

**National Archives and Records Administration (NARA)
Fiscal Year 2007**

Annual Freedom of Information Act (FOIA) Report

I. Basic Information Regarding Report

- A.** Questions about this report can be addressed to Ramona Oliver, NARA FOIA Officer, Office of General Counsel, Room 3110, 8601 Adelphi Road, College Park, MD 20740-6001. The telephone number is 301-837-2024. The e-mail address is foia@nara.gov.
- B.** Pursuant to EO 13392, NARA has designated Gary M. Stern, General Counsel, as Chief FOIA Officer. Questions may be addressed to his attention at Office of General Counsel, Room 3110, 8601 Adelphi Road, College Park, MD 20740-6001. The telephone number is 301-837-1750. The e-mail address is foia@nara.gov.
- C.** An electronic version of the report is available from the NARA website: www.archives.gov/foia/reports/2007.html.
- D.** To request a paper copy of this report write to the FOIA Officer at the address above.

II. How to Make a FOIA Request to NARA

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

NARA accepts FOIA requests for the executive branch agency records in its legal custody. That includes the operational records that NARA creates while conducting government business and the accessioned archival records that NARA receives and maintains from all Executive branch agencies as the National Archives of the United States. NARA also accepts FOIA requests for Presidential and Vice Presidential records subject to the provisions of the Presidential Records Act. For general questions on the FOIA or on a specific request, you may call NARA's FOIA hotline at 301-837-3642.

For Operational Records (all NARA units, except the Inspector General)

NARA FOIA Officer
Office of General Counsel, Room 3110
8601 Adelphi Road

College Park, MD 20740-6001
301-837-3642 (phone)
301-837-0293 (fax)
foia@nara.gov (email)

For Records Of Nara's Inspector General

Office of Inspector General
Attn: FOIA Request
8601 Adelphi Road, Room 1300
College Park, MD 20740-6001
301-837-3000 (phone)
301-837-3197 (fax)

For Archival Records (Washington, Metropolitan Area)

Special Access and FOIA Staff
8601 Adelphi Road, Room 6350
College Park, MD 20740-6001
301-837-3190 (phone)
301-837-1864 (fax)
foia@nara.gov (email)

For Archival Records (in the Regional Archives System)

FOIA requests should be addressed to the Director of the Regional Archives where the records are located. A listing of facility addresses can be found at www.archives.gov/locations/index.html.

For Presidential Records Subject To Foia

Pursuant to the Presidential Records Act of 1978, the records of former presidents, beginning with President Reagan, become subject to the provisions of the FOIA five years after the presidents leave office. The incumbent or former president may continue specific restrictions for up to twelve years, after which only statutory FOIA restrictions may be applied. FOIA requests for Presidential records should be mailed to the attention of the Director of the Presidential library in which the records are located. Addresses of the Presidential Libraries are posted on our website at www.archives.gov/presidential-libraries/index.html.

For Official Military or Civilian Personnel Files

National Personnel Records Center
Military Personnel Records

9700 Page Avenue
St. Louis, MO 63132-5100
npr.center@nara.gov (email)

National Personnel Records Center
Civilian Personnel Records
111 Winnebago Street
St. Louis, Missouri 63118-4126
cpr.center@nara.gov (email)

All Other Records

Judicial records, records of the Congress and legislative branch agencies, donated historical materials, and Nixon Presidential Historical Materials are not subject to the FOIA.

In addition, NARA cannot respond to FOIA requests for records solely in our physical custody, such as the records of Federal agencies stored at NARA administered Federal Records Centers. FOIA requests for record center holdings remain the responsibility of the transferring agency.

We have published a FOIA Reference Guide that describes the procedures for making FOIA requests to NARA. The Guide can be viewed at www.archives.gov/foia/foia-guide.html. Additional procedural information can be found in our implementing FOIA regulations at 36 CFR Part 1250.

B. Brief description of the agency's response times

For FY 2007, NARA had a stated target goal of completing 85 percent of FOIA requests for executive branch agency records within 20 working days. Of the 12,185 FOIA requests received by NARA in FY 2007, 10,499 were completed within 20 working days. The resulting on-time rate of 86%, is slightly above the agency's target goal for FY07 and 3% higher than last year's performance of 83% percent on time.

