

# National Transportation Safety Board FOIA Annual Report

10/01/2011 – 09/30/2012

The following **Annual Freedom of Information Act** report covers the Period 10/01/2011, through 09/30/2012, as required by 5 U.S.C. 552.

## I. BASIC INFORMATION REGARDING REPORT

1. Name, title, address, and telephone number of person(s) to be contacted with questions about this Report:

Melba D.Moye - FOIA Officer  
Joy White - FOIA Specialist  
Tamara Crawford - FOIA Specialist

National Transportation Safety Board  
Attn: FOIA Requester Service Center (CIO-40)  
490 L'Enfant Plaza, S.W.  
Washington, D.C. 20594  
(202) 314-6540

2. Provide an electronic link for access to the Report on the agency Web site.

<http://www.nts.gov/info/foia.htm>

<http://www.nts.gov/open.htm>

3. Explain how to obtain a copy of the Report in paper form.

Contact the FOIA Officer or FOIA Specialist at the address, telephone number, or email listed below.

## II. MAKING A FOIA REQUEST

1. Provide names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

National Transportation Safety Board  
Attn: FOIA Requester Service Center (CIO-40)  
490 L'Enfant Plaza, S.W.  
Washington, D.C. 20594  
(202) 314-6540

2. Provide a brief description of why some requests are not granted and an overview of certain general categories of the agency's records that do not apply.

The National Transportation Safety Board is an independent Federal Agency charged by congress with investigating transportation accidents and issuing safety recommendations aimed at preventing future accidents. Requests are made for accident investigation records, but not those containing proprietary information, draft reports. The most commonly redacted information is that involving matters of personnel.

## III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Provide any agency-specific acronyms or terms used in this Report.

None

2. Include the following definitions of terms used in this Report:

- a. **Administrative Appeal** - a request to a federal agency asking that it review at a higher administrative level a FOIA determination made 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, if the sum of a group of numbers is 80 and 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 have not received a response.
- d. **Component** - for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as a Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their responses 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 review.

agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it forwards 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 from the FOIA.

g. **FOIA Request** - a FOIA request is generally a request to a federal agency for access to records concerning another person or organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records (often referred to as "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because requesters are afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies. All requests which require the agency to utilize the FOIA in responding to the request are referred to as FOIA requests.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. This includes records which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of the 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 from disclosure under 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 track, and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. All requests 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 criteria 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 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 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 deny other portions, 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
- n. **Perfected Request** - a request for records which reasonably describes such records and is made in accordance with public law (5 U.S.C. 552 (a)(1)(A) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has

#### IV. Exemption 3 Statutes

<b>A. For Initial Requests</b>				
<b>Statute</b>	<b>Type of Information Withheld</b>	<b>Case Citation</b>	<b>Number of Times Relied upon per Component</b>	<b>Total Number of Times Relied upon by Agency</b>
<b>49 U.S.C. § 1114 (B) (3)</b>	<b>Voluntarily provided safety-related information if it is not related to the exercise of the NTSB's accident or incident investigation authority and if the NTSB finds that the disclosure would inhibit the voluntary provision of that type.</b>	N/A		2
<b>49. U.S.C. § 1114 (F)</b>		N/A		2
<b>49. U.S.C. § 1136 (d)</b>	<b>Any information relating to Board participation in foreign aircraft accidents, where the country conducting the investigation has not issued its report or two years have not elapsed from the date of the accident.</b>  <b>Passenger lists.</b>	N/A		3

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<b>B. For Appeals</b>				
<b>Statute</b>	<b>Type of Information Withheld</b>	<b>Case Citation</b>	<b>Number of Times Relied upon per Component</b>	<b>Total Number of Times Relied upon by Agency</b>
N/A	N/A	N/A	N/A	N/A

**V. FOIA REQUESTS**

<b>A. Received, Processed and Pending FOIA Requests</b>				
	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
AGENCY OVERALL	*80	294	185	189

\*81 - Closed one request retroactively after September 30, 2012.

<b>B.(1) Disposition of FOIA Requests All Processed Requests</b>					
	<b>Number of Full Grants</b>	<b>Number of Partial Grants/ Partial Denials</b>	<b>Number of Full Denials Based on Exemptions</b>	<b>Number of Full Denials Based on Reasons Other than Exemptions</b>	

				No records	Request withdrawn	Fee-related reason	Records not reasonably described	Duplicate Request	Other *Explain in chart below	TOTAL
AGENCY OVERALL	23	33	65	43	3	2	0	2	14	185

<b>B.(2) Disposition of FOIA Requests Other Reasons for Full Denials Based on Reasons Other than Exemptions</b>		
Component	Description of Other Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
AGENCY OVERALL	Referrals 1 Not a proper FOIA request for some other reason 5 Not an agency record 8	14

