



U.S. DEPARTMENT OF STATE

FREEDOM OF INFORMATION ACT

ANNUAL REPORT

FISCAL YEAR 2009

I. BASIC INFORMATION REGARDING REPORT

1. Questions about this report may be addressed to:

Margaret P. Grafeld
Director, Office of Information Programs and Services
A/GIS/IPS, SA-2, Room 5073
U.S. Department of State
Washington, D.C. 20522-8100

Telephone: (202) 261-8300

Fax: (202) 261-8590

2. This report is available on our web site at <http://www.foia.state.gov>.
3. Paper copies may be requested by contacting A/GIS/IPS at the above address.

II. MAKING A FOIA REQUEST

1. FOIA requests to the Department must be in writing. Requests may be submitted in any one of the following ways:
 - by mail to the Office of Information Programs and Services (“IPS”) at the address provided at the end of this section; **or**
 - by fax to (202) 261-8579; **or**
 - on-line at our web site: <http://www.foia.state.gov>

Requests should describe the records sought as precisely as possible and include details such as a specific topic, a time frame for the records’ creation, and (if applicable) the overseas post or office where they were created or received. The more specific the request, the more quickly it can be processed and the greater the likelihood that responsive records (if any exist) can be located. Requests concerning individuals should include the individuals’ complete names, dates and places of birth, and citizenship status (if known). A request for records about oneself must include reasonable verification of identity (see 22 C.F.R. § 171.32). A request for records about an individual other than the requester should include a properly executed authorization from the subject individual (see 22 C.F.R. § 171.12) or evidence of the individual’s death, as appropriate, in order to gain the greatest access to those records. If such documentation cannot be provided, the request should indicate that fact. The request should also indicate the requester’s willingness to pay applicable fees, or provide appropriate justification to support a fee waiver.

If mailing or faxing a request, the envelope or subject line of the fax coversheet should be clearly labeled with: “Freedom of Information Act Request.” Very importantly, requests should include a daytime telephone number or email address where we can reach the requester to resolve any deficiencies in the request.

Many requests may also be made on-line at the Department’s FOIA website (<http://www.foia.state.gov>). This site contains an electronic request form, and helpful tips to assist requesters in formulating their requests.

We can only process requests that comply with our published regulations. Those regulations are available at 22 C.F.R. Part 171. A request is not perfected, for example, when it does not contain enough information to permit us to locate the requested records, when it does not conform with Department regulations regarding confirmation of identity.

Whenever possible, we will contact the requester by telephone or email to obtain whatever additional information is needed to validate a request. If we cannot reach the requester within a reasonable amount of time, we will send a letter to the requester explaining what is needed and asking the requester to resubmit the request with the additional information.

We make every attempt to promptly advise the requester of the date of receipt, the case number assigned to the request, and whether or not the records sought are under the Department's control.

If information is withheld, the requester will be notified of the approximate amount of information withheld, the basis for the withholding, and how to appeal. For more information about making a FOIA request, you may visit our web site at <http://www.foia.state.gov>. You may also contact the Department's FOIA office by calling (202) 261-8484, or writing to the following address:

Information and Privacy Coordinator
Office of Information Programs and Services
A/GIS/IPS, SA-2
Department of State
Washington, D.C. 20522-8100

The Office of Inspector General (OIG) is a separate component within the Department State. The OIG responds to requests for records that are exclusively OIG-related, i.e. inspections, audits, or investigations.

FOIA requests for OIG records must be made in writing either by mail, fax or email as follows:

FOIA Office
U.S. Department of State
Office of Inspector General
Office of General Counsel
Washington, DC 20522-0308
ATTN: Zipora Bullard
Fax: (202) 663-0390
Phone: (202) 663-0383
E-mail: oigfoia@state.gov

2. The Department of State is responsible for formulating and executing U.S. foreign policy and primarily maintains records dealing with U.S. foreign relations. The Department also maintains records of applications from U.S. citizens for U.S. passports, and visa requests from non-citizens abroad, and records of its own employees, as well as other types of documents. Because of the nature and scope of the Department's record holdings, including

a large volume of classified records, we utilize the full range of exemptions when reviewing information for release. The exemptions most often relied upon to withhold information are shown in table V.B.3.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-Specific Terms

- a. A/GIS/IPS – Bureau of Administration (A), Deputy Assistant Secretary for Global Information Services (GIS), Office of Information Programs and Services (IPS).
- b. OIG – Office of Inspector General

2. Basic 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.

*NOTE: Because of the manner in which the Department processes requests, it cannot separate requests that have been referred from another agency for processing and direct response to the requester from those that have been referred for consultation only. Therefore, this report includes requests that fall into both categories.