In FY07 NARA noticed a significant increase in our overall performance against our target performance goal for responding to FOIA requests. Even with a substantial increase in the number of requests received and processed, NARA managed to increase its overall performance by 3%. While NARA has made strides to enhance performance on the processing of FOIA requests, we are still faced with challenges. A number of factors contribute to NARA's inability to fully comply with the FOIA's statutory time limits:

- a. FOIA's for military records take considerably longer than the 20-day standard if the request is for a record that was lost in the 1973 fire at the National Personnel Records Center and the data must be reconstructed from other sources, or if the record has been borrowed by another agency.
- b. NARA has very limited authority to declassify information. The response time to a FOIA request can therefore be lengthy if the records must be referred to another agency for declassification review.
- c. When FOIA requests are submitted to those Presidential Libraries subject to the Presidential Records Act and the FOIA, NARA must inform both the current and the former Presidents of the records we propose to open and then allow the Presidents an opportunity to review the records prior to release.
- d. The Archivist of the United States has initiated the National Declassification Initiative (NDI) to facilitate the review of classified records among our holdings in accordance with the 25 year automatic declassification requirements of EO 12958, as amended. The majority of the staff allocated to process incoming FOIA requests at NARA's College Park facility was transferred to assist in implementing the NDI. In the short term this will affect our ability to meet agency and FOIA improvement plan goals. In the long term, the benefits brought about by the released material will far outweigh the temporary setbacks.

C. Brief description of why some FOIA requests are denied

In FY 2007, NARA withheld information 811 times at the initial processing stage under specific exemptions of the FOIA. Approximately 55% of these withholdings were either to protect the privacy of individuals (exemption (b)(6)) or to withhold information the release of which would harm the national security of the United States (exemption (b)(1)). An additional 20% were held pursuant to statute (exemption (b)(3)) or to protect agency deliberations (exemption (b)(5)).

III. Definitions of terms and acronyms used in this report

A. Agency specific acronyms or other terms

NARA - National Archives and Records Administration.

Operational records – records that NARA creates or receives in carrying out its mission and responsibility as an executive branch agency.

Archival records – permanent records of the United States government that have been transferred to the legal and physical custody of the National Archives of the United States and the Presidential Libraries.

Performance Measurement and Reporting System (PMRS) – the official source for statistical management information at NARA. PMRS is a “data warehouse” application that collects and publishes data regarding NARA’s performance relative to the numeric goals in NARA’s Strategic Plan.

B. Basic terms, expressed in common terminology

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 under these two statutes are included in this report. This report does not account for requests for archival records that do not cite the FOIA or Privacy Act.)

Initial request -- a request to a federal agency for access to records under the Freedom of Information Act.

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.

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.

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).

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.

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.

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.

Grant -- an agency decision to disclose all records in full in response to a FOIA request.

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.

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).

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).

"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.

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).

Median number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

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. This section lists the exemption 3 statutes invoked by NARA in responding to FOIA requests; the types of information withheld most often and court decisions supporting these withholdings.

<i>Exemption 3 Statute</i>	<i>Types of information withheld</i>	<i>Court decisions supporting the withholding</i>
8 U.S.C. § 1202(f)	VISA Applications	De Laurentiis v. Haig, 686 F. 2d 192 (3 rd Cir. 1982)
10 U.S.C. § 128	Unclassified Special Nuclear Information	None
10 U.S.C. § 424	Organizational and Personnel Information for the DIA	None
18 U.S.C. § 2510-2520	Wiretap requests and information	Lam Lek Chong v. DEA, 929 F.2d 729 (D.C. Cir. 1991)
26 U.S.C. § 6103	Income tax returns and return information	Church of Scientology v. IRS 484 U.S. 9 (1987)
41 U.S.C. § 253b(m)(1)	Business proposal related to negotiated procurement action	Hornbostel v. US Department of Interior, 305 F. Supp. 2d 21 (D.D.C. 2003)
42 U.S.C. § 2162(a)	Atomic Energy Act (Restricted Data)	Meeropol v. Meese, 790 F.2d 942 (D.C. Cir. 1986)
42 U.S.C. § 2168(a)(1)(C)	Atomic Energy Act (Formerly Restricted Data)	None
50 U.S.C. § 402 <u>Note</u> Sec. 6, PL 86-36	NSA Function and information	Founding Church of Scientology v. NSA 610 F.2d 824, 828 (D.C. Cir. 1979)
50 U.S.C. § 403-3(c)(7)	Intelligence sources and methods	CIA v. Sims, 471 U.S. 159, 167 (1985)
50 U.S.C. § 403g	CIA organization, activities, and personnel	Minier v. CIA, 88 F.3d 796, 801 (9 th Cir. 1996)
F.R.Cr.P. 6(e)	Grand jury information	Senate of Puerto Rico v. United States Department of Justice, 823 F. 2d 574 (D.C. Cir. 1987)

