

GAO

Report to the Ranking Minority Member,  
Committee on the Judiciary, U.S. Senate

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February 2004

# INFORMATION MANAGEMENT

## Update on Freedom of Information Act Implementation Status



G A O

Accountability \* Integrity \* Reliability



Highlights of GAO-04-257, a report to the Ranking Minority Member, Committee on the Judiciary, U.S. Senate

# INFORMATION MANAGEMENT

## Update on Freedom of Information Act Implementation Status

### Why GAO Did This Study

Based on principles of openness and accountability in government, the Freedom of Information Act (FOIA) establishes that federal agencies must provide the public with access to government information, thus enabling them to learn about government operations and decisions. To ensure appropriate implementation of FOIA, Congress requires that agencies report annually to the Attorney General information about agencies' FOIA operations.

GAO has recently reported twice on the annual FOIA reports of 25 agencies. In 2001, GAO reported that data-quality issues limited the usefulness of agencies' annual reports. In 2002, GAO reported that fewer agency FOIA reports had data-quality and consistency problems in fiscal year 2001 compared with fiscal year 2000, although some fiscal year 2001 reports did have data anomalies.

GAO was asked, among other things, to determine (1) trends of reported FOIA implementation between 2000 and 2002 and (2) progress the 25 agencies have made addressing reporting inconsistencies and data-quality problems in annual FOIA reports.

[www.gao.gov/cgi-bin/getrpt?GAO-04-257](http://www.gao.gov/cgi-bin/getrpt?GAO-04-257).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Linda Koontz at (202) 512-6240 or koontzl@gao.gov.

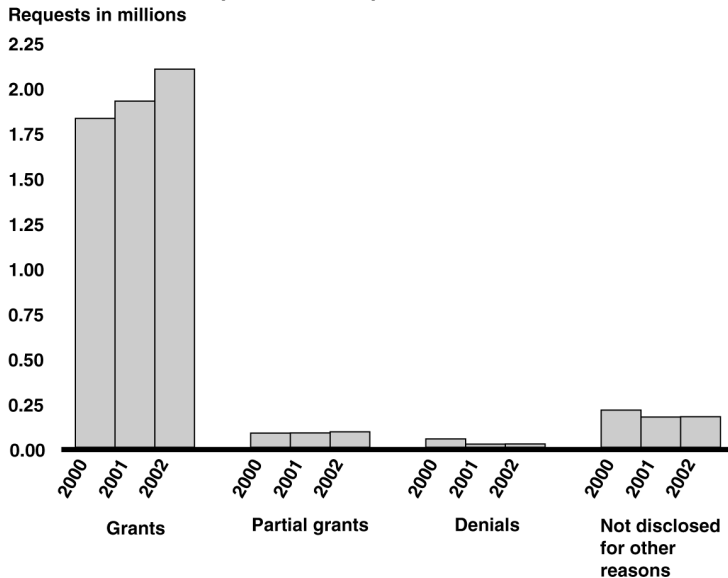
### What GAO Found

The data from 2000 to 2002 reveal the following governmentwide trends: (1) agencies reported receiving and processing more requests governmentwide (however, the Department of Veterans Affairs accounts for approximately 60 percent of the requests received and processed, and when it is excluded, the governmentwide total of requests received and processed decreased in this time period); (2) agencies also reported a decrease in the backlog of pending requests remaining at the end of each year; (3) of the FOIA requests processed, agencies granted or partially granted more requests each year; and (4) the number of FOIA requests denied dropped dramatically between 2000 and 2001, and remained low in 2002. The figure below shows the number of requests granted, partially granted, denied, and not disclosed for other reasons for fiscal years 2000, 2001, and 2002.

In response to GAO's 2001 and 2002 reports, the Department of Justice worked with agencies to improve the quality of data in FOIA annual reports. Results were mixed in 2002 in three key reporting areas: requests processed, administrative appeals processed, and pending requests. On the one hand, regarding reported numbers of requests processed and administrative appeals processed, fewer agencies had data-quality problems in 2002 than in 2001. On the other hand, regarding the number of reported pending requests, more agencies had data-quality problems in 2002 than in 2001.

In commenting on a draft of this report, Justice officials generally agreed with its content.

**Governmentwide Disposition of Requests, Fiscal Years 2000–2002**



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).

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# Contents

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## Letter

Results in Brief

1  
2

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## Appendixes

<b>Appendix I: Update on Freedom of Information Act Implementation Status</b>	5
<b>Appendix II: Agency Processing Times and Numbers of Requests Processed by Track (Attachment 4)</b>	76

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### Abbreviations

FOIA	Freedom of Information Act
FTE	Full-time-equivalent
OIP	Office of Information and Privacy

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United States General Accounting Office  
Washington, D.C. 20548

February 18, 2004

The Honorable Patrick Leahy  
Ranking Minority Member  
Committee on the Judiciary  
United States Senate

Dear Senator Leahy:

Based on principles of openness and accountability in government, the Freedom of Information Act (FOIA) establishes that federal agencies must provide the public with access to government information (unless the information falls into one of nine specifically exempted categories), thus enabling them to learn about government operations and decisions. To ensure appropriate implementation of FOIA, Congress requires that agencies report annually to the Attorney General information about agencies' FOIA operations.

We have recently reported twice<sup>1</sup> on the annual FOIA reports of 25 agencies.<sup>2</sup> In 2001, we reported on the data for fiscal years 1998 and 1999. We noted that data-quality issues limited the usefulness of agencies' annual reports. In 2002, we reported on the data for fiscal years 1998, 1999, 2000, and 2001. We noted that fewer agency FOIA reports had data-quality and consistency problems in fiscal year 2001 compared with fiscal year 2000, although some fiscal year 2001 reports did have data anomalies.

You requested that we determine (1) the current status of reported FOIA implementation, including trends between 2000 and 2002; (2) what progress the 25 agencies have made addressing reporting inconsistencies and data-quality problems in annual FOIA reports; and (3) whether federal agencies made accommodations to receive FOIA requests electronically after the attacks of September 11, 2001, and subsequent anthrax attacks.

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<sup>1</sup>U.S. General Accounting Office, *Information Management: Progress in Implementing the 1996 Electronic Freedom of Information Act Amendments*, GAO-01-378 (Washington, D.C.: Mar. 16, 2001); and *Information Management: Update on Implementation of the 1996 Electronic Freedom of Information Act Amendments*, GAO-02-493 (Washington, D.C.: Aug. 30, 2002).

<sup>2</sup>The 25 agencies included in this review are the 24 major agencies referred to in the Chief Financial Officers Act, plus the Central Intelligence Agency.

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To determine the current status of reported FOIA implementation, including trends between 2000 and 2002, we examined, consolidated, and analyzed annual FOIA report data from 25 major agencies to capture the current state of FOIA implementation as well as to identify any changes, trends, and inconsistencies over the past 3 years. We also interviewed agency FOIA officials. To determine what progress the 25 agencies have made in addressing reporting inconsistencies and data-quality problems, we reviewed data from previous reviews, reviewed 2002 annual FOIA reports for completeness, verified data for consistency, and interviewed agency officials. To determine whether federal agencies made accommodations to receive FOIA requests electronically after the attacks of September 11, 2001, and subsequent anthrax attacks, we collected Web site data in July 2003 and compared them with data collected from June to October 2000 and from May to June 2002, and we interviewed agency FOIA officials about the addition of electronic capabilities for FOIA request submissions. Our work was conducted from May through October 2003 in accordance with generally accepted government auditing standards. We did not verify the self-reported data contained in agencies' annual FOIA reports.

On October 31, 2003, we provided a briefing to your office on the results of our work. The briefing slides<sup>3</sup> are included in appendix I. The purpose of this report is to provide the published briefing slides for dissemination to you and the Attorney General.

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## Results in Brief

With regard to the current status of FOIA implementation, the 25 agencies under review reported receiving and processing about 2.3 million requests; 88 percent of the requests received were granted in full. Governmentwide, these agencies reported spending approximately \$283 million on FOIA activities and collecting about \$6 million in fees. These agencies also reported dedicating about 4,900 full-time-equivalent personnel to the handling of FOIA requests. Examining the data for trends from 2000 to 2002, we observed the following:

- Agencies reported receiving and processing more requests governmentwide. However, when the Department of Veterans Affairs (which accounts for approximately 60 percent of the requests received

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<sup>3</sup>We have amended the briefing slides as of January 13, 2004, to include technical corrections and clarifications.

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and processed) is excluded, the total number of requests received and processed governmentwide decreased in this time period.

- Agencies also reported a decrease in the backlog of pending requests remaining at the end of each year.
- Of the FOIA requests processed, agencies granted or partially granted more requests each year.
- The number of FOIA requests denied governmentwide dropped dramatically between 2000 and 2001, and remained low in 2002.

In response to our 2001 and 2002 reports, the Department of Justice issued supplemental guidance, addressed reporting requirements in its training programs, and continued reviewing agencies' annual reports for data quality. Justice worked with agencies to improve the quality of data in FOIA annual reports. Three key reporting areas (requests processed, administrative appeals processed, and pending requests) showed mixed results in 2002. On the one hand, regarding reported numbers of requests processed and administrative appeals processed, fewer agencies had data-quality problems in 2002 than in 2001. On the other hand, regarding the number of reported pending requests, more agencies had data-quality problems in 2002 than in 2001.

Three agencies made accommodations to receive FOIA requests electronically<sup>4</sup> after the attacks of September 11, 2001, and the mail delays due to the anthrax attacks in Washington, D.C. These agencies told us that electronic submission capabilities were added for reasons other than the September 11 and anthrax attacks. For example, agencies stated that electronic submission can save time and be easier for the requester. Eleven agencies allowed electronic FOIA request submission before September 11, 2001. Eleven agencies did not allow for electronic FOIA request submission as of July 2003.

In providing oral comments on a draft of this report, the Justice Office of Information and Privacy (OIP) co-directors stated that the department

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<sup>4</sup>While the Electronic Freedom of Information Act Amendments of 1996 elevated the importance of making information available electronically, they do not require that agencies establish the capability to receive FOIA requests through the Internet. However, the Department of Justice stated in 1998 guidance that agencies should explore their capability to receive FOIA requests electronically through the Internet.

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generally agreed with the report's content as presented. The OIP officials also made a number of technical comments, which we incorporated as appropriate.

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As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 5 days from the date of this letter. At that time, we will send copies of this report to the Attorney General and the heads of other interested congressional committees. We are also sending copies to the 25 departments and agencies we surveyed. Copies will be made available to others on request. In addition, this report will be available at no charge on the GAO Web site at [www.gao.gov](http://www.gao.gov).

If you have any questions concerning this report, please call me at (202) 512-6240 or send e-mail to [koontzl@gao.gov](mailto:koontzl@gao.gov). Key contacts and major contributors to this report are Elizabeth Bernard, Barbara Collier, John de Ferrari, Neil Doherty, Katherine Howe, Scott Lassiter, and David Plocher.

Sincerely yours,



Linda D. Koontz  
Director, Information Management Issues

# Update on Freedom of Information Act Implementation Status

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## Update on Freedom of Information Act Implementation Status

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Briefing for the staff of the  
Senate Committee on the Judiciary

October 31, 2003

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- Introduction
- Objectives
- Scope and Methodology
- Results in Brief
- Background
- FOIA Implementation Status and Trends
- Data Quality
- Accommodations for Electronic Requests
- Summary
- Agency Comments
- Attachment 1: 25 Agencies Reviewed and Abbreviations
- Attachment 2: Freedom of Information Act Exemptions
- Attachment 3: Other Reasons for Nondisclosure
- Attachment 4: Agency Processing Times and Numbers of Requests Processed by Track



The Freedom of Information Act (FOIA) establishes that federal agencies must provide the public with access to government information, unless the information falls into nine specifically exempted categories. The act is intended to enable the public to learn about the operations and decisions of the federal government. The act includes provisions requiring agencies to report annually to the Attorney General on the requests they received and how they responded to them. Enacted in 1966, the act was amended in 1974, 1976, 1986, 1996, and 2002.

