

FREEDOM OF INFORMATION ACT REPORT
for
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005

I. Basic Information Regarding Report

A. Point of Contact:

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Telephone: (202) 203-4550 FAX: (202) 203-4585

B. Electronic address for report:

The FY 2005 FOIA Report for the Broadcasting Board of Governors (BBG) will be available on the Agency's website, at: <http://www.bbg.gov/>

C. Paper copies of report:

Paper copies can be requested from the person/address listed above.

II. How to Make a FOIA Request

- A. Freedom of Information Act requests must be made in writing and submitted by mail or facsimile transmission to the Broadcasting Board of Governors FOIA Officer at the address listed above. Freedom of Information Act Request should be written on the outside of the envelope as well as the letter.
- B. Range of Agency response-time: The response time to respond to FOIA requests ranged from 1 day to 6 months depending on the complexity of the request.
- D. Why some requests are not granted: Requests for records may not be granted for the following reasons: 1) the documents have been transferred to the ownership of the National Archives and Records Administration; 2) the requested records contain predecisional information that if released would cause harm to the BBG's decision-making processes; 3) portions of records contain personal and/or proprietary information; 4) records contain information compiled for law enforcement purposes; or 5) the requester asked for information specifically prohibited from disclosure by other statutes.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms:

BBG-- Broadcasting Board of Governors

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 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 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 number by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

17. **Days** -- the number of calendar days used to compute calculations.

IV. Exemption 3 Statutes

- A. Exemption 3 statutes relied on by agency during current fiscal year.
The agency did not rely on exemption 3 during this reporting period.

V. Initial FOIA/PA Access Requests

- A. Numbers of initial requests.

1. Number of requests pending as of end of FY2004: 9
2. Number of requests received during FY2005: 45
3. Number of requests processed during FY2005: 51
4. Number of requests pending as of end of FY2005: 3

- B. Disposition of initial requests.

1. Number of total grants: 13
2. Number of partial grants: 7
3. Number of denials: 1

- 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 - 3
- (5) Exemption 5 - 0
- (6) Exemption 6 - 5
- (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/denial

- (1) No records - 16
- (2) Referrals - 0
- (3) Request withdrawn - 3
- (4) Fee-related reason - 7
- (5) Records not reasonably described - 3
- (6) Not a proper FOIA request for some other reason - 1
- (7) Not an agency record - 0
- (8) Duplicate request - 0

(9) Other (specify) - 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year: 1
2. Number of appeals processed during fiscal year: 1

B. Disposition of appeals.

1. Number completely upheld: 1
2. Number partially reversed: 0
3. Number completely reversed: 0

a. Number of times each FOIA exemption used:

- (1) Exemption 1 - 0
- (2) Exemption 2 - 0
- (3) Exemption 3 - 0
- (4) Exemption 4 - 0
- (5) Exemption 5 - 0
- (6) Exemption 6 - 1
- (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)

- (1) No records - 0
- (2) Referrals - 0
- (3) Request withdrawn - 0
- (4) Fee-related reason - 0
- (5) Records not reasonably described - 0
- (6) Not a proper FOIA request for some other reason - 0
- (7) Not an agency record - 0
- (8) Duplicate request - 0
- (9) Other (specify) - 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the reporting period.

NOTE: BBG uses a single first-in, first-out method of processing requests.

1. Number of requests processed: 51
2. Median number of days to process: 20
3. Complex requests (specify for any and all tracks used).
 - a. number of requests processed: 0
 - b. median number of days to process: 0
4. Requests accorded expedited processing.
 - a. number of requests processed: 0

b. median number of days to process: 0

B. Status of pending requests

1. Number of requests pending as of end of current fiscal year
(Enter this number from Line V.A.4.): 3
2. Median number of days requests were pending as of that date: 20

VIII. Comparison With Previous Years (Optional):

No comparisons noted. The agency received zero requests for expedited processing and granted zero expedited processing.

IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time/occasional FOIA duties: .25
3. Total number of personnel (in work-years): .25

B. Total costs (including staff and all resources)

1. FOIA processing (including appeals): \$19,900
2. Litigation-related activities (estimated): 0
3. Total costs: \$19,900

X. Fees

- A. Total amount of fees collected by agency for processing requests: \$100.94
- B. Percentage of total costs: .50%

XI. FOIA Regulations (Including Fee Schedule)

BBG FOIA regulations are published at: <http://www.bbg.gov>.