

**FREEDOM OF INFORMATION ACT (FOIA) ANNUAL REPORT  
FY 2006**

**COMMITTEE FOR PURCHASE FROM PEOPLE  
WHO ARE BLIND OR SEVERELY DISABLED**

**I. Basic Information Regarding Report**

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

Ms. Stephanie Lesko, FOIA Administrator  
Committee for Purchase From People Who Are Blind or Severely Disabled  
1421 Jefferson Davis Highway, Suite 10800  
Arlington, VA 22202-3259  
Telephone: 703-603-2146

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

[http://www.jwod.gov/jwod/Documents/foia\\_report\\_fy06.pdf](http://www.jwod.gov/jwod/Documents/foia_report_fy06.pdf)

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

Contact Ms. Lesko at the address or telephone number listed 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.**

Mr. Leon A. Wilson, Jr., Executive Director and Chief FOIA Officer  
Committee for Purchase From People Who Are Blind or Severely Disabled  
1421 Jefferson Davis Highway, Suite 10800  
Arlington, VA 22202-3259  
Telephone: 703-603-7740

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

Average processing time in FY 2006 was 29 working days.

## **C. Brief description of why some requests are not granted.**

The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee) denied information the following amount of times in 2006: twice under FOIA Exemption 3 (statute), five times under FOIA Exemption 4 (privileged, confidential, commercial or financial information), six times under FOIA Exemption 5 (pre-decisional, deliberative process information), and three times under FOIA Exemption 6 (personal privacy). The Committee did not disclose information in response to seventy-five requests for the following reasons: no records (4), referred to another agency (11), withdrawn (9), fee-related reason (6), records not reasonably described (2), not an agency record (4), duplicate request (4), and handled as public affairs information requests instead of FOIA requests (35).

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

### **A. Agency-specific acronyms or other terms.**

None

### **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 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 agency during current fiscal year.**

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

Two Exemption 3 statutes were used as a basis for denying information in FY 2006. The information withheld in both instances falls under the Procurement Integrity Act, 41 USC § 423, as supplemented by Federal Acquisition Regulation part 3-104-1 et seq., which provides that a government official person shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before awarding a Federal contract. As a matter of law, the award of the contracts had not been made and therefore disclosure of bid or proposal information was prohibited. The Procurement Integrity Act also contains a prohibition that a person shall not, other than provided by law, knowingly obtain contractor bid or proposal information.

###### **2. Statement of whether a court has upheld the use of each statute. If so, then cite example.**

N/A

**V. Initial FOIA/PA Access Requests**

**A. Numbers of initial requests.**

1. Number of requests pending as of end of preceding fiscal year \_\_\_0\_\_\_
2. Number of requests received during current fiscal year \_\_\_128\_\_\_
3. Number of requests processed during current fiscal year \_\_\_124\_\_\_
4. Number of requests pending as of end of current fiscal year \_\_\_4\_\_\_

**B. Disposition of initial requests.**

1. Number of total grants \_\_\_32\_\_\_
2. Number of partial grants \_\_\_17\_\_\_
3. Number of denials \_\_\_0\_\_\_

**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 \_\_\_2\_\_\_
- (4) Exemption 4 \_\_\_5\_\_\_
- (5) Exemption 5 \_\_\_6\_\_\_
- (6) Exemption 6 \_\_\_4\_\_\_
- (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) \_\_\_75\_\_\_
  - a. no records \_\_\_4\_\_\_
  - b. referrals \_\_\_11\_\_\_

- c. request withdrawn \_\_\_\_9\_\_\_\_
- d. fee-related reason \_\_\_\_6\_\_\_\_
- e. records not reasonably described \_\_\_\_2\_\_\_\_
- f. not a proper FOIA request for some other reason \_\_\_\_0\_\_\_\_
- g. not an agency record \_\_\_\_4\_\_\_\_
- h. duplicate request \_\_\_\_4\_\_\_\_
- i. other (specify) \_\_\_\_35\_\_\_\_ (non-disclosed under the FOIA because we removed these requests from the FOIA queue since they could be fully disclosed faster as public affairs information requests, since the information could be released in its entirety)

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

**A. Numbers of appeals.**

- 1. Number of appeals received during fiscal year \_\_\_\_2\_\_\_\_
- 2. Number of appeals processed during fiscal year \_\_\_\_2\_\_\_\_

