

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2004 Annual Report
October 1, 2003 - September 30, 2004

Bureau/Office Office of Information Policy
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I & II. (To be completed by the Department)

III. Definitions of Terms and Acronyms Used in the Report

A. Bureau - specific acronyms or other terms included in each report.

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.
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, 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

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked.
2. Brief description of type(s) of information withheld under each statute
3. Statement of whether a court has upheld the use of each statute. If so, then cite example **(To be completed by SOL)**

V. Initial FOIA/PA Access Requests

- This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is 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.

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year 740
2. Number of requests received during current fiscal year 1090
3. Number of requests processed during current fiscal year 862
4. Number of requests pending as of end of current fiscal year 968

B. Disposition of initial requests.

1. Number of total grants 240
2. Number of partial grants 154
3. Number of denials 9

a. Number of times each FOIA exemption used

(1) Exemption 1 0

(2) Exemption 2 2

(3) Exemption 3 0

(4) Exemption 4 8

(5) Exemption 5 9

(6) Exemption 6 36

(7) Exemption 7 (A) 1

(8) Exemption 7 (B) 0

(9) Exemption 7 (C) 117

(10) Exemption 7 (D) 0

(11) Exemption 7 (E) 2

(12) Exemption 7 (F) 0

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 459

a. no records 58

b. referrals 68

c. request withdrawn 51

d. fee-related reason 31

e. records not reasonably described 24

f. not a proper FOIA request for some other reason 200

g. not an agency record 17

h. duplicate request 10

i. other (specify) 0

(If a request was denied under the Privacy Act, specify which

Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests **(To be completed by the Department.)**

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year _____

B. Disposition of appeals.

1. Number completely upheld _____

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 _____

(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 _____

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) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

A. Processing time for requests processed during the year.

1. Normal Processing

a. number of requests processed _____ 862 _____

b. median number of days to process _____ 158 _____

2. Multi-track Processing **(Complete this section if your bureau/office is using multi-track processing)**

a. Simple requests

1. Number of requests processed _____ 0 _____

- 2. Median number of days to process 0
- b. Normal requests
 - 1. Number of requests processed 0
 - 2. Median number of days to process 0
- c. Complex requests
 - 1. Number of requests processed 0
 - 2. Median number of days to process 0
- 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 FY 2004 967
- 2. Median number of days that such requests were pending as of that date (September 30, 2004) 158
- 3. Average number of days that such requests were pending as of that date (**optional**) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 03
FY 04	<u>1090</u>	<u>+2%</u>
FY 03	<u>1002</u>	

B. Comparison of numbers of requests processed:

	No.	% change over FY 03
FY 04	<u>863</u>	<u>+63%</u>

FY 03 530

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 03
FY 04	<u>967</u>	<u>+20%</u>
FY 03	<u>807</u>	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees (do not list training sponsored by DOJ, ASAP, USDA), etc.):

E. Number of requests for expedited processing received: 0

Number of requests for expedited processing granted: 0

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 1

2. Number of personnel with part-time or
occasional FOIA duties (in total work-years) 11

3. Total number of personnel (in work-years) 12

B. Total Costs (including staff and all resources):

1. FOIA processing (including appeals)

Staff \$782,498

*Other \$4,741

*Other: The \$4,741 includes the purchase of FOIA training materials that are provided during at the BIA Annual FOIA Conference, staff training costs, and travel to provide onsite technical assistance.

2. Litigation-related activities (estimated)

Staff 0

Other 0

3. Total costs \$787,239

4. Comparison with previous year(s) (including % of change) +4%

C. Statement of additional resources needed for FOIA compliance \$727,656

The Deputy Assistant Secretary for Information Resources Management/Chief Information Officer – Indian Affairs currently manages and assigns FOIA and PA requests. BIA responses to FOIA requesters may be sensitive and under regulatory response times. Failure to provide requests in accordance with regulation may result in Departmental and BIA legal liability. The 4 additional FTEs will be used to reduce the FOIA backlog and fully implement FOIA laws, regulations and increase Departmental coordination and implementation of Departmental Manuals, mandates, policies and procedures.

Training:

Provide intranet and onsite FOIA management training. Develop and implement FOIA training within the parameters established by the Departmental policy and operations guidelines. Provide training and technical assistance on FOIA regulations and guidance regarding current FOIA police and assistance to BIA management and staff to resolving FOIA issues down to the field level.

X. Fees

A. Total amount of fees collected by agency for processing requests \$4,022

B. Percentage of total costs -.005%

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)