



## U.S. TRADE AND DEVELOPMENT AGENCY

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### **Freedom of Information Act (FOIA) Report for Fiscal Year 2005 (October 1, 2004 through September 30, 2005)**

#### I. Basic Information Regarding Report.

A. Questions concerning this report may be addressed to:

Ms. Kendra Link  
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. The World Wide Web address for the U.S. Trade and Development Agency (USTDA) is: [www.ustda.gov](http://www.ustda.gov). This site provides general information about USTDA. The FOIA Report for Fiscal Year 2005 is posted at: [www.ustda.gov/USTDA/About\\_USTDA/foia2005.htm](http://www.ustda.gov/USTDA/About_USTDA/foia2005.htm).

C. Paper copies of this FOIA report may be obtained by contacting Kendra Link 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. Kendra Link  
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:

During FY2005, the median processing time for initial requests was 24.5 days. Not all requests took 24.5 days to process. Requests for readily available documents that involved little or no review were processed faster. Other requests took longer to process for a variety of reasons. For example, some requesters asked for a large volume of documents that had to be located, photocopied and reviewed, while other requesters asked for procurement-related documentation such as contracts entered into between grantees and contractors. Such requests were often time-consuming and labor-intensive because they involved extensive discussions with contractors, grantees and the requesters, concerning the competitive ramifications of releasing the requested information.

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)), or predecisional deliberations (5 U.S.C. 552(b)(5)).

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 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.

None

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

N/A

3. 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 [approx. nos.].

A. Number of initial requests:

1. Number of requests pending at the end of the preceding fiscal year (FY 2004): 2

2. Number of requests received during current fiscal year (FY 2005): 30

3. Number of requests processed during current fiscal year (FY 2005): 18

4. Number of requests pending as of end of current fiscal year (FY 2005): 14

B. Disposition of initial requests.

1. Number of total grants: 5

2. Number of partial grants: 1

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 0

(4) Exemption 4 1

(5) Exemption 5	0
(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): 12

- a. no records 5
- b. referrals 0
- c. request withdrawn 6
- 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) 1

USTDA received a FOIA request for the winning bid proposal and contract award for a specific USTDA funded project. USTDA responded with a letter indicating USTDA did not have responsive records with respect to the winning bid proposal. In addition, USTDA letter asked requester whether it wished to pursue the FOIA request with respect to the contract. USTDA received no response from the requester and, accordingly, considers the request withdrawn.

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year \_\_\_\_\_ 0 \_\_\_\_\_

2. Number of appeals processed during fiscal year \_\_\_\_\_ 0 \_\_\_\_\_

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 \_\_\_\_\_ 0 \_\_\_\_\_

(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) 0

a. no records 0

b. referrals 0

c. request withdrawn 0

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 N/A

b. median number of days to process N/A

2. Complex requests (specify for any and all tracks used).

a. number of requests processed 18

b. median number of days to process 24.5

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 (FY2005): 14
2. Median number of days that such requests were pending as of that date: 145

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

1. Number of requests for expedited processing: 1
2. Number of requests for expedited processing granted: 0

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 15% of one work year.
3. Total number of personnel (in work years): approximately 15% of one work year.

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

1. FOIA processing (including appeals): Approx. \$ 10,500.
2. Litigation-related activities (estimated): \$ 0.
3. Total costs: Approx. \$ 10,500.

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.