



FY 2009 Annual FOIA Report

January 25, 2010

Committee for Purchase from People Who Are Blind or Severely Disabled

An independent Agency of the United States Government established by the Javits-Wagner-O'Day Act (Pub. L 92-28 and 41 U.S.C. 46-48c) to administer the AbilityOne Program ([see](#) 41 C.F.R. 51).

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The Committee for Purchase from People Who Are Blind or Severely Disabled (Committee) submits the following information in accordance with reporting requirements for Federal agencies on their administration of the Freedom of Information Act (FOIA). This report includes new data elements cited in the OPEN Government Act of 2007, Pub. L. 110-175, 121 Stat. 2524, amended subsection (e) of the FOIA, as well as revised content and format changes incorporated by the Department of Justice (DOJ), in consultation with the Office of Management and Budget [see 5 U.S.C. 552(e)(5)]. Data provided reflects the activities of the Agency as a whole in all categories and data elements without Component unit reports. The formulas, formats, and standards used to gather and report data in this report follow the DOJ Office of Information Policy guidelines on its FOIA Post website.

I. BASIC INFORMATION REGARDING REPORT

Contact the AbilityOne program FOIA Administrator with questions about this report.

1. **Name (Title) Janice Coleman (FOIA Administrator)**

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Please visit the agency's website for an electronic copy FY 2009 Annual FOIA Report in three formats – Acrobat Adobe PDF and (for accessible versions) Microsoft Office Word and Excel 2007 formats.

2. **http://www.abilityone.gov/laws_regs/AbilityOne-FOIA_FY2009.pdf**

[http://www.abilityone.gov/laws_regs/Committee for Purchase-AbilityOne FY-2009 Annual FOIA Report.docx](http://www.abilityone.gov/laws_regs/Committee%20for%20Purchase-AbilityOne%20FY-2009%20Annual%20FOIA%20Report.docx)

http://www.abilityone.gov/laws_regs/AbilityOne-FOIA_FY2009.xls

This report is also available in alternate formats. Please contact the FOIA Administrator to obtain this report in hard-copy paper or printed Braille.

3. **FOIA mailbox foia@abilityone.gov**

Receptionist 703-603-7740

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II. MAKING A FOIA REQUEST

The Committee for Purchase from People Who Are Blind or Severely Disabled is an independent Agency of the United States Government established to administer the Javits-Wagner-O'Day Act. Its mission is to provide jobs to persons who are blind or who have other severe disabilities. This is accomplished through the AbilityOne Program in the manufacture of products and provision of services to the Federal civilian and military workforce through contracts with nonprofit agencies serving these individuals.

Any person may obtain a document under FOIA by sending a written request to the Committee's offices. The request must include a description of the documents desired and the requester's contact information. A FOIA Liaison is available to assist requesters with special circumstances, complaints, or process improvement suggestions.

Potential Requesters are encouraged to refer to the Code of Federal Regulations (41 CFR 51-8 --Public Availability of Agency Materials) for more detailed information.

- 1. Send to: Ms. E. Ballard, Executive Director**
& Chief FOIA Officer
Committee for Purchase from People Who Are Blind or Severely Disabled
1421 Jefferson Davis Highway, Suite 10-800
Arlington, Virginia 22202-3259

Principal FOIA Contact: Dennis Lockard, General Counsel

E-mail foia@abilityone.gov
Telephone 703-603-7740
Fax number 703-603-0655

Designated FOIA Liaison: Barry Lineback, Director
Business Operations

FOIA Administrator: Janice Coleman, Records Management Specialist

2. The Committee does not automatically give a Requester a record under FOIA guidelines. All requests for information presented to the Committee are managed according to its FOIA process. A determination to grant or deny the release of any record (or portion thereof) is made after careful review and evaluation. The overwhelming majority of the cases for denial are due to a finding of no records—the material is not found in any system of records. The FOIA also extends protection to certain material under various Exemptions. The types of records that may be protected and not released are categories common to all Federal agency operations, such as:

- Exemption 3: Other statute, for example, the Privacy Act of 1974, 5 U.S.C. 552a, Pub. L. 93-579 (12-31-1974)
- Exemption 4: Privileged, confidential, commercial or financial information
- Exemption 5: Pre-decisional, deliberative process information
- Exemption 6: Personal privacy

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. The acronyms, terms and definitions listed below apply to the preparation and presentation of data for the AbilityOne Program FY2009 Annual FOIA Report.