The Electronic Freedom of Information Act (e-FOIA) Amendments in 1996

- were intended to extend the principles of FOIA to information stored electronically and to improve public access to agency information;
- expanded what agencies were required to report in their annual reports on the status of FOIA requests and responses to include, among other things, the number of requests pending, the cost of an agency's FOIA activities, fees collected for FOIA requests, and agency staff information; and
- required reporting on the disposition of administrative appeals by requesters to have higher-level agency officials reconsider decisions not to disclose requested information.



GAO has reported twice<sup>1</sup> on the annual FOIA reports of 25 agencies: the 24 major agencies referred to in the Chief Financial Officers Act, plus the Central Intelligence Agency (see attachment 1).

- In the 2001 report, we reported on the data for fiscal years 1998 and 1999. We reported that data-quality issues limited the usefulness of agencies' annual reports.
- In the 2002 report, we reported on the data for fiscal years 1998, 1999, 2000, and 2001. We reported that fewer agency FOIA reports had data-quality and consistency problems in fiscal year 2001 compared to fiscal year 2000, although some fiscal year 2001 reports did have data anomalies. In addition, not all the materials required by e-FOIA were available online.

<sup>1</sup>*Information Management: Progress in Implementing the 1996 Electronic Freedom of Information Act Amendments*, GAO-01-378 (Washington, D.C.: Mar. 16, 2001); *Information Management: Update on Implementation of the 1996 Electronic Freedom of Information Act Amendments*, GAO-02-493 (Washington, D.C.: Aug. 30, 2002).



Objectives

As requested by the Ranking Minority Member of the committee, our objectives were to

1. determine the current status of reported FOIA implementation, including trends between 2000 and 2002;
2. determine what progress the 25 agencies have made addressing reporting inconsistencies and data-quality problems in annual FOIA reports; and
3. determine whether federal agencies made accommodations to receive FOIA requests electronically after the September 11, 2001, attacks and subsequent anthrax attacks.



## Scope and Methodology

To determine the current status of reported FOIA implementation, including trends between 2000 and 2002, we

- examined and consolidated annual FOIA report data from 25 major agencies to capture the current state of FOIA implementation (herein we refer to this scope as governmentwide);
- analyzed annual reports governmentwide to identify any changes, trends, and inconsistencies over the past 3 years (fiscal years 2000, 2001, and 2002);
- interviewed agency FOIA officials about the trends and changes; and
- analyzed agencies' median<sup>2</sup> processing times (in days) for different types of requests.
  - Some agencies reported median processing times at the component level, with as many as 39 component times reported for one agency. In these cases, we reported the range of their components' times each year, from the lowest to the highest number of median days.
  - Because of these limitations, we could make only partial comparisons of these agencies' median processing times over the past 3 years.

<sup>2</sup> A median is the value in an ordered set of values below and above which there is an equal number of values; if there is no one middle number, it is the value that is the arithmetic mean of the two middle values. This is not an average.



To determine the progress that the 25 agencies have made in addressing reporting inconsistencies and data-quality problems in annual FOIA reports, we

- reviewed data from previous reviews and reviewed the fiscal year 2002 annual reports for completeness (e.g., that each annual report included all items that are required by law);
- verified that similar data appearing in different locations of the report were consistent, and that summed values were correct; and
- interviewed agency FOIA officials about the data-quality problems.



## Scope and Methodology

To determine whether federal agencies made accommodations to receive FOIA requests electronically after the attacks of September 11, 2001, and subsequent anthrax attacks, we collected Web site data in July 2003 and compared them with data collected from June to October 2000 and from May to June 2002. We also interviewed agency FOIA officials about the addition of electronic request submission capability.

We performed our work from May through October 2003, in accordance with generally accepted government auditing standards. We did not verify the self-reported data contained in agencies' annual FOIA reports.



Results in Brief: Objective 1  
**FOIA Implementation Status and Trends**

In 2002, the 25 agencies we reviewed reported receiving and processing about 2.3 million requests; 88 percent of the requests received were granted in full. Governmentwide, these agencies reported spending approximately \$283 million on FOIA activities and collecting about \$6 million in fees. These agencies also reported dedicating about 4,900 full-time-equivalent personnel to the handling of FOIA requests.

**Trends from 2000 to 2002**

- Agencies reported receiving and processing more requests governmentwide. However, when Veterans Affairs (which accounts for approximately 60 percent of requests received and processed) is excluded, the governmentwide total of requests received and processed decreased in this time period.
- Agencies also reported a decrease in the backlog of pending requests remaining at the end of each year.
- Of the FOIA requests processed, agencies granted or partially granted more requests each year.
- The number of FOIA requests denied governmentwide dropped dramatically between 2000 and 2001, and remained low in 2002.





Results in Brief: Objective 2  
**Progress Made**

In response to our 2001 and 2002 reports, Justice issued supplemental guidance, addressed reporting requirements in its training programs, and continued reviewing agencies' annual reports for data quality.

In 2002, Justice worked with agencies to improve the quality of data in FOIA annual reports. Mixed results were evident in three key reporting areas in 2002:

- **Requests processed.** Fewer agencies had data-quality problems this year (4 agencies) compared with the previous year (5 agencies).
- **Administrative appeals processed.** Fewer agencies had data-quality problems this year (5 agencies) compared with the previous year (7 agencies).
- **Pending requests.** More agencies had data-quality problems this year (12 agencies) compared with the previous year (10 agencies).



Results in Brief: Objective 3  
**Electronic Receipt of Requests**

Three agencies have made accommodations to receive electronic requests<sup>3</sup> since October 2000.

- These agencies made accommodations to receive FOIA requests electronically after the attacks of September 11, 2001, and subsequent mail delays due to anthrax attacks in Washington, D.C. However, the agencies told us that the electronic submission capability was added for reasons other than the September 11 and anthrax attacks. For example, agencies stated that electronic submission can save time and be easier for the requester.

Eleven agencies allowed electronic FOIA request submission before September 11, 2001.

Eleven agencies did not allow electronic FOIA request submission as of July 2003.

<sup>3</sup> While the Electronic Freedom of Information Act Amendments of 1996 elevated the importance of making information available electronically, they do not require that agencies establish the capability to receive FOIA requests through the Internet. However, the Department of Justice stated in 1998 guidance that agencies should explore their capability to receive FOIA requests electronically through the Internet.



Results in Brief  
**Agency Comments**

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In providing oral comments on a draft of this briefing, officials of Justice's Office of Information and Privacy (OIP) generally agreed with the content as presented. The OIP officials also made a number of technical comments, which we incorporated as appropriate.



Enacted in 1966, FOIA generally provides any person the right, enforceable in court, to obtain access to federal records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions (see attachment 2). FOIA exclusions also exist for specific sensitive records held by law enforcement agencies.

Agencies have developed four ways to describe how they process requests for information under FOIA:

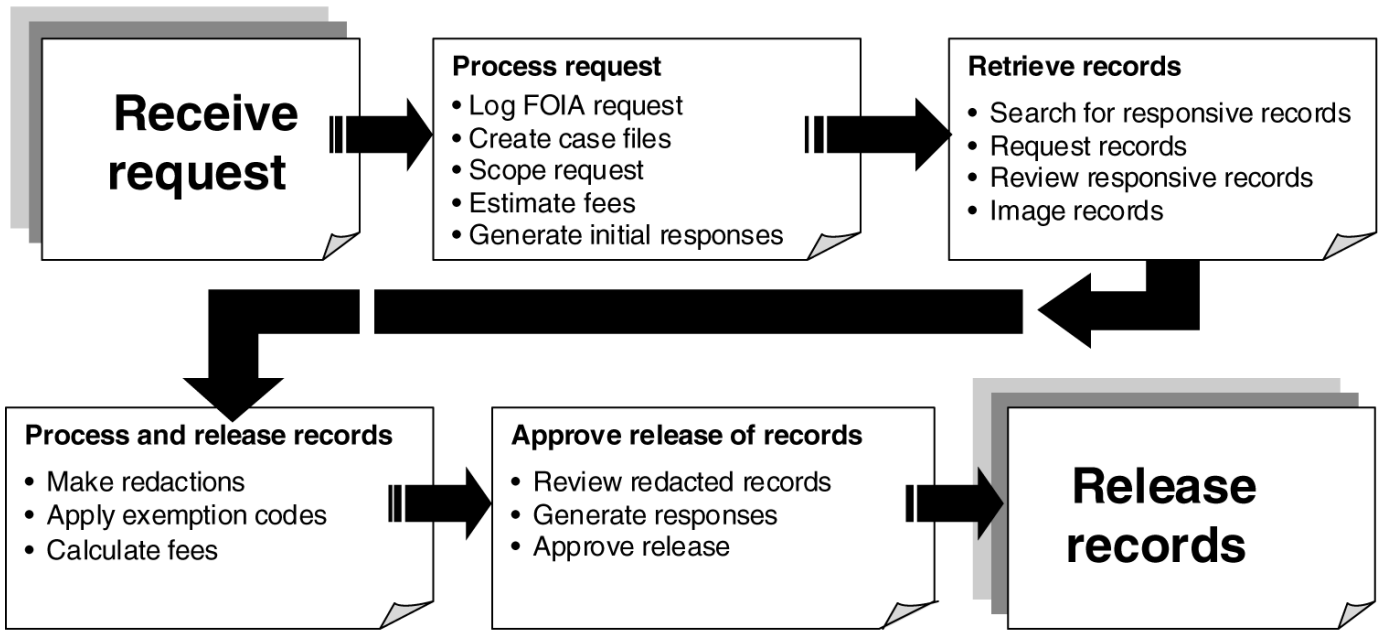
- “Grants” are agency decisions to disclose all records in full.
- “Partial grants” are (1) agency decisions to disclose a record in part, deleting information determined to be exempt under one or more exemptions, or (2) decisions to disclose some records in their entirety, but to withhold others in whole or in part.
- “Denials” are agency decisions not to release any part of the requested records because all information in the records is determined to be exempt under one or more exemptions.
- “Not disclosed for other reasons” are agency decisions not to release information for a variety of reasons as detailed in attachment 3.

The following slide is a generic overview of the agency FOIA process.



Background  
**Generic Overview of Agency FOIA Process**

**Overview of Generic Agency FOIA Process**



Source: GAO.



## Background Administrative Appeals

When a FOIA request is denied in full or in part, or the requested record is not disclosed for other reasons, the requester is entitled to be told the reason for the denial, to appeal the denial, and to challenge it in court.

In the initial process or during the administrative appeal process, agencies may also cite a variety of reasons other than exemptions for not disclosing records (called “not disclosed for other reasons”). Examples include that the agency had no records responsive to the request, that the request was withdrawn by the requester, or that the agency determined that the requested records were not reasonably described. For a complete list of these other reasons for not disclosing records, along with definitions, see attachment 3.



## Background FOIA Reporting Requirements

E-FOIA requires that agencies submit a report to the Attorney General on or before February 1 of each year that covers the preceding fiscal year and includes information about agencies' FOIA operations.

The following are examples of information that is to be included in these reports:

- number of requests received, processed, and pending;
- median number of days taken by the agency to process requests;
- whether the requests were processed using simple, complex, or single tracks;<sup>4</sup>

<sup>4</sup>*Simple* and *complex* tracks result when agencies use the option of "multitrack" processing, defined in Justice guidance as "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." *Single* track refers to processing that does not distinguish between simple and complex requests.



Background  
**FOIA Reporting Requirements (cont'd)**

- median number of days taken by the agency to process expedited and pending requests;<sup>5</sup>
- determinations made by the agency not to disclose information and the reasons for not disclosing the information;
- disposition of administrative appeals by requesters;
- information on the costs associated with handling of FOIA requests; and
- full-time-equivalent staffing information.

<sup>5</sup> E-FOIA requires that agencies give higher priority to expedited requests, that is, requests for which a requester has shown exceptional need or urgency for the records that warrants giving priority to that request over other requests that were made earlier. Once expedited, the processing time for a request can depend upon volume, complexity, and other factors.





Background  
**Median Processing Times—Agency Approaches**

Agencies have used varying approaches to report median processing times over the last 3 years. For example, 12 agencies changed their reporting method

- from simple/complex to single,
- from single to simple/complex, or
- from departmentwide reporting to component-level reporting.



