



U.S. Trade and Development Agency

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Freedom of Information Act (FOIA)

Report for Fiscal Year 1999

(October 1, 1998 through September 30, 1999)

I. Basic Information Regarding Report.

- A. *Questions concerning this report may be addressed to:*
Cam Trowbridge
Attorney-Advisor and FOIA Officer
U.S. Trade and Development Agency
1621 North Kent Street, Suite 200
Arlington, VA 22209-2131
Tel. No. (703) 875-4357
Fax No. (703) 875-4009
- B. *The World Wide Web address for the U.S. Trade and Development Agency (TDA) is:* www.ustda.gov This site provides general information about TDA.
- C. Paper copies of this FOIA report may be obtained by contacting Cam Trowbridge at the address in A above.

II. How to Make a FOIA Request.

- A. *Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests:*
All FOIA requests should be made to Cam Trowbridge at the address in section I. A. above.
- B. *Brief description of the agency's response-time ranges:*
TDA strives to respond to all FOIA requests within 20 workdays. Simple requests generally have faster response times than those which are more complex.
- C. *Brief description of why some requests may not be granted:*
TDA is a small commercially-oriented agency. Some requests may not be granted because the records contain proprietary information or trade secrets generated by third party individuals or companies (5 U.S.C. 552(b)(4)). Other reasons for not releasing records may include the protection of individual privacy (5 U.S.C. 552(b)(6)) or predecisional

deliberations (5 U.S.C. 552(b)(5)).

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

A. *Agency-specific acronyms or other terms.*

The U.S. Trade and Development Agency is referred to as "TDA."

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 (nonexpedited) 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 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.

One Exemption 3 statute was relied upon during the current fiscal year (Fiscal Year 1999). In this instance, the request was for a copy of a proposal submitted in response to a competitive procurement solicitation. TDA withheld the proposal under 5 U.S.C. 552(b)(3). The corresponding regulation was the Federal Acquisition Regulation (FAR) subpart 24.202 and 41 U.S.C. 253b(m) **V. Initial FOIA/PA Access Requests.**

A. Numbers of initial requests.

1. Number of requests pending at the end of the preceding fiscal year (Fiscal Year 1998): None.

2. Number of requests received during current fiscal year (Fiscal Year 1999): 6.

(Please note that in one case, a telephone request was made and the requester was directed by telephone where to find the requested information. This request is not included within this report. Also not included are FOIA requests referred to TDA in connection with litigation involving another government agency.) 3. Number of requests processed during current fiscal year (Fiscal Year 1999): 6.

4. Number of requests pending as of current fiscal year (Fiscal Year 1999): None.

B. *Disposition of initial requests.*

1. Number of total grants: 4

(Please note that in response to three of these four requests the agency was not able to locate any specific records but provided information to be responsive to the requester. For the remaining request, all records were provided except for annual reports and agency literature in the interest of saving photocopying expense. The requester was given the option of receiving these if desired.) 2. Number of partial grants: 1

(Please note that request was for information concerning entities and individuals. As a partial grant, TDA informed the requester that the agency had no documents concerning the entities but that TDA would need a request from, or consent by, the individuals to further process the request under the Privacy Act.) 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 (see section IV above)
- (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): 4

a. *no records* 3

As noted in B1 above, no record existed but the agency provided information to be responsive to the requesters. In one of these requests, the agency may have had documents (materials provided at a conference) at one point but no longer had any such documents.) 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* 1

(one request asked for records concerning individuals; the agency informed the requester that under the Privacy Act the individual would need to make the request or provide consent)

g. not an agency record 0

- h. duplicate request 0
- i. other 0

VI. Appeals of Initial Denials of FOIA/PA Requests

- A. *Numbers of Appeals:* None
- B. *Disposition of Appeals:* No appeals were received or processed during fiscal year 1999.

VII. Compliance with Time Limits/Status of Pending Requests

- A. *Median processing time for requests processed during the year.* 16 (between 15 and 17 days)
- B. *Status of pending requests.*
 - 1. Number of requests pending as of end of current fiscal year: None.
 - 2. Median number of days that such requests were pending as of that date: None.

VIII. Comparisons with Previous Year(s)

- A. *Comparison of numbers of requests received:*
 - For this current period (Oct. 1, 1998 through Sept. 30, 1999): 6
 - For previous reporting period (Oct. 1, 1997 through Sept. 30, 1998): 16
- B. *Comparison of numbers of requests processed:*
 - For this current period (Oct. 1, 1998 through Sept. 30, 1999): 6
 - For previous reporting period (Oct. 1, 1997 through Sept. 30, 1998): 16
- C. *Comparison of median numbers of days requests were pending as of end of fiscal year:*
 - For this current period (Oct. 1, 1998 through Sept. 30, 1999): 0
 - For previous report period (Oct. 1, 1998 through Sept. 30, 1999): 0
- D. *Other statistics significant to agency:* None
- E. *Other narrative statements:*

The agency has found that some information requested under FOIA is general information that could be easily provided if the requester first calls the agency before making a FOIA request.

IX. Costs/FOIA Staffing

- A. *Staffing levels.*
 - 1. Number of full-time FOIA personnel: None.

2. Number of personnel with part-time or occasional duties (in total work years): Approximately one tenth of one work year (including time spent by nonFOIA staff in searching for records).

3. Total number of personnel (in work years): Approximately one fifteenth of one work year (including time spent by nonFOIA staff in searching for records).

B. *Total costs (including staff and all resources).*

1. FOIA processing (including appeals): Approx. \$1,000.

2. Litigation-related activities (estimated): \$10,000.

3. Total costs: Approx. \$11,000.

4. Comparison with previous years(s) including percentage of change): This is difficult to quantify but it seems to be higher than previous years.

C. *Statement of additional resources needed for FOIA compliance:* It would be helpful if FOIA requesters call first or try to be specific in requesting documents. This would result in faster responses.

X. Fees

A. *Total amount of fees collected by agency for processing requests:* The agency does not have a fee schedule, and has made records available without charging any fees.

B. *Percentage of total costs:* None.

XI. FOIA Regulations (Including Fee Schedule)

The agency processes FOIA requests under the Freedom of Information Act statute at 5 U.S.C. 552, as amended, with no separate fee schedule.