- a. **AbilityOne Program** – means the program established by the Javits-Wagner-O’Day Act to increase employment and training opportunities for persons who are blind or have other severe disabilities through Government purchasing of commodities and services from nonprofit agencies employing these persons.
- b. **Agency and Federal agency** – mean Entity of the Government or any entity of the legislative branch or the judicial branch, any executive agency, military department, Government corporation, or independent establishment, the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.
- c. **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.
- d. **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.
- e. **Committee** – means the Committee for Purchase from People Who Are Blind or Severely Disabled established by the Javits-Wagner-O’Day Act (Public Law 92-28, 85 Stat. 77 (1971), as amended, 41 U.S.C. 46-48c) and is responsible for implementation of a comprehensive program to accomplish its legislative mandate.
- f. **Contracting activity** – means any element of an entity of the Government that has responsibility for identifying and/or procuring Government requirements for commodities or services. Components of a contracting activity, such as a contracting office and an ordering office, are incorporated in this definition, which includes all offices within the definitions of “contracting activity,” “contracting office,” and “contract administration office” contained in the Federal Acquisition Regulation, 48 CFR 2.101.
- g. **Fiscal Year** – means the 12-month period beginning on October 1 of each year.
- h. **FOIA** – means the Freedom of Information Act (5 U.S.C. 552) and the Committee regulations at 41 CFR 51-8, Public Availability of Agency Materials, which governs the implementation of the Committee’s FOIA Program. These are the established procedures under which the public may inspect and obtain copies of material maintained by the Committee, provide for administrative appeal of initial determinations to deny requests for material, and prescribe fees to be charged by the Committee to recover search, review, and duplication costs.
- i. **FOIA Request** - a FOIA request is generally a request to a federal agency for access to records concerning a person, or an organization, or a particular topic of interest. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.
- j. **Full-time Equivalent** – is a ratio that represents the number of hours that an employee works to 40 hours or one work-week of effort.

III. **ACRONYMS, DEFINITIONS, AND EXEMPTIONS** (continued)

- k. **JWOD** – means the Javits-Wagner-O’Day Act (Public Law 92-28, 85 Stat. 77 (1971), as amended, 41 U.S.C. 46-48c).
- l. **Nonprofit Agency (NPA)** – means a nonprofit agency for the blind or a nonprofit agency employing persons with severe disabilities, as appropriate.
- m. **Procurement List** – a list of commodities (including military resale commodities) and services which the Committee has determined to be suitable to be furnished to the Government by nonprofit agencies for the blind or nonprofit agencies employing persons with severe disabilities pursuant to the JWOD Act and its regulations.
- n. **Senior Management** – an employee in a position rated at grade level GS-15 and above, including Senior Executive Service (SES) positions, with commensurate responsibilities.
- o. **Withdrawn** – a FOIA request that the requester no longer desires to pursue. This category also includes abandoned FOIA requests for which the agency can no longer contact the Requester and the request cannot be completed without such contact.

2. The following terms, common to all FOIA statistics, are defined below:

- 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. The entry “N/A” is used in cases where data does not support this calculation.
- 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
- 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 a person, or an organization, or a particular topic of interest. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

III. **ACRONYMS, DEFINITIONS, AND EXEMPTIONS** (continued)

- h. **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- i. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- j. **Median Number** - the middle, not average, number in a series or group. For example, of 3, 7, and 14, the median number is 7. The entry “N/A” is used in cases where data does not support this calculation.
- 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 processing on a first in/first out basis.
 - i. **Expedited** – the process for the completion of a FOIA request is accelerated in terms of placement for search, review, and response.
 - ii. **Simple** – the FOIA request for which the response process (i.e., search, review, and duplication) is likely to be straight-forward with a low-volume of documents.
 - iii. **Complex** – the preliminary steps in the FOIA process—search and review—are likely to require in-depth analysis and several review cycles that involve a high-volume of documents.
- 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).

