Office of Management and Budget

Annual Freedom of Information Act (FOIA) Report for FY 2011

(October 1, 2010 through September 30, 2011)

I. **BASIC INFORMATION REGARDING REPORT**

1. Any questions concerning this report, as well as requests for a copy of the report in paper form, should be addressed to the Office of Management and Budget (OMB), Attn: Ms. Dionne Hardy, FOIA Officer, 725 17th Street, N.W., Room 9026, Washington, DC 20503, (202) 395-7214.

2. Copies of this report, as well as information on how to make a Freedom of Information Act (FOIA) request to OMB, are available at the "FOIA" site on the OMB Home Page at http://www.whitehouse.gov/omb/foia_default. You may wish to submit your request in writing at the following address: Office of Management and Budget, New Executive Office Building, FOIA Officer, Room 9026, 725 17th Street, N.W., Washington, DC 20503.

3. To obtain a copy of this Report in paper form, see Section I. 1. above.

II. **MAKING A FOIA REQUEST**

1. Guidance on how/where to submit a FOIA request can be found on the OMB website Home Page mentioned above. As noted in the guidance, all FOIA requests to OMB are received at the address shown on the Home page. Please note that OMB has one FOIA Office and does not have any individual components that receive FOIA requests aside from OMB's central FOIA Office.

2. OMB processed 173 FOIA initial requests during fiscal year 2011. Of the initial requests processed, 57 were granted in total. With respect to the remaining 116 requests, OMB either had no documents responsive to the request; some or all of the responsive documents were withheld under one of the FOIA exemptions listed below in Section III. 3. (illustrative examples include Exemption 5 which was asserted to withhold deliberative and predecisional documents and Exemption 6 to withhold privacy protected information.) In other instances, where appropriate, the request was referred to another agency, or the records were not reasonably described.

III. **ACRONYMS, DEFINITIONS, AND EXEMPTIONS**

1. Agency-specific acronyms or other terms: Office of Management and Budget (OMB)

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. **Perfected 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. 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.   Exemption 3 Statutes Relied upon to Withhold Information

*NOTE: As noted above in Section II. 1. OMB has one FOIA Office and does not have any individual components that receive FOIA requests aside from its FOIA Office. Consequently, all numbers listed below refer to OMB's central FOIA Office.

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component*	Total Number of Times Relied upon by Agency
Consolidated Appropriations Act 2010 Pub. L. 111-117	Firearms Trace System Database Information		N/A	1

V.   FOIA REQUESTS

A.   Received, Processed and Pending FOIA Requests

	Column 1	Column 2	Column 3	Column 4
	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	21	188	173	36

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	57	31	15	70	0	0	0	0	0	0	0	0	173

B. (2)   Disposition of FOIA Requests – "Other" Reasons for "Full Denials Based on Reasons Other than Exemptions"

*NOTE: As noted above in Section II. 1. OMB has one FOIA Office and does not have any individual components that receive FOIA requests aside from its FOIA Office. Consequently, all numbers listed below refer to OMB's central FOIA Office.

Component*	Description of "Other" Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
	Description #	
	Description #	0

B. (3)   Disposition of FOIA Requests – Number of Times Exemptions Applied – Report all exemptions, but count each exemption once/request

	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	0	8	1	4	42	12	0	0	0	0	0	0	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A.   Received, Processed and Pending Administrative Appeals

Column 1	Column 2	Column 3	Column 4
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	10	10	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	Numbers Closed For Other Reasons	Total
8	1	0	1	10

C. (1)　Reasons for Denial on Appeal – Number of Times Exemptions Applied – Report all exemptions, but count each exemption once/appeal

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
0	1	0	0	6	3	0	0	0	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	In Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
4	0	0	0	0	0	0	1	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
Description:	0

C. (4)   Response Time for Administrative Appeals

Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
74	90	34	223

15

C. (5)   Ten Oldest Pending Administrative Appeals

NOTE: OMB had no administrative appeals pending at the end of FY 2011.

