

**Council on Environmental Quality
Annual FOIA 2011 Report
October 1, 2010 - September 30, 2011**

I. BASIC INFORMATION REGARDING REPORT

- A. Name, Title, Address, and Telephone Number of Person to be contacted with questions.

Diana A. Csank
Public Liaison
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503
Telephone number: (202) 395-5750
Fax number: (202) 456-0753
E-Mail: efoia@ceq.eop.gov

- B. Electronic address for report on the World Wide Web.

<http://www.whitehouse.gov/administration/eop/ceq>

- C. How to obtain a copy of the report in paper form.

Request a copy from the address above.

II. MAKING A FOIA REQUEST

- A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

Office of the General Counsel
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503
Telephone number: (202) 395-5750

Heightened security measures in force may delay mail delivery; therefore, FOIA correspondence should be sent by email, efoia@ceq.eop.gov, or fax, (202) 456-0753.

- C. Brief description of why some requests are not granted.

CEQ does not grant requests when CEQ does not find any responsive documents or when the request is for another agency's records.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-specific acronyms or other terms:

- a. **Council on Environmental Quality (CEQ);**
- b. **Environmental Assessment (EA);**
- c. **Environmental Impact Statement (EIS);**
- d. **Finding of No Significant Impact (FONSI); and**
- e. **National Environmental Policy Act (NEPA).**

2. Definitions of terms used in this Report:

- a. **Administrative Appeal**—a request asking a Federal agency to 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 the 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 requesters seeking records concerning themselves; i.e., “first-Party requests) when

those requesters are not subject to the Privacy Act, such as non-US citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant**—an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial**—an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number**—the middle, not the average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing**—a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing**—an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request**—a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. **Complex Request**—A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial**—in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

- m. **Pending Request or Pending Administrative Appeal**—a request 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.
 - n. **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 statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. Descriptions of the nine FOIA Exemptions
- a. **Exemption 1:** Classified national defense and foreign relations information.
 - b. **Exemption 2:** Internal agency rules and practices.
 - c. **Exemption 3:** Information that is prohibited from disclosure by another Federal law.
 - d. **Exemption 4:** Trade secrets and other confidential business information.
 - e. **Exemption 5:** Inter or intra-agency communications that are protected by legal privileges.
 - f. **Exemption 6:** Information involving matters of personal privacy.
 - g. **Exemption 7:** records of 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 investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
 - h. **Exemption 8:** information relating to the supervision of financial institutions.
 - i. **Exemption 9:** geological information on wells.

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on to withhold information

Statute	Type of info w/h	Case citation	# of times relied on	Total # of times relied upon
N/A	N/A	N/A	N/A	N/A

V. FOIA Requests

A. Received, Processed and Pending FOIA requests.

# pending as of start of fiscal year	# received in fiscal year	# processed in fiscal year	# pending as of end of fiscal year
6	41	23	24

B. (1) Disposition of FOIA Requests—All Processed Requests

Full grant	Partial grant/partial denial	Full denial based on exemptions	Number of Full Denials Based on Reasons Other than Exemptions									Total	
			No Record	All records referred to another agency	With-Drawn request	Fee-related reason	Records not reasonably described	Improper request (other reasons)	Not agency record	Duplicate request	Other		
7	10	0	6	0	0	0	0	0	0	0	0	0	23

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

Description of “other” reasons for full denials from chart B (1) and number of times those reasons were relied upon	Total
TOTAL	N/A

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

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex.7 (D)	Ex. 7(E)	Ex. 7(f)	Ex. 8	Ex. 9
0	4	0	0	4	10	0	0	0	0	0	0	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA

A. Received, Processed, and Pending Administrative Appeals

Number of Appeals Pending at 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
0	0	0	0

B. Disposition of Administrative Appeals—All Processed Appeals

Number Affirmed on Appeal	Number Partially Affirmed, Partially Reversed /Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
0	0	0	0	0

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

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7	Ex. 7(A)	Ex. 7(B)	Ex. 7 (C)	Ex. 7 (D)	Ex. 7 (E)	Ex. 8	Ex. 9
0	0	0	0	0	0	0	0	0	0	0	0	0	0

C. (2) Reasons for Denial of Appeal—Reasons Other than Exemptions

No records	Records referred at initial request level	Request withdrawn	Fee-Related	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
0	0	0	0	0	0	0	0	0	0	0

C. (3) Reasons for Denial on Appeal

Description of “other” reasons for denial on appeal from Chart C (2) and number of times reasons were relied upon	TOTAL
N/A	N/A

C. (4) Response Time for Administrative Appeals

Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days
0	0	0	0

C. (5) Ten Oldest Pending Administrative Appeals

	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
Date of Receipt of 10 Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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

A. Processed Requests—response time for all processed perfected requests

<i>Response Time For All Processed Perfected Requests</i>				
	Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days
Simple	24	27.7	4	60
Complex	220.5	484.8	188	1310*
Expedited	0	0	0	0

*For one complex request, the 1310 days of response mostly consisted of time spent in litigation.