III. **ACRONYMS, DEFINITIONS, AND EXEMPTIONS** (continued)

3. The FOIA provides protection for specific information in Exemptions (abbreviated Ex.). The Committee's regulation at 41 CFR 51-8.2(b) identifies material that is exempt from disclosure, as follows:

- (b) Requests for inspection and copies shall not be granted with respect to matters that are:
 - (1) Related to records:
 - (i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and
 - (ii) In fact properly classified pursuant to such Executive Order;
 - (2) Related solely to the internal personnel rules and practices of the Committee;
 - (3) Specifically exempted from disclosure by statute;
 - (4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;
 - (5) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Committee;
 - (6) Personnel, medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
 - (7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:
 - (i) Could reasonably be expected to interfere with enforcement proceedings,
 - (ii) Would deprive a person of a right to a fair trial or an impartial adjudication,
 - (iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy,
 - (iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution, which furnished information on a confidential basis and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,
 - (v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
 - (vi) Could reasonably be expected to endanger the life or physical safety of any individual;
 - (8) Contained in or related to examination, operation, or condition of reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
 - (9) Geological and geophysical information and data, including maps concerning wells.

IV. EXEMPTION 3 STATUTES

The Freedom of Information Act incorporates certain nondisclosure provisions contained in federal statutes other than the FOIA within Exemption 3. A list of statutes found to qualify under Exemption 3 is available for reference on the FOIA Post website posted 12/09/2009. The Committee maintains a separate Exemption 3 Log to collect data which includes:

1. Statute name relied upon to withhold information
2. Type of information withheld
3. Case citation as reference for decision
4. Number of times each statute is relied upon by Component and by Agency.

No information was withheld in FY 2009 which relied upon Exemption 3 statutes. Only Agency data is collected. There are no Component units within the AbilityOne FOIA Program.

Statute	Type of Information Withheld	Case Citation	Total Number of Times Relied upon by Agency
N/A	N/A	N/A	N/A

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

There were two FOIA requests pending as of the start of FY 2009.
 In FY 2009, 15 FOIA requests were received.
 All FOIA requests, a total of 17 requests, were completed prior to the end of FY 2009.
 No requests were pending at the start of the FY 2010 reporting period.

The data reported is for the Overall Agency activities only. There are no component units.

	Agency Overall
Number of Requests Pending as of Start of Fiscal Year	2
Number of Requests Received in Fiscal Year	15
Number of Requests Processed in Fiscal Year	17
Number of Requests Pending as of End of Fiscal Year	0

B. (1) Disposition of FOIA Requests – All Processed Requests

The Committee received and processed 17 requests for information under the FOIA statute in FY 2009. Of the total requests, three resulted in Full Grants or the release of all desired documents and two resulted in Partial Grants or the segregation of the documents found to be response into two parts—released and withheld. None of the 12 requests which resulted in a Full Denial decision were based on Exemptions.

All Processed Requests:	Agency Overall
Number of Full Grants	3
Number of Partial Grants	2
Number of Full Denials Based on Exemptions	0

Of these Full Denial decision—seven requests (58 %)--were due to a lack of responsive documents. Requesters in three cases failed to provide information to clarify a request or otherwise withdrew their desire for copies of documents.

Number of Full Denials Based on Reasons Other than Exemptions:	
No Records	7
All Records Referred to Another Agency	0
Request Withdrawn	3
Fee-Related Reason	0
Records not Reasonably Described	0
Improper FOIA Request for Other Reason	0
No Agency Record	0
Duplicate Request	0
Other	0
Total Full Denials	12

Total Agency Overall Processed Requests	15
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V. FOIA REQUESTS (continued)

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B. (1) [above].

During FY 2009, there were no FOIA requests processed that resulted in a full denial of the request. The requests processed in FY 2009 were not denied in full on the basis of exemptions or otherwise. This data is for requests agency-wide because there are no component units within the AbilityOne FOIA program.

Agency Overall	Description of “Other” Reasons for Denials from Chart B (1) and Number of Times Those Reasons Were Relied Upon	Total
N/A	N/A	N/A

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

The data collected for the FY 2009 Annual FOIA report shows that four FOIA requests withheld information due to the application of an exemption. In two cases, the Exemption 4 and Exemption 5 are listed as the reason the material was considered protected. The Exemption 6 is listed as the reason material was withheld in the other two cases.

