

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2006 Annual Report
October 1, 2005 - September 30, 2006

Bureau/Office Office of Information Policy
Office of DASIRM/CIO – Indian Affairs

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- I. Basic Information Regarding Report (**To be completed by the Department**)
- II. How to Make a FOIA Request (**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 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, 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.

Eastern Oklahoma Region

Section 304 of the National Historic Preservation Act (NEPA), Chapter 5.5 of Departmental Manual (383 DM 15). Number of times invoked: 1.

Rocky Mountain Region

25 U.S.C. 2103, Secretary's determination on Minerals Agreements. Number of times invoked: 1.

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

Eastern Oklahoma Region

An Archeological Survey Report for the Hanna: Prescribed Burn Project (FR-03-15). The Hanna Property is held under the authority of the Muscogee (Creek) Nation as the land owner.

Rocky Mountain Region

Energy Mineral Development Project on the Crow Indian Reservation and subsequent correspondence from the Crow Tribal Chairman, Carl Venne, and Keith Beartusk, Rocky Mountain Regional Director.

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

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	<u>1217</u>
2. Number of requests received during current fiscal year	<u>904</u>
3. Number of requests processed during current fiscal year	<u>1305</u>
4. Number of requests pending as of end of current fiscal year	<u>816</u>

B. Disposition of initial requests.

1. Number of total grants	<u>575</u>
2. Number of partial grants	<u>263</u>
3. Number of denials	<u>51</u>

a. Number of times each FOIA exemption used

(1) Exemption 1	<u>0</u>
(2) Exemption 2	<u>5</u>
(3) Exemption 3	<u>2</u>
(4) Exemption 4	<u>17</u>
(5) Exemption 5	<u>21</u>
(6) Exemption 6	<u>75</u>
(7) Exemption 7 (A)	<u>0</u>
(8) Exemption 7 (B)	<u>0</u>
(9) Exemption 7 (C)	<u>17</u>

(10) Exemption 7 (D) 1

(11) Exemption 7 (E) 0

(12) Exemption 7 (F) 0

(13) Exemption 8 1

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 416

a. no records 100

b. referrals 29

c. request withdrawn 26

d. fee-related reason 14

e. records not reasonably described 10

f. not a proper FOIA request for some other reason 9

g. not an agency record 2

h. duplicate request 3

i. other (specify) 223

- 1 – Section 217, Indian Land Consolidation Act – Management of Tribal assets of the Ute Indian Tribe, Unitah & Ouray Reservation of Utah, by the tribe and Ute Distribution Corporation.
- 222 – Requester failed to provide requested clarification

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

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 1293
 - b. Median number of days to process 83
- 2. Multi-track Processing
 - a. Simple requests
 - 1. Number of requests processed _____
 - 2. Median number of days to process _____
 - b. Complex requests
 - 1. Number of requests processed _____
 - 2. Median number of days to process _____
- 3. Expedited processing
 - a. Number of requests processed 12
 - b. Median number of days to process 14.7

B. Status of pending requests.

- 1. Number of requests pending as of end of FY 2006 816
(Enter this number from Line V.A.4.)
- 2. Median number of days that such requests were pending as of that date (September 30, 2006) 1200
- 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 05
FY 06	<u>904</u>	<u>- 8.6%</u>

FY 05 1048

B. Comparison of numbers of requests processed:

	No.	% change over FY 05
FY 06	<u>1305</u>	<u>+ 16.3%</u>
FY 05	<u>799</u>	

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

	No.	% change over FY 05
FY 06	<u>816</u>	<u>- 6.7%</u>
FY 05	<u>1217</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: 46

Number of requests for expedited processing granted: 12

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel	<u>2</u>
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	<u>11</u>
3. Total number of personnel (in work-years)	<u>13</u>

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

1. FOIA processing (including appeals)	<u>\$887,307.47</u>
2. Litigation-related activities	<u>0</u>
3. Total costs	<u>\$887,307.47</u>

4. Comparison with previous year(s) (including % of change) + 9.73%

C. Statement of additional resources needed for FOIA compliance \$727,656.00

X. Fees

A. Total amount of fees collected by agency for processing requests \$ 18,070.84

B. Percentage of total costs 2.036%

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

XII. Report on FOIA Executive Order Implementation (New Requirements Mandated by
FOIA Executive Order)

A thru E. To be Completed by the Department

F. Additional Statistics:

1. Time range of requests pending by date of request: 04/07/99 – 01/09/07. A total of 959 FOIA requests are pending for FY 2007.
2. Time range of consultations pending with other agencies, by date of initial interagency communication: 0.