## FOIA Implementation Status and Trends Overview

We present data in the following areas:

- 2002 summary
- FOIA trend analysis
  - Requests received, processed, and pending
  - Backlog of pending requests
  - Median processing times
  - Disposition of requests
  - Nondisclosure
  - Costs and staffing



FOIA Implementation Status and Trends  
 2002 Summary

As mentioned, in 2002, the 25 agencies we reviewed reported receiving and processing over 2.3 million requests.

As in years past, Veterans Affairs<sup>6</sup> accounted for a large portion of both requests received and requests processed. Therefore, when the data governmentwide are examined as a whole, they typically reflect Veterans Affairs numbers (see table below).

Requests	Requests governmentwide	Veterans Affairs requests	
		Number	Percentage of governmentwide
Received	2.3 million	1.5 million	64
Processed	2.4 million	1.5 million	63
Pending	140,000	43,000	31

Note: All values were self-reported by the agencies. The totals were rounded.

<sup>6</sup> Before 1999, the number of requests received by Veterans Affairs was comparable to those received by Justice. In 1999, Veterans Affairs began counting first-party medical requests as FOIA requests, as directed by Justice guidance, and the total number of reported requests received by it increased dramatically (approximately 447 percent). Veterans Affairs officials have stated that this type of request is relatively easy to process.



FOIA Implementation Status and Trends  
 2002 Summary

In 2002, most (88 percent) FOIA requests governmentwide were granted in full, as shown in the following table. Most of the requests that were granted in full were processed by Veterans Affairs.

<b>Disposition</b>	<b>Number of requests governmentwide</b>	<b>Percentage of requests processed</b>	<b>Number of requests to Veterans Affairs</b>
Grants	2.1 million	88	1.5 million
Partial grants	85,000	4	9,000
Denials	18,000	1	3,000
Not disclosed for other reasons	169,000	7	20,000

Note: All values were self-reported by the agencies. The totals were rounded.

Agency decisions to grant requests varied widely in 2002, as shown in the following slide.

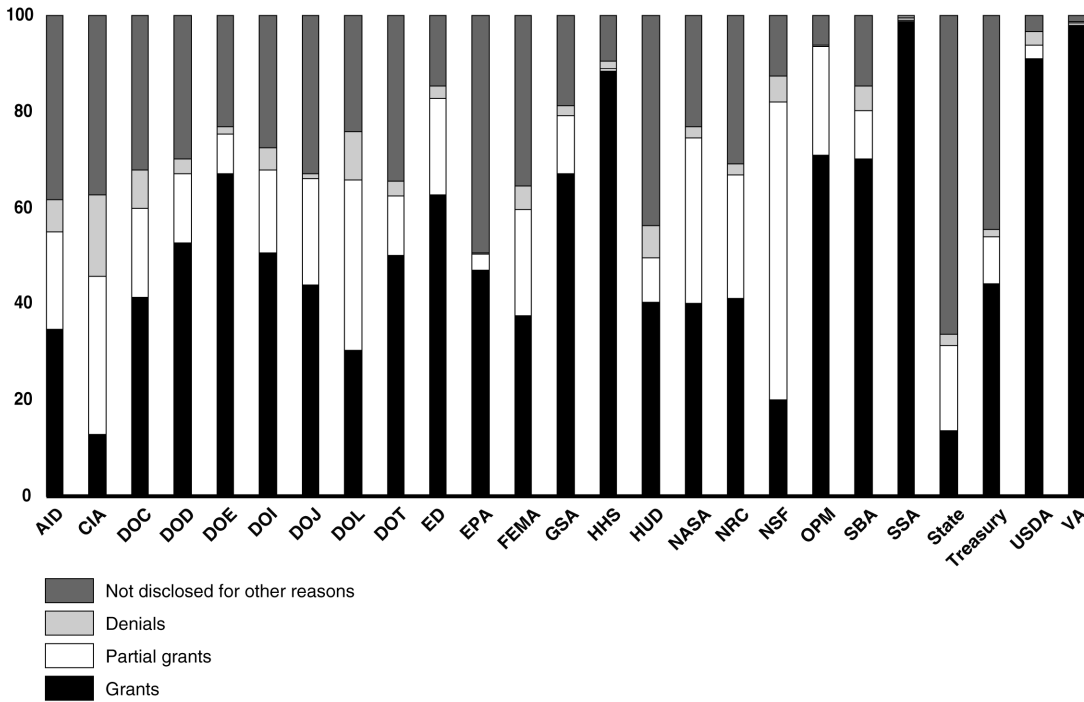
Appendix I  
Update on Freedom of Information Act  
Implementation Status



FOIA Implementation Status and Trends  
2002 Summary

Disposition of Processed Requests, by Agency (2002)

Requests by percent



Source: FOIA annual reports for fiscal year 2002 (self-reported data).



FOIA Implementation Status and Trends  
**2002 Summary**

Governmentwide, agencies reported spending approximately \$283 million on FOIA activities in 2002. Veterans Affairs' portion of those costs was approximately \$33 million (about 11 percent). Justice reported spending about \$82 million on FOIA activities (about 29 percent).

Agencies reported collecting about \$6 million in FOIA fees from requesters in 2002. Veterans Affairs collected approximately \$565,000 in fees (about 10 percent of fees collected governmentwide). The Social Security Administration collected more in FOIA fees than any other agency—about \$2 million (about 35 percent of all fees).

In 2002, agencies reported dedicating about 4,900 full-time-equivalent (FTE) personnel governmentwide to handling FOIA requests and other FOIA responsibilities. Veterans Affairs had about 850 FTE personnel, which was approximately 17 percent of FTE personnel used governmentwide. Justice dedicated about 1,000 FTEs to FOIA activities (about 22 percent).



## FOIA Implementation Status and Trends Trends in Requests Received, Processed, and Pending

Overall, from 2000 to 2002, 24 of the agencies (without Veterans Affairs) reported receiving and processing a decreased number of requests governmentwide; when the Veterans Affairs reported data are included (which accounts for approximately 60 percent of requests received and processed), the number increased (see following slide).

**Received.** The total decreased by about 10 percent. If the Veterans Affairs data are included, the number of FOIA requests received governmentwide increased by about 8 percent.

**Processed.** The total decreased by about 5 percent. If the Veterans Affairs data are included, the number of requests processed increased by about 10 percent.

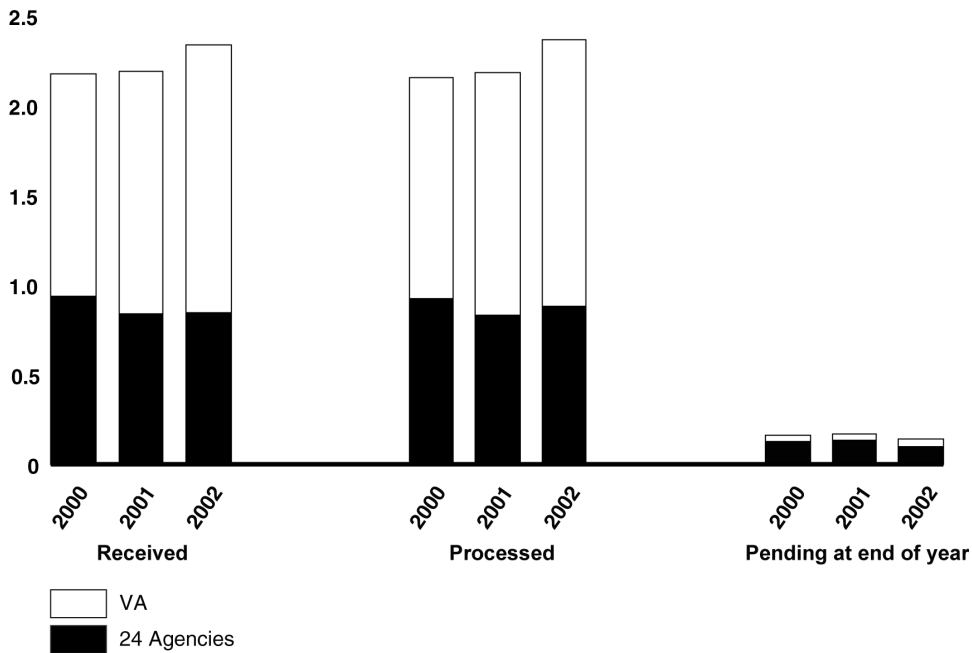
**Pending.** The backlog of pending requests at the end of the year governmentwide decreased by about 23 percent. If the Veterans Affairs data are included, the backlog of pending requests decreased by about 15 percent.



FOIA Implementation Status and Trends  
 Trends in Requests Received, Processed, and Pending

Total Requests with VA Separated, Fiscal Years 2000-2002

Requests in millions



Source: FOIA annual reports for fiscal years 2000-2002 (self-reported data).





FOIA Implementation Status and Trends  
**Trends in Requests Received, Processed, and Pending**

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Over the years, Veterans Affairs has received the largest number of FOIA requests. Other agencies that have also received a high number of requests include Agriculture, Defense, Justice, Health and Human Services, the Social Security Administration, and Treasury, as shown in the following slide.

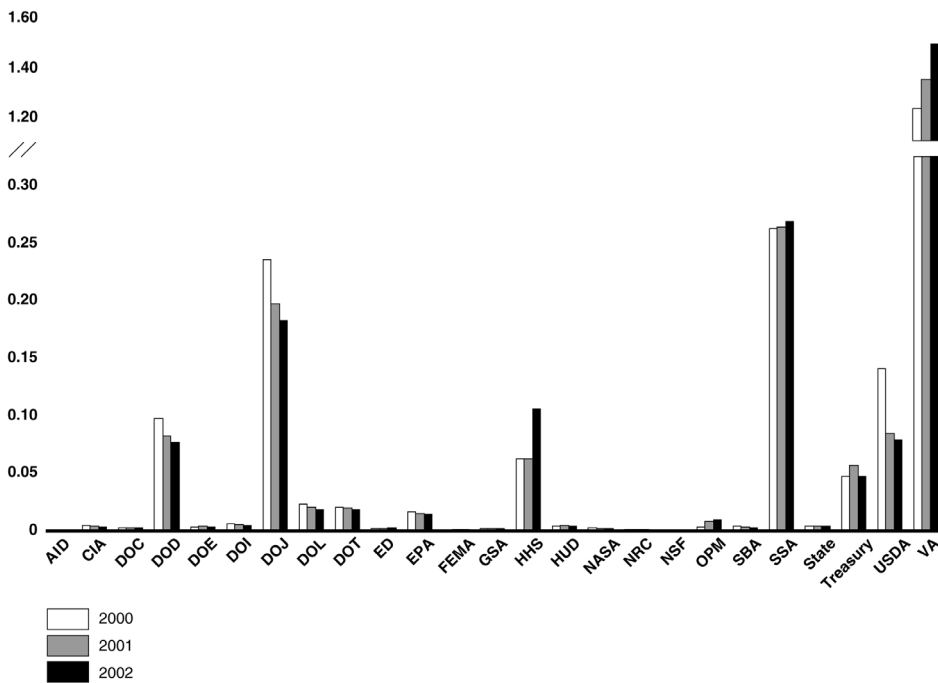
Appendix I  
 Update on Freedom of Information Act  
 Implementation Status



FOIA Implementation Status and Trends  
 Trends in Requests Received, Processed, and Pending

Number of Requests Received by Agency

Requests in millions



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).

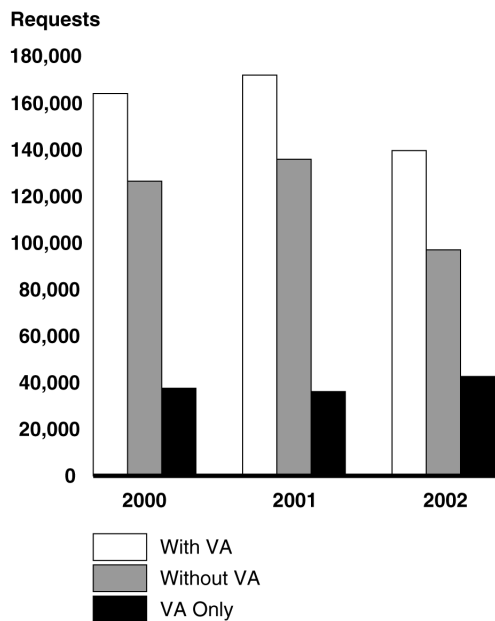
Note: All agencies received some requests, although the scale in this graph makes it appear that some agencies receive none. This scale is necessary to portray the large number of requests received by Veterans Affairs.