	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	0	0	2	2	2	0	0	0	0	0	0	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

In the FY 2009, the AbilityOne FOIA program received and processed one administrative appeal. There are no pending appeal actions to report for either the start or end of this reporting period.

Number of Appeals Pending as of Start of Fiscal Year	0
Number of Appeals Received in Fiscal Year	1
Number of Appeals Processed in Fiscal Year	1
Number of Appeals Pending as of End of Fiscal Year	0

B. Disposition of Administrative Appeals – All Processed Appeals

The one administrative appeal processed in FY 2009 was reversed completely on appeal. No appeals were closed for other reasons during this reporting period.

Number Affirmed on Appeal	0
Number Partially Affirmed & Partially Reversed/Remanded on Appeal	0
Number Completely Reversed/Remanded on Appeal	1
Number of Appeals Closed for Other Reasons	0
Total	1

C. (1) Reasons for Denial of Appeal – Number of Times Exemptions Applied.

The AbilityOne FOIA program did not deny any administrative appeals in FY 2009.

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	0	0	0	0	0	0	0	0	0	0	0	0	0

VI. **ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS** (continued)

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

The AbilityOne FOIA program did not rely on reasons other than exemptions for a denial of an administrative appeal in FY 2009. No administrative appeals were denied.

No Records	0
Records Referred at Initial Request Level	0
Request Withdrawn	0
Fee-Related Reason	0
Records not Reasonably Described	0
Improper FOIA Request for Other Reasons	0
No Agency Record	0
Duplicate Request or Appeal	0
Request in Litigation	0
Appeal Based Solely on Denial of Request for Expedited Processing	0
Other (*explain in chart below)	0

C. (3) Reasons for Denial of Appeal – “Other” Reasons from Section VI, C (2) [above].

No denial of appeal for other reasons was made during the FY 2009 reporting period.

Description of “Other” Reasons for Denial on Appeal from Chart C (2) and Number of Times Those Reasons Were Relied Upon	N/A
Total	0

C. (4) Response Time for Administrative Appeals

The one administrative appeal received and completed in FY 2009 was the basis for response time calculations. The result is the same—17days—for response median, average, lowest and highest number of days.

Median Number of Days	17
Average Number of Days	17
Lowest Number of Days	17
Highest Number of Days	17

VI. **ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS
 OF FOIA REQUESTS** (continued)

C. (5) Ten Oldest Pending Administrative Appeals

The administrative appeal received during the FY 2009 reporting period is marked complete.
 No administrative appeals are pending at the start of the FY 2010 reporting period.

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

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

A. Processed Requests – Response Time for All Processed Perfected Requests

In FY 2009, FOIA requests were received and processed in a multi-track processing system. A total of eight requests were processed in the Simple track. The Complex track process included seven requests, however only four were perfected with one being an appeal. The median number of days is calculated as $[(7+10)/2 = 8.5]$ for Simple Requests and $[17+52/2=34.5]$ for Complex Requests. There were no requests for Expedited Processing.

Agency Overall	Simple Requests	Complex Requests	Expedited Processing
Median Number of Days	8.5	34.5	N/A
Average Number of Days	11	45	N/A
Lowest Number of Days	5	11	N/A
Highest Number of Days	28	101	N/A

B. Processed Requests – Response Time for Perfected Requests in Which Information was Granted

A total of five requests –29%--resulted in the release of information in FY 2009. The majority, or three requests, was in the Complex track. The median number of days is calculated as $[(5+5)/2=5]$ for Simple Requests. Overall, an average 28 days were required to process a perfected request that resulted in the release of information in FY 2009.

Agency Overall	Simple Requests	Complex Requests	Expedited Processing
Median Number of Days	5	17	N/A
Average Number of Days	5	43	N/A
Lowest Number of Days	5	11	N/A
Highest Number of Days	5	101	N/A

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS (continued)

C. Processed Requests - Response Time in Day Increments

In FY 2009, a total of nine requests –53%-- were processed in 20 days or less. This includes seven Simple track requests and two Complex track requests. Only three requests –18%-- were processed in 25 days or more.

