

Freedom of Information Act Report

Annual FOIA Report – FY 2018

Office of the General Counsel

3/6/19

NSF FOIA Officer

TABLE OF CONTENTS

| I. BASIC INFORMATION REGARDING REPORT |
|--|
| II. MAKING A FOIA REQUEST2 |
| III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS |
| IV. EXEMPTION 3 STATUTES |
| V.A. FOIA REQUESTS – RECEIVED, PROCESSED AND PENDING FOIA REQUESTS |
| V.B.(1). DISPOSITION OF FOIA REQUESTS ALL PROCESSED REQUESTS |
| V.B.(2). DISPOSITION OF FOIA REQUESTS "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS" |
| V.B.(3). DISPOSITION OF FOIA REQUESTS NUMBER OF TIMES EXEMPTIONS APPLIED8 |
| VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS – RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS |
| VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS ALL PROCESSED APPEALS |
| VI.C.(1). REASONS FOR DENIAL ON APPEAL NUMBER OF TIMES EXEMPTIONS APPLIED9 |
| VI.C.(2). REASONS FOR DENIAL ON APPEAL REASONS OTHER THAN EXEMPTIONS10 |
| VI.C.(3). REASONS FOR DENIAL ON APPEAL "OTHER" REASONS10 |
| VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS |
| VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS |
| VII.A. FOIA REQUESTS - RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS |
| VII.B. PROCESSED REQUESTS RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED |
| VII.C. PROCESSED SIMPLE REQUESTS RESPONSE TIME IN DAY INCREMENTS |
| VII.C. PROCESSED COMPLEX REQUESTS RESPONSE TIME IN DAY INCREMENTS |

| VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING – RESPONSE |
|---|
| TIME IN DAY INCREMENTS12 |
| VII.D. PENDING REQUESTS ALL PENDING PERFECTED REQUESTS |
| VII.E. PENDING REQUESTS TEN OLDEST PENDING PERFECTED REQUESTS |
| VIII.A. REQUESTS FOR EXPEDITED PROCESSING14 |
| VIII.B. REQUESTS FOR FEE WAIVER14 |
| IX. FOIA PERSONNEL AND COSTS14 |
| X. FEES COLLECTED FOR PROCESSING REQUESTS14 |
| XI.A. NUMBER OF TIMES SUBSECTION (C) USED15 |
| XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS15 |
| XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS15 |
| XII.B. CONSULTATIONS ON FOIA REQUESTS RECEIVED, PROCESSED, AND PENDING |
| CONSULTATIONS15 |
| XII.C. CONSULTATIONS ON FOIA REQUESTS TEN OLDEST CONSULTATIONS |
| RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY16 |
| XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL |
| REPORT REQUESTS RECEIVED AND PROCESSED16 |
| XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL |
| REPORT BACKLOGGED REQUESTS16 |
| XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM |
| PREVIOUS AND CURRENT ANNUAL REPORT APPEALS RECEIVED AND PROCESSED17 |
| XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM |
| PREVIOUS AND CURRENT ANNUAL REPORT BACKLOGGED APPEALS |

I. BASIC INFORMATION REGARDING REPORT

- A) Point of Contact: Sandra Evans, NSF FOIA Officer Office of the General Counsel 2415 Eisenhower Ave, 18th floor Alexandria, VA 22314 (703) 292-5065
- B) Electronic Address for report: The FY 2018 FOIA Report for the National Science Foundation (NSF) will be available on the FOIA page of the NSF web site: <u>https://www.nsf.gov/policies/foia_annual_reports.jsp</u>
- C) Paper Copies of report:Paper copies can be requested from the Point of Contact listed above.

II. MAKING A FOIA REQUEST

NSF policy is to make the fullest possible disclosure of information and records to any requester, without unnecessary expenses or delay. NSF's "Public Information Handbook" is available electronically on the FOIA page of the NSF's website: https://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf11012.

There are four basic agency requirements for making a FOIA request:

- 1) The request must be in writing (mailed correspondence, fax, or email) and include the requester's mailing address:
- 2) The envelope and letter content must identify the request as a FOIA request;
- The request must provide enough detail to allow identification of the requested records; and
- 4) The request must include agreement to pay fees chargeable under NSF's fee schedule.