## FOIA Implementation Status and Trends Trends in Backlog of Pending Requests

Although the governmentwide backlog remained relatively constant between 2000 and 2001, it decreased between 2001 and 2002.

Total Pending Requests for 25 Agencies, 24 Agencies (without VA), and VA Only



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).



FOIA Implementation Status and Trends  
**Trends in Backlog of Pending Requests—Backlog Rate**

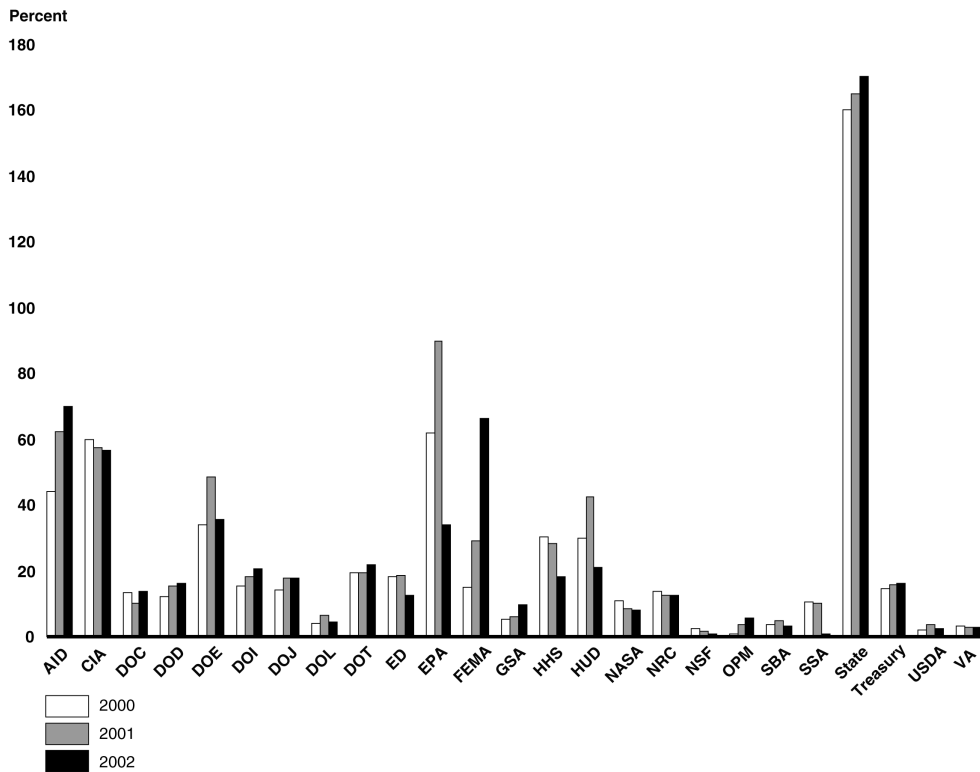
The backlog rate governmentwide decreased from about 8 percent in 2001 to about 6 percent in 2002. When Veterans Affairs requests are removed from the equation, the governmentwide backlog rate decreased from about 16 percent in 2001 to about 12 percent in 2002.

We define an agency's backlog rate (see next slide) as the number of requests pending at the end of the year, divided by the number of requests received that year. Agencies with a value over 100 percent have more backlog than requests received per year.



FOIA Implementation Status and Trends  
**Trends in Backlog of Pending Requests—Backlog Rate**

Backlog Rate: Pending Requests Divided by Received Requests



Source: FOIA annual reports for fiscal years 2000-2002 (self-reported data).



FOIA Implementation Status and Trends  
Trends in Backlog of Pending Requests—Agency Processing Rate

The Central Intelligence Agency is the only agency that over the past 3 years has consistently decreased the number of requests in its backlog of pending requests. Its processing rate has been above 100 percent the past 3 years.

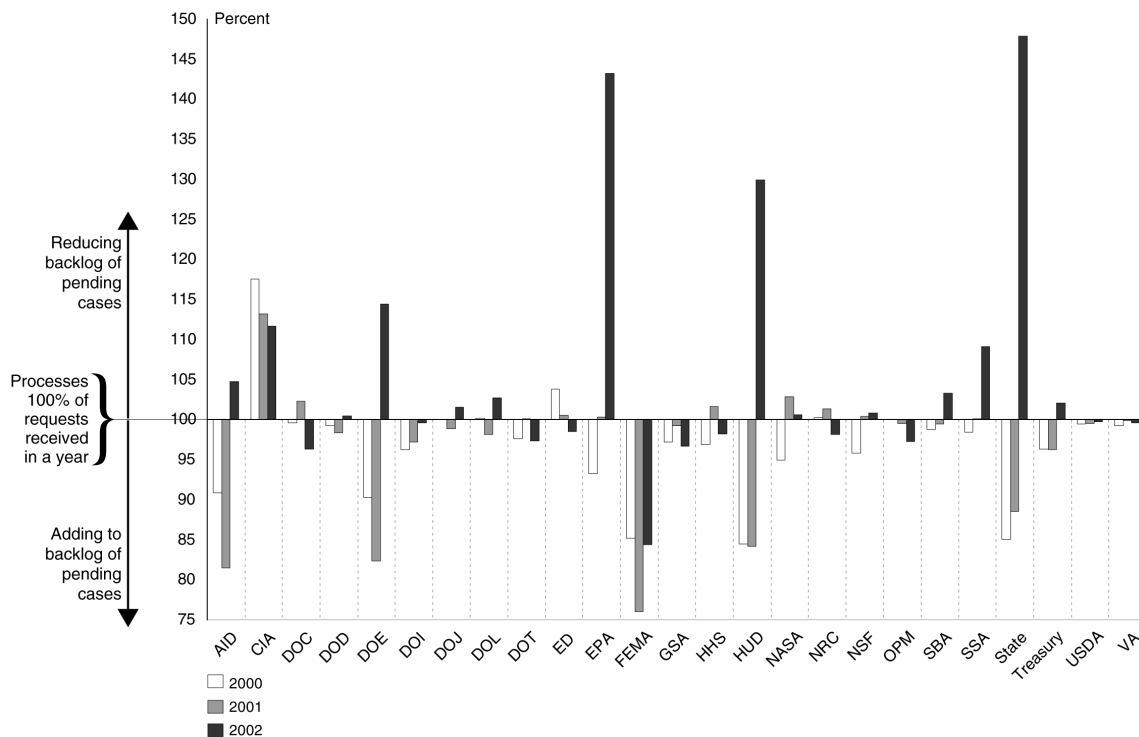
We define an agency processing rate (see next slide) as the percentage of requests that an agency processes during 1 year out of the requests that an agency receives in that year. An agency processing rate of under 100 percent means an agency has an increasing number of pending requests.

Appendix I  
Update on Freedom of Information Act  
Implementation Status



FOIA Implementation Status and Trends  
Trends in Backlog of Pending Requests—Agency Processing Rate

Agency Processing Rate



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).



FOIA Implementation Status and Trends  
**Trends in Backlog of Pending Requests—Reasons for Decline**

Four agencies (Energy, Housing and Urban Development, State, and the Environmental Protection Agency) had a jump in their agency processing rates and a corresponding decline in the number of requests in their backlog in 2002.

An agency official from State indicated that the decline was due to the creation of a special task force specifically designed to reduce State's backlog of pending requests.

Agency officials of the remaining three agencies stated the decline in the backlog of pending requests came about for the following reasons:

- agency closed requests due to requester death,
- agency determined that open requests should be considered closed,
- requester no longer wanted the information, or
- requester no longer worked for the organization that requested the information, and the organization chose to withdraw the request.





FOIA Implementation Status and Trends  
**Trends in Median Processing Times—Simple Requests**

For agencies that used a simple-track method, reported median processing times varied widely. Specifically, 17 agencies used this method in 2001 and 2002.

- Seven had a decrease in the median processing time from 2001 to 2002:
  - Commerce
  - Defense
  - Energy
  - Justice<sup>7</sup>
  - Housing and Urban Development<sup>8</sup>
  - Nuclear Regulatory Commission
  - Social Security Administration<sup>9</sup>
- One of the 17 agencies, State, had an increase in median processing time.
- Four agencies had no change in their simple-track median processing time: the Central Intelligence Agency, Transportation, Health and Human Services, and the National Aeronautics and Space Administration.
- Because of agencies' reporting methods, we were unable to determine an increase or decrease for the remaining five agencies that reported simple requests in 2001 and 2002.

<sup>7,8,9</sup> We determined the decrease for Justice, Housing and Urban Development, and the Social Security Administration by identifying that the lowest reported component median and highest component median both decreased.



**GAO**

Accountability \* Integrity \* Reliability

FOIA Implementation Status and Trends

**Trends in Median Processing Times—Complex Requests**

Reported median processing times for agencies that used a complex-track method varied widely. Specifically, 19 agencies used this method in 2001 and 2002.

- Ten agencies had a decrease in median processing times between 2001 and 2002:
  - Central Intelligence Agency
  - Commerce
  - Defense
  - Energy
  - Federal Emergency Management Agency
  - Justice<sup>10</sup>
  - Social Security Administration
  - National Aeronautics and Space Administration
  - State
  - Treasury<sup>11</sup>
- Two of the 19 agencies had an increase in median processing times for complex requests (Transportation and the Nuclear Regulatory Commission).
- Because of the agencies' reporting methods, we were unable to determine an increase or decrease for the remaining seven agencies that reported complex requests in 2001 and 2002.

<sup>10,11</sup> We determined the decrease for Justice and Treasury by identifying that the lowest component median and highest component median both decreased.



## FOIA Implementation Status and Trends Trends in Median Processing Times—Single-Track

Few agencies use single-track processing. Specifically, four agencies used single-track processing in 2001 and 2002.

- Two agencies (Interior<sup>12</sup> and the National Science Foundation) had a decrease in the median processing time between 2001 and 2002.
- One of the four agencies had an increase in median processing time for single-track processing (the Agency for International Development).
- Due to agencies' reporting methods, we were unable to determine an increase or decrease for Health and Human Services.

See following slide for median processing times.

Additional detail on individual agencies appears in attachment 4.

<sup>12</sup> We determined the decrease for Interior by identifying that the lowest component median and highest component median both decreased.

**Appendix I  
Update on Freedom of Information Act  
Implementation Status**



**GAO**

Accountability \* Integrity \* Reliability

**FOIA Implementation Status and Trends  
Trends in Median Processing Times—Simple, Complex, Single**

	Median Days to Process								
	Simple			Complex			Single Track		
	2000	2001	2002	2000	2001	2002	2000	2001	2002
AID	-	-	-	-	-	-	45	31	52
CIA	7	7	7	176	86	83	-	-	-
DOC	14	14	12	30	54	45	-	-	-
DOD	25	23	20	69	84	58	-	-	-
DOE	133	211	75	531	1,788	238	-	-	-
DOI	-	-	-	-	-	-	18	13-157	10-58
DOJ	1-78	1-137	0-67	12-2097	16-1311	13-621	-	-	-
DOL	13	13	1-25	43	39	7-49	-	-	-
DOT	14	8	8	39	23	39	15	30	-
ED	16	17	5-35	51	45	7-180	-	-	-
EPA	19	17-36	15-1113	31	24-333	31-123	-	-	-
FEMA	-	-	-	-	52	48	50	-	-
GSA	-	-	-	-	-	14	20	14	-
HHS	-	10-35	10-35	-	60-332	60-272	-	6-342	9-177
HUD	-	27-266	15-59	-	67	34-83	43	-	-
NASA	24	19	19	38	45	29	-	-	-
NRC	19	17	14	26	20	25	-	-	-
NSF	-	-	-	-	-	-	14	13	10
OPM	7	-	-	17	11	-	-	-	13
SBA	-	-	2	-	-	-	3	2	-
SSA	11-45	13-31	11-18	42	62	48	-	-	-
State	37	157	351	694	742	431	-	-	-
Treasury	1-22	2-20	4-17	5-1000	9-232	6-117	-	-	-
USDA	26	30	2-85	45	49	9-905	-	-	-
VA	-	-	-	25	13	1-25	-	-	-

Source: FOIA annual reports for fiscal year 2000-2002 (self-reported data).