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year **5,378¹**
2. Number of requests received during current fiscal year **12,185**
3. Number of requests processed during current fiscal year **12,386**
4. Number of requests pending as of end of current fiscal year **5,177²**

¹ At the end of FY2006, the NARA reported having a backlog of 7,193 pending FOIA requests. That number reflected the data available in PMRS at that time. On March 13, 2006, NARA reviewed its FOIA data, maintained in PMRS, and located some duplicate and/or erroneous entries in its data warehouse. We deleted the duplicate entries and corrected those cases that contained erroneous or outdated information. Based on these changes, NARA has adjusted our number of pending FOIA's accordingly.

² This is the number of pending FOIA's in PMRS at the end of FY2007.

B. Disposition of initial requests.

1. Number of total grants **863**

2. Number of partial grants **339**

3. Number of denials **12**

a. number of times each FOIA exemption used

(counting each exemption once per request)

(1) Exemption 1 **259**

(2) Exemption 2 **47**

(3) Exemption 3 **105**

(4) Exemption 4 **18**

(5) Exemption 5 **55**

(6) Exemption 6 **195**

(7) Exemption 7(A) **12**

(8) Exemption 7(B) **0**

(9) Exemption 7(C) **61**

(10) Exemption 7(D) **18**

(11) Exemption 7(E) **33**

(12) Exemption 7(F) **8**

(13) Exemption 8 **0**

(14) Exemption 9 **0**

4. Other reasons for nondisclosure (total) **11,172**

a. no records **10,620**

b. referrals **102**

c. request withdrawn **90**

d. fee-related reason **4**

e. records not reasonably described **117**

f. not a proper FOIA request for some other reason **97**

g. not an agency record **19**

h. duplicate request **34**

i. other **89** (in some instances “other” refers to records subject to the Presidential Records Act in lieu of FOIA, requests that were not legible, or other instances not properly covered by procedural denials a thru h)

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year **36**

2. Number of appeals processed during fiscal year **47**

B. Disposition of appeals.

1. Number completely upheld **17**

2. Number partially reversed **6**

3. Number completely reversed **3**

a. number of times each FOIA exemption used

(counting each exemption once per appeal)

(1) Exemption 1 **1**

(2) Exemption 2 **2**

(3) Exemption 3 **3**

(4) Exemption 4 **1**

(5) Exemption 5 **5**

(6) Exemption 6 **8**

(7) Exemption 7(A) **0**

(8) Exemption 7(B) **0**

(9) Exemption 7(C) **3**

(10) Exemption 7(D) **2**

(11) Exemption 7(E) **1**

(12) Exemption 7(F) **0**

(13) Exemption 8 **0**

(14) Exemption 9 **0**

4. Other reasons for nondisclosure (total) **21**

a. no records **9**

b. referrals **1**

c. request withdrawn **2**

d. fee-related reason **2**

e. records not reasonably described **2**

f. not a proper FOIA request for some other reason **4**

g. not an agency record **0**

h. duplicate request **1**

i. other **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 **11,470**

b. median number of days to process **9³**

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

a. number of requests processed **914**

b. median number of days to process **1603⁴**

3. Requests accorded expedited processing.

a. number of requests processed **2**

b. median number of days to process **10**

B. Status of pending requests.

³ PMRS measures processing times using the average number of days that requests are pending. The data provided by PMRS can, however, be used to calculate a median number. The median number of days (calendar days) to process simple requests is presented here.

⁴ This number has been calculated using the information available in PMRS.

1. Number of requests pending as of end of current fiscal year **5,177**
2. Median number of days such requests were pending as of that date **2,063 days for complex requests; 894 days for simple requests.**

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

D. Other statistics significant to agency

NARA received 12,185 FOIA requests during FY07. Of that total, the agency processed 12,386 requests; 10,499 of those were completed within 20 working days, an overall completion rate of 86%. This is significant because in FY06, NARA received 9,695 FOIA requests. Of that total the agency processes 8,884 requests; 8,134 of those were completed within 20 working days, an overall completion rate of 83%. In FY07 the number of incoming FOIA requests increased by 2,486 requests. The number of requests processed increased by 3,502 requests and the number of requests completed on time increased by 2,365.