<b>B.(3) Disposition of FOIA Requests Number of Times Exemptions Applied</b>														
	(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7)(A)	(b)(7)(B)	(b)(7)(C)	(b)(7)(D)	(b)(7)(E)	(b)(7)(F)	(b)(8)	(b)(9)
AGENCY OVERALL	0	13	7	13	60	28	42	0	0	0	0	0	0	0

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

<b>A. Received, Processed and Pending Administrative Appeals</b>				
	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
AGENCY OVERALL	0	7	7	0

<b>B. Disposition of Administrative Appeals All Processed Appeals</b>					
	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
AGENCY	3	-	4	-	7



**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

<b>A. Processed Requests Response Time for All Processed Perfected Requests</b>													
	<b>SIMPLE</b>				<b>COMPLEX</b>				<b>EXPEDITED PROCESSING</b>				
	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>	
AGENCY OVERALL	17	18.53	<1	50	30	104.51	<1	614	0	0	0	0	

<b>B. Processed Requests Response Time for Perfected Requests in Which Information Was Granted</b>													
	<b>SIMPLE</b>				<b>COMPLEX</b>				<b>EXPEDITED PROCESSING</b>				
	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>	
AGENCY OVERALL	26	30	22	46	176.5	200.31	1	614	0	0	0	0	

<b>C. Processed Requests Response Time in Day Increments</b>															
<b>Simple Requests</b>															
	<b>&lt; 1 Day</b>	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
AGENCY OVERALL	2	15	11	2	0	0	0	0	0	0	0	0	0	0	30
<b>Complex Requests</b>															
	<b>&lt; 1 Day</b>	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
AGENCY OVERALL	10	44	32	7	11	1	1	4	3	5	1	17	13	6	155
<b>Requests Granted Expedited Processing</b>															
	<b>&lt; 1 Day</b>	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121-140 Days</b>	<b>141-160 Days</b>	<b>161-180 Days</b>	<b>181-200 Days</b>	<b>201-300 Days</b>	<b>301-400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

<b>D. Pending Requests All Pending Perfected Requests</b>													
	<b>SIMPLE</b>				<b>COMPLEX</b>				<b>EXPEDITED PROCESSING</b>				



	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
AGENCY OVERALL	3	65	255	184	131	147	1	34	34

### E. Pending Requests Ten Oldest Pending Perfected Requests

	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
AGENCY OVERALL	06/08/2011 342	06/08/2011 342	06/01/2011 347	04/21/2011 376	04/15/2011 380	04/08/2011 385	04/07/2011 386	03/22/2011 398	04/02/2010 650	04/02/2010 650

## VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

### A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AGENCY OVERALL	1	0	<1	<1	1

### B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
AGENCY OVERALL	1	0	<1	<1

## IX. FOIA PERSONNEL AND COSTS

	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
AGENCY	**2.00	3.75	5.75	\$386,060.70	\$0.00	\$386,060.70

OVERALL						
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\*\*Personnel in offices that search for responsive records are not included in the count for full-time FOIA employees.

**X. FEES COLLECTED FOR PROCESSING REQUESTS**

	Total Amount of Fees Collected	Percentage of Total Costs (Rounded to nearest hundredth decimal)
HQ	\$6,950.70	1.80
AGENCY OVERALL	\$6,950.70	1.8

**XI. FOIA Regulations (Including Fee Schedule)**

See 49 C.F.R. part 801, subpart G

**XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS**

**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
AGENCY OVERALL	62	0

**Discuss/Explain the backlog here(Optional)**

Due to the complexity of accident investigations, requests may not be processed within 20 days.

**B. Consultations on FOIA Requests Received, Processed, and Pending Consultations**

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <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 Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
AGENCY OVERALL	0	0	0	0

**C. Consultations on FOIA Requests Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency**

	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
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	<b>Consultation and Number of Days Pending</b>										<b>and Number of Days Pending</b>
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0

**D. Comparison of Numbers of Requests from Previous and Current Annual Report Requests Received, Processed, and Backlogged**

	<b>NUMBER OF REQUESTS RECEIVED</b>		<b>NUMBER OF REQUESTS PROCESSED</b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
AGENCY OVERALL	293	294	304	185

	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
AGENCY OVERALL	81	62

**E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report Appeals Received, Processed, and Backlogged**

	<b>NUMBER OF APPEALS RECEIVED</b>		<b>NUMBER OF APPEALS PROCESSED</b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
AGENCY OVERALL	9	7	10	7

	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
AGENCY OVERALL	0	0

**F. Discussion of Other FOIA Activities (Optional)**

Agency hired two students to assist with FOIA processing and tracking of all incoming requests and also hired one full-time FOIA Support contractor.