

Federal Retirement Thrift Investment Board (Board)
Fiscal Year 2001 Annual Freedom
of Information Act (FOIA) Report

I. Basic Information Regarding this Report

- A. Contact person for questions about the Board's annual FOIA report for Fiscal Year 2001 (10/1/00-9/30/01): Thomas L. Gray, Assistant General Counsel, and FOIA Officer, Federal Retirement Thrift Investment Board, 1250 H Street, NW, Washington, DC 20005-3952, Tel: 202-942-1660; TDD: 800-877-8339; FAX: 202-942-1676.
- B. Electronic address for this report on the Board's World Wide Web site: <http://www.frtib.gov>.
- C. How to obtain a paper copy of this report: download it from the Web site (see I.B. above) or request it from the contact person (see I.A. above).

II. How To Make a FOIA Request

FOIA requests to the Board should generally be in writing and include the requester's name, address and telephone number. The request should reasonably describe the records being sought.

III. Definitions of Terms and Acronyms Used in this Report

- A. Agency-specific acronyms and other terms.
 - 1. FOIA -- Freedom of Information Act (5 U.S.C. § 552)
 - 2. FY -- Fiscal Year
 - 3. Board -- Federal Retirement Thrift Investment Board
 - 4. OGC -- Office of the General Counsel
- B. Basic Terms.
 - 1. FOIA Request -- Freedom of Information Act request, a FOIA request is generally a request for disclosure of records concerning a third party, an organization, or a particular topic of interest.

2. Initial Request -- a request to the agency for records under the Freedom of Information Act.
3. Appeal -- a request to OGC asking that it review a full denial or partial denial of a FOIA request, 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 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. Note: The Board does not have multi-track processing as it generally responds to requests on a timely basis. A requester who has an urgent need for records may request expedited processing.
6. Expedited Processing -- The Board 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 -- a Board decision to disclose all records in full response to a FOIA request.
10. Partial Grant -- a Board 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 entireties, but to withhold others in whole or in part.

11. Denial -- a Board decision not to release any part of a record(s) in response to a FOIA request because all of 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 (such as 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" -- a FOIA request for records which adequately describes the records sought, which has been received by Board's FOIA office, 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. In Part VII below, the Board's response times are given in median calendar days.
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 agency during current fiscal year. 41 U.S.C. § 253b(m)
 1. Brief description of type(s) of information withheld under each statute. Information submitted by offerors in response to competitive proposals that was not incorporated into a contract with the agency.
 2. Statement of whether a court has upheld the use of each statute. If so, then cite example. Yes. Center for Public Integrity v. Department of Energy, 191 F.Supp.2d 187 (D.D.C. 2002).

V. *Initial FOIA Requests*

A. Number of initial requests.

1. Number of requests pending as of end of preceding fiscal year. 3
2. Number of requests received during current fiscal year. 13
3. Number of requests processed during current fiscal year. 15*
4. Number of requests pending as of end of current fiscal year. 1

B. Disposition of initial requests.

1. Number of total grants. 2
2. Number of partial grants. 5
3. Number of denials. 1
 - a. Number of times each FOIA exemption used.
 - (1) Exemption 1: 0

* Board files do not record the final disposition of the following: 1) a request for vendor responses to three requests for proposals (such information submitted by vendors who were not awarded a contract is protected from disclosure by 41 U.S.C. § 253b(m) and Exemption 3) (this would have been denied); 2) a request for the list of agency vendors (agency files show that a list was generated); 3) a request for the names of FOIA requesters (the file shows that the FOIA Officer was advised that the names could be disclosed, but not home addresses); and 4) a request for information on Thrift Savings Plan activity by members of Congress (agency files contain two prior requests and responses in FY 2000 for essentially the same information) (this would have been considered a duplicate request).

- (2) Exemption 2: 0
- (3) Exemption 3: 1
- (4) Exemption 4: 3
- (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

- 4. Other reasons for nondisclosure (total). 7
 - a. No records. 4
 - 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. 1
 - g. Not an agency record. 0
 - h. Duplicate request. 1
 - i. Other (specify). Privacy Act 1

VI. Appeals of Initial Denials of FOIA/PA request

- A. Number of appeals.
 - 1. Number of appeals received during FY 01. 0
 - 2. Number of appeals processed during FY 01. 0

B. Disposition of appeals.

1. Number completely upheld. 0
2. Number partially reversed. 0
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: 0
 - (5) Exemption 5: 0
 - (6) Exemption 6: 0
 - (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).
 - a. No records. 0
 - b. Referrals. 0
 - c. Request withdrawn. 0

- d. Fee-related reasons. 0
- e. Records not reasonably described. 0
- f. Not a proper FOIA request for some other reason. 0
- g. Not an agency record. 0
- g. Duplicate request. 0
- h. Other (specify). 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during FY 2001.

1. Simple requests (if multiple tracks used)(note: the Board does not have multi-track processing, but is using this category because no other category applies.)

a. Number of requests processed: 15

b. Median number of calendar days to process: 20

2. Complex requests.

a. Number of requests processed: 0

b. Median number of days to process: 0

3. Request accorded expedited processing.

a. Number of requests processed: 0

b. Median number of days to process: 0

B. Status of pending requests as of end of FY01

1. Number of requests pending as of the end of FY01 (9/30/01): 1

2. Median number of days that such requests were pending as of that date: 24

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

- Agencies should state comparisons both in total numbers and in percentage of change.
- Note that the agency's annual report for 1997 covers a partial calendar year.
- A. Comparison of numbers of requests received _____
- B. Comparison of number of requests processed _____
- C. Comparison of median numbers of days requests were pending as of end of fiscal year _____
- D. Other statistics significant to agency _____
- E. Other narrative statement describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g. backlog-reduction efforts; specification of average number of hours per processed request, training activities; public availability of new categories of records).

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): .010
 - 3. Total number of personnel (in estimated work-years): .010
- B. Total cost (including staff and all resources).
 - 1. FOIA processing (estimated -- including requests and appeals). \$1,200
 - 2. Litigation -- related activities (estimated): \$0
 - 3. Total costs (estimated): \$1,200
 - 4. Comparison with previous year(s) (including percentage of change)(optional) _____

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

X. *Fees*

A. Total amount of fees collected by the Board for processing requests: \$33.08

B. Percentage of total costs: 2.7%

XI. FOIA Regulations (Including Fee Schedule)

The Board's FOIA regulations, including the fee schedule, are codified at 5 C.F.R. 1631.