In FY07 NARA answered 1,226,954 written reference requests for access to records among NARA's holdings. These requests seek records that are publicly available and have no restrictions to access. Of the over 1.2 million requests processed, NARA answered 820,144 requests within 10 working days.

These numbers show that FOIA requests make up only a very small portion of the requests that NARA receives every year. The number of requests for open archival records does not include the 519,625 items furnished to researchers in NARA's reading rooms or the far greater number of telephone inquiries and other matters handled for researchers visiting NARA facilities.

In FY 2007, NARA received seven requests for the expedited processing of Presidential records subject to the Presidential Records Act and the Freedom of Information Act. Even though NARA's regulations preclude expedited processing for Presidential records, in four cases NARA was nonetheless able to voluntarily expedite the processing of the portions of the requests over which we had control.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel **26 (represents employees who spend at least 85% of their time processing**

FOIA requests)⁵

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) **4**

3. Total number of personnel (in work-years) **30**

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

1. FOIA processing (including appeals) **\$2,719,652**

2. Litigation-related activities (estimated) **N/A**

3. Total costs **\$2,719,652**

X. Fees

A. Total amount of fees collected by agency, under the FOIA, for processing requests: **\$ 4,500.00**

B. Percentage of total costs: **.1%**

For NARA's operational records, fees are assessed in accordance with NARA's FOIA fee schedule. Commercial requesters are charged search, review, and reproduction fees. All other requesters are provided the first 100 pages of reproductions or their equivalent free of charge. Fees for operational records are not charged if the aggregate of all applicable fees is less than \$10.

NARA does not charge fees for document search or review of accessioned (archival) records. However, in accordance with 44 USC § 2116(c), NARA charges standard fees to recover the costs of making reproductions in response to requests received by NARA. In our current system there is no way to distinguish reproductions made in response to FOIA requests from reproductions made in response to other types of reference requests.

XI. FOIA Regulations (Including Fee Schedule)

NARA's FOIA regulations are found in 36 CFR Part 1250, which includes the fee schedule for NARA's operational records. The fee schedule for archival records is found in 36 CFR Part 1258. These regulations are also available on our website at www.archives.gov/about/regulations/part-1250.html

XII. Report on FOIA Executive Order 13392 Implementation

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

⁵ This does not include the 307 of full-time archivists and 371 archives specialists who handle public access requests at NARA facilities across the country.

On October 12, 2006, NARA submitted a modified FOIA improvement plan. NARA modified its plan by further defining NARA's intended efforts in the area of backlog reduction.

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

The National Archives and Records Administration has met all but one of the goals and milestones established in the revised FOIA Improvement Plan submitted in October 2006. Additional information concerning NARA's progress can be found in the FY 2006 Annual FOIA Report. Below is a description of NARA's efforts during the past year and into FY08, toward meeting the stated goals and milestones:

1. Affirmative disclosures – completed with ongoing implementation

NARA reported compliance with this goal in the FY 2006 FOIA report. As part of NARA's continuing effort to measure success in this area, the NARA FOIA Officer, in conjunction with the Public Affairs Office and the Policy and Planning Staff, continue to evaluate compliance with this initiative on a semi-annual basis. NARA continues add items appropriate for affirmative disclosure to both the conventional and electronic reading rooms.

2. Proactive disclosure of information – complete with ongoing implementation

NARA's plan established a 12/31/2007 milestone for reporting updated numbers on the online availability of records, including finding aids and other descriptive materials linked from NARA's FOIA page.

NARA's Archival Research Catalog (ARC) continues to lead the way in increasing the online availability of archival records. Currently there are a total of 1,879,972 cubic feet of holdings described in ARC. This breaks down to: 498 Record Groups; 2,049 Collections; 52,331 Series; 1,097,541 File Units, and 265,216 Items. There are also 4,695,158,337 logical data (i.e., electronic) records and 309,318 artifacts described in ARC. In addition, some archival materials have been digitized and are available through ARC. There are 126,783 digital copies in ARC. Currently more than 56% of our records are described in ARC. Every two weeks new descriptions are placed in ARC. Many of the records are described broadly at the series level.