Note: A dash indicates that the agency did not have any requests in a given track in a given year.



## FOIA Implementation Status and Trends Trends in Median Processing Times—Expedited

E-FOIA requires that agencies give higher priority to “expedited” requests—defined as requests in which a requester has shown exceptional need or urgency for the records that warrants giving priority over other requests that were made earlier. When median processing times are compared for agencies that process expedited requests, the median number of days varies widely.

Nineteen of the 25 agencies reported processing expedited requests in one or more years between 2000 and 2002.

Six agencies had median expedited processing times greater than 100 days in at least 1 year for at least one component.

Appendix I  
Update on Freedom of Information Act  
Implementation Status



FOIA Implementation Status and Trends  
Trends in Median Processing Times—Expedited

Agency	2000	2001	2002
AID	—	—	—
CIA	—	—	—
DOC	—	8	—
DOD	3	3	1
DOE	10	10	118
DOI	12	1–10	5–33
DOJ	1–106	1–107	1–190
DOL	6	6	2–28
DOT	1	8	29
ED	12	13	2-10
EPA	44	8–105	6–75
FEMA	—	—	—

Agency	2000	2001	2002
GSA	—	—	—
HHS	5–135	1–111	16–27
HUD	—	5–18	5–27
NASA	3	10	3
NRC	16	105	23
NSF	—	—	—
OPM	—	1	4
SBA	—	1	—
SSA	—	—	—
State	518	252	255
Treasury	8	3	2–5
USDA	12	33	3–76
VA	2	3	1–7

Note: A dash indicates that the agency did not have any expedited requests.



FOIA Implementation Status and Trends  
**Trends in Median Processing Times—Pending**

The median processing times for requests pending in agency backlogs varied widely.

In 2002, eight agencies reported median processing times for pending requests that were greater than 1 year (defined as 251 business days) in length. Eleven agencies reported median processing times for pending requests that were greater than 1 year in length for at least 1 of the last 3 years (2000–2002).



FOIA Implementation Status and Trends  
Trends in Median Processing Times—Pending

Agency	2000	2001	2002
AID	59	263	356
CIA	474	605	601
DOC	26	30	55
DOD	87	55	87
DOE	2,090	2,009	97
DOI	22	7–1,059	5–1,407
DOJ	1–509	4–817	2–828
DOL	36	24	8-36
DOT	30	99	41
ED	150	31	5–211
EPA	517	10–1,524	11–438
FEMA	50	200	205

Agency	2000	2001	2002
GSA	25	25	29
HHS	5–301	10–228	7–206
HUD	262	11–266	7–68
NASA	69	48	44
NRC	28	10–31	22–218
NSF	25	25	25
OPM	23	15	17
SBA	—	—	—
SSA	50	84–99	7–48
State	839	445	546
Treasury	3–243	9–303	1–545
USDA	30	30	5–661
VA	15	15	3–46

Note: A dash indicates that this agency did not report any median time for processing of pending requests.





FOIA Implementation Status and Trends  
**Trends in Disposition of Requests—Governmentwide**

The number of grants governmentwide has increased every year from 2000 to 2002.

- Excluding Veterans Affairs, the number of grants governmentwide decreased from 2000 to 2001 and increased from 2001 to 2002.
- Veterans Affairs accounted for about 70 percent of grants.

The number of partial grants governmentwide has increased every year from 2000 to 2002.

- Excluding Veterans Affairs, the number of partial grants governmentwide decreased from 2000 to 2001 and increased from 2001 to 2002.
- Veterans Affairs accounted for about 10 percent of partial grants.

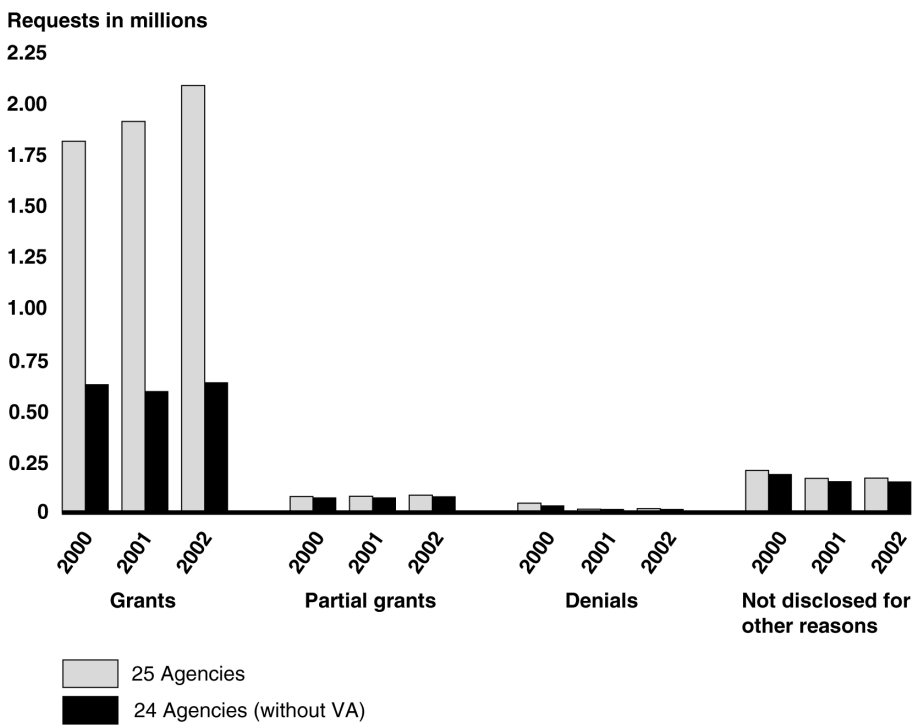
The number of FOIA requests denied governmentwide dropped dramatically between 2000 and 2001 and remained low in 2002.

The number of FOIA requests not disclosed for other reasons decreased between 2000 and 2001, and it increased between 2001 and 2002. Excluding Veterans Affairs, this number decreased each year from 2000 to 2002.



FOIA Implementation Status and Trends  
 Trends in Disposition of Requests—Governmentwide

Disposition of Requests, Fiscal Years 2000-2002



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).



## FOIA Implementation Status and Trends Trends in Nondisclosure—Exemptions

Agencies reported citing an increasing number of exemptions. They often cited multiple exemptions for a partial grant or denial. The number of exemptions cited in dispositions increased by approximately 33 percent from 2000 to 2001, and by approximately 73 percent from 2001 to 2002. In 2000, about 219,000 exemptions were cited; in 2001, about 292,000 exemptions were cited; and in 2002, about 504,000 exemptions were cited.

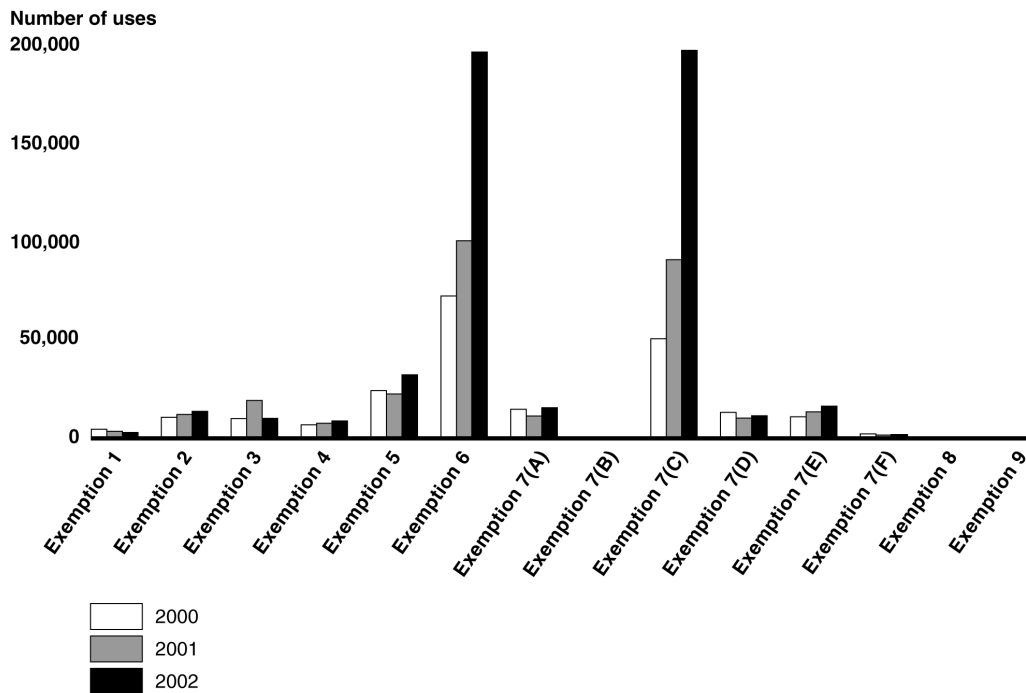
The use of two specific exemptions increased dramatically from 2001 to 2002 (see next slide).

- The use of exemption 6—“personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy”—increased by about 95 percent.
- The use of exemption 7(C)—“records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy”—increased by about 117 percent.



## FOIA Implementation Status and Trends Trends in Nondisclosure—Exemptions

Number of Times Each Exemption Is Used in Each Fiscal Year (25 agencies)



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).

Note: All exemptions were used, although the scale in this graph makes it appear that exemptions 7(B), 8, and 9 were not. This scale is necessary to portray the large number of times that exemptions 6 and 7(C) were used.



FOIA Implementation Status and Trends  
**Trends in Nondisclosure—Not Disclosed for Other Reasons**

Requests in the “not disclosed for other reasons” category reflect agency decisions not to release information on the basis of the following reasons (see attachment 3 for further details): no record responsive to the request, referrals to another agency, request withdrawn, fee-related reason, not reasonably described, not a proper FOIA request, not an agency record, duplicate request, and other reasons.

In each of the 3 years, about 60,000 (approximately 37 percent) of these requests were denied because agencies had no record responsive to the request.

Justice reported the greatest number of requests in the “not disclosed for other reasons” category, constituting an average of approximately 43 percent of all such requests over the past 3 years.

Between 2000 and 2001, the number of requests reported by Justice in the “other reasons” category dropped from about 50,000 to about 3,700;<sup>13</sup> therefore, the governmentwide category dropped between 2000 and 2001.

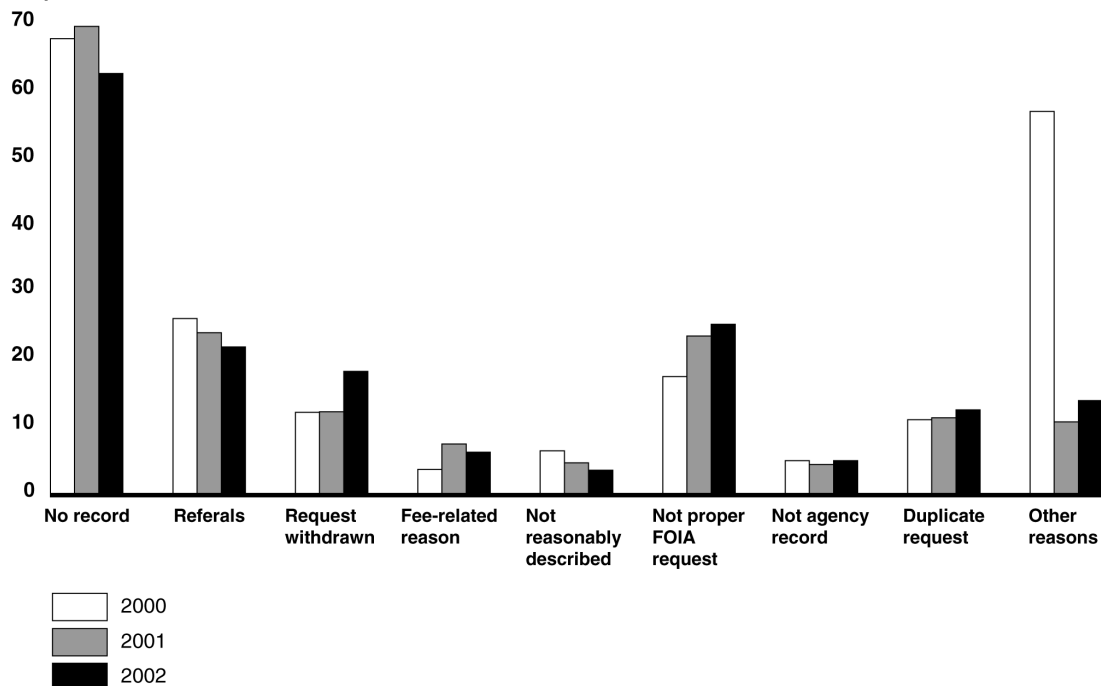
<sup>13</sup> The drop at Justice was due almost entirely to a change in reporting methodology by a single Justice Department component, the Immigration and Naturalization Service.



