

**Office of the United States Trade Representative  
2005 Annual FOIA Report**

**I. Basic Information Regarding Report**

**A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report:**

Sybia Harrison  
FOIA Officer  
Office of the U.S. Trade Representative  
600 17<sup>th</sup> St. N.W.  
Washington, D.C. 20508  
(202) 395-3419

David Apol  
Office of the U.S. Trade Representative  
600 17<sup>th</sup> St. N.W.  
Washington, D.C. 20508  
(202) 395-9633

**B. Electronic address for report on the World Wide Web:**

[HTTP://WWW.USTR.GOV](http://www.ustr.gov)

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

Contact the USTR Reading Room (202) 395-6186

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

All requests for records must be in writing and should be addressed to Freedom of Information Officer, Office of the United States Trade Representative, 1724 F St., N.W. Washington, D.C. 20508.

The requester must describe the records that he/she seeks in enough detail to enable USTR personnel to locate them in a reasonable amount of time. The request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record.

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

Sybia Harrison  
FOIA Officer  
Office of the U.S. Trade Representative  
1724 F St. N.W.  
Washington, D.C. 20508  
(202) 395-3419

Jacqueline Caldwell  
FOIA Assistant  
Office of the U.S. Trade Representative  
1724 F St. N.W.  
Washington, D.C. 20508  
(202) 395-3419

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

On receipt of a request, USTR sends out a letter acknowledging the request and provides an assigned request number for further reference.

USTR responds to requests according to their order of receipt. However, responses are dispatched once they are substantially complete. More complex requests are often released in batches.

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

USTR may determine that the agency does not have records within the scope of the request. In addition, records are frequently exempt under applicable FOIA exemptions.

**II. Definitions of Terms and Acronyms Used in the Report**

A. Agency-specific acronyms or other terms.

USTR - - United States Trade Representative

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.

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
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 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 numbers by the quantity of numbers in the group.

#### **IV. Exemption 3 Statutes**

- A. List of Exemption 3 statutes relied on by agency during current fiscal year: 0

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

- A. Numbers of initial requests.
  1. Number of requests pending as of end of preceding fiscal year 60\*\*
  2. Number of requests received during current fiscal year 26
  3. Number of requests processed during current fiscal year 55
  4. Number of requests pending as of end of current fiscal year 31

\*\*After a review of files, discovered correct number at the end of 2004 should have been 60 rather than 65.

- B. Disposition of initial requests.

1. Number of total grants: 17

2. Number of partial grants: 19

3. Number of denials: 0

a. number of times each FOIA exemption used:

(1) Exemption 1: 6

(2) Exemption 2: 0

(3) Exemption 3: 0

(4) Exemption 4: 11

(5) Exemption 5: 18

(6) Exemption 6: 3

(7) Exemption 7: —

(8) Exemption 7(A): —

(9) Exemption 7(B): —

(10) Exemption 7(C): —

(11) Exemption 7(D): —

(12) Exemption 7(E): —

(13) Exemption 8: —

(14) Exemption 9: —

4. Other reasons for nondisclosure:

a. no records: 7

b. referrals: 2

c. request withdrawn: 2

d. fee-related reason: 0

e. records not reasonably described: 0

f. not a proper FOIA request: 0

g. not an agency record: 0

h. duplicate request: 0

i. other: 8 No forwarding address

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

### A. Numbers of appeals

1. Number of appeals received during fiscal year: 5

2. Number of appeals processed during fiscal year: 5

### B. Disposition of appeals

1. Number completely upheld: 1

2. Number partially reversed: 2

3. Number completely reversed:     

#### a. number of times each FOIA exemption used

(1) Exemption 1: 1

(2) Exemption 2: 0

(3) Exemption 3: 0

(4) Exemption 4: 0

(5) Exemption 5: 2

(6) Exemption 6: 0

(7) Exemption 7: 0

(8) Exemption 7(A) 0

(9) Exemption 7(B) 0

(10) Exemption 7(C) 0

(11) Exemption 7 (D) 0

(12) Exemption 7 (E) 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: 1
- d. fee-related reason: 0
- e. records not reasonably described: 0
- f. not a proper FOIA request for some other reason: 1
- g. not an agency record: 0
- h. duplicate request: 0
- i. other: 0

**VII. Compliance with Time Limits/Status of Pending Requests**

A. Median processing time for requests processed during the year

1. Request

a. number of requests processed: 55

b. median number of days to process: 303

2. Complex requests: N/A

a. number of requests processed

b. median number of days to process

3. Requests accorded expedited processing: N/A

a. Number of requests processed

b. median number of days to process

B. Status of pending requests

1. Number of requests pending as of end of current fiscal year: 31

2. Median number of days that such requests were pending as of that date: 385

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

We received 0 requests for expedited processing.

**IX. Costs/FOIA Staffing**

A. Staffing levels

1. Number of full-time FOIA personnel: 2
2. Number of personnel with part-time or occasional FOIA duties: .4
3. Total number of personnel (in work years) 2.4

B. Total costs (including staff and all resources): **\$201,338.15**

1. FOIA processing (including appeals): **\$201,338.15**
2. Litigation-related activities (estimated): \$ 0
3. Total costs: **\$201,338.15**
4. Comparison with previous year(s):

C. Statement of additional resources needed for FOIA compliance

**X. Fees**

- A. Total amount of fees collected by agency for processing requests: **\$0**
- B. Percentage of totals costs: 0

**IX FOIA Regulations**

**Proposed new FOIA regulations: See Attachment A**