Agency Overall	Simple Requests	Complex Requests	Requests Granted Expedited Processing
1-20 Days	7	2	0
21-40 Days	1	0	0
41-60 Days	0	1	0
61-80 Days	0	0	0
81-100 Days	0	0	0
101-120 Days	0	1	0
121-140 Days	0	0	0
141-160 Days	0	0	0
161-180 Days	0	0	0
181-200 Days	0	0	0
201-300 Days	0	0	0
301-400 Days	0	0	0
400+ Days	0	0	0
Total	8	4	0

D. Pending Requests - All Pending Perfected Requests

All received and perfected FOIA requests for the FY 2009 reporting period were completed. No requests remain pending at the beginning of FY 2010.

D. (1) Simple Requests	Agency Overall
Number Pending	0
Median Number of Days	N/A
Average Number of Days	N/A

D. (2) Complex Requests	Agency Overall
Number Pending	0
Median Number of Days	N/A
Average Number of Days	N/A

D. (3) Expedited Processing	Agency Overall
Number Pending	0
Median Number of Days	N/A
Average Number of Days	N/A

VII. **FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS** (continued)

E. Pending Requests -- Ten Oldest Pending Perfected Requests

There are no pending requests to calculate number of pending perfected requests for FY 2009. All FY 2009 received and perfected FOIA requests were completed.

Agency Overall	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**VIII. REQUESTS FOR EXPEDITED PROCESSING
 AND REQUESTS FOR FEE WAIVER**

A. Requests for Expedited Processing

There were no requests for Expedited Processing of a FOIA request to report for FY 2009. All data elements for reporting in this section are zero.

Agency Overall	Request for Expedited Processing
Number Granted	0
Number Denied	0
Median Number of Days to Adjudicate	N/A
Average Number of Days to Adjudicate	N/A
Number Adjudicated within Ten Calendar Days	0

B. Request for Fee Waiver

The Agency received four requests to waive the cost associated with search, review, or duplication of documents desired under the FOIA statute. Two requests were granted and two requests were denied. It used its discretionary authority to waive the cost to process ten FOIA requests—or 67%--which resulted in a response to the Requester. Of these, four were Complex requests and six were Simple requests.

The adjudication was finished within a median 4.5 days $[(3+6)/2=4.5]$ and on average in 5 days.

Agency Overall	Request for Fee Waiver
Number Granted	2
Number Denied	2
Median Number of Days to Adjudicate	4.5
Average Number of Days to Adjudicate	5

IX. FOIA PERSONNEL AND COSTS

A. Personnel

The AbilityOne FOIA process utilizes one full-time employee as FOIA Administrator. This position coordinates, collects, and evaluates documents identified as potentially responsive. In some cases search and evaluation may include time of employees in the position directly responsible for the records in question. These employees are not considered full-time for the FOIA process.

Agency Overall	Personnel
Number of "Full-Time FOIA Employees"	0
Number of "Equivalent Full-Time FOIA Employees"	.25
Total Number of "Full-Time FOIA Staff" (the sum of rows 1 & 2)	.25

B. Costs

In FY 2009, the agency processed a total of 17 requests for information under the FOIA regulations. The cost to process these requests was \$1,170.95 in salary dollars. In addition to the FOIA Administrator, seven employees—41% --other than senior management—made a contribution to the FOIA process. The cost for duplication was negligible because the page count(s) did not exceed the threshold where charges may apply.

There are no litigation-related costs for the AbilityOne FOIA program to report for FY 2009. All costs eligible for reimbursement were waived in FY 2009, including costs to Requesters who did not request a fee waiver.

Agency Overall	Cost in Dollars
Processing Costs (at initial request and appeal levels)	\$1,171
Litigation-Related Costs	0
Total Costs	\$1,171

X. FEES COLLECTED FOR PROCESSING REQUESTS

There were no fees collected during the FY 2009 reporting period to recover the cost of processing FOIA requests. The 17 requests received resulted in 14 perfected FOIA request responses.

Preliminary calculations showed staff resources equivalent to \$1,170.95 were expended for search and review of FOIA requests in FY 2009. All of these costs were waived and no request exceeded the threshold where costs were applied for duplication.