FOIA Implementation Status and Trends  
 Trends in Nondisclosure—Not Disclosed for Other Reasons

Not Disclosed for Other Reasons

Requests in thousands



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).



FOIA Implementation Status and Trends  
**Trends in Nondisclosure—Administrative Appeals**

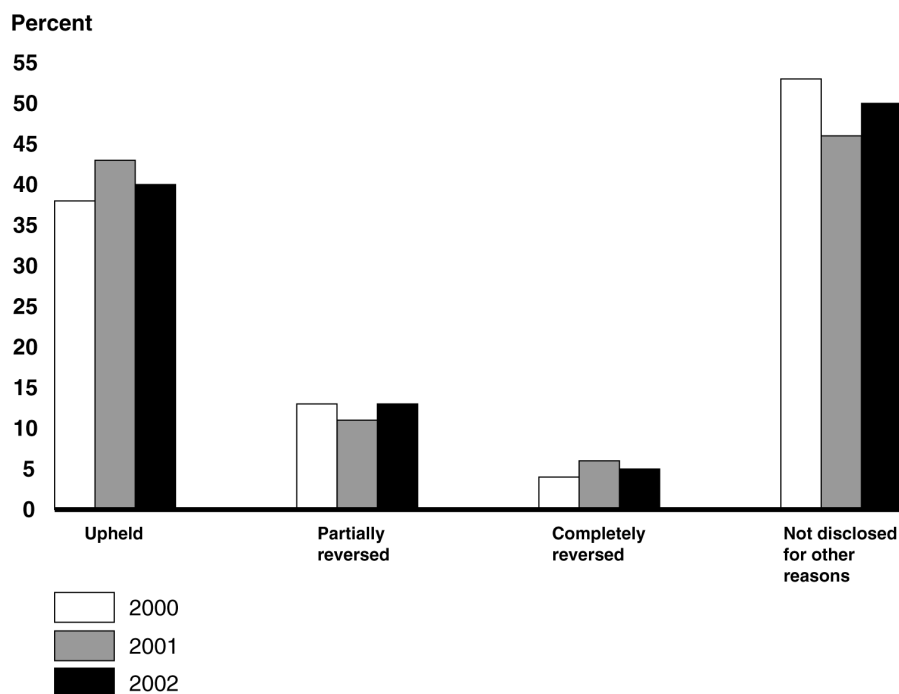
For about 80 percent of the administrative appeals processed, either the appeals were upheld, meaning that the agency stood by its original decision not to disclose any of the requested records, or the records were “not disclosed for other reasons.” “Other reasons” are described in detail in attachment 3; examples include no record responsive to the request, referrals to another agency, request withdrawn, fee-related reason, not reasonably described, not a proper FOIA request, not an agency record, and duplicate request. For these appeals, the requester did not obtain any of the appealed records.

The remaining 20 percent were completely or partially reversed. This resulted in the requester receiving some or all of the appealed records.



## FOIA Implementation Status and Trends Trends in Nondisclosure—Administrative Appeals

Administrative Appeal Decisions as a Percentage of Appeals Processed



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).





FOIA Implementation Status and Trends  
**Trends in Costs and Staffing—Full-Time-Equivalents**

Agencies reported using approximately 5,000 FTEs to complete FOIA activities governmentwide in each year from 2000 to 2002.

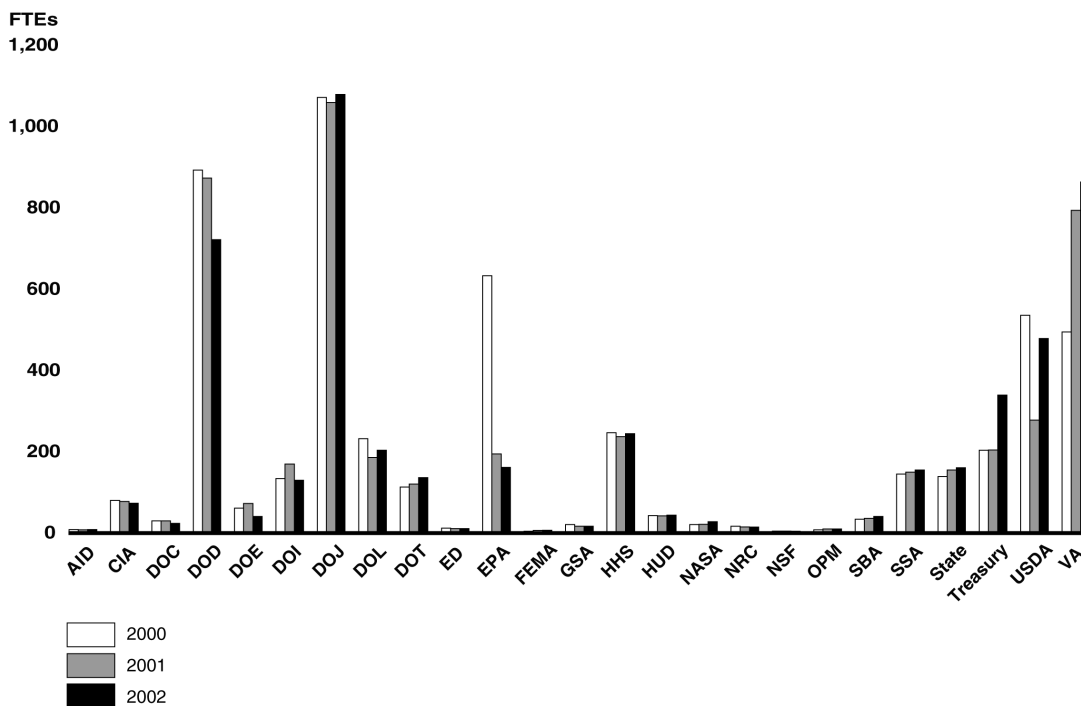
For all 3 years, Defense, Justice, and Veterans Affairs reported the largest number of FTE staff dedicated to handling FOIA requests. In 2000, the FTE figures from the Environmental Protection Agency and Agriculture were also among the largest.

The following slide shows total reported FTEs by agency.



FOIA Implementation Status and Trends  
 Trends in Costs and Staffing—FTEs by Agency

Total Reported FTEs by Agency



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).

Note: All agencies had FTEs, although the scale in this graph makes it appear that some did not. This scale is necessary to portray values for agencies with large numbers of FTEs.

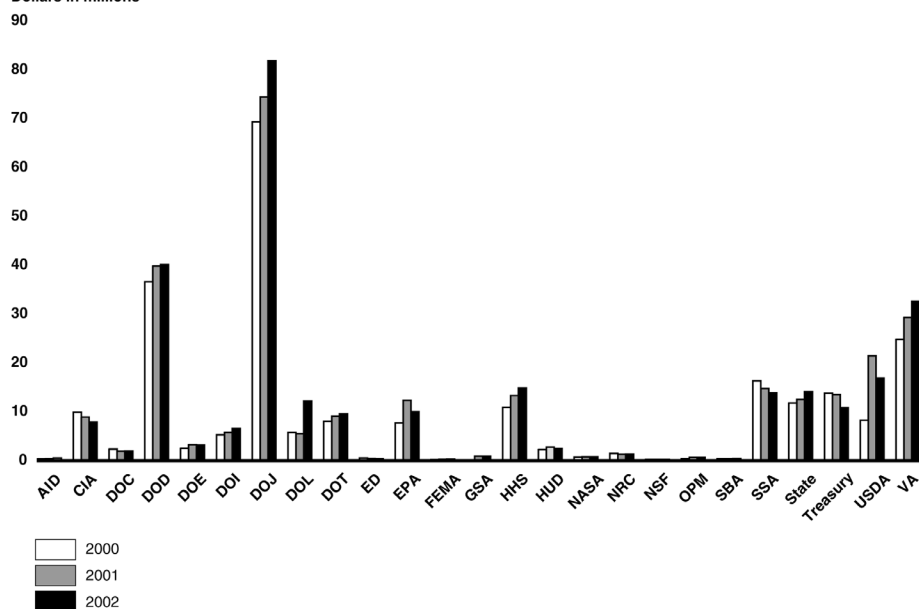


FOIA Implementation Status and Trends  
 Trends in Costs and Staffing—Total Reported FOIA Costs

Justice reports the largest FOIA costs, followed by Defense and Veterans Affairs.

Total Costs, by Agency

Dollars in millions



Source: FOIA annual reports for fiscal years 2000-2002 (self-reported data).

Note: Except for GSA in 2000, all agencies reported spending money on FOIA, although the scale in this graph makes it appear that some did not. This scale is necessary to portray values for agencies with high costs.



FOIA Implementation Status and Trends  
Trends in Costs and Staffing—Reported FTEs per Request

There is considerable variation in the reported FTEs per request.

Over the 3 years, Interior, the Nuclear Regulatory Commission, and State consistently have the highest reported FTEs per request. In 2000, the Environmental Protection Agency was also among the agencies with the highest reported FTEs per request.

The following slide compares the agencies' reported FTEs per request, which is the ratio of FTEs dedicated in a year to handling FOIA requests to the requests handled in that year, calculated from reported annual FOIA data.

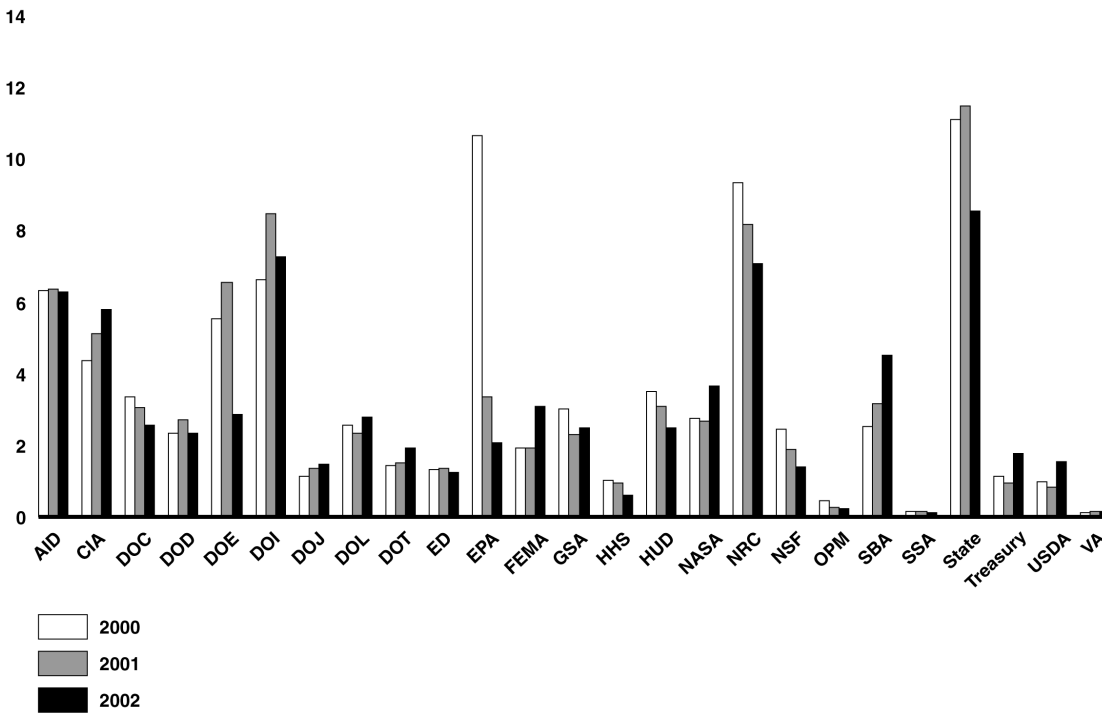
Appendix I  
Update on Freedom of Information Act  
Implementation Status



FOIA Implementation Status and Trends  
Trends in Costs and Staffing—Reported FTEs per Request

FTEs per Request, in Business Days

Days



Source: FOIA annual reports for years 2000–2002 (self-reported data).



