

**INSTITUTE OF MUSEUM AND LIBRARY SERVICES
FREEDOM OF INFORMATION ACT (FOIA)
ANNUAL REPORT FOR FISCAL YEAR 2006**

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I. Basic Information Regarding Report

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

Mamie Bittner
Director of Public and Legislative Affairs
Institute of Museum and Library Services
1800 M Street, 9th Floor, NW
Washington, DC 20036
(202) 653-4630

Nancy E. Weiss, General Counsel
Mae R. Patten, Paralegal Specialist
Office of the General Counsel
Institute of Museum and Library Service
1800 M Street, 9th Floor, NW
Washington, DC 20036
(202)653-4787

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

<http://www.ims.gov/about/foia.shtm>

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

Mae R. Patten
Office of the General Counsel
Institute of Museum and Library Services
1800 M Street, 9th Floor, NW
Washington, DC 20506
(202) 653-4642

II. How to make a FOIA Request.

For basic information on how to make a FOIA request, visit our Website at:

<http://www.ims.gov/about/about.shtm>

A. Name, title, address, and telephone numbers of all individual agency components and offices that receive FOIA requests.

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

The agency's response to simple requests is approximately eleven (10) working days.

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

The primary reason for not fully granting requests for which records are located is that disclosure would result in unwarranted invasions of personal privacy. Generally, small, separable portions of the records are withheld in those instances. In other cases, records do not exist that respond to the request.

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

A. Agency-specific acronyms or other terms.

IMLS - Institute of Museum and Library Services

B. Basic terms expressed in common terminology.

1. FOIA/PA Request - Freedom of Information Act (FOIA)/Privacy Act (PA) 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 PA request is a request for records concerning oneself or first party (next of kin interests). PA requests are also treated as FOIA requests.

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 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. 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 requestor who has an urgent need for records may request expedited processing.

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 exempted under one or more of the FOIA'S exemptions; or a decision to disclose some records in their entirety, but to withhold other records 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 no record is located that is responsive to the FOIA request).

12. Time Limits -The time period in the FOIA 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 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 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 the numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

No exemption 3 statutes were used by the agency during fiscal year 2006.

V. Initial FOIA/PA Access Request

A. Numbers of Initial Requests.

1. Number of requests pending as of end of proceeding fiscal year	<u>1</u>
2. Number of requests received in current fiscal year	<u>45</u>
3. Number of requests processed during current fiscal year	<u>44</u>
4. Number of requests pending as of end of current fiscal year	<u>2</u>

B. Disposition of initial requests.

1. Number of total grants	<u>14</u>
2. Number of partial grants	<u>11</u>
3. Number of denials	<u>2</u>
a. Number of times each FOIA exemption used	
(1) Exemption 1	<u>0</u>
(2) Exemption 2	<u>0</u>
(3) Exemption 3	<u>0</u>
(4) Exemption 4	<u>10</u>
(5) Exemption 5	<u>3</u>
(6) Exemption 6	<u>1</u>
(7) Exemption 7(A)	<u>0</u>
(8) Exemption 7(B)	<u>0</u>
(9) Exemption 7(C)	<u>0</u>
(10) Exemption 7(D)	<u>0</u>
(11) Exemption 7(E)	<u>0</u>
(12) Exemption 7(F)	<u>0</u>
(13) Exemption 8	<u>0</u>
(14) Exemption 9	<u>0</u>
4. Other reasons for nondisclosure (total)	<u>17</u>
a. No records	<u>11</u>
b. Referrals	<u>0</u>
c. Request withdrawn	<u>0</u>
d. Fee-related	<u>1</u>
e. Records not reasonably described	<u>0</u>
f. Not a "perfected request" for other reasons	<u>4</u>
g. Not an agency record	<u>0</u>
h. Duplicated request	<u>0</u>
i. Other (Directed to the IMLS Website)	<u>1</u>

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of Appeals.

1. Number of appeals received during fiscal year	<u>1</u>
2. Number of appeals processed during fiscal year	<u>1</u>

B. Disposition of appeals.

1. Number completely upheld	<u>0</u>
2. Number partially reversed	<u>1</u>
3. Number completely reversed	<u>0</u>
a. Number of times each FOIA exemption used	
(1) Exemption 1	<u>0</u>
(2) Exemption 2	<u>0</u>
(3) Exemption 3	<u>0</u>
(4) Exemption 4	<u>0</u>
(5) Exemption 5	<u>0</u>
(6) Exemption 6	<u>0</u>
(7) Exemption 7(A)	<u>0</u>
(8) Exemption 7(B)	<u>0</u>
(9) Exemption 7(C)	<u>0</u>
(10) Exemption 7(D)	<u>0</u>
(11) Exemption 7(E)	<u>0</u>
(12) Exemption 7(F)	<u>0</u>
(13) Exemption 8	<u>0</u>
(14) Exemption 9	<u>0</u>
4. Other reasons for nondisclosure (total)	<u>0</u>
a. No records	<u>0</u>
b. Referrals	<u>0</u>
c. Request withdrawn	<u>0</u>
d. Fee-related	<u>0</u>
e. Records not reasonably described	<u>0</u>
f. Not a "perfected request" for other reasons	<u>0</u>
g. Not an agency record	<u>0</u>
h. Duplicated request	<u>0</u>
i. Other (Improperly cited regulation)	<u>0</u>

