

FY 2008 Annual Freedom of Information Act Report of the Legal Services Corporation & Report on Implementation of Executive Order 13,392

The Legal Services Corporation (“LSC” or “Corporation”) was established as a private, non-membership, non-profit corporation by the Legal Services Corporation Act, Pub. L. 93-355 (1974), as amended, 42 U.S.C. §2996 *et seq.* Section 2996(g) of Title 42 provides that the Corporation is subject to the requirements of the Freedom of Information Act (“FOIA”), 5 U.S.C. §552. This report is submitted pursuant to FOIA and relates to the Corporation’s FOIA activities for the period from October 1, 2007 through September 30, 2008. See 5 U.S.C. §552 as amended.

The Congress of the United States, in the declaration of purpose of the Legal Services Corporation Act, found that "there is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances;" that "there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel;" and that "providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice and assist in improving opportunities for low-income persons." In keeping with this mandate, the Legal Services Corporation (LSC) establishes as our mission:

To promote equal access to justice in our Nation and to provide high quality civil legal assistance to low-income persons.



I. BASIC INFORMATION REGARDING REPORT

1. Following are the persons available to discuss this report:

Patricia D. Batie

Manager of Board Operations & FOIA Officer
Office of Legal Affairs
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522
Telephone: (202) 295-1500

or

Victor M. Fortuno

Vice President for Legal Affairs and Chief FOIA Officer

2. This report may be found in LSC's **Freedom of Information Act** section of the Legal Services Corporation's web site at <http://www.lsc.gov/foia2/reports.php>, and directly at http://www.lsc.gov/lscgov4/foia_2008.pdf.
3. A copy of this report may be obtained in paper form by submitting a written request for "LSC's FY 2008 Annual FOIA Report" to:

Patricia D. Batie

Manager of Board Operations & FOIA Officer
Office of Legal Affairs
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522

II. MAKING A FOIA REQUEST

LSC's FOIA Handbook provides a brief overview of the history and purpose of FOIA, and explains how to submit a FOIA request for LSC records. The handbook may be found at <http://www.lsc.gov/foia2/handbook.php>.

1. Following are the LSC components to which FOIA requests may be submitted.
 - a. **Office of Legal Affairs**
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522
Telephone: (202) 295-1500
 - b. **Office of Inspector General**
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522
Telephone: (202) 295-1500
2. Some requests are denied in whole or in part because the material requested is either statutorily exempt from disclosure or the records requested are not in the possession of the Legal Services Corporation. For example:
 - an individual's personal telephone number, electronic mail address and residential address would be withheld pursuant to Exemption 6, which protects from disclosure information the release of which would result in the unwarranted invasion of personal privacy. Similarly, personal records of a type that would normally be maintained in an employee's personnel or medical file would be withheld pursuant to the protection afforded by Exemption 6; and
 - records in the Corporation's possession related to an LSC-funded grantee may be withheld pursuant to Exemption 7(a), which protects information compiled for law enforcement purposes, the release of which could reasonably be expected to

interfere with enforcement proceedings, due to an ongoing investigation and/or enforcement proceedings.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Provide any agency-specific acronyms or terms used in this Report.
 - a. **LSC or Corporation** -- as noted above refers to the Legal Services Corporation.
2. Include the following definitions of terms used in this Report:
 - a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
 - b. **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.
 - c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
 - d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
 - e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in

receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

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

- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
 - n. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
 - o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
 - p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
 - q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. Include the following concise descriptions of the nine FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
 - b. **Exemption 2:** internal agency rules and practices
 - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
 - d. **Exemption 4:** trade secrets and other confidential business information
 - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
 - f. **Exemption 6:** information involving matters of personal privacy

- g. **Exemption 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
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

IV. EXEMPTION 3 STATUTES

- A. LSC has not relied on Exemption 3 during the course of the current fiscal year.