Agency Components:

Requests for records of the agency should be sent to the NSF FOIA Officer, Office of the General Counsel, 18th floor, 2415 Eisenhower Ave., Alexandria, VA 22314. Phone: 703-292-5065, Fax: 703-292-9041. Email: foia@nsf.gov.

Requests for documents maintained by the Office of the Inspector General should be addressed directly to the OIG, FOIA, 2415 Eisenhower Ave., Alexandria, VA 22314. Phone: 703-292-7100. Email: <u>oig@nsf.gov</u>.

Why some requests are not granted:

Requests for records may not be granted if the records do not exist; if records have been transferred to the ownership of the National Archives and Records Administration (NARA); if records contain predecisional information that if released would cause harm to NSF's decision-making processes; if records contain personal and/or proprietary information; if records contain information compiled for law enforcement purposes; or if the requester asked for information specifically prohibited from disclosure by other statutes.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

- 1. Definitions of terms used in this Report
 - a) NSF -National Science Foundation The National Science Foundation was established by Congress to promote progress in science and engineering. The agency does so primarily through grants and cooperative agreements with colleges, universities, K-12 school systems, businesses, information science organizations and other research institutions throughout the U.S.
 - 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.
 - 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 individuals seeking records concerning themselves (i.e., "first-party" requests) when those requestors 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 is 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.)

- Full Grant an agency decision to disclose all records in full in response to a FOIA request.
- Full Denial an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties 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 relative 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 satisfied the requirement for expedited processing as set forth in the statute and in agency regulations.
 - 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.

- 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.
- Perfected 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 statue for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
- 2. Description 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 be 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.

3. Agency Component Abbreviations

| Component Abbreviation | Component Name |
|------------------------|-------------------------------|
| OGC | Office of the General Counsel |
| OIG | Office of Inspector General |

IV. EXEMPTION 3 STATUTES

| Statute | Type of Information Withheld | Case Citation | Agency / Component | Number of Times Relied upon by Agency / Component | Total Number of Times Relied upon by Agency Overall |
|-------------------------------------|--|--|-----------------------|--|---|
| 41 U.S.C. § 253b(m)(1) (current) | Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts. | Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233 at *13-15 (S.D. Ohio Mar, 2012); Margolin v. NASA, No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar.31, 2011); Hombostel v. U.S. Dept. of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug 25, 2004). | OGC | 1 | 1 |
| | | | OIG | 0 | |

V.A. FOIA REQUESTS – RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

| Agency / Component | 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 |
|--------------------|---|--|---|---|
| OGC | 274 | 308 | 325 | 257 |
| OIG | 4 | 21 | 24 | 1 |
| AGENCY OVERALL | 278 | 329 | 349 | 258 |

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

| Agency / | Number | Number | Number of | Number o | Number of Full Denials Based on Reasons Other than Exemptions | | | | | | | | | |
|-------------------|-------------------|---|--|---------------|---|----------------------|---------------------------|---|--|-------------------------|----------------------|--|-------|--|
| Component | of Full Grants | of Partial Grants / Partial Denials | Full Denials Based on Exemptions | 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 | Duplicate Request | Other *Explain in Chart Below | TOTAL | |
| OGC | 24 | 216 | 5 | 45 | 3 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 325 | |
| OIG | 2 | 3 | 7 | 7 | 1 | 1 | 0 | 0 | 3 | 0 | 0 | 0 | 24 | |
| AGENCY OVERALL | 26 | 219 | 12 | 52 | 4 | 33 | 0 | 0 | 3 | 0 | 0 | 0 | 349 | |

V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

| Agency / Component | Description of "Other" Reasons for Denials from Chart B(1) | Number of Times "Other" Reason Was Relied Upon | TOTAL |
|--------------------|--|--|-------|
| OGC | N/A | 0 | 0 |
| | | | |
| OIG | N/A | 0 | 0 |
| | | | |
| AGENCY OVERALL | | | 0 |

V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

| Agency / Component | 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 |
|--------------------|-------|-------|-------|-------|-------|-------|----------|----------|----------|----------|----------|----------|-------|-------|
| OGC | 0 | 1 | 1 | 196 | 5 | 207 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 0 | 1 | 1 | 196 | 5 | 208 | 2 | 0 | 6 | 0 | 0 | 0 | 0 | 0 |

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS – RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

| Agency / Component | 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 |
|--------------------|--|---|--|--|
| OGC | 0 | 4 | 4 | 0 |
| OIG | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 0 | 4 | 4 | 0 |

VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

| Agency / | Number Affirmed | Number Partially Affirmed & Partially | Number Completely | Number of Appeals Closed | TOTAL |
|-----------|-----------------|---------------------------------------|------------------------------------|--------------------------|-------|
| Component | on Appeal | Reversed/Remanded on Appeal | Reversed/Remanded on Appeal | for Other Reasons | |
| OGC | 1 | 3 | 0 | 0 | 4 |
| OIG | 0 | 0 | 0 | 0 | 0 |
| AGENCY | 1 | 3 | 0 | 0 | 4 |
| OVERALL | | | | | |

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

| Agency / Component | 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 |
|--------------------|-------|-------|-------|-------|-------|-------|----------|----------|----------|----------|----------|----------|-------|-------|
| OGC | 0 | 0 | 0 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 0 | 0 | 0 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

| Agency / Component | 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 |
|-----------------------|---------------|---|----------------------|---------------------------|--|---|-------------------------|-----------------------------------|-----------------------------|---|--|
| OGC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

| Agency / Component | Description of "Other" Reasons for Denial on Appeal from Chart C(2) | Number of Times "Other" Reason Was Relied Upon | TOTAL |
|--------------------|---|--|-------|
| OGC | N/A | 0 | 0 |
| | | | |
| OIG | N/A | 0 | 0 |
| | | | |
| AGENCY OVERALL | | | 0 |

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

| Agency / Component | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
|--------------------|-----------------------|------------------------|-----------------------|------------------------|
| OGC | 20.00 | 20.00 | 20.00 | 21.00 |
| OIG | 0.00 | 0.00 | 0.00 | 0.00 |
| AGENCY OVERALL | 20.00 | 20.00 | 20.00 | 21.00 |

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

| Agency / Component | | 10th Oldest Appeal | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Appeal |
|--------------------|------------------------|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| OGC | Date of Appeal | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | Date of Appeal | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | Date of Appeal | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

VII.A. FOIA REQUESTS - RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

| Agency / | SIMPLE | | | | COMPLEX | | | | EXPEDITED PROCESSING | | | | |
|-------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|--|
| Component | 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 | |
| OGC | 7 | 57 | 1 | 657 | 90 | 201 | 1 | 1284 | N/A | N/A | N/A | N/A | |
| OIG | 9 | 22 | 2 | 116 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | |
| AGENCY OVERALL | 9 | 48 | 1 | 657 | 90 | 201 | 1 | 1284 | N/A | N/A | N/A | N/A | |

VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

| Agency / | SIMPLE | | | | COMPLEX | | | | EXPEDITED PROCESSING | | | |
|-------------------|------------------|-------------------|------------------|-------------------|------------------|-------------------|------------------|-------------------|----------------------|-------------------|------------------|-------------------|
| Component | Median Number | Average Number | Lowest Number | Highest Number | Median Number | Average Number | Lowest Number | Highest Number | Median Number | Average Number | Lowest Number | Highest Number |
| | of Days | of Days | of Days | of Days | of Days | of Days |
| OGC | 6 | 52 | 1 | 292 | 103 | 196 | 1 | 1284 | N/A | N/A | N/A | N/A |
| OIG | 8 | 9 | 2 | 21 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| AGENCY OVERALL | 8 | 46 | 1 | 292 | 103 | 196 | 1 | 1284 | N/A | N/A | N/A | N/A |

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

| Agency / Component | <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 |
|-----------------------|---------------|---------------|---------------|---------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|-------|
| OGC | 44 | 5 | 3 | 2 | 4 | 1 | 0 | 2 | 1 | 1 | 4 | 0 | 2 | 69 |
| OIG | 14 | 3 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21 |
| AGENCY | 58 | 8 | 4 | 3 | 5 | 2 | 0 | 2 | 1 | 1 | 4 | 0 | 2 | 90 |
| OVERALL | | | | | | | | | | | | | | |

VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

| Agency / | <1-20 | 21-40 | 41-60 | 61-80 | 81-100 | 101-120 | 121-140 | 141-160 | 161-180 | 181-200 | 201-300 | 301-400 | 401+ | TOTAL |
|-----------|-------|-------|-------|-------|--------|---------|---------|---------|---------|---------|---------|---------|------|-------|
| Component | Days | Days | Days | Days | Days | Days | Days | Days | Days | Days | Days | Days | Days | |
| OGC | 57 | 38 | 18 | 10 | 8 | 14 | 15 | 11 | 7 | 6 | 16 | 17 | 39 | 256 |
| OIG | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY | 57 | 38 | 18 | 10 | 8 | 14 | 15 | 11 | 7 | 6 | 16 | 17 | 39 | 256 |
| OVERALL | | | | | | | | | | | | | | |

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

| Agency / | <1-20 | 21-40 | 41-60 | 61-80 | 81-100 | 101-120 | 121-140 | 141-160 | 161-180 | 181-200 | 201-300 | 301-400 | 401+ | TOTAL |
|-----------|-------|-------|-------|-------|--------|---------|---------|---------|---------|---------|---------|---------|------|-------|
| Component | Days | Days | Days | Days | Days | Days | Days | Days | Days | Days | Days | Days | Days | |
| OGC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OVERALL | | | | | | | | | | | | | | |

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

| Agency / | Agency / SIMPLE | | | | | | EXPEDITED | EXPEDITED PROCESSING | | | |
|-------------------|-------------------|-----------------------------|------------------------------|-------------------|-----------------------------|------------------------------|-------------------|-----------------------------|------------------------------|--|--|
| Component | 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 | | |
| OGC | 33 | 229 | 263 | 222 | 376 | 427 | 2 | 126 | 126 | | |
| OIG | 1 | 25 | 25 | 0 | N/A | N/A | 0 | N/A | N/A | | |
| AGENCY OVERALL | 34 | 227 | 256 | 222 | 313 | 380 | 2 | 126 | 126 | | |

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

| Agency / Component | | 10th Oldest Request | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Request |
|-----------------------|------------------------------|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------------|
| OGC | Date of Receipt | 2014-04-02 | 2014-03-20 | 2014-02-24 | 2014-02-07 | 2014-02-06 | 2014-01-10 | 2014-01-03 | 2013-11-26 | 2013-11-18 | 2013-10-24 |
| | Number of Days Pending | 1132 | 1141 | 1159 | 1169 | 1170 | 1188 | 1193 | 1218 | 1224 | 1240 |
| OIG | Date of Receipt | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2018-08-23 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 |
| AGENCY OVERALL | Date of Receipt | 2014-04-02 | 2014-03-20 | 2014-02-24 | 2014-02-07 | 2014-02-06 | 2014-01-10 | 2014-01-03 | 2013-11-26 | 2013-11-18 | 2013-10-24 |
| | Number of Days Pending | 1132 | 1141 | 1159 | 1169 | 1170 | 1188 | 1193 | 1218 | 1224 | 1240 |

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

| Agency / | Number | Number | - | Average Number of Days to | Number Adjudicated Within Ten |
|----------------|---------|--------|------------|---------------------------|-------------------------------|
| Component | Granted | Denied | Adjudicate | Adjudicate | Calendar Days |
| OGC | 0 | 2 | 11 | 15 | 0 |
| OIG | 0 | 0 | N/A | N/A | 0 |
| AGENCY OVERALL | 0 | 2 | 11 | 15 | 0 |

VIII.B. REQUESTS FOR FEE WAIVER

| Agency / Component | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |
|--------------------|----------------|---------------|-------------------------------------|--------------------------------------|
| OGC | 1 | 0 | 7 | 7 |
| OIG | 0 | 0 | N/A | N/A |
| AGENCY OVERALL | 1 | 0 | 7 | 7 |

IX. FOIA PERSONNEL AND COSTS

| Agency / | PERSONNEL | PERSONNEL | | | | COSTS | | |
|-----------|---------------------------|---------------------------------|----------------------------|--------------|--------------------|--------------|--|--|
| Component | Number of "Full-Time FOIA | Number of "Equivalent Full-Time | Total Number of "Full-Time | Processing | Litigation-Related | Total Costs | | |
| | Employees" | FOIA Employees" | FOIA Staff" | Costs | Costs | | | |
| OGC | 1 | 1.2 | 2.2 | \$355,166.00 | \$0.00 | \$355,166.00 | | |
| OIG | 0 | 0 | 0 | \$24,325.00 | \$0.00 | \$24,325.00 | | |
| AGENCY | 1 | 1.2 | 2.2 | \$379,491.00 | \$0.00 | \$379,491.00 | | |
| OVERALL | | | | | | | | |