VII. Compliance with Time Limits/Status of Pending Requests

A. Average processing time for requests processed during the year.

1. Simple requests	
a. Number of requests processed	<u>41</u>
b. Average number of days to process	<u>10</u>

2. Complex requests	
a. Number of request processed	<u>3</u>
b. Average number of days to process	<u>23</u>
3. Request accorded expedited processing	
a. Number of requests processed	<u>1</u>
b. Median number of days to process	<u>1</u>

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year	<u>2</u>
2. Median number of days that such requests were pending as of that date	<u>1</u>

VIII. Comparison with Previous Year(s) (Optional)

1. Number of requests for expedited processing received	<u>0</u>
2. Number of requests for expedited processing granted	<u>0</u>

During FY05 IMLS received a number of complex FOIA requests; however, IMLS' average processing and response time remained at approximately 11 processing days. Most delays were the result of IMLS having to coordinate with the requestor to redefine the request during processing.

IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel	<u>0</u>
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	<u>.15</u>
3. Total number of personnel (in work-years)	<u>.15</u>

B. Total costs (including staff and all resources)

1. FOIA processing (including appeals)	<u>\$10,407.60</u>
2. Litigation-related activities (estimated)	<u>0</u>
3. Total costs	<u>\$10,407.60</u>

C. Statement of additional resources needed for FOIA compliance (optional)

N/A

X. Fees

- A. Total amount of fees collected by agency for processing requests** 0
- B. Percentage of total costs** 0

XI. FOIA Regulations (Including Fee Schedule)

<http://www.ims.gov/about/foia.shtm>

XII. Report on FOIA Executive Order Implementation

A. Description of supplementation/modification of agency improvement plan (if applicable). N/A.

B. Report on Agency implementation of its plan, including its performance in milestones, with respect to each improvement area.

The agency initiated improvement action on its first two improvement areas, but needed to modify the timelines. Specifically, the agency initiated but was unable to finalize its automated FOIA request form and updated database due to several unexpected events which prevented the dedication of agency resources (i.e., Information Technology personnel) towards the objectives which were set forth in our original FOIA Improvement Plan. As such, the timeline for completing the goals and objectives outlined in the agency's FOIA Improvement Plan had to be adjusted.

The agency is moving forward on completing the goals and objectives of its third improvement area: Enhance Electronic Reading Room. In that regard, the agency is on target with the Time Milestones which were set in the original improvement plan. Specifically, the agency has conducted a review of all electronic information contained on the agency website and we have also conducted a review of all FOIA requests received by the agency in the past five (5) years. As indicated in our improvement plan, we are now in the process of actively soliciting input from staff members regarding what helpful, useful or relevant information they would recommend for inclusion in the agency's electronic reading room. This portion of the improvement plan is scheduled for completion by March 31, 2007.

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

As mentioned above, the agency encountered major Information Technology resource issues, which caused delays in meeting some of the milestones set forth in the original FOIA Improvement Plan.

Automated FOIA Request Form – Though the IMLS did meet its first milestone in developing the prototype for an Automated FOIA Request Form by July 30, 2006, final IT approval of the form for implementation on the IMLS website has yet to be accomplished. The IMLS anticipates that this will occur on or before July 31, 2007. Due to the lack of agency IT personnel resources that could be dedicated towards this task, IMLS was also unable to complete the second milestone with regard to FOIA database integration by November 30, 2006. The IMLS’s FOIA personnel have, however, met with the agency’s Director of IT services to review and prioritize these FOIA requirements. The new date that has been set to accomplish this milestone is set for November 30, 2007.

Redesign FOIA Database - The IMLS was unable to complete the two milestones set forth in this FOIA Improvement Plan area due to issues associated with limited IT personnel resources. The IMLS’s FOIA personnel have met with the agency’s Director of IT services to review and prioritize these requirements. The new date which have been set to achieve the first milestone which involves Integration of information from the Automated FOIA Request Form into the FOIA Request Database is now set for November 30, 2007. The new date to accomplish a total redesign of the FOIA Database is now set for December 31, 2007.

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

N/A

E. Concise description of FOIA exemptions

The nine exemptions to FOIA authorized for federal agencies to withhold information are as follows: Exemption 1: Records classified in the interest of national defense or foreign policy. Exemption 2: Records solely to the internal personnel rules and practices of IMLS. Exemption 3: Records specifically prohibited from disclosure by statute. Exemption 4: Trade secrets and commercial or financial information. Exemption 5: Inter-agency or intra-agency memoranda or letters protected through the deliberative process privilege, the attorney work-product privilege and the attorney-client privilege. Exemption 6: Personnel, medical and similar files which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7: Investigatory records compiled for law enforcement purposes (includes regulatory or personnel investigations). Exemption 8: Matters contained in or related to regulation or supervision of financial institutions. Exemption 9: Geological and geophysical information concerning wells.

F. Additional Statistics:

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

One request pending - January 25, 2007

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

N/A

G. Agency Improvement Plan (See www.ims.gov/pdf/abt_2007foia_plan.pdf)