

**U.S. OFFICE OF PERSONNEL MANAGEMENT  
FREEDOM OF INFORMATION ACT  
REPORT FOR  
OCTOBER 1, 1998  
THROUGH  
SEPTEMBER 30, 1999  
FEBRUARY 2000**

The following Office of Personnel Management **Annual Freedom of Information Act** report covers the period October 1, 1998, through September 30, 1999, as required by 5 U.S.C. 552.

## **I. Basic Information Regarding Report**

### *A. Name, Title, Address, and Telephone Number*

Mary Beth Smith-Toomey  
OPM FOIA Officer  
Office of Personnel Management  
Office of the Chief Information Officer  
1900 E Street NW., Room 5415  
Washington, DC 20415-7900  
202-606-8358

### *B. Electronic Address for report on World Wide Web*

Our Web Site address is <http://www.opm.gov/efoia>.

### *C. How to obtain copy in paper form*

Paper copies of this report can be obtained from the address above.

## **II. How to make a FOIA Request**

Our FOIA Reference Guide (located at <http://www.opm.gov/efoia> ) includes information regarding how to make a FOIA request to OPM.

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

### *A. Agency-specific acronyms*

1. OPM - Office of Personnel Management
2. OCIO - Office of the Chief Information Officer

### *B. Basic terms, expressed in common terminology*

1. FOIA/PA request - Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial request - a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal - a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal - a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing - an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex request - a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant - an agency decision to disclose all records in full response to a FOIA request.
10. Partial grant - an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial - an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits - the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a perfected FOIA request).
13. Perfected request - a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of each 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

OPM did not rely on any Exemption 3 statutes during this reporting period.

#### V. Initial FOIA/PA Access Requests

<b>A. Number of Initial Requests</b>	
1. Pending at the end of FY 1998	15
2. Received during FY 1999	2381
3. Processed during FY 1999	2386
4. Pending at the end of FY 1999	10

<b>B. Disposition of Initial Requests</b>	
1. Number of total grants	2044
2. Number of partial grants	137
3. Number of denials	45
a. Number of times each FOIA exemption used (counting each exemption once per request)	
(1) Exemption 1	0
(2) Exemption 2	13
(3) Exemption 3	0
(4) Exemption 4	4

<b>B. Disposition of Initial Requests</b>	
(5) Exemption 5	17
(6) Exemption 6	96
(7) Exemption 7(A)	0
(8) Exemption 7(B)	0
(9) Exemption 7(C)	41
(10) Exemption 7(D)	16
(11) Exemption 7(E)	6
(12) Exemption 7(F)	0
(13) Exemption 8	0
(14) Exemption 9	0
4. Other reasons for nondisclosure (total)	160
a. No records	30
b. Referrals	58
c. Request withdrawn	6
d. Fee-related reason	7
e. Records not reasonably described	9
f. Not a proper FOIA request for some other reason	6
g. Not an agency record	36
h. Duplicate request	1
i. Other (specify)	7
(1) Referred to Government Printing Office	3
(2) Records destroyed in accordance with National Archives and Records Administration approved records retention schedule	2
(3) Records not releaseable	1

<b>B. Disposition of Initial Requests</b>	
(4) Judicial review	1

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

<b>A. Number of Appeals</b>	
1. Number of appeals received during FY 1999	22
2. Number of appeals processed during FY 1999	22

<b>B. Disposition of Appeals</b>	
1. Number completely upheld	12
2. Number partially reversed	2
3. Number completely reversed	5
a. Number of times each FOIA exemption used (counting each exemption once per appeal)	
(1) Exemption 1	0
(2) Exemption 2	2
(3) Exemption 3	0
(4) Exemption 4	0
(5) Exemption 5	2
(6) Exemption 6	11
(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

<b>B. Disposition of Appeals</b>	
(13) Exemption 8	0
(14) Exemption 9	0
4. Other reasons for nondisclosure (total)	3
a. No records	2
b. Referrals	0
c. Request withdrawn	1
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**

<b>A. Median Processing Time for Requests Processed During the Year</b>	
1. Simple requests	
a. Number of requests processed	2355
b. Median number of days to process	8
2. Complex requests	
a. Number of requests processed	29
b. Median number of days to process	16.63
3. Requests accorded expedited processing	
a. Number of requests processed	2

<b>A. Median Processing Time for Requests Processed During the Year</b>	
b. Median number of days to process	8

<b>B. Status of Pending Requests</b>	
1. Number of requests pending at the end of FY 1999	10
2. Median number of days that such requests were pending at the end of FY 1999	6

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

**IX. Costs/FOIA Staffing**

<b>A. Staffing levels</b>	
1. Number of full-time FOIA personnel	0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	4.77
3. Total number of personnel (in work-years)	4.77

<b>B. Total costs (including staff and all resources)</b>	
1. FOIA processing (including appeals)	\$191,242.84
2. Litigation-related activities (estimated)	0
3. Total costs	\$191,242.84

**X. Fees**

A. Total amount of fees collected by agency for processing requests	\$39,063.94
B. Percentage of total costs	20%



## **XI. FOIA Regulations (Including Fee Schedule)**

OPM's regulations (5 CFR 294) are available through [www.access.gpo.gov/nara/cfr](http://www.access.gpo.gov/nara/cfr). Our fee schedule is explained in our FOIA reference guide at [www.opm.gov/efoia](http://www.opm.gov/efoia).