X. FEES COLLECTED FOR PROCESSING REQUESTS

| Agency / Component | Total Amount of Fees Collected | Percentage of Total Costs |
|--------------------|---------------------------------------|---------------------------|
| OGC | \$0.00 | 0.00% |
| OIG | \$0.00 | 0.00% |
| AGENCY OVERALL | \$0.00 | 0.00% |

XI.A. NUMBER OF TIMES SUBSECTION (C) USED

| Agency / Component | Number of Times Subsection Used |
|--------------------|---------------------------------|
| OGC | 0 |
| OIG | 0 |
| AGENCY OVERALL | 0 |

XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS

| Agency / Component | Number of Records Posted by the FOIA Office | Number of Records Posted by Program Offices |
|--------------------|---|---|
| OGC | 0 | 229 |
| OIG | 0 | 0 |
| AGENCY OVERALL | 0 | 229 |

XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

| Agency / Component | Number of Backlogged Requests as of End of Fiscal Year | Number of Backlogged Appeals as of End of Fiscal Year |
|--------------------|--|---|
| OGC | 247 | 0 |
| OIG | 1 | 0 |
| AGENCY OVERALL | 248 | 0 |

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

| Agency / | Number of Consultations Received | Number of | Number of Consultations Received | Number of Consultations Received from |
|-----------|-----------------------------------|-------------------------------|------------------------------------|--|
| Component | from Other Agencies that were | Consultations <u>Received</u> | from Other Agencies that were | Other Agencies that were <u>Pending</u> at |
| | Pending at the Agency as of Start | from Other Agencies | Processed by the Agency During the | the Agency as of End of the Fiscal Year |
| | of the Fiscal Year | During the Fiscal Year | Fiscal Year | |
| OGC | 0 | 3 | 3 | 0 |
| OIG | 0 | 3 | 3 | 0 |
| AGENCY | 0 | 6 | 6 | 0 |
| OVERALL | | | | |

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

| Agency / Component | | 10th Oldest Consultation | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Consultation |
|--------------------|----------------|--------------------------|-----|-----|-----|-----|-----|-----|-----|-----|----------------------------|
| OGC | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

| Agency / | NUMBER OF REQUESTS RECEIVED | | NUMBER OF REQUESTS PROCESSED | | |
|-----------|------------------------------------|---------------------------------|-------------------------------------|---------------------------------|--|
| Component | Number Received During Fiscal Year | Number Received During Fiscal | Number Processed During Fiscal Year | Number Processed During Fiscal | |
| | from Last Year's Annual Report | Year from Current Annual Report | from Last Year's Annual Report | Year from Current Annual Report | |
| OGC | 296 | 308 | 251 | 325 | |
| OIG | 29 | 21 | 27 | 24 | |
| AGENCY | 325 | 329 | 278 | 349 | |
| OVERALL | | | | | |

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT --BACKLOGGED REQUESTS

| Agency / | Number of Backlogged Requests as of End of the Fiscal Year from | Number of Backlogged Requests as of End of the Fiscal Year from |
|----------------|---|---|
| Component | Previous Annual Report | Current Annual Report |
| OGC | 262 | 247 |
| OIG | 1 | 1 |
| AGENCY OVERALL | 263 | 248 |

XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

| Agency / | NUMBER OF APPEALS <u>RECEIVED</u> | | NUMBER OF APPEALS PROCESSED | | |
|-----------|------------------------------------|---------------------------------|-------------------------------------|---------------------------------|--|
| Component | Number Received During Fiscal Year | Number Received During Fiscal | Number Processed During Fiscal Year | Number Processed During Fiscal | |
| | from Last Year's Annual Report | Year from Current Annual Report | from Last Year's Annual Report | Year from Current Annual Report | |
| OGC | 2 | 4 | 2 | 4 | |
| OIG | 0 | 0 | 0 | 0 | |
| AGENCY | 2 | 4 | 2 | 4 | |
| OVERALL | | | | | |

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

| Agency / | Number of Backlogged Appeals as of End of the Fiscal Year from Previous | Number of Backlogged Appeals as of End of the Fiscal Year from Current |
|----------------|---|--|
| Component | Annual Report | Annual Report |
| OGC | 0 | 0 |
| OIG | 0 | 0 |
| AGENCY OVERALL | 0 | 0 |