Our Access to Archival Databases (AAD) System continues to grow. AAD provides online access to electronic records in a small selection of historic databases preserved permanently in NARA. Out of the nearly 200,000 data files among its holdings, NARA has selected approximately 475 of them for public searching through AAD. We selected these data because the records identify specific persons, geographic areas, organizations, and dates. The records cover a wide variety of civilian and military functions and have many genealogical, social, political, and economic research uses. AAD provides access to over 85 million historic electronic records created by more than 30 agencies of the U.S. federal government and from collections of donated historical materials.

NARA, in conjunction with our Public Affairs Office and under the direction of the Archivist of the United States, continues to make proactive disclosures of operational and archival records that are of public interest. Finding aids and descriptive materials are accessible from our website, including as links from NARA's FOIA page, to assist researchers in learning more about the availability and arrangement of NARA's holdings.

3. Improvement to FOIA reference guide – complete with ongoing implementation

NARA developed a goal of revising its FOIA reference guide and providing a means for requesters to submit FOIA requests electronically.

NARA has revised the existing Reference Guide to update outdated information and provide information concerning our Customer Service Centers and Public Liaisons. The addition of an option to submit FOIA's electronically was reported in NARA's FY06 FOIA report. NARA will continue to review the FOIA Reference Guide on an annual basis to ensure that it is current and accurately reflects FOIA processing at NARA.

4. Multi-track processing - implementation ongoing

By 12/31/2006, NARA's goal was to change tracking databases at the Presidential libraries to include frequently requested records in a multi-request queue, and to work with the libraries on guidelines for using that option.

During FY07, the Reagan, Bush, and Clinton Libraries continued to analyze their existing and incoming FOIA requests to determine if there would be a benefit to a multi-track queue. The Libraries have varied their approach in implementation of this queue structure.

Thus, for example, the Reagan Library determined that many of the topical FOIA requests filed there included some component of records

from the White House Office of Speechwriting. While none of these individual requests were for a significant portion of that series of records, as a whole, it was determined that many requestors would receive some benefit from the systematic processing of this series and has opened a significant portion of this file to the benefit of all researchers.

At the Bush Library, out of their pending FOIA requests they have identified no significant overlap of a series or sub-series of records that could be processed in response to two or more FOIA requests. Instead, they have determined that the overlap that exists is limited only to similarity of FOIA topics. Therefore, the Bush Library has identified eleven different topical requests that have significant overlap with other topical FOIA requests, and the requesters are benefiting from coming to the front of the multi-track queue faster than they would have come to the front of their original queue location.

Finally, the Clinton Library is the only library to date that has received multiple FOIA requests that significantly cover a series or sub-series of records. As such, they have begun systematically processing the first of these requests. While none of the existing requests identified for the multi-track queue at the Clinton Library will be completely answered by the planned multi-track processing, a significant portion of several requests will be answered by this systematic processing quicker than they would have been in a normal queue.

The Office of Presidential Libraries and the Presidential Materials Staff is monitoring the implementation and usefulness of the multi-track queue as part of a larger pilot project to speed processing of Presidential records at the three libraries with records governed by the Presidential Records Act. We are at the mid-way point of that study. Each library has identified certain benefits as well as some complications from the overall implementation of multi-track queue. As such, at the end of the study a decision will be made as to if and/or how this queue structure will continue.

5. Forms of communication with requesters – complete with ongoing implementation

By the end of FY07 NARA was to work with staff to determine if our response letters were providing adequate information to our requesters. We were also to determine if our customer service centers and public liaisons were effective in resolving issues encountered by NARA's requesters.

NARA has undertaken the following initiatives to enhance communication with requesters including: providing information concerning NARA's FOIA Service Centers and Public Liaisons; working with appropriate staff to ensure that response letters state, in plain language, the FOIA exemptions and procedural denials that are being invoked. We have also enhanced our FOIA Reference guide to provide clearer information on drafting FOIA requests and where to send FOIA request within NARA.

We have noticed that these initiatives have worked to resolve some common issues and have served to reduce the number of FOIA appeals for routine issues. At this time, we have been unable to get useful information concerning the effectiveness of NARA's customer service centers and public liaisons. Unfortunately, these services have not been used enough by FOIA requesters to obtain a meaningful statistical sample of expected outcomes.

6. Acknowledgement letters - complete

By 12/31/2007 NARA's goal was that all NARA staff provide requesters with acknowledgement letters if the request is not answered by the 18th working day after receipt in the appropriate NARA office. NARA staffs are now sending acknowledgment letters for all incoming FOIA requests that we are unable to process within 20 working days. The acknowledgment letters include a point of contact for information relating to the processing of the request and includes an assigned case number. This requirement has been added to a revised version of the NARA internal guidance to staff on FOIA processing.

