

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2000 Annual Report

October 1, 1999 - September 30, 2000

Bureau/Office Bureau of Indian Affairs

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Date January 18, 2001

I & II. (To be completed by the Department)

III. Definitions of Terms and Acronyms Used in the Report

A. Bureau - specific acronyms or other terms included in each report.

(To be completed by the bureau if appropriate)

B. Basic terms, expressed in common terminology.

1. FOIA/PA request – Freedom of Information Act (FOIA)/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. **(All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. Initial Request – a request to a federal agency for access to records under the FOIA.
3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multitrack processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A

requester who has an urgent need for records may request expedited processing (see below).

6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions.
12. Time limits -- the time period in the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number -- the middle, not average number. For example, 3, 7, and 14, the median number is 7.
16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked.
2. Brief description of type(s) of information withheld under each statute.
3. Statement of whether a court has upheld the use of each statute. If so, then cite example **(To be completed by SOL)**

V. Initial FOIA/PA Access Requests

■ This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

A. Numbers of initial requests.

- Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.
- The total of the numbers in lines 1 and 2, minus the number in line 3, should equal the number in line 4.

1. Number of requests pending as of end of preceding fiscal year	68*
2. Number of requests received during current fiscal year	892
3. Number of requests processed during current fiscal year	777
4. Number of requests pending as of end of current fiscal year (Enter this number also in line VII.B.1.)	183

\*Eliminates duplicate reporting from Regions and Headquarters that was included in FY99 rpt.

B. Disposition of initial requests.

1. Number of total grants	459
2. Number of partial grants	115
3. Number of denials	21

- Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.

- A "no record" response does not constitute a denial which would be reported under 3--these should be included under 4a, "No records."
- Fee waiver denials should be included under 4d, "Fee-related reason."

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

(1) Exemption 1	0
(2) Exemption 2	0
(3) Exemption 3	0
(4) Exemption 4	32
(5) Exemption 5	20
(6) Exemption 6	93
(7) Exemption 7 (A)	1
(8) Exemption 7 (B)	0
(9) Exemption 7 (C)	5
(10) Exemption 7 (D)	0
(11) Exemption 7 (E)	0
(12) Exemption 7 (F)	0
(13) Exemption 8	0
(14) Exemption 9	1

4. Other reasons for nondisclosure (total) 182

- a. no records 90
- b. referrals 24
- c. request withdrawn 7
- d. fee-related reason 18

**(Include fee waiver denials here.)**

- e. records not reasonably described 20

- f. not a proper FOIA request for some other reason 2
- g. not an agency record 17
- h. duplicate request 4
- i. other (specify) 0

**(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)**

**VI. Appeals of Initial Denials of FOIA/PA Requests (To be completed by the Department.)**

- This should include all access requests, whether first-party or third-party.

**A. Numbers of appeals.**

- 1. Number of appeals received during fiscal year \_\_\_\_\_
- 2. Number of appeals processed during fiscal year \_\_\_\_\_

**B. Disposition of appeals.**

- 1. Number completely upheld \_\_\_\_\_
- 2. Number partially reversed \_\_\_\_\_
- 3. Number completely reversed \_\_\_\_\_

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

- (1) Exemption 1 \_\_\_\_\_
- (2) Exemption 2 \_\_\_\_\_
- (3) Exemption 3 \_\_\_\_\_
- (4) Exemption 4 \_\_\_\_\_
- (5) Exemption 5 \_\_\_\_\_
- (6) Exemption 6 \_\_\_\_\_
- (7) Exemption 7(A) \_\_\_\_\_
- (8) Exemption 7(B) \_\_\_\_\_