- 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.)

* NOTE: this report includes all Privacy Act requests as well as FOIA requests. Because of the way the Department processes requests, separating out Privacy Act requests that do not also involve the FOIA in responding to the requester would not be possible at this time.

- 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. **Perfect 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. Concise descriptions of the nine FOIA exemptions:
 - 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
 - i. **Exemption 9:** geological information on wells

IV. EXEMPTION 3 STATUTES

A. Exemption 3 Statutes Relied upon to Withhold Information

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
			State	OIG	
5 U.S.C. App3 § 7(b)	Protects employees who file complaints or provide information to the Inspector General	No	State 1	OIG 1	2
8 U.S.C. § 1202(f)	Records pertaining to the issuance or refusal of visas to enter the US	<i>Medina-Hincapie v. DOS</i> 700 F.2d 737 (D.C. Cir. 1983)	State	1809	1809
10 U.S.C. § 424	Organizational and personnel information for DIA, NRO and NIMA	<i>Miller v. DOJ</i> 562 F. Supp. 82 (D.D.C. 2008)	State	4	4
22 U.S.C. § 2778(e)	Information concerning arms export licensing cases	<i>Council for a Livable World Education Fund v. DOS</i> Docket #96-1807 (D.D.C. Nov. 23, 1998)	State	9	9
22 U.S.C. § 4004	Foreign Service Act	No	State	2	2
26 U.S.C. § 6103	Taxpayer information	<i>Church of Scientology Int'l v. IRS</i> 484 U.s. 9 (1987)	State	1	1
21 U.S.C. §§ 1901-1908, 8 U.S.C. § 1182	Information obtained or created in the implementation of the Foreign Narcotics Kingpin Sanctions regulations	No	State	1	1
41 U.S.C. § 253b(m)(1)	Protects contractor proposal solicited by and made to executive agency	<i>Hornbostel v. DOI</i> 305 F. Supp. 2d 21 (D.D.C. 2003)	State	4	4

42 U.S.C. § 2011	Protects records defining policy for development, use and control of atomic and nuclear energy in private, peaceful and military matters	No	State	1	1
49 U.S.C. § 1520.5(b)	Sensitive security information pertaining to the activities of the Transportation Security Administration	No	State	1	1
50 U.S.C. § 402 note	Information regarding National Security Agency activities and personnel	<i>Larson v.DOS</i> 565 F.3d 857 (D.C. Cir. 2009)	State	3	3
50 U.S.C. § 403g	CIA sources and methods; functions and personnel	<i>Larson v.DOS</i> 565 F.3d 857 (D.C. Cir. 2009)	State	33	33
50 U.S.C. § 1701	Records on arbitration claims before the Iran-U.S. Claims Tribunal	No	State	4	4
50 U.S.C. § 2411(c)	Information concerning export license applications	<i>Wis. Project on Nuclear Arms Control v. Dept. of Commerce</i> 317 F.3d 275 (D.C. Cir. 2003)	State	2	2

V. INITIAL FOIA/PA ACCESS REQUESTS

A. Received, Processed and Pending FOIA Requests

The Department made every effort to ensure that data in this report is accurate and complete, but some discrepancies and anomalies may remain. Where data is not available, the Department uses the best available data for purposes of making the required calculations. For example, median processing times are calculated using as start dates the dates requests were received instead of the dates on which requests were actually perfected (and thus able to be processed).

Many FOIA/PA requests to the Department require searches of multiple records systems, offices and/or overseas posts. The Department typically processes these requests incrementally. Thus, as we retrieve and review material responsive to these requests, we process it and provide responsive nonexempt records to the requester on a rolling basis rather than waiting until all searches and reviews are done. However, when we calculate how long it takes to process a request, we base the calculation on the date of the Department's completion of processing, and incremental releases are not reflected in that calculation.

	Column 1	Column 2	Column 3	Column 4
	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
State	4611	10675	5974	9312
OIG	9	42	50	1
AGENCY OVERALL	4620*	10717	6024	9313

- * As reported in the Department of State's FOIA Annual Report for FY 2008, the number of cases pending at the end of the fiscal year was 4629. The discrepancy is due to data reconciliation, which is conducted to ensure the highest level of data integrity in the case tracking system.

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							Other *Explain in chart below	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		
State	364	802	1653	583	127	176	67	183	899	998	92	30	5974
OIG	6	32	3	7	0	2	0	0	0	0	0	0	50
AGENCY OVERALL	370	834	1656	590	127	178	67	183	899	998	92	30	6024

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart

Component	Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon		TOTAL
State	multiple reasons*	30	30
OIG	0	0	0

*Includes two or more of the above-mentioned reasons as listed in Chart B. (1).

