

FREEDOM OF INFORMATION ACT (FOIA) ANNUAL REPORT FY 2006
(October 1, 2005 through September 30, 2006)
MILLENNIUM CHALLENGE CORPORATION (MCC)

I. Basic Information Regarding Report

A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report:

John C. Mantini, Assistant General Counsel-Administration
Millennium Challenge Corporation
875 Fifteenth Street, NW
Washington, DC 20005
Telephone: (202) 521-3863
E-mail: foia@mcc.gov

B. Electronic address for the report on the World Wide Web:

<http://www.mcc.gov/about/reports/other/report-2006-foiaannualreport.pdf>

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

Contact Mr. Mantini at the address or telephone number listed above.

II. How to Make a FOIA Request

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

John C. Mantini, Assistant General Counsel-Administration
Millennium Challenge Corporation
875 Fifteenth Street, NW
Washington, DC 20005
Telephone: (202) 521-3863
E-mail: foia@mcc.gov

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

Average processing time in FY 2006 was 29 days.

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

MCC denied one (1) information request in FY 2006 invoking Exemption 4.

MCC denied part of one (1) information request in FY 2006 invoking Exemption 4.

MCC denied one (1) information request in FY 2006 invoking Exemption 5.

MCC denied one (1) information request in FY 2006 because there were no records responsive to the request.

MCC denied part of one (1) information request in FY 2006 because there were no records responsive to the request.

MCC denied part of one (1) information request in FY 2006 because the records requested were not reasonably described.

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

A. Agency-specific acronyms or other terms

MCC – Millennium Challenge Corporation. The independent executive agency established by Congress in the Millennium Challenge Act of 2003.

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 (non-expedited) 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 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. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes:

A. List of Exemption 3 statutes relied on by MCC during FY 2005

1. Brief description of type(s) of information withheld under each statute.

Not applicable to MCC during FY 2006.
2. Statement of whether a court has upheld the use of each statute.
If so, then cite example.

Not applicable to MCC during FY 2006.

V. Initial FOIA/PA Access Requests:

A. Numbers of initial requests:

1. Number of requests pending as of end of FY 20040
2. Number of requests received during FY 20059
3. Number of requests processed during FY 20059
4. Number of requests pending as of end of FY 20050

B. Disposition of initial requests:

1. Number of total grants in FY 20054
2. Number of partial grants in FY 20051

3.	Number of full denials in FY 2005	2
a.	Number of times each FOIA exemption used in FY 2005: (counting each exemption once per request)	
	(1) Exemption 1	0
	(2) Exemption 2	0
	(3) Exemption 3	0
	(4) Exemption 4	2
	(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 (total)	2
a.	No records	2
b.	Referrals	0
c.	Request withdrawn	0
d.	Fee related reasons	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

VI. Appeals of Initial Denials of FOIA/PA Requests:

A. Numbers of appeals:

1.	Number of appeals received during FY 2005	1
2.	Number of appeals processed during FY 2005	1

B. Disposition of appeals:

1.	Number completely upheld	0
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	1
	(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) number of times each FOIA exemption used (counting each exemption once per appeal)	
a.	No records	0
b.	Referrals	0
c.	Request withdrawn	0
d.	Fee-related reasons	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/Status of Pending Requests:

A. Median processing time for requests processed during FY 2005:

1.	Simple requests (if multiple tracks used)	
a.	Number of requests processed	9
b.	Median number of days to process	27
c.	Complex requests (specify for any and all tracks used)	0
d.	Number of requests processed	Not Applicable

- e. Median number of days to process Not Applicable
 - 2. Requests accorded expedited processing
 - a. Number of requests processed0
 - b. Median number of days to process Not Applicable
 - B. **Status of pending requests:**
 - 1. Number of requests pending as of end of FY 20050
 - 2. Median number of days that such requests were pending as of that date ...0
- VIII. Comparison with Other Years:**
- A. Number of requests accorded expedited processing0
 - 1. Number received0
 - 2. Number granted Not Applicable
- IX. Costs/FOIA Staffing:**
- A. **Staffing levels:**
 - 1. Number of full-time FOIA personnel0
 - 2. Number of personnel with part-time or occasional FOIA duties
(in total work-years)01 (work-years)
 - 3. Total number of personnel (in work-years)01 (work-years)
 - B. **Total costs** (including staff and all resources):
 - 1. FOIA processing (including appeals) Unknown
Not separately calculated by MCC.
 - 2. Litigation-related activities (estimated) Not Applicable
 - 3. Total costs Unknown
Not separately calculated by MCC.
 - 4. (Optional) Comparison with previous year(s)
(including percentage of change) Not Applicable
 - C. (Optional) **Statement of additional resources
needed for FOIA compliance** Unknown
Not separately calculated by MCC.
- X. Fees**
- A. **Total amount of fees collected by agency for processing requests**0
 - B. **Percentage of total costs** Not Applicable
Not separately calculated by MCC.
- XI. FOIA Regulations** (Including Fee Schedule)
- XII. Report on FOIA Executive Order Implementation**
- A. Description of supplementation/modification of agency improvement plan (if
applicable) Not Applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area
MCC was successful in update its FOIA web page to include the name and title of the Chief FOIA officer.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)
MCC was deficient in the two areas in that we have not updated our internal FOIA Handbook and we have not published our FOIA regulation in the Federal Register.

MCC did not update our internal FOIA handbook in large part because in the 3 years of MCC's existence we have received a total of (18) FOIA requests. The majority of these requests were for routine matters such as contracts or other internal functions related to MCC as a federal agency. Only a few of these requests involved requests for information related to MCC's programs. Quite frankly, we are somewhat surprised we have not received more substantive FOIA requests. However, if you take a look at our public web site, www.mcc.gov, you will see that almost all of the information related to our foreign development assistance programs is posted there. Because of a lack of FOIA request volume we have been unable to identify any specific deficiency that would improve our FOIA Handbook. In 2007 we will again monitor our FOIA request volume and update the handbook as appropriate.

We did not publish a FOIA regulation in the Federal Register primarily for two reasons. We had to obtain a chapter of the Federal Register where we could publish the regulation. Also, as a relatively new federal agency we are still in the process of developing our internal policies, processes, and procedures. Based on the need to establish a coherent system of financial management, develop processes to deliver foreign assistance, and our relatively light FOIA work load we deferred publication of a FOIA regulation in 2006. We have now obtained a chapter in the Federal Register and we fully anticipate publishing a FOIA regulation in 2007.

D. Additional narrative statement regarding other executive order-related activities (optional)

E. Concise descriptions of FOIA exemptions

MCC cited exemptions 4 and 5 when denying requests made in FY06.

FOIA exemption 4 was used for requests that asked for confidential business information.

FOIA exemption 5 was used for requests that asked for inter or intra agency communication that was deliberative process, litigation, or other privileges.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency): Not Applicable

- 2. Time range of consultations pending with other agencies, by date of initial interagency communication: Not Applicable
- G. Attachment: Agency improvement plan (in current form): See Attached