National Transportation Safety Board
Freedom of Information Act (FOIA)
Annual Report for Fiscal Year 2005
(October 1, 2004 through September 30, 2005)

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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 this report:

            Melba D. Moye - FOIA Officer
            Tamara Pleasant-Crawford - FOIA Specialist
            National Transportation Safety Board
            Records Management Division, FOIA Office (CIO-40)
            490 L'Enfant Plaza
            Washington, D.C. 20594
            (202) 314-6540

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

            http://www.ntsb.gov/info/foia.htm

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

            Write to the following (include your mailing address in your request):

            National Transportation Safety Board
            Records Management Division, FOIA Office (CIO-40)
            490 L'Enfant Plaza
            Washington, D.C. 20594
            (202) 314-6540

II.   How to Make a FOIA Request

For basic information on how to obtain FOIA information, visit our web site at http://ntsb.gov/info/foia.htm.

      A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA request:

            National Transportation Safety Board
            Records Management Division, FOIA Office (CIO-40)
            490 L'Enfant Plaza
            Washington, D.C. 20594
            Attention: FOIA Officer
            (202) 314-6540

      B.   Brief description of NTSB's response-time ranges:

            From one day to over a year, depending on the complexity of the request.

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

- request lacks information (accident date, location, etc.);
- requested record is not reasonably described;
- request poses a question (does not ask for a record or records);
- no records were responsive to the request;
- records had been previously destroyed and are no longer available;
- request was withdrawn;
- request was referred to another agency;
- a duplicate request was submitted; or
- one or more exemptions to the FOIA required withholding all or part of record(s) requested.

III.   Definitions of Terms and Acronyms Used in this Report

A.   Agency-specific acronyms or other items

NTSB - National Transportation Safety Board
CVR - Cockpit Voice Recorder
CIO- Chief Information Officer

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; the NTSB considers each Privacy Act request under the FOIA to ensure the maximum releasable material is provided. (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.

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 – in accordance with regulations and case law, 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 or 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, redacting 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 record(s) 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 the 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 NTSB during current fiscal year

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

a)   49 U.S.C.§1114(c) Any portion of a cockpit voice recording (CVR) or the portions of a transcript of a CVR that the Board did not find relevant to an investigation.

b) 49 U.S.C.§1114(e) Any information relating to Board participation in foreign aircraft accidents, where the country conducting the investigation has not issued its report or 2 years has not elapsed from the date of the accident.

2.   Statement of whether a court has upheld the use of each statute:

The agency's assertion of 49 U.S.C. §1114(c) or (e)
has not been challenged in court.

V.   Initial FOIA/PA Access Requests

A.   Numbers of initial requests

1.   Number of requests pending as of end of preceding fiscal year <u>1074</u>[1]

2.   Number of requests received during current fiscal year   <u>646</u>

3.   Number of requests processed during current fiscal year <u>326</u>

4.   Number of requests pending as of end of current fiscal year <u>1394</u>

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[1] The agency closed ten requests retroactively following the processing of the FOIA Annual Report for preceding fiscal year.

B. Disposition of initial requests

1. Number of total grants   <u>29</u>

2. Number of partial grants   <u>48</u>

3. Number of denials   <u>2</u>

    a.   number of times each FOIA exemption used
        (counting each exemption once per request)

    (1) Exemption 1   <u>0</u>

    (2) Exemption 2   <u>8</u>

    (3) Exemption 3   <u>2</u>

    (4) Exemption 4   <u>15</u>

    (5) Exemption 5   <u>42</u>

    (6) Exemption 6   <u>44</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>247</u>

    a. no records   <u>26</u>

    b. referrals   <u>19</u>

    c. request withdrawn   <u>16</u>

    d. fee-related reason   <u>0</u>

    e. records not reasonably described   <u>0</u>

    f. not a proper FOIA request for some other
        reason   <u>34</u>

g. not an agency record   <u>3</u>

h. duplicate request   <u>2</u>

i. other (specify)   <u>147</u>

    1. No other information (other than released records, no other records found)   <u>25</u>

    2. Records already publicly available   <u>78</u>

    3. No longer at specified address   <u>2</u>

    4. No longer wants info   <u>40</u>

    5. Cannot comply with request (equipment not available & cannot search by name)   <u>2</u>

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals

1. Number of appeals received during fiscal year   <u>0</u>

2. Number of appeals processed during fiscal year   <u>0</u>

B. Disposition of appeals

1. Number completely upheld   <u>0</u>

2. Number partially reversed   <u>0</u>

3. Number completely reversed   <u>0</u>

    a. number of times each FOIA exemption used (counting each exemption once per appeal)

        (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)   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   276

b. median number of days to process   47

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

a. number of requests processed   50

b. median number of days to process   697

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   1394

    2. Median number of days that such requests were pending as of that date
    436

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

Other statistics significant to agency:

No requests received for expedited processing.

No appeals received.

IX. Costs/FOIA Staffing

A. Staffing levels.

    1. Number of full-time FOIA personnel   2

    2. Number of personnel with part-time or occasional FOIA duties   5

    3. Total number of personnel   7

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

    1. FOIA processing (including appeals) $705,581.00

    2. Litigation-related activities (estimated) $14,316.80

    3. Total costs $719,897.80

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

Additional full-time staffing is needed to aid in FOIA compliance, i.e., a FOIA Clerk and a FOIA Specialist.

X. Fees

A. Total amount of fees collected by agency for processing requests $0^2

B. Percentage of total costs 0.00%

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[2] To the extent FOIA requests seek information the NTSB makes publicly available (such as publications and docket files) fees are assessed by the organization used to disseminate the Safety Board's releasable records.

XI. FOIA Regulations: http://www.usdoj.gov/oip/foi-act.html

Contractor Fee Schedule: http://www.general-microfilm.com/prices.html