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

	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
State	531	98	1838	97	194	512	29	3	63	14	19	1	0	1
OIG	5	13	1	1	9	8	2	0	19	0	1	0	0	0
AGENCY OVERALL	536	111	1839	98	203	520	31	3	82	14	20	1	0	1

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

The chart below is segregated as follows:

Row 1 – appeals of denials of information based on exemption or other reason. All of the Department’s appeals in this category are processed through the Appeals Review Panel; therefore, this statistic includes appeals for the Office of Inspector General.

Row 2 – appeals of denial of requests for expedited processing.

Row 3 – appeals of denial of requests for fee waivers.

Column 1		Column 2	Column 3	Column 4
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
504*		215	227	492
Expedites	2	9	7	4
Fee Waivers	2	18	14	6

* As reported in the Department of State’s FOIA Annual Report FY 2008, the number of appeals pending at the end of the fiscal year was 502. The discrepancy is due to data reconciliation, which is conducted to ensure the highest level of data integrity in the case tracking system.

B. Disposition of Administrative Appeals – All Processed Appeals

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
73		124	4	26	227
Expedites	6	0	1	0	7
Fee Waivers	9	0	5	0	14

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

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
109	5	80	4	25	47	6	0	5	1	2	0	0	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	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
7	1	2	0	0	0	0	2	5	0	16

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
multiple reasons	4
Search results appealed when responsive records were found	3
all documents sent for concurrence*	9

*appeals in which the only action pending is other agency consultation.

C. (4) Response Time for Administrative Appeals

Median Number of Days		Average Number of Days	Lowest Number of Days	Highest Number of Days
453		460	<1*	2049
Expedites	17	39	2	120
Fee Waivers	17	29	3	120

* case opened and closed the same day

C. (5) Ten Oldest Pending Administrative Appeals

	10 th Oldest Appeal	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Appeal
Date of Receipt of Ten Oldest Appeals	06/21/05	04/25/05	02/22/05	02/07/05	12/08/04	12/08/04	12/08/04	09/28/04	09/28/04	09/28/04
Number of Days Pending	1074	1114	1158	1168	1208	1208	1208	1256	1256	1256

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

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

The Department uses two processing tracks for distinguishing simple requests from more complex ones. Requests are placed in processing tracks based on the degree of effort required to complete them, such as the number of searches or location of the records, the volume of responsive records, the complexity of the search, the sensitivity of the records, and the need for consultation in the review. Because the Department’s search function is decentralized, for certain bureaus, and for most contemporary records, we usually do not know the number and complexity of responsive records until all searches have been returned. Similarly, until we have had the opportunity to review the records we will not know how much consultation with other offices, agencies or governments is necessary. Thus, requests can move between tracks. For example, a seemingly simple new case can become complex when searches come back with voluminous amounts of material or particularly sensitive records.

Many FOIA/PA requests to the Department require searches of multiple records systems, offices and/or overseas posts. The Department typically processes these requests incrementally. Thus, as we retrieve and review material responsive to these requests, we process it and provide responsive nonexempt records to the requester on a rolling basis rather than waiting until all searches and reviews are done. These releases are not reflected in the charts below.

	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
State	88	104	2	1556	307	384	2	2383	25	164	21	720
OIG*	11	24	1	206	0	0	0	0	0	0	0	0
AGENCY OVERALL	87	103	1	1556	307	384	2	2383	25	164	21	720

*OIG Reported no Complex or Expedited Requests

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

	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
State	67	133	2	1074	352	423	2	2383	85	191	21	720
OIG*	14	30	1	71	0	0	0	0	0	0	0	0
AGENCY OVERALL	61	127	1	1074	352	423	2	2383	85	191	21	720

*OIG Reported no Complex or Expedited Requests

C. Processed Requests – Response Time in Day Increments

Simple Requests

	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
State	25	222	301	395	481	518	136	29	15	10	42	24	60	2258
OIG	20	14	5	1	1	1	0	1	0	0	5	0	2	50
AGENCY OVERALL	45	236	306	396	482	519	136	30	15	10	47	24	62	2308

Complex Requests

	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
State	3	23	32	40	48	49	42	42	66	45	227	157	481	1255
OIG*	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	3	23	32	40	48	49	42	42	66	45	227	157	481	1255

*OIG Reported no Complex Requests

Requests Granted Expedited Processing

	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
State	0	3	0	0	1	1	0	0	0	0	0	0	1	6
OIG*	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	3	0	0	1	1	0	0	0	0	0	0	1	6

