

**FREEDOM OF INFORMATION ACT**  
**FY 2007**  
**(October 1, 2006 – September 30, 2007)**

**I. Basic Information Regarding Report**

**A. Point of Contact:**

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Broadcasting Board of Governors  
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**B. Electronic address for report**

The FY 2007 FOIA Report for the Broadcasting Board of Governors (BBG) will be available on the Agency's website, at: <http://www.bbg.gov/>

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

Contact Ms. Diaz-Ortiz at the address or telephone number listed above.

**II. How to Make a FOIA Request**

A. All 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. The outside of the envelope should have "Freedom of Information Act Request" clearly written on the envelope as well as on the letter.

B. Range of Agency response-time: The response time to respond to a FOIA request can range from 1 day to 6 months depending on the complexity of the request.

C. 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 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 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**

N/A

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

##### **A. Numbers of initial requests.**

1. Number of requests pending as of end of FY2006: 10<sup>1</sup>
2. Number of requests received during FY2007: 36
3. Number of requests processed during FY2007: 46
4. Number of requests pending as of end of FY2007: 0

##### **B. Disposition of initial requests.**

1. Number of total grants: 20
2. Number of partial grants: 6
3. Number of denials: 0
  - a. Number of times each FOIA exemption used (counting each exemption once per request):

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<sup>1</sup>Typo. Zero was inadvertently dropped.

- (1) Exemption 1 - 0
- (2) Exemption 2 - 0
- (3) Exemption 3 - 0
- (4) Exemption 4 - 0
- (5) Exemption 5 - 3
- (6) Exemption 6 - 4
- (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 - 1
- (2) Referrals - 0
- (3) Request withdrawn - 8
- (4) Fee-related reason - 5
- (5) Records not reasonably described - 0
- (6) Not a proper FOIA request for some other reason - 0
- (7) Not an agency record - 5
- (8) Duplicate request - 1
- (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: 0
- 2. Number of appeals processed during fiscal year: 0

B. Disposition of appeals.

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

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 - 0
- (5) Exemption 5 - 0
- (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)
  - a. No records - 0
  - 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**

- 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: 46
- 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. 0
  - 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.) : 0
- 2. Median number of days requests were pending as of that date: 0

**VIII. Comparison With Previous Years (Optional):**

No comparisons noted.

**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): \$20,000
  - 2. Litigation-related activities (estimated): 0
  - 3. Total costs: \$20,000

**X. Fees**

- A. Total amount of fees collected by agency for processing requests: 0
- B. Percentage of total costs: 0%

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

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

**XII. Report on FOIA Executive Order 13,392 Implementation**

The reporting period for Section XII of this Annual Report is different from that used for the rest of this Report. For all other portions of the Report, the reporting period is Fiscal Year 2007. The reporting period for this section includes progress made by the BBG through January 2008.

This section of the annual report contains description of the BBG's progress in implementing the milestones and goals of the Agency's FOIA Improvement Plan.

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

Not applicable

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

The BBG has been successful in its overall progress in meeting its goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13,392. During this period, the Agency was able to establish and implement improvements to the BBG's FOIA Web site, in-house electronic FOIA training, and a FOIA Tracking System (FTS). (These procedures are fully described in Section XII of Agency's FOIA Report for Fiscal Year 2006.)

**FOIA Web Page/Reading Room Records.**

In maintaining and expanding the use of the Internet, the FOIA homepage is carefully reviewed quarterly for accuracy and completeness. The FOI/PA Officer expects to monitor the availability of online information and make additions and changes whenever needed.

**In-House Electronic FOIA Training**

The BBG training initiative included the establishment of a FOIA computer-based training program, in addition to the Privacy Act training program, and mandatory annually thereafter for all FOIA division coordinators. An electronic PowerPoint training program was implemented and provided to all division coordinators. Overall, the purpose of the training was to promote a better understanding of the FOIA to those individuals who direct searches and copying of documents. That goal was accomplished.

The online FOIA training will be available agency-wide in 2008 on the BBG internal web site. The Agency adopted the SBA's computer-based training module that resulted in a significant cost savings of thousands of dollars to the BBG.

The FOI/PA Officer anticipates yearly improvements as necessary to this initiative to ensure that personnel are adequately trained and to keep training up-to-date. The Chief FOIA Officer and the FOI/PA Officer have attended various DOJ/OIP meetings with other FOIA professionals.

### **FOIA Tracking System (FTS)**

Improvements to processing all FOIA requests were made by incorporating the FTS. The installation of this new program will now permit electronic tracking and reporting of Agency-wide FOIA requests. In addition to increasing management report capabilities, the FTS will monitor the progress of pending FOIA cases agency-wide that will ensure the BBG's continued success in timely processing FOIA requests. Moreover, the enhanced features allows for quality review of data entry and for more accurate generation of statistics for the Annual Report.

This past year BBG decided to adopt the NLRB's FTS system, which resulted in a significant cost savings to the BBG of many thousands of dollars (the cost of the FTS to the NLRB is approximately \$250,000 to develop and maintain). The Agency worked extensively with officials from the NLRB on this project.

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

Not Applicable.

D. Additional narrative statement regarding other Executive Order-related activities (optional)

Not applicable

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (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; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional Statistics

1. Ten Oldest Pending FOIA Requests As Of January 1, 2008.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	July 25	Oct 7	May 1 Sept 30	Apr 10	Jan 1 Dec 12	Feb 10 Mar 12 Jun 16		

2. Consultations

Agency’s tracking system is unable at this time to compute any of these numbers regarding consultations. Per instructions zero is being reported at this time.

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

Number of consultations received, processed, and currently pending, in the appropriate column below.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes 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

Ten oldest pending consultations received from other agencies as of January 1, 2008.

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

G. Agency Improvement Plan (in current form)

The BBG’s FOIA Improvement Plan is available on the Internet (\*PDF)