

Fiscal Year 2011 Annual FOIA Report

Committee for Purchase From People Who Are Blind or Severely Disabled

Agency Information:

Agency Name:	Committee for Purchase From People Who Are Blind or Severely Disabled
Agency Abbreviation:	CPPBSD
FOIA Annual Report Year:	2011
Date Prepared:	2011-11-29

The Committee for Purchase From People Who Are Blind or Severely Disabled is a small, independent Federal agency established by the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8601). The acronym CPPBSD is used as an abbreviation throughout this report only for quick reference. Other documents and publications utilize the agency's operational name – U.S. AbilityOne® Commission. AbilityOne® is a registered trademark of CPPBSD.

I. Basic Information Regarding Report.

All requests pursuant to the Freedom of Information Act (FOIA) are processed at the agency level. This report represents information for the agency overall and does not include any separate component office information.

1. Contact information is provided below for questions that relate to this report.

Contact Name:	Janice Coleman
Title:	FOIA Administrator
Address:	CPPBSD 1421 Jefferson Davis Highway, Suite 10-800 Arlington, Virginia 22202-3259
Telephone:	(703) 603-2136

2. An electronic copy of this report may be obtained by accessing the agency website at the address below.
www.AbilityOne.gov/laws_and_regulations/foia.html

3. A copy of this report in paper form – embossed braille or printed text – may be obtained by contacting the agency's FOIA Administrator. E-mail foia@abilityone.gov or telephone (703) 603-7740.

II. How to Make a FOIA Request.

1. Anyone may write to the Executive Director to request material maintained by CPPBSD as an agency record. Each request must reasonably describe the material/records sought and should be as specific as possible. You should be aware that the FOIA does not require agencies to do research for you, to analyze data, to answer written questions, or to create records in response to a request.
2. A request that clearly identifies the material desired does not automatically result in a favorable response. The reason for a denial is always explained in the response. A procedural issue may prevent the release of material, for example, material that meets the criteria or standard which precludes disclosure under one or more of the FOIA exemptions, or when material cannot be found.

III. Acronyms, Definitions, and Exemptions.

1. Agency-specific Acronyms or Terms.
 - a. **AbilityOne** – the registered trademark of the Committee for Purchase From People Who Are Blind or Severely Disabled.
 - b. **Committee** – means the Committee for Purchase From People Who Are Blind or Severely Disabled, a small, independent Federal agency established by the Javits-Wagner-O’Day Act (41 U.S.C. 8501-8601).
 - c. **CPPBSD** – the acronym for Committee for Purchase From People Who Are Blind or Severely Disabled.
2. Definitions of Terms.
 - a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
 - b. **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.
 - c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
 - d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
 - e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
 - f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.
Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)
- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. Expedited Processing – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. Simple Request – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. Complex Request – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. The nine FOIA exemptions are described below:

- a. Exemption 1: classified national defense and foreign relations information,
- b. Exemption 2: internal agency rules and practices,
- c. Exemption 3: information that is prohibited from disclosure by another federal law,
- d. Exemption 4: trade secrets and other confidential business information,
- e. Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges,
- f. Exemption 6: information involving matters of personal privacy,
- g. Exemption 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,
- h. Exemption 8: information relating to the supervision of financial institutions, and
- i. Exemption 9: geological information on wells.

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
N/A	N/A	N/A	N/A	0

Footnote: The Exemption 3 statutes were not relied upon in FY11 to withhold information requested under FOIA.

V. FOIA Requests / A. Received, Processed and Pending FOIA Requests

	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
CPPBSD	0	20	19	1
Agency Overall	0	20	19	1

Footnote: The year-end pending request was finalized on October 4, 2011.

V. FOIA Requests / B. (1) Disposition of FOIA Requests – All Processed Requests

	Number of Full Grants	Number of Partial Grants/Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL	
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below		
CPPBSD	7	3	1	8	0	0	0	0	0	0	0	0	0	19
Agency Overall	7	3	1	8	0	0	0	0	0	0	0	0	0	19

V. FOIA Requests / B. (2) Disposition of FOIA Requests – Other Reasons

Component	Description of "Other" Reasons for Denial from Chart (B)(1)	Number of Times "Other" Reason was Relied Upon	COMPONENT TOTAL
CPPBSD	N/A	0	0
Agency Overall			0

V. FOIA Requests / B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

Component	Ex.1	Ex.2	Ex.3	Ex.4	Ex. 5	Ex.6	Ex.7(A)	Ex.7(B)	Ex.7(C)	Ex.7(D)	Ex.7(E)	Ex. 7(F)	Ex.8	Ex.9
CPPBSD	0	1	0	2	0	1	0	0	0	0	0	0	0	0
Agency Overall	0	1	0	2	0	1	0	0	0	0	0	0	0	0

VI. Administrative Appeals / A. Received, Processed and Pending Administrative Appeals

Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
CPPBSD	0	0	0	0
Agency Overall	0	0	0	0

