

U.S. Department of Housing and Urban Development
2003 Annual Report

I. Basic Information Regarding Report.

- A. Questions about this report should be directed to:
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Office of General Counsel
Room 10248
451 Seventh Street, SW
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- B. The World Wide Web address to obtain an electronic copy of the Freedom of Information Act (FOIA) report is <http://www.hud.gov/offices/ogc/foia/foiarpts.cfm>. The report can be accessed by clicking “**HUD annual FOIA report 2003.**”
- C. A paper copy of the report can be obtained by submitting a request to the Assistant General Counsel, Freedom of Information Act Division, at 451 Seventh Street, SW, Room 10248, Washington, DC 20410.

II. How to Make a FOIA Request.

For basic information about how to make a FOIA request, please visit our Web site at <http://www.hud.gov/offices/ogc/foia/foiarequests.cfm>.

- A. For the names, addresses, and telephone numbers of all offices that receive FOIA requests, visit our Web site at <http://www.hud.gov/offices/ogc/foia/foialiaisons.cfm>.
- B. Brief description of HUD’s response time ranges.

Because the FOIA process is decentralized at HUD, the response time will vary from office to office depending on the complexity of the request and on the FOIA workload of the office which is processing the request. The response time for the majority of requests handled by the HUD field offices is within the 20 working days provided by statute. In HUD Headquarters, there is a backlog of approximately 500 FOIA requests. Requests are processed on a multi-track system. Some routine requests are processed within 20 working days, but the average processing time for such requests is 40 days. The average time for processing complex requests is between 60 and 90 days.

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

The most frequent reason that a FOIA request is not granted is that no documents responsive to the request were located.

The primary reasons for not granting a request where documents could be located is that disclosure would result in an unwarranted invasion of personal privacy or that the records are protected by the deliberative process, attorney-client, or attorney work product privilege.

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

A. Agency-specific acronyms or other terms are as follows.

HUD - Department of Housing and Urban Development

OIG - Office of Inspector General

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 FOIA.
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 FOIA, 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. **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 that warrants prioritization of his or her request over other requests that were made earlier.
6. **Routine/Simple request** – a FOIA request that is processed based on the simplicity of records requested.
7. **Complex request** – a FOIA request that is processed based on the volume and/or complexity of records requested.
8. **Grant** – an agency decision to disclose all records in full in response to a FOIA request.
9. **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 FOIA exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
10. **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 exempted under one or more of the FOIA exemptions, or for some procedural reason.
11. **No Documents** – no records are located in response to a FOIA request.
12. **Time limits** – the time period for an agency to respond to a FOIA request, is ordinarily 20 working days from the receipt of the FOIA request.

13. **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).
14. **Median number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
15. **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.

<u>Statute/Rule</u>	<u>Type of Information Withheld</u>	<u>Times Invoked</u>	<u>Case Citation</u>
42 USC §3545	HUD Reform Act	5	None
42 USC §3601(d)	Information related to conciliation under the Fair Housing Act	3	None
Fed. R.Cr. P. 6(e)	Grand Jury Information	2	<i>Senate of P.R. v. United States Dep't of Justice</i> , 823 F.2d 574 (D.C.Cir. 1987)
41 USC §253b(m)	Proposals received from unsuccessful offerors and successful offerors not incorporated into the contract	3	None

V. Initial FOIA/PA Access Requests.

A. Number of initial requests.

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
Number of requests pending at end of previous year	555	116	0	671
Number of requests received during current year	1,266	2,474	287	4,027
Number of requests processed during current year	982	1,594	212	2,788
Number of requests pending at end of year.	839	996	75	1,910

B. Disposition of initial requests.

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
Total Grants	274	1,291	48	1,613
Partial Grants	232	157	97	486
Full Denials	23	21	36	80
Other	453	125	31	609

C. Number of times each FOIA exemption used.

<u>Exemption</u>	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
1	0	0	0	0
2	3	14	1	18
3	8	9	2	19
4	63	58	5	126
5	65	24	21	110
6	200	17	80	297
7a	3	5	19	27
7b	0	0	0	0
7c	0	0	38	38
7d	0	0	2	2
7e	0	0	2	2
7f	0	0	0	0
8	0	0	0	0
9	0	0	0	0