FOIA Implementation Status and Trends  
**Trends in Costs and Staffing—Cost per Request**

Over the past 3 years, the Nuclear Regulatory Commission and State consistently have had average costs per request greater than \$2,500. In 2002, the Central Intelligence Agency also had an average cost per request greater than \$2,500.

The chart on the following slide shows that Veterans Affairs has a low cost per request, approximately \$21.

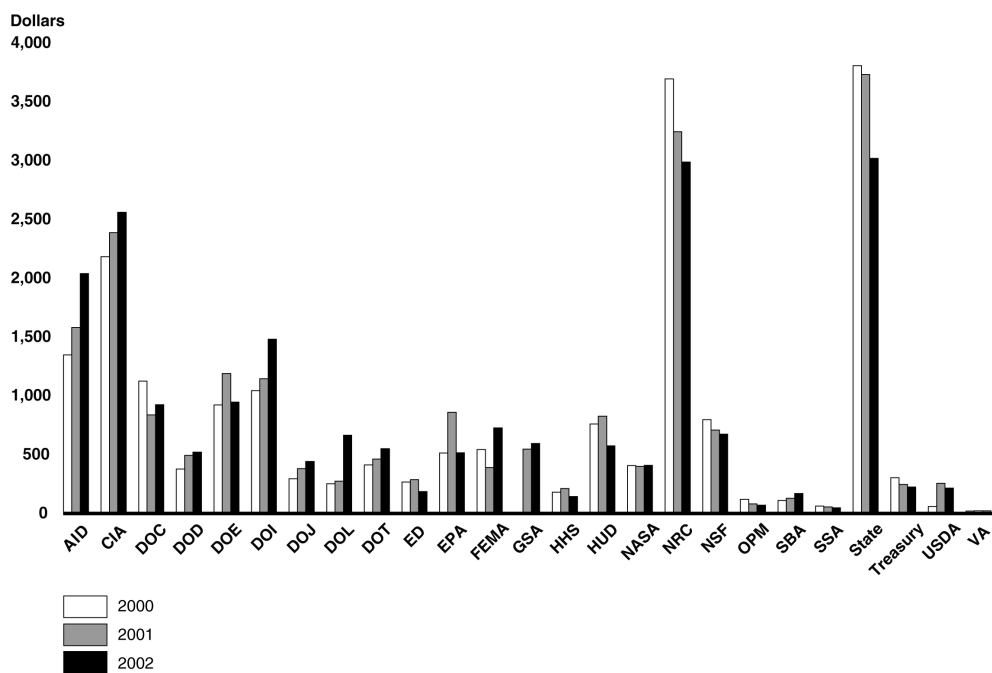
The chart compares the agencies' costs per request, calculated from reported annual FOIA report data.

Appendix I  
Update on Freedom of Information Act  
Implementation Status



FOIA Implementation Status and Trends  
Trends in Costs and Staffing—Cost per Request by Agency

Reported Cost per Request, by Agency



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).

Note: All agencies had a cost per request above \$0 (except GSA in 2000), although the scale in this graph makes it appear that Veterans Affairs did not. This scale is necessary to portray values for agencies with high costs per request.



FOIA Implementation Status and Trends  
**Trends in Costs and Staffing—Reported Fees Collected**

Agencies reported collecting approximately \$6 million in FOIA fees in 2002. This was down from approximately \$7 million in fees collected in 2000 and 2001.

The Social Security Administration reported collecting more in FOIA fees than any other agency—about \$2 million (about 35 percent of all FOIA fees governmentwide).

The following slide shows FOIA fees collected by agency.



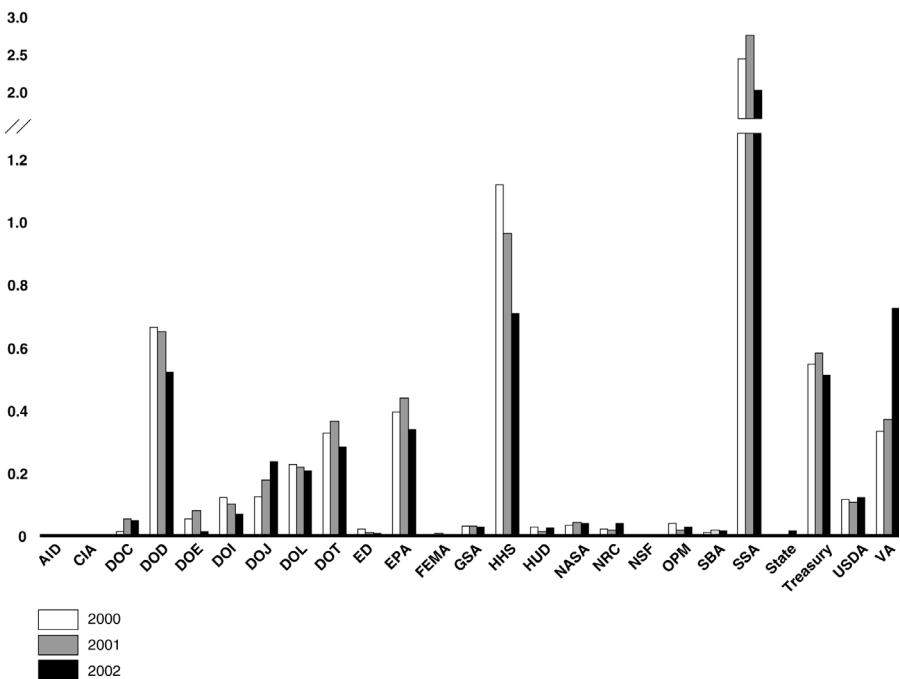
Appendix I  
Update on Freedom of Information Act  
Implementation Status



FOIA Implementation Status and Trends  
Trends in Costs and Staffing—Reported Fees Collected

Fees Collected by Agency

Dollars in millions



Source: FOIA annual reports for fiscal years 2000–2002 (self-reported data).

Note: All agencies collected fees, although the scale in this graph makes it appear that some did not. This scale is necessary to portray values for agencies that collected large amounts of fees.



To improve the public's access to government records and information, our March 2001 report included recommendations that Justice improve the reliability of agencies' data in their FOIA annual reports by providing guidance that addresses data quality and by further reviewing agencies' annual report data. Our August 2002 report echoed the recommendations of the March 2001 report.

In response to our recommendations, Justice has issued supplemental guidance, addressed reporting requirements in its training programs, and continued reviewing agencies' annual reports for data quality.

In 2002, Justice worked with agencies to improve the quality of data in FOIA annual reports. Mixed results were evident in three key areas:

- **Requests processed.** Fewer agencies had data-quality problems this year (4 agencies) compared with the previous year (5 agencies).
- **Administrative appeals processed.** Fewer agencies had data-quality problems this year (5 agencies) compared with the previous year (7 agencies).
- **Pending requests.** More agencies had data-quality problems this year (12 agencies) compared with the previous year (10 agencies).



Data Quality  
**Requests Processed**

In 2002, four of the 25 agencies reported numbers of requests processed that were different from the sum of the reported number of requests processed by tracks (simple, complex, single, and expedited). These two values should be equal. The four agencies are

- Agriculture,
- Justice,
- Health and Human Services, and
- Small Business Administration.



Data Quality  
**Administrative Appeals Processed**

In 2002, five of the 25 agencies reported numbers of administrative appeals processed that were different from the sum of their appeals' dispositions (upheld, completely reversed, partially reversed, and not disclosed for other reasons). These two values should likewise be equal. The five agencies are

- Agriculture,
- Education,
- Energy,<sup>14</sup>
- Interior, and
- Office of Personnel Management.

<sup>14</sup> In commenting on a draft of this briefing, Justice officials stated the report they initially received from Energy did contain an error, and that Energy corrected this error in the final version delivered to Justice. However, we based our results on Energy's publicly available Adobe Portable Document Format (PDF) version that was on its Web site as of August 2003. This version of Energy's publicly posted annual report contained an error in the number of reported administrative appeals. Energy posted a corrected version of the Adobe PDF in November 2003.



Data Quality  
**Pending Requests**

For 12 agencies in 2002, the number of pending requests reported at the beginning of fiscal year 2002 did not equal the number of the pending requests reported at the end of fiscal year 2001.

Twelve agencies stated that the discrepancies were due to errors; for example,

- numbers were added incorrectly,
- errors in accounting,
- adjustments from the previous year, and
- database errors.

The 12 agencies were Agriculture, Defense, Education, Energy, Environmental Protection Agency, Health and Human Services, Interior, Justice, State, Transportation, Treasury, and Veterans Affairs.



## Accommodations for Electronic Requests

Three agencies made accommodations to receive electronic requests since October 2000.

These agencies made accommodations to receive FOIA requests electronically after the attacks of September 11, 2001, and subsequent mail delays due to anthrax attacks in Washington, D.C. However, the agencies told us that the electronic submission capability was added for reasons other than these attacks. Specifically, the agencies stated that electronic submissions can save time and be easier for the requester. The three agencies were

- Agency for International Development,
- Defense, and
- Environmental Protection Agency.



## Accommodations for Electronic Requests

Eleven agencies allowed for electronic FOIA request submissions before September 11, 2001:

- Commerce
- Energy
- Education
- General Services Administration
- Housing and Urban Development
- National Aeronautics and Space Administration
- National Science Foundation
- Nuclear Regulatory Commission
- Office of Personnel Management
- Small Business Administration
- Transportation



## Accommodations for Electronic Requests

Eleven agencies did not allow for electronic FOIA request submissions as of July 2003:

- Agriculture
- Central Intelligence Agency
- Federal Emergency Management Agency
- Health and Human Services
- Interior
- Justice
- Labor
- Social Security Administration
- State
- Treasury
- Veterans Affairs





Overall, from 2000 to 2002, 24 agencies received and processed a decreased number of requests governmentwide; when Veterans Affairs is included, the number of requests received and processed increased. From 2000 to 2002, agencies also decreased the number of pending requests remaining at the end of each year.

- Of the FOIA requests processed governmentwide, agencies granted more requests either totally or partially each year between 2000 and 2002.
- The number of FOIA requests denied governmentwide dropped dramatically between 2000 and 2001 and remained low in 2002.

In 2002, Justice worked with agencies to improve the quality of data in FOIA annual reports. Mixed results were evident in the number of requests processed, administrative appeals processed, and pending requests.

Three agencies that allowed for electronic submission after September 11, 2001, and subsequent anthrax attacks did not attribute the addition of this capability to these attacks.



Agency Comments

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On October 27, 2003, the co-directors and other staff members of OIP provided oral comments on a draft of these briefing slides. These officials generally agreed with the content as presented. They also made a number of technical comments, which we incorporated as appropriate.



