January 4, 2002

Ms. Pam Maida
Office of Information and Privacy
U.S. Department of Justice
Flag Building – Suite 570
Washington, D.C. 20530

Dear Ms. Maida:

In compliance with subsection (e) of the Freedom of Information Act, 5 U.S.C. § 552, as amended, I enclose the Overseas Private Investment Corporation's ("OPIC") Fiscal Year 2001 Annual Report covering OPIC's Freedom of Information Act activities from October 1, 2000 through September 30, 2001. A copy of this report is also accessible from OPIC's website, at http://www.opic.gov.

Sincerely,

Eli Landy
FOIA Director

Enclosure

Fiscal Year 2001 Freedom of Information Act Annual Report
Overseas Private Investment Corporation

I.   Basic Information Regarding the Report

A. For information concerning this report you may contact Eli H. Landy, FOIA Director, by telephone, at (202) 336-8418. You may e-mail this official at eland@opic.gov. Or, you may write to this official at the following address:

> Overseas Private Investment Corporation
> 1100 New York Avenue, N.W.
> Washington, D.C. 20527.

B. You may access this report from OPIC's website, at www.opic.gov.

C. You may obtain a copy of this annual report in paper form by contacting the official identified above.

II.   How to Make a FOIA Request

A. You may mail your FOIA request to the FOIA office at the address identified above. Alternatively, you may fax your request to (202) 408-0297. If you submit your request by facsimile, do not mail a follow-up letter. A more complete guide to making FOIA requests is located on OPIC's website at www.opic.gov.

B. OPIC makes every effort to respond to FOIA requests within the statutory 20-day timeframe. Many requests are answered within one or two days. However, responses to requests for project documents generally require more time. In addition, OPIC's response may be delayed by a need to obtain clarification from a requester on the scope of the request.

C. OPIC's policy is to make its records available to the public to the greatest extent possible, in keeping with the spirit of the FOIA. This policy includes providing reasonably segregable information from records that also contain information that may be withheld under the FOIA. However, implementation of this policy also reflects OPIC's view that the soundness and viability of many of its programs depend in large measure upon the submission of full and reliable commercial, financial, technical and business information by applicants for OPIC assistance.   Further, the willingness of those applicants to provide such information depends on OPIC's ability to hold it in confidence. Consequently, except as provided by law, information provided to OPIC in confidence will not be disclosed without the submitter's consent.

III.   Definitions of Terms and Acronyms Used in the Report

   A. Agency-specific acronyms or other terms.

      1. OPIC – the Overseas Private Investment Corporation.

   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. (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
          FOIA.

      3. Appeal – a request to a federal agency asking that it review at a higher
          administrative level a full denial or a partial denial of access to records under
          the FOIA, 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 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 (i.e., no record is located in response to a FOIA request).

12. Time limits – the time period in the FOIA 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, 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 number in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

OPIC did not deny any records under FOIA subsection (b)(3) during the current fiscal year.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of the end of the preceding fiscal year: 3

2. Number of requests received during current fiscal year: 60

3. Number of requests processed during current fiscal year: 57

4. Number of requests pending as of end of current fiscal year: 6

B. Disposition of initial requests:

1. Number of total grants: 24

2. Number of partial grants: 9

3. Number of denials: 2

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

   (1) Exemption 1: 0

   (2) Exemption 2: 0

   (3) Exemption 3: 0

   (4) Exemption 4: 6

   (5) Exemption 5: 5

   (6) Exemption 6: 2

   (7) Exemption 7(A): 0

   (8) Exemption 7(B): 0

   (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): 22

a. no records: 18

b. referrals: 0

c. request withdrawn: 3

d. fee-related reason: 1

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

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year: 5

2. Number of appeals processed during fiscal year: 5

B. Disposition of appeals.

1. Number completely upheld: 3

2. Number partially reversed: 2

3. Number completely reversed: 0

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

(1) Exemption 1: 0

(2) Exemption 2: 0

(3) Exemption 3: 0

(4) Exemption 4: 1

(5) Exemption 5: 1

(6) Exemption 6: 1

(7) Exemption 7(A): 0

(8) Exemption 7(B): 0

(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: 3

   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. All Requests (OPIC does not use multi-track processing.)

   a. number of requests processed: 57

        b.   average number of days to process: 16

    2. N/A

    3. Requests accorded expedited processing: 0

  B. Status of pending requests.

    1. Number of requests pending as of end of current fiscal year: 6

    2. Median number of days that such requests were pending as of that date: 0*

    * Five of the six requests required clarification by the requesters, and thus were not yet deemed "received." The remaining request was placed on hold at the requester's behest.

VIII. Comparison with Previous Year

  A. Requests received: FY2000: 54   FY2001: 60   Change: 11%

  B. Requests processed: FY2000: 57   FY2001: 57   Change: 0%

  C. Median number of days requests were
      pending at the end of the fiscal year: FY2000: 13   FY2001: 1*   Change: -99%

    *As noted above, the six outstanding requests were not deemed received. Consequently, these requests were not considered pending at the end of the fiscal year.

  D. N/A

  E. OPIC made several improvements to its FOIA program during FY2001. First, OPIC acquired and implemented a FOIA imaging, correspondence and database system, which has improved tracking and completing requests. Second, OPIC's FOIA Director provided training to FOIA Coordinators in each of OPIC's departments. The training focused on efficient and thorough processing of FOIA requests. These efforts have strengthened OPIC's FOIA program and enhanced OPIC's ability to respond to FOIA requests in a timely and appropriate manner. Third, OPIC added paralegal resources, which has improved administrative oversight.

IX. Costs/FOIA Staffing.

  A. Staffing levels

    1. Number of full-time FOIA personnel: 0

2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 2.3 work-years

3. Total number of personnel (in work-years): 2.3

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

1. Total costs: $138,955.95

2. Comparison with
previous year: FY2000: $104,059.41   FY2001: $138,955.95   Change: 34%

X. Fees

A. Total amount collected by OPIC: $0

B. Percentage of total costs: 0%

XI. FOIA Regulations

OPIC's FOIA regulations, located at 22 C.F.R. Part 706, are accessible on OPIC's website address, http://www.opic.gov.   OPIC's regulations were revised to incorporate the Electronic Freedom of Information Act Amendments of 1996 and to reflect current OPIC procedures with respect to FOIA processing. The new regulations became effective November 15, 2000.