*OIG Reported no Requests Granted Expedited Processing

D. Pending Requests – All Pending Perfected Requests

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	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
State	4327	22	61	4466	336	392	17	383	631
OIG*	1	26	26	0	0	0	0	0	0
AGENCY OVERALL	4328	22	61	4466	336	392	17	383	631

*OIG Reported no Complex Requests and no Pending Expedited Perfected Requests

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
State	Date 06/05/03	05/22/03	05/16/03	05/16/03	04/21/03	08/19/02	01/14/02	12/13/01	09/27/01	02/08/01
	Number of Days 1584	1593	1597	1597	1616	1781	1932	1952	2004	2165
OIG	Date									08/25/09
	Number of Days									24

Agency Overall	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
	Date 06/05/03	05/22/03	05/16/03	05/16/03	04/21/03	08/19/02	01/14/02	12/13/01	09/27/01	02/08/01
	Number of Days 1584	1593	1597	1597	1616	1781	1932	1952	2004	2165

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
State	7	156	17	35	29
OIG*	0	0	0	0	0
AGENCY OVERALL	7	156	17	35	29

*OIG Reported no Expedited Requests

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
State	3	178	7	14
OIG*	0	0	0	0
AGENCY OVERALL	3	178	7	14

*OIG Reported no Fee Waiver Requests

IX. FOIA PERSONNEL AND COSTS

The Department revised its method of calculating estimated costs for this reporting period based on DOJ guidance. Therefore, salaries of civil service personnel have now been included. Also reflected are costs associated with contractor and WAE (when actually employed) expenses.

	Column 1	Column 2				
	PERSONNEL			COSTS*		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff" (The sum of Columns 1 & 2)	Processing Costs (At initial request and appeal levels)	Litigation- Related Costs	Total Costs
State	77	60.16	137.16	\$11,989,866	\$422,923	\$12,412,789
OIG	1	.5	1.5	\$248,401	0	\$248,401
AGENCY OVERALL	78	60.66	138.66	\$12,238,267	\$422,923	\$12,661,190

*estimated

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
State	\$10,674.62	0.09%
OIG	0	0
AGENCY OVERALL	\$10,674.62	0.09%

XI. FOIA REGULATIONS

The Department's FOIA regulations have been codified at 22 C.F.R. Part 171. These regulations are available through the Government Printing Office's (GPO) website at <http://www.gpoaccess.gov/cfr/index.html> or from links at our website at <http://www.foia.state.gov>.

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
State	8783	458
OIG	1	0
AGENCY OVERALL	8784	458

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

Because of the manner in which the Department processes requests, it can not separate requests that have been referred from another agency for processing and direct response to the requester from those that have been referred for consultation only. Therefore, this section includes requests that fall into both categories.

	Column 1	Column 2	Column 3	Column 4
	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year
State	773*	6014	2336	4451
OIG	0	0	0	0
AGENCY OVERALL	773	6014	2336	4451

* As reported in the Department of State’s FOIA Annual Report FY 2008, the number of consultations pending at the end of the fiscal year was 769. The discrepancy is due to data reconciliation, which is conducted to ensure the highest level of data integrity in the case tracking system.

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at the Department of State

	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
State	Date 06/10/05	04/22/05	04/18/05	03/22/05	02/10/05	08/13/04	08/13/04	08/13/04	03/17/04	05/16/03
	Number of Days 1081	1115	1119	1138	1165	1287	1287	1287	1392	1597
OIG	Date									
	Number of Days 0	0	0	0	0	0	0	0	0	0

Agency Overall	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
	Date 06/10/05	04/22/05	04/18/05	03/22/05	02/10/05	08/13/04	08/13/04	08/13/04	03/17/04	05/16/03
	Number of Days 1081	1115	1119	1138	1165	1287	1287	1287	1392	1597

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

Column 1 Column 2 Column 3 Column 4

	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	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
State	5864	10675	5532	5974
OIG	45	42	45	50
AGENCY OVERALL	5909	10717	5577	6024

	Number of Backlogged Requests as of End of Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of Fiscal Year from Current Annual Report
State	4319	8783
OIG	8	1
AGENCY OVERALL	4327	8784

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged. Please note, all of the Department’s appeals in this category are processed through the Appeals Review Panel; therefore, this statistic includes appeals for the Office of Inspector General.

	Column 1	Column 2	Column 3	Column 4
	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	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
State - exemptions	179	215	484	227
Expedites	1	9	1	7
Fee Waivers	2	18	1	14
AGENCY OVERALL	182	242	486	248

	Number of Backlogged Appeals Requests as of End of Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of Fiscal Year from Current Annual Report
State	480	458
AGENCY OVERALL	480	458