**B. Disposition of appeals.**

- 1. Number completely upheld \_\_\_\_1\_\_\_\_
- 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 \_\_\_\_0\_\_\_\_
- (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) \_\_\_\_ 1 \_\_\_\_
  - a. no records \_\_\_\_ 0 \_\_\_\_
  - b. referrals \_\_\_\_ 0 \_\_\_\_
  - c. request withdrawn \_\_\_\_ 1 \_\_\_\_
  - d. fee-related reason \_\_\_\_ 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 the year.**

- 1. Simple requests (if multiple tracks used).
  - a. number of requests processed \_\_\_\_ 0 \_\_\_\_
  - b. median number of days to process \_\_\_\_ 0 \_\_\_\_
- 2. Complex requests (specify for any and all tracks used).
  - a. number of requests processed \_\_\_\_ 124 \_\_\_\_
  - b. median number of days to process \_\_\_\_ 19 \_\_\_\_
- 3. Requests accorded expedited processing.
  - a. number of requests processed \_\_\_\_ 0 \_\_\_\_
  - b. median number of days to process \_\_\_\_ 0 \_\_\_\_

**B. Status of pending requests.**

- 1. Number of requests pending as of end of current fiscal year \_\_\_\_ 4 \_\_\_\_
- 2. Median number of days that such requests were pending as of that date \_\_\_\_ 32 \_\_\_\_

**VIII. Expedited processing.**

**A. Number of requests accorded expedited processing.**

1. Number received \_\_\_ 0 \_\_\_

2. Number granted \_\_\_ 0 \_\_\_

**IX. Costs/FOIA Staffing**

**A. Staffing levels.**

1. Number of full-time FOIA personnel \_\_\_ 0 \_\_\_

2. Number of personnel with part-time or occasional FOIA duties (in total work-years)  
\_\_\_ 1 \_\_\_

3. Total number of personnel (in work-years) \_\_\_ 1 \_\_\_

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

1. FOIA processing (including appeals) \_\_\_ Unknown: not separately calculated by agency \_\_\_

2. Litigation-related activities (estimated) \_\_\_ 0 \_\_\_

3. Total costs \_\_\_ Unknown: not separately calculated by agency \_\_\_

4. (Optional) Comparison with previous year(s) (including percentage of change) \_\_\_ Unknown:  
not separately calculated by agency \_\_\_

C. (Optional) Statement of additional resources needed for FOIA compliance \_\_\_ Unknown: not  
separately calculated by agency \_\_\_

**X. Fees**

A. Total amount of fees collected by agency for processing requests \_\_\_ \$925.76 \_\_\_

B. Percentage of total costs \_\_\_ Unknown: not separately calculated by agency \_\_\_

**XI. FOIA Regulations (Including Fee Schedule)**

The Committee's regulations appear at 41 Part CFR 51-8 is available on the Internet at  
[http://www.jwod.gov/jwod/library/JWOD\\_Regulations\\_51\\_8.htm](http://www.jwod.gov/jwod/library/JWOD_Regulations_51_8.htm).

## **XII. Report on Executive Order 13392 Implementation**

On December 14, 2005, the President issued Executive Order 13392, entitled "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to administration of the Freedom of Information Act. The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

This section of the annual FOIA report contains the Committee's description of its progress in implementing the milestones and goals of its FOIA Improvement Plan, including highlights of the Committee's achievements.

The reporting period for Section XII is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2006. The reporting period for this section concerning EO 13392 implementation activities includes progress made by the Committee through January 2007.

### **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**

The Committee has met all of the goals and milestones established in the report it submitted on June 14, 2006, in response to Executive Order 13392, which were to be completed for this reporting period.

As itemized in its plan for this time period, the Committee concentrated its efforts in the following improvement areas: acknowledgment letters, additional training, affirmative disclosure under subsection (a)(2), and backlog reduction/elimination.

In regards to the **first improvement area, acknowledgment letters**, the FOIA Administrator now sends letters or emails acknowledging receipt of requests within ten days of receipt. She includes her name, telephone number, and email address so FOIA requesters know who is processing the request and can contact her directly. In informing requesters that the Committee received their requests, she explains that the Committee processes FOIAs in the order in which they are received, and she relays how many FOIA requests are ahead of them in line, so the requesters have realistic expectations of when to expect a response.