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
N/A	N/A	N/A	N/A	N/A

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
AGENCY OVERALL	103	24	10	117

B. (1) Disposition of FOIA Requests -- All Processed Requests

	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	
AGENCY OVERALL	8	2	0	0	0	0	0	0	0	0	0	0	10

B. (2) Disposition of FOIA Requests -- “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B(1) Chart

B. (3)	Component	Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
	N/A	N/A	N/A

Disposition of FOIA Requests -- Number of Times Exemptions Applied

	Ex .1	Ex .2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex .8	Ex .9
AGENCY OVERALL	N/A	N/A	N/A	N/A	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
0	2	2	0

B. Disposition of Administrative Appeals -- All Processed Appeals

Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
2	0	0	0	2

C. (1) Reasons for Denial on Appeal -- Number of Times Exemptions Applied

Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
0	0	0	0	0

C. (2) Reasons for Denial on Appeal -- Reasons Other than Exemptions

No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
0	0	1	1	0	0	0	0	0	0	0

C. (3) Reasons for Denial on Appeal -- “Other” Reasons from Section VI, C(2) Chart

Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
N/A	N/A

C. (4) Response Time for Administrative Appeals

Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
N/A	N/A	20	24

C. (5) Ten Oldest Pending Administrative Appeals

Date of Receipt of Ten Oldest Appeals	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date
Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests -- Response Time for All Processed Perfected Requests

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	38	16	1	80	N/A	N/A	124	124	N/A	N/A	37	37

B. Processed Requests -- Response Time for Perfected Requests in Which Information Was Granted

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	38	16	1	80	N/A	N/A	124	124	N/A	N/A	37	37

C. Processed Requests -- Response Time in Day Increments

Simple Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
AGENCY OVERALL	3	3	1	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8

Complex Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
AGENCY OVERALL	N/A	N/A	N/A	N/A	N/A	N/A	1	N/A	N/A	N/A	N/A	N/A	N/A	1

Requests Granted Expedited Processing

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
AGENCY OVERALL	N/A	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1

D. Pending Requests -- All Pending Perfected Requests ^{1/}

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
AGENCY OVERALL	89	792	819	28	629	808	0	0	0

E. Pending Requests -- Ten Oldest Pending Perfected Requests

Agency Overall	10 th Oldest Request and Number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending
	Date	10/21/04	10/4/04	9/29/04	9/15/04	7/2/04	6/29/04	6/22/04	6/7/04	6/4/04
Number of Days	1440	1457	1462	1476	1551	1189	1561	1576	1579	1603

¹ All pending requests have been included in the statistics, whether or not “perfected.”

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AGENCY OVERALL	1	0	N/A	N/A	1

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
AGENCY OVERALL	2	1	1	2

IX. FOIA PERSONNEL AND COSTS

A. Personnel/Costs

	PERSONNEL			COSTS		
	Number of “Full-Time FOIA Employees”	Number of “Equivalent Full-Time FOIA Employees”	Total Number of “Full-Time FOIA Staff” (The sum of Columns 1 & 2)	Processing Costs (At initial request and appeal levels)	Litigation- Related Costs	Total Costs
AGENCY OVERALL	0	.11	.11	\$10,076.00	0	\$10,076.00

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
AGENCY OVERALL	225.20	2.23%

XI. FOIA REGULATIONS

LSC's FOIA Regulation and Fee Schedule may be found at the following links.

- FOIA Regulation [45 C.F.R. Part 1602]:
[http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr\(2005\).pdf](http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr(2005).pdf)
- FOIA Fee Schedule (See Section 1602.13 Fees)
[http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr\(2005\).pdf](http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr(2005).pdf)

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged <i>Requests</i> as of End of Fiscal Year	Number of Backlogged <i>Appeals</i> as of End of Fiscal Year
AGENCY OVERALL	117	0

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
AGENCY OVERALL	0	0	0	0

C. Consultations on FOIA Requests -- Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

Agency Overall	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending	
	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0

D. Comparison of Numbers of Requests from Previous and Current Annual Report -- Requests Received, Processed, and Backlogged

	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
AGENCY OVERALL	58	24	48	10

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
AGENCY OVERALL	103	117

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report -- Appeals Received, Processed, and Backlogged

	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
AGENCY OVERALL	1	2	1	2

3. Starting with the Annual Report for Fiscal Year 2009, provide the number of backlogged requests as of the end of the fiscal year from the previous Annual Report and the number of backlogged requests as of the end of the fiscal year from the current Annual Report.

Column 1

Column 2

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
AGENCY OVERALL	0	0

F. Discussion of Other FOIA Activities (Optional)

The Legal Services Corporation is actively engaged in reducing its FOIA backlog.

Questions regarding this Report or any aspect thereof should be directed to Victor M. Fortuno, at (202) 295-1620 or at vfortuno@lsc.gov.