VI. Administrative Appeals / B. Disposition of Administrative Appeals – All Processed Appeals

Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/ Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
CPPBSD	0	0	0	0	0
Agency Overall	0	0	0	0	0

VI. Administrative Appeals / C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

Component	Ex.1	Ex.2	Ex.3	Ex.4	Ex. 5	Ex.6	Ex.7(A)	Ex.7(B)	Ex.7(C)	Ex.7(D)	Ex.7(E)	Ex. 7(F)	Ex.8	Ex.9
CPPBSD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VI. Administrative Appeals / C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reason	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
CPPBSD	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	0	0	0	0	0	0	0	0	0	0	0

VI. Administrative Appeals / C. (3) Reasons for Denial on Appeal – Other Reasons

Component	Description of "Other" Reasons for Denial on Appeal from Chart (C)(2)	Number of Times "Other" Reason was Relied Upon	COMPONENT TOTAL
CPPBSD	N/A	0	0
Agency Overall			0

VI. Administrative Appeals / C. (4) Response Time for Administrative Appeals

Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
Agency Overall	0	0	0	0

VI. Administrative Appeals / C. (5) Ten Oldest Administrative Appeals

Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

VII. A. Processed Requests – Response Time for All Processed Perfected Requests

Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
Agency Overall	7	8	1	20	9	10	5	15	N/A	N/A	N/A	N/A

VII. B. Processed Requests – Response Time for Perfected Requests in which Information was Granted

Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
Agency Overall	8	7	6	12	9	10	5	15	N/A	N/A	N/A	N/A

VII. C. Processed Requests – Response Time in Day Increments – Simple Requests

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CPPBSD	14	0	0	0	0	0	0	0	0	0	0	0	0	14
Agency Overall	14	0	0	0	0	0	0	0	0	0	0	0	0	14

VII. C. Processed Requests – Response Time in Day Increments – Complex Requests

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CPPBSD	5	0	0	0	0	0	0	0	0	0	0	0	0	5
Agency Overall	5	0	0	0	0	0	0	0	0	0	0	0	0	5

VII. C. Processed Requests – Response Time in Day Increments – Requests Granted Expedited Processing

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CPPBSD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VII. D. Pending Requests – All Pending Perfected Requests

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days
Agency Overall	1	11	11	N/A	N/A	N/A	N/A	N/A	N/A

VII. E. Pending Requests – Ten Oldest Pending Perfected Requests

Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2011-09-19
Agency Overall	Number of Days Pending	0	0	0	0	0	0	0	0	0	11

VIII. A. Requests for Expedited Processing

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within Ten Calendar Days
Agency Overall	0	0	N/A	N/A	N/A

VIII. B. Requests for Fee Waiver

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
Agency Overall	12	0	6	4

IX. FOIA Personnel and Costs

Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation Related Costs	Total Costs
CPPBSD	0	2	2	\$16,000.00	\$0.00	\$16,000.00
Agency Overall	0	2	2	\$16,000.00	\$0.00	\$16,000.00

X. Fees Collected for Processing Requests

	Total Amount of Fees Collected	Percentage of Total Costs
CPPBSD	\$0.00	0.00%
Agency Overall	\$0.00	0.00%

XI. FOIA Regulations

Electronic Code of Federal Regulations (see link below).

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=fd448c25c716707efd44cb5b653c055e&rgn=div5&view=text&node=41:1.2.2.1.8&idno=41>

Title 41 - Public Contracts and Property Management

Chapter 51 - Committee for Purchase From People Who Are Blind or Severely Disabled

Part 51-8 – Public availability of agency materials

Section Contents

§51-8.1	Purpose.
§51-8.2	Scope.
§51-8.3	Definitions.
§51-8.4	Availability of materials.
§51-8.5	Requests for records.
§51-8.6	Aggregated requests.
§51-8.7	Committee response to requests for records.
§51-8.8	Business information.
§51-8.9	Records of other agencies.
§51-8.10	Appeals.
§51-8.11	Extensions of time.
§51-8.12	Fee schedule.
§51-8.13	Fees charged by category of requester.
§51-8.14	Fee waivers and reductions.
§51-8.15	Collection of fees and charges.
§51-8.16	Preservation of records.

XII. A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
CPPBSD	0	0
Agency Overall	0	0

XII. B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Component	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at CPPBSD as of the <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies during the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by CPPBSD during the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at CPPBSD as of the <u>End</u> of the Fiscal Year
CPPBSD	0	0	0	0
Agency Overall	0	0	0	0

XII. C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies Pending at CPPBSD

Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

XII. D. 1. Comparison of Numbers of Requests from Previous and Current Annual Report

Component	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
CPPBSD	12	20	12	19
Agency Overall	12	20	12	19

XII. D. 2. Comparison of Backlogged Requests from Previous and Current Annual Report

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of Fiscal Year from Current Annual Report
CPPBSD	0	0
Agency Overall	0	0

XII. E. 1. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report

Component	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
CPPBSD	0	0	0	0
Agency Overall	0	0	0	0

XII. E. 2. Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report

Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
CPPBSD	0	0
Agency Overall	0	0