D. Other reasons

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
No records	90	44	21	155
Referred	190	16	2	208
Withdrawn	112	39	3	154
Fee-related reason	16	15	2	33
Not Reasonably described	0	4	0	4
Not a proper FOIA request	15	5	1	21
Not an agency record	10	0	0	10
Duplicate request	20	2	2	24
Other (administratively closed)	0	0	0	0
TOTAL	453	125	31	609

VI. Appeals of Initial Denials of FOIA/PA Request.

A. Number of Appeals Processed

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
Received	30	10	23	63
Processed	15	10	23	48

B. Disposition of Appeals

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
Completely Upheld	10	9	6	25
Partially Reversed	3	1	3	7
Completely Reversed	0	0	0	0

Number of times each FOIA exemption was used on appeal (counting each exemption once per appeal.)

<u>Exemption</u>	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
1	0	0	0	0
2	1	0	0	1
3	8	2	0	10
4	10	2	0	12
5	4	3	5	12
6	7	3	5	15
7a	0	0	5	5
7b	0	0	1	1
7c	0	0	6	6
7d	0	0	0	0
7e	0	0	1	1
7f	0	0	0	0
8	0	0	0	0
9	0	0	0	0

Other reasons for nondisclosure

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
No records	0	0	0	0
Referrals	0	0	0	0
Request withdrawn	0	0	0	0
Fee-related reason	0	0	0	0
Not reasonably described	0	0	0	0
Not a proper FOIA request	0	0	0	0
Not an agency record	0	0	0	0

Duplicate request	0	0	0	0
Other—Dismissed/Moot	2	0	6	8
Other—Remanded	0	0	8	8
TOTAL	2	0	14	16

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

A. Status and median number of days to process different type of completed requests.

	<u>Headquarters</u>		<u>Field</u>		<u>OIG</u>	
	No. of Requests	Median Days	No. of Requests	Median Days	No. of Requests	Median Days
Expedited	50	22	90	18	10	4
Simple	750	62	1,500	11	202	29
Complex	182	95	4	24	0	0
All Requests	982		1,594		212	

B. Status of pending requests.

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
Expedited	30	0	0	30
Simple	300	700	75	1,075
Complex	509	296	0	805
All Pending Requests	839	996	75	1,910

1 C. Median Days for Pending FOIAs

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>
Expedited	8	0	0
Simple	45	20	20
Complex	70	30	0

VIII. Comparisons with Previous Year(s).

A. Comparison of numbers of requests received.

In FY 2002, HUD received 3210 new FOIA requests compared to 3694 in FY 2001. This is a decrease of 1.3% over the previous year.

B. Comparison of numbers of requests processed.

In FY 2002, HUD processed 3089 FOIA requests compared to 3111 processed in FY 2001. This is a decrease of .07% over the previous year.

C. Comparison of median number of days requests were pending as of end of year.

D. The Department has changed the way in which it tracks expedited processing requests for FY 2004. Therefore, reporting in that area will be improved next fiscal year.

Varies by component.

IX. Costs/FOIA Staffing.

A. Staffing levels.

	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
Full time FOIA staff	16	2	2	20
FTEs for part time FOIA	(19,250 hours) 9.2	(24,843 hours) 11.8	0	21
TOTAL FTEs	25.2	13.8	2	41

B. Costs

Processing Costs	<u>Headquarters</u>	<u>Field</u>	<u>OIG</u>	<u>TOTAL</u>
FOIAs and Appeals	1,546,797	652,082	123,516	2,322,395
Litigation	76,529	0	0	76,529
TOTAL	1,623,326	652,082	123,516	2,398,924

X. Fees.

Total fees collected \$26,588.

XI. FOIA Regulations (Including Fee Schedule).

The World Wide Web internet address to obtain the Department of Housing and Urban Development FOIA Regulation is: <http://www.hud.gov/offices/ogc/foia/foiareg.cfm> .