Attachment 1:  
**25 Agencies Reviewed and Abbreviations**

- AID: Agency for International Development
- CIA: Central Intelligence Agency
- DOC: Department of Commerce
- DOD: Department of Defense
- DOE: Department of Energy
- DOI: Department of the Interior
- DOJ: Department of Justice
- DOL: Department of Labor
- DOT: Department of Transportation
- ED: Department of Education
- EPA: Environmental Protection Agency
- FEMA: Federal Emergency Management Agency (now part of Department of Homeland Security)
- GSA: General Services Administration
- HHS: Department of Health and Human Services
- HUD: Department of Housing and Urban Development
- NASA: National Aeronautics and Space Administration
- NRC: Nuclear Regulatory Commission
- NSF: National Science Foundation
- OPM: Office of Personnel Management
- SBA: Small Business Administration
- SSA: Social Security Administration
- State: Department of State
- Treasury: Department of the Treasury
- USDA: Department of Agriculture
- VA: Department of Veterans Affairs



Attachment 2:  
**Freedom of Information Act Exemptions**

**Exemption**

**number      Matters that are exempt from FOIA**

- |     |   |
|-----|---|
| (1) | (A) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and<br>(B) are in fact properly classified pursuant to such Executive order.   |
| (2) | Related solely to the internal personnel rules and practices of an agency.  |
| (3) | Specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute<br>(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or<br>(B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. |
| (4) | Trade secrets and commercial or financial information obtained from a person and privileged or confidential.  |
| (5) | Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.  |
| (6) | Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.  |



Attachment 2:  
**Freedom of Information Act Exemptions**

**Exemption  
number**

**Matters that are exempt from FOIA**

- |     |   |
|-----|---|
| (7) | Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information<br>(A) could reasonably be expected to interfere with enforcement proceedings;<br>(B) would deprive a person of a right to a fair trial or impartial adjudication;<br>(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy;<br>(D) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;<br>(E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or<br>(F) could reasonably be expected to endanger the life or physical safety of an individual. |
| (8) | Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.   |
| (9) | Geological and geophysical information and data, including maps, concerning wells.  |



Attachment 3:  
**Other Reasons for Nondisclosure**

<b>Category</b>	<b>Definition</b>
No records	The agency searched and found no record responsive to the request.
Referrals	The agency referred records responsive to the request to another agency.
Request withdrawn	The requester withdrew the request.
Fee-related reasons	The requester refused to commit to pay fees or other reasons related to fees.
Records not reasonably described	The requester did not describe the records sought with sufficient specificity to allow them to be located with a reasonable amount of effort.
Not a proper FOIA request	The request was not a FOIA request for one of several procedural reasons.
Not an agency record	The requested record was not within the agency's control.
Duplicate request	The request was submitted more than once by the same requester.



**Appendix II  
Agency Processing Times and Numbers of  
Requests Processed by Track (Attachment 4)**

DOI	Year	2000	2001	2002	Median days for processing request				
	Total requests	4966	4961	4378	0	20	50	100 >100	
Single	Number of requests	4966	4940	4332	2000				18
	Median response time in days	18	13-157	10-58	2001				13-157
					2002				10-58
DOJ	Year	2000	2001	2002	Median days for processing request				
	Total requests	235,090	194,612	184,928	0	20	50	100 >100	
Simple	Number of requests	151,613	126,202	126,389	2000				1-78
	Median response time in days	1-78	1-137	0-67	2001				1-137
					2002				0-67
Complex	Number of requests	55,440	50,069	46,383	2000				12-2097
	Median response time in days	12-2097	16-1311	13-621	2001				16-1311
					2002				13-621
DOL	Year	2000	2001	2002	Median days for processing request				
	Total requests	22,505	19,840	18,201	0	20	50	100 >100	
Simple	Number of requests	15,827	14,104	13,642	2000				13
	Median response time in days	13	13	1-25	2001				13
					2002				1-25
Complex	Number of requests	5646	4730	4030	2000				43
	Median response time in days	43	39	7-49	2001				39
					2002				7-49
DOT	Year	2000	2001	2002	Median days for processing request				
	Total requests	19,280	19,547	17,540	0	20	50	100 >100	
Simple	Number of requests	9162	9340	7810	2000				14
	Median response time in days	14	8	8	2001				8
					2002				8
Complex	Number of requests	3246	7347	9568	2000				39
	Median response time in days	39	23	39	2001				23
					2002				39
Single	Number of requests	6774	2713	-	2000				15
	Median response time in days	15	30	-	2001				30
					2002				-

- A dash indicates agency did not report any median time or any requests for a given track.

Source: FOIA annual reports for fiscal years 2000-2002 (self-reported data).



**Appendix II  
Agency Processing Times and Numbers of  
Requests Processed by Track (Attachment 4)**

ED	Year	2000	2001	2002	Median days for processing request					
	Total requests	1695	1555	1718	0	20	50	100	>100	
Simple	Number of requests	1258	1264	1293	2000					16
	Median response time in days	16	17	5-35	2001					17
Complex	Number of requests	417	263	400	2000					51
	Median response time in days	51	45	7-180	2001					45
EPA	Year	2000	2001	2002	Median days for processing request					
	Total requests	14,837	14,292	19,259	0	20	50	100	>100	
Simple	Number of requests	14,553	14,249	19,221	2000					19
	Median response time in days	19	17-36	15-1113	2001					17-36
Complex	Number of requests	272	21	24	2000					31
	Median response time in days	31	24-333	31-123	2001					24-333
FEMA	Year	2000	2001	2002	Median days for processing request					
	Total requests	196	498	318	0	20	50	100	>100	
Complex	Number of requests	-	498	318	2000					-
	Median response time in days	-	52	48	2001					52
Single	Number of requests	196	-	-	2000					50
	Median response time in days	50	-	-	2001					-
GSA	Year	2000	2001	2002	Median days for processing request					
	Total requests	1502	1519	1407	0	20	50	100	>100	
Complex	Number of requests	-	-	1407	2000					-
	Median response time in days	-	-	14	2001					-
Single	Number of requests	1502	1519	-	2000					20
	Median response time in days	20	14	-	2001					14
					2002					-

Median day  
 Range of median days  
 - A dash indicates agency did not report any median time or any requests for a given track.

Source: FOIA annual reports for fiscal years 2000-2002 (self-reported data).

**Appendix II  
Agency Processing Times and Numbers of  
Requests Processed by Track (Attachment 4)**

Agency	Year	2000	2001	2002	Median days for processing request					
		Total requests	2000	2001	2002	0	20	50	100	>100
<b>HHS</b>		2000	2001	2002	Median days for processing request					
	Total requests	60,060	62,599	103,163	0	20	50	100	>100	
	Simple	Number of requests	-	41,944	35,991	2000	-			
		Median response time in days	-	10-35	10-35	2001	[Range: 10-35]			10-35
	Complex	Number of requests	-	2833	2730	2000	-			
		Median response time in days	-	60-332	60-272	2001	[Range: 60-332]			60-332
Single	Number of requests	-	17,632	64,284	2000	-				
	Median response time in days	-	6-342	9-177	2001	[Range: 6-342]			6-342	
2002	Number of requests	-	-	-	2002	[Range: 60-272]			60-272	
	Median response time in days	-	-	-	2002	[Range: 60-272]			60-272	
<b>HUD</b>		2000	2001	2002	Median days for processing request					
	Total requests	2878	3251	4171	0	20	50	100	>100	
	Simple	Number of requests	-	3113	2702	2000	-			
		Median response time in days	-	27-266	15-59	2001	[Range: 27-266]			27-266
	Complex	Number of requests	-	52	337	2000	-			
		Median response time in days	-	67	34-83	2001	[Range: 67]			67
Single	Number of requests	2878	-	-	2000	[Range: 43]			43	
	Median response time in days	43	-	-	2001	[Range: -]			-	
2002	Number of requests	-	-	-	2002	[Range: -]			-	
	Median response time in days	-	-	-	2002	[Range: -]			-	
<b>NASA</b>		2000	2001	2002	Median days for processing request					
	Total requests	1652	1745	1723	0	20	50	100	>100	
	Simple	Number of requests	1276	1318	1408	2000	[Range: 24]			24
		Median response time in days	24	19	19	2001	[Range: 19]			19
	Complex	Number of requests	373	426	311	2000	[Range: 38]			38
		Median response time in days	38	45	29	2001	[Range: 45]			45
2002	Number of requests	-	-	-	2002	[Range: 29]			29	
	Median response time in days	-	-	-	2002	[Range: 29]			29	
<b>NRC</b>		2000	2001	2002	Median days for processing request					
	Total requests	377	384	426	0	20	50	100	>100	
	Simple	Number of requests	364	363	403	2000	[Range: 19]			19
		Median response time in days	19	17	14	2001	[Range: 17]			17
	Complex	Number of requests	10	21	14	2000	[Range: 26]			26
		Median response time in days	26	20	25	2001	[Range: 20]			20
2002	Number of requests	-	-	-	2002	[Range: 25]			25	
	Median response time in days	-	-	-	2002	[Range: 25]			25	

Source: FOIA annual reports for fiscal years 2000-2002 (self-reported data).

**Appendix II  
Agency Processing Times and Numbers of  
Requests Processed by Track (Attachment 4)**

NSF	Year	2000	2001	2002	Median days for processing request					
	Total requests	184	242	254	0	20	50	100	>100	
Single	Number of requests	184	242	254						14
	Median response time in days	14	13	10						13
										10
OPM	Year	2000	2001	2002	Median days for processing request					
	Total requests	2716	7449	8784	0	20	50	100	>100	
Simple	Number of requests	2691	-	-						7
	Median response time in days	7	-	-						-
										-
Complex	Number of requests	25	7449	-						17
	Median response time in days	17	11	-						11
										-
Single	Number of requests	-	-	8781						-
	Median response time in days	-	-	13						-
										13
SBA	Year	2000	2001	2002	Median days for processing request					
	Total requests	3088	2648	2117	0	20	50	100	>100	
Simple	Number of requests	-	-	2106						-
	Median response time in days	-	-	2						-
										2
Single	Number of requests	3088	2640	-						3
	Median response time in days	3	2	-						2
										-
SSA	Year	2000	2001	2002	Median days for processing request					
	Total requests	258,342	264,055	292,884	0	20	50	100	>100	
Simple	Number of requests	199,312	86,105	292,370						11-45
	Median response time in days	11-45	13-31	11-18						13-31
										11-18
Complex	Number of requests	679	421	514						42
	Median response time in days	42	62	48						62
										48

Source: FOIA annual reports for fiscal years 2000-2002 (self-reported data).

**Appendix II  
Agency Processing Times and Numbers of  
Requests Processed by Track (Attachment 4)**

State	Year	2000	2001	2002	Median days for processing request					
	Total requests	3070	3329	4636	0	20	50	100	>100	
Simple	Number of requests	413	555	1863	2000					37
	Median response time in days	37	157	351	2001					157
		694	742	431	2002					351
Complex	Number of requests	2637	2763	2764	2000					694
	Median response time in days	694	742	431	2001					742
		694	742	431	2002					431
Treas	Year	2000	2001	2002	Median days for processing request					
	Total requests	45,111	54,469	47,812	0	20	50	100	>100	
Simple	Number of requests	6744	1815	1285	2000					1-22
	Median response time in days	1-22	2-20	4-17	2001					2-20
		1-22	2-20	4-17	2002					4-17
Complex	Number of requests	28,658	52,654	46,436	2000					5-1000
	Median response time in days	5-1000	9-232	6-117	2001					9-232
		5-1000	9-232	6-117	2002					6-117
USDA	Year	2000	2001	2002	Median days for processing request					
	Total requests	139,503	83,194	78,062	0	20	50	100	>100	
Simple	Number of requests	121,984	72,599	69,732	2000					26
	Median response time in days	26	30	2-85	2001					30
		26	30	2-85	2002					2-85
Complex	Number of requests	9051	8831	6388	2000					45
	Median response time in days	45	49	9-905	2001					49
		45	49	9-905	2002					9-905
VA	Year	2000	2001	2002	Median days for processing request					
	Total requests	1,230,544	1,350,663	1,489,724	0	20	50	100	>100	
Complex	Number of requests	1,158,939	1,303,289	1,394,304	2000					25
	Median response time in days	25	13	1-25	2001					13
		25	13	1-25	2002					1-25

Median day  
 Range of median days  
 - A dash indicates agency did not report any median time or any requests for a given track.

Source: FOIA annual reports for fiscal years 2000-2002 (self-reported data).

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