As a result of these acknowledgement letters, some requesters are using email as a quick and convenient means of communication. And, this outreach effort has successfully resulted in a number of requests being able to be handled in a public affairs capacity, rather than having to wait in line to be processed under the FOIA.



Moreover, in its continual practice of customer-friendly service the Committee's FOIA web site now contains an email address link ([FOIA@jwod.gov](mailto:FOIA@jwod.gov)) so requests can be submitted electronically, directly to the FOIA Administrator. Furthermore, the Committee's Chief FOIA Officer has emphasized to the entire staff the importance of treating callers with politeness and courtesy.

With regard to the **second area of improvement, additional training**, this too was a success. The FOIA Administrator attended the Department of Justice's December 2006 FOIA Guide Seminar and the FOIA Public Liaison attended the DOJ's July 2006 training for all FOIA Public Liaisons. In addition the FOIA staff has kept apprised of any DOJ guidance through emails received at its new [FOIA@jwod.gov](mailto:FOIA@jwod.gov) email account. (For information regarding a backup processor, see the fourth area below.)

In regards to the **third area of improvement, affirmative disclosure under subsection (a)(2)**, FOIA staff collaborated with the Committee's webmaster and other IT staff to post the lacking agency memo, Administrative Memo #6, and reminded all Committee staff to provide copies of new or revised policy statements to the agency's webmaster for posting online. Therefore, the Committee posted its Administrative Memo #6 in July 2006 and it tracked and posted any new or revised policy statements thereafter and posted the documents within two weeks of final signature.

As a result of this improvement area, even more memos than were realized in June 2006 were found and therefore posted online. These memos include a variety of subject areas and can be found at <http://www.jwod.gov/jwod/library/policy.html>.

Last, and of particular importance, is the Committee's success in reaching and then greatly surpassing its **backlog reduction goals** for this time period. The overall backlog reduction goal set by the Committee was to reduce the backlog of pending initial requests by twenty-five percent by January 14, 2007. By the end of the Fiscal Year (September 30, 2006) the Committee had in fact already far exceeded its goal, decreasing its backlog by eighty-five percent. In the succeeding months, the Committee continued to reduce its backlog of initial requests by another eleven percent, for a total reduction of ninety-six percent in the number of pending initial requests.

To accomplish that end, the FOIA Administrator contacted requesters to determine their interest in pursuing their requests and to discuss the scope of requests involving voluminous responsive records. The FOIA Administrator reviewed the backlog of pending requests to ensure that each request was clarified; and she then delegated the easier, less voluminous requests to the FOIA Liaison for processing. This had two positive results: not only did the backlog decrease, but also the FOIA Administrator was able to train the FOIA Liaison as a backup processor by answering questions the FOIA Liaison had in processing requests, since she was new to the Committee and the FOIA.

Moreover, to ensure that the Committee handles FOIA requests as efficiently as possible, the Committee initiated a new procedure whereby the FOIA Administrator updates the Chief FOIA Officer and FOIA Public Liaison weekly regarding the status of FOIA requests in the agency's

queue. This has resulted in greater collaboration with senior management and realignment of job duty priorities for the FOIA Administrator, who has other job responsibilities in addition to FOIA ones.

Although the Committee has successfully met and far exceeded all the backlog reduction goals for initial requests established in its plan, the Committee is currently diligently decreasing the last four percent of its backlog even further – the Committee’s backlog will be fully eliminated by February 2007, ten months ahead of its target for December 31, 2007. Thereafter, the Committee will proactively and conscientiously return to its previous (pre-2005) no-backlog status.

**C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)**

Not applicable

**D. Additional narrative statements regarding other executive order-related activities (if applicable)**

Not applicable

**E. Concise descriptions of FOIA exemptions**

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (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; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

**F. Additional Statistics:**

**1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).**

September 30, 2005 (this is the last backlogged FOIA – we sent our first response on November 2, 2005, and are currently processing our second response, that will go out by mid-February 2007) – January 22, 2007

**2. Time range of consultations pending with other agencies at this time.**

Not applicable

**G. Attachment: Agency improvement plan:**

The FOIA Improvement Plan for the Committee is attached.