B. Processed Requests—response time for perfected requests with information granted

<i>Response Time For Perfected Requests With Information Granted</i>				
	Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days
Simple	22	24.1	4	54
Complex	220.5	484.8	188	1310*
Expedited	0	0	0	0

*For one complex request, the 1310 days of response mostly consisted of time spent in litigation.

C. Processed Requests—Response Time in Day Increments*

<i>Number of Processed Requests</i>	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
Simple Requests	8	8	3	0	0	0	0	0	0	0	1	0	0	19
Complex Requests	0	0	0	0	0	0	0	0	0	2	1	0	1*	0
Requests Granted Expedited Processing	0	0	0	0	0	0	0	0	0	0	0	0	0	0

*For the request that took over 400 days to process, the majority of this time was spent in litigation.

D. Pending Requests—All Perfected Requests

<i>Pending Requests - All Perfected Requests</i>			
	Number of Requests	Median # of Days	Average # of Days
Simple	6	71	63.75
Complex	15	90.5	117.7
Expedited	0	0	0

*The majority of this time has been spent in litigation.

E. Pending Requests—Ten Oldest Pending Perfected Requests

	10 th Oldest	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest
Date	7/2/11	6/8/11	6/7/11	5/11/11	5/6/11	4/20/11	4/6/11	1/24/11	9/13/10	8/13/10
# of Days	63	81	82	100	103	115	125	176	266	286

VIII. REQUESTS FOR EXPEDITED PROCESSING AND FOR FEE WAIVER

A. Requests for Expedited Processing

Number Granted	Number Denied	Median Number of Days to Adjudicate	Average # of Days to Adjudicate	Number Adjudicated Within 10 Calendar Days
0	0	0	0	0

B. Requests for Fee Waiver

Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
5	0	0	0

*CEQ did not charge fees for fiscal year 2011 FOIA requests.

IX. FOIA PERSONNEL AND COSTS

PERSONNEL			COSTS		
Number of Full-time FOIA staff	Number of Equivalent Full-time FOIA Staff	Total Number Full-time FOIA Staff	Processing Costs	Litigation-related Costs	Total Costs
0	.75	.75	\$43,000.00	\$35,084.75	\$78,084.75

X. FEES COLLECTED FOR PROCESSING REQUESTS

- A. Total amount of fees collected by agency for processing requests
- B. Percentage of total costs

Total amount of fees collected	Percentage of total costs
00.00	00.00

XI. FOIA REGULATIONS

For general information about CEQ, visit www.whitehouse.gov/administration/eop/ceq. CEQ revised its FOIA regulations. The revised regulations became effective September 10, 2010 and are available at www.whitehouse.gov/administration/eop/ceq/foia/regulations.

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

- A. Backlogs of FOIA Requests and Administrative Appeals

Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
14	0

- B. Consultations on FOIA Requests—Received, Processed, and Pending Consultations

Number of Consultations Received from Other Agencies that were Pending at CEQ as of Start of Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by CEQ During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at CEQ as of End of Fiscal Year
3	17	15	5

- C. Consultations on FOIA Requests—Ten Oldest Received from Other Agencies Pending at CEQ

10th Oldest and # of Days Pending	9th N/A	8th N/A	7th N/A	6th N/A	5th N/A	4th N/A	3rd N/A	2nd N/A	Oldest and # of Days Pending
N/A	N/A	N/A	N/A	N/A	9/30/11	9/27/11	9/26/11	9/15/11	5/5/11
N/A	N/A	N/A	N/A	N/A	<1	4	5	12	104

- D. Comparison of Numbers of Requests from Previous and Current Annual Report—Requests Received, Process, and Backlogged

Number of requests received		Number of requests processed	
Number received	Number received	Number processed	Number processed during

during fiscal year from last year's annual report	during fiscal year from current annual report	during fiscal year from last year's annual report	fiscal year from current annual report
25	41	24	23

Backlogged Requests	
Number of backlogged requests as of end of the fiscal year from previous annual report	Number of backlogged requests as of end of the fiscal year from current annual report
3	14

E. Comparison of numbers of administrative appeals from previous and current annual report—appeals received, processed, and backlogged

Number of appeals received		Number of appeals processed	
Number received during fiscal year from last year's annual report	Number received during fiscal year from current annual report	Number process during fiscal year from last year's annual report	Number processed during fiscal year from current annual report
1	0	1	0

Backlogged appeals	
Number of backlogged appeals as of the end of the fiscal year from previous annual report	Number of backlogged appeals as of end of the fiscal year from current annual report
0	0