

Annual FOIA 2005 Report

October 1, 2004-September 30, 2005

I. Basic Information Regarding Report

- A. Name, Title, Address, and Telephone Number of Person to be Contacted with Questions about The Report.

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Freedom of Information Officer
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503
Telephone number: (202) 395-5750
Fax number: (202) 456-0753
E-Mail: eboling@ceq.eop.gov

- B. Electronic address for report on the World Wide Web.
<http://www.whitehouse.gov/CEQ>

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

Request a copy from the address above.

II. How to Make a FOIA Request

FOIA Requests should be submitted by fax at (202) 456-0753 or E-Mail to eboling@ceq.eop.gov

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

N/A

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

Median response time is 40 days, but up to 446 days due to complexity and need to consult with other agencies.

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

Since most FOIA requests pertain to deliberative process, exemption (b)(5) is used to withhold exempt material.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

- A. Agency-specific acronyms or other terms:

1. Council on Environmental Quality (CEQ),
2. Environmental Assessment (EA),
3. Finding of No Significant Impact (FONSI),
4. National Environmental Policy Act (NEPA).

- 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. Multitrack 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 multitrack 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 multitrack 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.
 1. Brief description of type(s) of information withheld under each statute: None
 2. Statement of whether a court has upheld the use of each statute. If so, then cite example.
None

V. Initial FOIA/PA Access Requests

- A. Numbers of initial requests.
 1. Number of requests pending as of end of preceding fiscal year 9
 2. Number of requests received during current fiscal year 40
 3. Number of requests processed during current fiscal year 40
 4. Number of requests pending as of end of current fiscal year 9
- B. Disposition of initial requests.
 1. Number of total grants 13
 2. Number of partial grants 14
 3. Number of denials 0
 - a. number of times each FOIA exemption used (counting each exemption once per request)
 1. Exemption 1 0
 2. Exemption 2 4
 3. Exemption 3 0
 4. Exemption 4 0
 5. Exemption 5 14
 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: 13
 - a. no records 10
 - b. referrals 0
 - c. request withdrawn 0
 - d. fee-related reason 0
 - e. records not reasonably described 2
 - f. not a proper FOIA request for some other reason 0
 - g. not an agency record 0
 - h. duplicate request 0
 - i. other (overtaken by events) 1

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 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
(counting each exemption once per appeal)
 - (1) Exemption 1 0
 - (2) Exemption 2 0
 - (3) Exemption 3 0
 - (4) Exemption 4 0
 - (5) Exemption 5 1
 - (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 0
 - 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/ Statutes of Pending Requests

- A. Median processing time for requests processed during the year.
 - 1. Simple requests (if multiple tracks used.)
 - a. number of requests processed 40
 - b. median number of days to process 40
 - 2. Complex requests (specify for any and all tracks used).
 - a. number of requests processed 0
 - b. median number of days to process 0
 - 3. 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. 9
 - 2. Median number of days that such requests were pending as of that date. 64

VIII. COMPARISONS WITH PREVIOUS YEAR(S).

- A. Comparison of numbers of requests received:
51 in FY04 vs. 40 in FY05
- B. Comparison of number of requests processed:
40 in FY04 vs. 40 in FY05
- C. Comparison of median numbers of days requests were pending as of end of fiscal year:
67 in FY04 vs. 40 in FY05
- D. Other statistics significant to agency:

Our “median number of days to process” does not reflect the time our agency must spend on complex requests. Although all our FOIA requests are tracked as “simple requests” six of the forty requests received in FY05 are in fact quite complex. Those complex requests accounted for five of the nine requests pending at the end of FY05. As of the date of this report those five requests are currently next in line to be processed within our “first in – first out” policy.

In 2004, CEQ adopted a “first in – first out” policy for managing an increasing number of requests. Under this policy, objectively simple requests may receive expedited processing. CEQ received no formal requests for expedited processing during FY2005.

IX. Costs/FOIA Staffing

- A. Staffing levels.
 - 1. Number of full-time FOIA personnel 0
 - 2. Number of personnel with part-time or occasional FOIA duties (in work-years) .96
 - 3. Total number of personnel (in total work years) .96
- B. Total costs (including staff and all resources).
 - 1. FOIA processing (including appeals) 103222.50
 - 2. Litigation-related activities (estimated) 4687.50
 - 3. Total Costs 107,910.00

X. Fees

- A. Total amount of fees collected by agency for processing requests 00.00
- B. Percentage of total costs 00.00%

XI. FOIA Regulation

<http://www.whitehouse.gov/ceq/>