



U.S. Trade and Development Agency

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Freedom of Information Act (FOIA)

Report for Fiscal Year 2002

(October 1, 2001 through September 30, 2002)

I. Basic Information Regarding Report.

- A. *Questions concerning this report may be addressed to:*
Ms. Caryn Hines
Attorney-Advisor and FOIA Officer for Fiscal Year 2002
U.S. Trade and Development Agency
1000 Wilson Boulevard, Suite 1600
Arlington, VA 22209-3901
Tel. No. (703) 875-4357
Fax No. (703) 875-4009
- B. The World Wide Web address for the U.S. Trade and Development Agency (USTDA) is:
www.ustda.gov. This site provides general information about USTDA.
- C. Paper copies of this FOIA report may be obtained by contacting Caryn Hines 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:

Ms. Caryn Hines
Attorney-Advisor and FOIA Officer
U.S. Trade and Development Agency
1000 Wilson Boulevard, Suite 1600
Arlington, VA 22209-3901
Tel. No. (703) 875-4357
Fax No. (703) 875-4009
- B. *Brief description of the agency's response-time ranges:*
USTDA strives to respond to all FOIA requests within 20 workdays. Simple requests may

have faster response times than those which are more complex.

C. *Brief description of why some requests may not be granted:*

USTDA 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)), predecisional deliberations (5 U.S.C. 552(b)(5)), or fee related reasons.

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 "USTDA."

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.

- A. List of Exemption 3 statutes relied on by agency during current fiscal year.
41 U.S.C. 253(b)(m)
- B. Brief description of type(s) of information withheld under each statute.

Winning proposals submitted by contractors in response to the requirements of a competitive solicitation for a competition in the possession or control of the Agency were withheld under 41 U.S.C. 253(b)(m).

- C. Statement of whether a court has upheld the use of each statute. If so, then cite example.

There is no case citation.

V. Initial FOIA/PA Access Requests [approx. nos.].

- A. Number of initial requests:

1. Number of requests pending at the end of the preceding fiscal year (FY 2001): 17

2. Number of requests received during current fiscal year (FY 2002): 25
3. Number of requests processed during current fiscal year (FY 2002): 39
4. Number of requests pending as of end of current fiscal year (FY 2002): 3

B. Disposition of initial requests.

1. Number of total grants: 7
2. Number of partial grants: 7
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 3
- (4) Exemption 4 3
- (5) Exemption 5 0
- (6) Exemption 6 1
- (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): 24

- a. no records 16
- b. referrals 0
- c. request withdrawn 4
- d. fee-related reason 2
- e. records not reasonably described 1
- f. not a proper FOIA request for some other reason 0
- g. not an agency record 0
- h. duplicate request 0
- i. other 1

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year 1
2. Number of appeals processed during fiscal year 2

B. Disposition of appeals.

- 1. Number completely upheld 2
- 2. Number partially reversed _____
- 3. Number completely reversed _____

a. number of times each FOIA exemption used
(counting each exemption once per appeal)

- (1) Exemption 1 _____
- (2) Exemption 2 _____
- (3) Exemption 3 1
- (4) Exemption 4 _____
- (5) Exemption 5 _____
- (6) Exemption 6 _____
- (7) Exemption 7(A) _____
- (8) Exemption 7(B) _____
- (9) Exemption 7(C) _____
- (10) Exemption 7(D) _____
- (11) Exemption 7(E) _____
- (12) Exemption 7(F) _____
- (13) Exemption 8 _____
- (14) Exemption 9 _____

- 4. Other reasons for nondisclosure (total) _____
 - a. no records _____
 - b. referrals _____
 - c. request withdrawn _____
 - d. fee-related reason 1
 - e. records not reasonably described _____
 - f. not a proper FOIA request for some other reason _____
 - g. not an agency record _____
 - h. duplicate request _____
 - i. other (specify) _____

VII. Compliance with Time Limits/Status 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 0
 - b. median number of days to process n/a
- 2. Complex requests
(specify for any and all tracks used).
 - a. number of requests processed 39
 - b. median number of days to process 45

3. Requests accorded expedited processing.

a. number of requests processed 0

b. median number of days to process n/a

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year (FY2002): 3

2. Median number of days that such requests were pending as of that date: 7

VIII. Comparisons with Previous Year(s)

A. Comparison of numbers of requests received:

For this current period (Oct. 1, 2001 through Sept. 30, 2002): 25

For previous reporting period (Oct. 1, 2000 through Sept. 30, 2001): 21

B. Comparison of numbers of requests processed:

For this current period (Oct. 1, 2001 through Sept. 30, 2002): 39

For previous reporting period (Oct. 1, 2000 through Sept. 30, 2001): 6

C. Comparison of median numbers of days requests were pending as of end of fiscal year:

For this current period (Oct. 1, 2001 through Sept. 30, 2002): 7

For previous report period (Oct. 1, 2000 through Sept. 30, 2001): 32

D. Other statistics significant to agency:

We received 0 requests for expedited processing, and granted 0.

E. Other narrative statements:

1. 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.
2. The agency found the Justice guidance for unusual requesters very helpful.
3. It is noted that the Agency is steadily receiving more FOIA requests. It is also noted that more requesters are using the FOIA process as a broad research tool rather than a record request tool. This makes it harder for the Agency to quantify the request. As a result, it takes longer to process the 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 25% of one work year.
3. Total number of personnel (in work years): approximately 25% of one work year.

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

1. FOIA processing (including appeals): Approx. \$ 7,000.
2. Litigation-related activities (estimated): \$ 1,500.
3. Total costs: Approx. \$ 8,500.
4. Comparison with previous years(s) including percentage of change: Because USTDA processed more responses including two appeals, the cost increased.

C. Statement of additional resources needed for FOIA compliance:

The number of FOIA requests that the agency received has increased significantly over the past few years. Because of this, the agency anticipates needing additional resources to adequately respond to FOIA requests.

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. However, in the event that USTDA has knowledge that requesters owe fees to other agencies, USTDA maintains the policy that requesters be current with payment of all their FOIA fees before their requests can be processed.

- 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.

[1/30/03]

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