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
Date of Receipt of Ten Oldest Appeals	Date 0	0	0	0	0	0	0	0	0	0
Number of Days Pending	0	0	0	0	0	0	0	0	0	0

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

A.   Processed Requests – Response Time for All Perfected Requests

*NOTE: With regard to expedited processing, OMB does not have a "first-in, first-out" FOIA processing system, therefore OMB's processing of incoming FOIA requests is not delayed by the processing of other pending requests.

	All Requests					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
Agency Overall	66	82	5	284		N/A	N/A	N/A	N/A

B. Processed Requests – Response Time for Perfected Requests Where Information Was Granted

*NOTE: With regard to expedited processing, OMB does not have a "first-in, first-out" FOIA processing system, therefore OMB's processing of incoming FOIA requests is not delayed by the processing of other pending requests.

	All Requests					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
Agency Overall	49	74	8	268		N/A	N/A	N/A	N/A

C.   Processed Requests – Response Time in Day Increments

	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	12	41	28	21	11	22	12	9	4	5	8			173

Requests Granted Expedited Processing*

*NOTE: With regard to expedited processing, OMB does not have a "first-in, first-out" FOIA processing system, therefore OMB's processing of incoming FOIA requests is not delayed by the processing of other pending 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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

D. Pending Requests – All Pending Perfected Requests

*NOTE: With regard to expedited processing, OMB does not have a "first-in, first-out" FOIA processing system, therefore OMB's processing of incoming FOIA requests is not delayed by the processing of other pending requests.

	All Requests				Expedited Processing*		
	Number Pending	Median Number of Days	Average Number of Days		Number Pending	Median Number of Days	Average Number of Days
Agency Overall	36	10	22		N/A	N/A	N/A

E.   Pending Requests – Ten Oldest Pending Perfected Requests

	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
	09/09/11	09/09/11	09/07/11	09/07/11	09/07/11	09/07/11	09/07/11	09/07/11	08/31/11	01/08/10
Total	15	15	17	17	17	17	17	17	21	435

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

*NOTE: With regard to expedited processing, OMB does not have a "first-in, first-out" FOIA processing system, therefore OMB's processing of incoming FOIA requests is not delayed by the processing of other pending requests.

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
Agency Overall	N/A	N/A	N/A	N/A	N/A

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
Agency Overall	5	8	20	20

IX.   FOIA PERSONNEL AND 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	Litigation-Related Costs	Total Costs
Agency Overall	1	1.5	2.5	$215,000	$52,000	$267,000

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
AGENCY OVERALL	0	0

XI.   FOIA REGULATIONS

- The electronic link to OMB's FOIA regulations, including OMB's fee schedule, can be located at www.whitehouse.gov/omb/foia/5cfr1303.html.

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
Agency Overall	1	0

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations (Note: Report consultations received from other agencies, not sent to other agencies)

	Column 1	Column 2	Column 3	Column 4
	Number Received that Were Pending at OMB as of Start of the Fiscal Year	Number Received During the Fiscal Year	Number Received that Were Processed by OMB During the Fiscal Year	Number Received that Were Pending at OMB as of End of the Fiscal Year
Agency Overall	2	21	19	4

C.   Consultations on FOIA Requests – Ten Oldest Pending Consultations

1.   Provide the dates of receipt of the ten oldest consultations received from other agencies pending at OMB as of the end of the fiscal year.

	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
Total							09/29/11	09/29/11	09/19/11	09/07/11
	0	0	0	0	0	0	1	1	9	17

D. Comparison of Numbers of Requests Received, Processed, and Backlogged (Previous Annual Report vs. Current Annual Report)

	Column 1	Column 2	Column 3	Column 4
	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	147	188	141	173

	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	2	1

E.   Comparison of Numbers of Administrative Appeals Received, Processed, and Backlogged (Previous Annual Report vs. Current Annual Report)

	Column 1	Column 2	Column 3	Column 4
	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	7	10	7	10

	Column 1	Column 2
	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
Agency Overall	0	0

F.   Discussion of Other FOIA Activities (Optional)