7. System of handling referrals – incomplete

Please see section C below.

8. Additional training – implementation ongoing

By 03/31/2008 NARA will develop a staff only webpage containing information and practical guidance on the Privacy Act, FOIA and responding properly to requests. This training will be available to all NARA staff nationwide. In addition to the web based training, NARA will continue to provide on-site training at regional facilities and Presidential Libraries as needed.

9. Backlog reduction – complete with ongoing implementation

NARA's first milestone date for this area was 12/31/2007. The goal of reducing the backlog of FOIA requests for operational records from 45 to 5 (a reduction of 89%) has been achieved. NARA is also working toward

reducing its backlog of all FOIA requests in accordance with the Backlog Reduction Report submitted to DOJ in FY07.

10. Automated processing - complete

NARA developed a 12/31/2007 goal for developing new criteria for the PERL system. Further goals of 3/31/2008 and 9/01/2008 were established for developing a prototype for new tracking requirements and to implement those changes, respectively.

During FY07, the Office of Presidential Libraries studied the feasibility of upgrades to the PERL system that will allow staff to tag those Clinton Presidential email records that have already been processed in response to a previous FOIA request or systematic processing project and maintain information concerning the release determination regarding these previously reviewed emails.

This upgrade has been completed. The PERL system now incorporates a means to record the review status of individual emails. The status and history of decisions can be recorded and viewed by processing archivists. This information is maintained within the system and can be referred to whenever necessary.

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

1. FOIA Improvement Plan area to which the deficient milestone relates.

System of Handling Referrals - NARA will work toward developing a system to remind NARA staff to notify equity holding agencies of delays in processing FOIA requests for access to records that have been referred for declassification review.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

- a. By 12/31/2007, NARA custodial units and the Presidential Libraries will be required to retain data concerning the agencies to which FOIA requests have been referred for declassification review.
- b. Beginning on 12/31/2007, an annual notice will be issued to remind offices to compile a list for distribution to the equity holding agencies.
- c. Following the notice, offices will have 30 days to provide a copy of their letters to the Chief FOIA Officer.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

Over the past year NARA examined our FOIA tracking system to evaluate the capability to determine if it is possible to generate notifications to delinquent agencies. Based on this examination it was determined that our system can not perform this process. The FOIA tracking system is not directly linked to the database that tracks agency responses to referrals. Integrating these two systems would require NARA to employ a contractor to make significant changes to the existing tracking system. This option is currently beyond the existing budgetary resources.

To establish a notification process using the existing systems would require generating a printout of outstanding referrals, then cross checking that data against the returned agency referrals. A project of this magnitude would draw resources from an already depleted staff, and would cause additional delays in processing FOIA requests.

4. Future remedial steps and the dates by which the steps will be completed.

We are continuing to meet and discuss possible solutions that may be implemented using our existing resources. By 12/31/2008, NARA will develop an alternate plan aimed a streamlining the referral for declassification review process.

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

There is no additional narrative statement at this time.

E. Concise description of FOIA exemptions

5 U.S.C. 552(b)(1): National security classified information.

5 U.S.C. 552(b)(2): Related solely to the internal personnel rules and practices of an agency.

5 U.S.C. 552(b)(3): Information specifically exempted from disclosure by statute.

5 U.S.C. 552(b)(4): Trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

5 U.S.C. 552(b)(5): Inter- or intra- agency memoranda protected by either the deliberative process, attorney client, or the attorney work-product privileges.

5 U.S.C. 552(b)(6): Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

5 U.S.C. 552(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.

5 U.S.C. 552(b)(8): Information relating to the supervision of financial institutions.

5 U.S.C. 552(b)(9): Geological and geophysical information and data, including maps, concerning wells.

F. Additional statistics:

1. Ten Oldest Pending FOIA Requests

Calendar Year	1992	1993	1994	1995	1996	1997	1998	1999
Requests	09/21/1992 10/22/1992	08/31/1993 09/09/1993 10/10/1993 11/09/1993	01/04/1994 02/22/1994 03/05/1994 03/14/1994					

2. Consultations

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

Consultations Received From Other Agencies During FY 07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (including 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)
0	0	0

b.) Ten Oldest Pending Consultations Received From Other Agencies

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

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

A copy of NARA's current FOIA improvement plan can be found at <http://www.archives.gov/foia/improvement-plan.pdf>