(9) Exemption 7(C) \_\_\_\_\_

(10) Exemption 7(D) \_\_\_\_\_

(11) Exemption 7(E) \_\_\_\_\_

(12) Exemption 7 (F) \_\_\_\_\_

(13) Exemption 8 \_\_\_\_\_

(14) Exemption 9 \_\_\_\_\_

4. Other reasons for nondisclosure (total) \_\_\_\_\_

a. no records \_\_\_\_\_

b. referrals \_\_\_\_\_

c. request withdrawn \_\_\_\_\_

d. fee-related reason \_\_\_\_\_

**(Include fee waiver denials here.)**

e. records not reasonably described \_\_\_\_\_

f. not a proper FOIA request for some other reason \_\_\_\_\_

g. not an agency record \_\_\_\_\_

h. duplicate request \_\_\_\_\_

i. other (specify) \_\_\_\_\_

**(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)**

#### VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau believes that “average time” is a better measure of its performance, it may wish to include that as well.
- **Examples - calculating the median:**

1) Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date for perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed

requests would be 65 days.

2) Example for calculation of median: If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers).

A. Processing time for requests processed during the year.

1. Normal Processing

a. number of requests processed	777
b. median number of days to process	20
c. average number of days to process ( <b>optional</b> )	34.7

2. Requests accorded expedited processing.

a. number of requests processed	N/A
b. median number of days to process	N/A
c. average number of days to process ( <b>optional</b> )	N/A

(NOTE: DOI does not use multitrack processing at this time.)

B. Status of pending requests.

1. Number of requests pending as of end of FY 00 (Enter this number from Line V.A.4.)	183
2. Median number of days that such requests were pending as of that date (September 30, 2000)	92
3. Average number of days that such requests were pending as of that date ( <b>optional</b> )	154.7

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 99
FY 00	890	-37%
FY 99	1,409	

B. Comparison of numbers of requests processed:

	No.	% change over FY 99
FY 00	774	-44%
FY 99	1,389	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 99
FY 00	18	72% decrease in
FY 99	48	days pending

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees (**do not list training sponsored by DOJ, ASAP, USDA**), etc.):

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel	1.0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	18.35
3. Total number of personnel (in work-years)	19.35

B. Total Costs (including staff and all resources):

- The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support. For purposes of the report, use the individual's salary (exclude benefits and overhead)(include under 1, 2, and 3, if applicable)
- Cost to provide or attend training (include under 3).
- Fees which are waived or not recovered, including those instances where the fee is \$15 or under, provided that a record of such fees is maintained as backup information (include under 1).
- The cost to develop and maintain the bureau's FOIA home page (include under 3).
- Other costs (Check with the Departmental FOIA Officer).
  1. FOIA processing (including appeals)

	Staff	\$ 683,672.00
	Other	42,408.78
2. Litigation-related activities (estimated)		
	Staff	\$3,000.00
	Other	38.69 (postage)
3. Other costs - administering the program (training, home page costs etc.)		
		\$500.00
4. Total costs		
		\$729,619.47
5. Comparison with <b>FY 99</b> (including % of change) -33.36% decrease		
C.	Statement of additional resources needed for FOIA compliance	N/A
X. Fees		
■	This includes charges for search, review (commercial-use requesters only), document duplication, and any other direct costs permitted under agency regulations.	
A.	Total amount of fees collected by agency for processing requests	\$40,311.85
B.	Percentage of total costs	.05%
XI. FOIA Regulations (Including the Fee Schedule)		
<b>(To be completed by the Department)</b>		

Note: In prior years, the number of FOIA requests received and processed have been overstated due to duplicate counting of requests that were initially received at Headquarters and subsequently sent to field offices for a response. Virtually all such requests were previously counted at least twice [by headquarters and by the field office that responded] and may have been counted a dozen times if Headquarters sent the request to each of our 12 Regions for a reply. We are now using a database program to help manage the program and have eliminated the duplicate reporting from the FY 2000 numbers.

Other accomplishments by BIA in this reporting year included a Bureau-wide training where over 120 BIA employees attended. The costs of these training is reflected in the total FOIA processing costs. The BIA Headquarters office ordered copies of the 1999 Red FOIA Guides for all its Regional and Agency personnel. This cost is reflected under other costs.