Agency Overall	Fees in Dollars
Total Amount of Fees Collected	0
Percentage of Total Costs	N/A

XI. FOIA REGULATIONS

41 CFR 51-8 --Public Availability of Agency Materials

Authority: 5 U.S.C. 552

Source: 54 FR 15189, 04/17/1989, unless otherwise noted.

Redesignated at 56 FR 48983, 09/26/1991.

See e-CFR Data link:

[http://ecfr.gpoaccess.gov/cgi/t/text/text-](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=fd448c25c716707efd44cb5b653c055e&rgn=div5&view=text&node=41:1.2.2.1.8&idno=41)

[idx?c=ecfr&sid=fd448c25c716707efd44cb5b653c055e&rgn=div5&view=text&node=41:](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=fd448c25c716707efd44cb5b653c055e&rgn=div5&view=text&node=41:1.2.2.1.8&idno=41)

[1.2.2.1.8&idno=41](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=fd448c25c716707efd44cb5b653c055e&rgn=div5&view=text&node=41:1.2.2.1.8&idno=41)

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

The Committee processed all received and perfected FOIA requests and Administrative Appeals within the FY 2009 reporting period. There is no backlog of requests or appeals to report.

	Agency Overall
Number of Backlogged Requests as of End of FY 2009	0
Number of Backlogged Appeals as of End of FY 2009	0

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

During the FY 2009 reporting period, there were no requests for consultation received from or sent to Other Agencies. This was also true for the start and end of the Fiscal Year.

	Agency Overall
Number of Consultations Received from Other Agencies that were PENDING as of the START of FY 2009	0
Number of Consultations RECEIVED from Other Agencies during Fiscal Year 2009	0
Number of Consultations Received from Other Agencies that were PROCESSED during FY 2009	0
Number of Consultations Received from Other Agencies that were PENDING as of the END of FY 2009	0

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

No consultations were received from Other Agencies to calculate pending request data.

Agency Overall	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS (continued)

D. Comparison of Numbers of Requests from Previous and Current Annual Report
 -- Requests Received, Processed, and Backlogged

D. (1) Number of Requests Received versus Requests Processed

A comparison of the number of FOIA requests received during the FY 2008 reporting period and the FY 2009 reporting period shows a dramatic drop requests. A total 88 requests were received in FY 2008. While in FY 2009, we received 15 requests –only 17.05% of those received the previous year. The FY 2009 year-end figures show 100%, or 17 requests (i.e., 15 received and two backlog carried over), are marked complete.

Agency Overall	FY 2008 (previous fiscal year)	FY 2009 (current fiscal year)
Number Requests Received	88	15
Number of Requests Processed	96	17

D. (2) Number of Backlogged Requests as of End of the Fiscal Year versus Previous

The backlog of requests carried into FY 2009 is composed of two actions, or 2.27% of 88 requests received in FY 2008. These two requests represent the FY 2008 year-end backlog –2.08% of the 96 requests processed in FY 2008. There is no backlog at the end of the FY 2009 reporting period.

	Agency Overall
Number of Backlogged Requests as of End of Fiscal Year from previous Annual Report (FY 2008)	2
Number of Backlogged Requests as of End of Fiscal Year from current Annual Report (FY 2009)	0

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS (continued)

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report
 -- Appeals Received, Processed, and Backlogged

E. (1) Number of Appeals Received versus Processed

Agency Overall	FY 2008 (previous fiscal year)	FY 2009 (current fiscal year)
Number of Appeals RECEIVED during Fiscal Year from Last Year's Annual Report and the Current Annual Report	1	1
Number of Appeals PROCESSED during Fiscal Year from Last Year's Annual Report and the Current Annual Report	1	1

E. (2) Number of Backlogged Appeals as of the End of the Current versus Previous Fiscal Year

Appeals were received and processed on schedule without any backlog during FY 2008. At the end of FY 2009, there are no outstanding or backlogged Appeal requests.

Agency Overall	FY 2008 (previous fiscal year)	FY 2009 (current fiscal year)
Number of Backlogged Appeals as of the End of the Fiscal Year from Previous and Current Annual Reports	0	0