, each request is counted once, regardless of the number of responses provided. The number of days to process is computed from the completion date of the longest program area to respond.

VIII. Comparison with Previous Year(s)

- A. Comparison of numbers of requests received. The number of requests received in FY 2003 is 10 or 0.14% greater than what was reflected in the FY 2002 report.
- B. Comparison of numbers of requests processed. The number processed in FY 2003 is 351 or 4.8% fewer than in FY 2002.
- C. Comparison of median numbers of days requests were pending at the end of the fiscal year. The median for requests pending at the end of FY 2003 is 49 days longer or 55.1% longer than those pending at the end of FY 2002.
- D. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public.
The FAA continues to increase the types and volume of non-sensitive information available to the public on the Internet.

Other Statistics Significant to Agency.

In February 2002, the FAA's external security functions were transferred to the Transportation Security Administration (TSA). In FY 2002, FOIA requests pertaining to external security functions were transferred. A large number of the transferred requests were returned to the FAA for various reasons, i.e., responsive records were maintained by both TSA and FAA. Therefore, our FY 2003 report shows an increase in the median number of days for pending requests.

IX. Costs/FOIA Staffing

- A. 1. Number of full-time FOIA personnel--10
- 2. Number of personnel with part-time or occasional FOIA duties--57
- 3. Total number of personnel -- 67
- B. 1. FOIA processing (including appeals) -- \$4,301,252.38
- 2. Litigation-related activities (estimated) -- \$65,000
- 3. Total costs -- \$4,366,252.38

X. Fees

1.

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A. 1.

Total amount of fees collected by agency for processing requests --
\$148,248.36

B. 2.

Percentage of total costs -- 3.4%

DOT FOIA Regulation: 49 CFR Part 7, Public Availability of Information
FAA Order 1270.1, Freedom of Information Act Program