

**FISCAL YEAR 2005
ANNUAL FOIA REPORT**

I. Basic Information Regarding Report:

A. Name, titled, address, and telephone number of person to be contacted with questions about the report:

Stanley S. Sokul
Chief FOIA Officer
Office of Science and Technology Policy
Executive Office of the President
725 17th Street, N.W.
Washington D.C. 20585
(202) 395-7347
(202) 456-6022 (Fax)

B. Electronic address for this report on our Web site:

http://www.ostp.gov/html/_foia.html

C. How to obtain a copy of this report in paper form:

Contact:
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II. How to Make a FOIA request:

For basic information on how to make a FOIA request, visit our Web site at:

http://www.ostp.gov/html/_foia.html.

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

OSTP has no separate components or offices. The contact information listed in Section I should be used for all FOIA requests. *Due to uncertainties in mail delivery, faxing a copy of your request is strongly recommended.*

B. Brief description of the agency's response time ranges:

Upon receipt of initial FOIA request, OSTP has 20 working days to respond. If the request requires an extension, OSTP will provide written notice explaining the reason for the delay and when a determination will be made. Depending on complexity, OSTP has been able to respond to some requests within the statutory time period. For more information on response times, see Section VII of this report

C. Brief description why requests are not granted:

The most common reasons requests are not granted is that no records responsive to the request are located.

When records are located, the primary reasons for not granting the requests are that disclosure is protected by the deliberative process privilege or that the request implicated classified national defense and foreign relations information.

III. Definitions of Terms and Acronyms Used in the Report:

A. Basic terms, expressed in common terminology:

1. FOIA/PA request -- Freedom of Information Act/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 Freedom of Information Act.
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 Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal. Request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track Processing. A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requestor 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 request 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 (non-expedited) 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, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time Limits. The time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" Request. A FOIA request for records which adequately describes the records sought, which has been received 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, of 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:

The Office of Science and Technology Policy did not rely on Exemption 3 statutes during Fiscal Year 2005.

V. INITIAL FOIA/PA ACCESS REQUESTS:

A. Number of initial requests (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: 35
2. Number of requests received during current fiscal year: 34
3. Number of requests processed during current fiscal year: 48
4. Number of requests pending as of end of current fiscal year: 21

B. Disposition of initial requests:

1. Number of total grants: 13
2. Number of partial grants: 1
3. Number of denials: 3
 - a. Number of times each FOIA exemption was used (counting each exemption once per request)
 - (1) Exemption 1: 0
 - (2) Exemption 2: 0
 - (3) Exemption 3: 0
 - (4) Exemption 4: 0
 - (5) Exemption 5: 3
 - (6) Exemption 6: 0
 - (7) Exemption 7(A): 0
 - (8) Exemption 7(B): 0
 - (9) Exemption 7(C): 0
 - (10) Exemption 7(D): 0
 - (11) Exemption 7(E): 0
 - (12) Exemption 7(F): 0
 - (13) Exemption 8: 0
 - (14) Exemption 9: 0
4. Other reasons for nondisclosure (total): 31
 - a. no records: 27
 - b. referrals: 1
 - c. request withdrawn: 0
 - d. fee-related reason: 0
 - e. records not reasonably described: 3
 - f. not a proper FOIA request for some other reason: 0
 - g. not an agency record: 0

- h. duplicate request: 0
- i. other (specify): None

V. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS:

A. Number of Appeals:

- 1. Number of appeals received during fiscal year: 3
- 2. Number of appeals processed during fiscal year: 3

B. Disposition of Appeals:

- 1. Number completely upheld: 0
- 2. Number partially reversed: 0
- 3. Number completely reversed: 0
 - a. Number of times each FOIA exemption used (counting each exemption once per appeal)
 - (1) Exemption 1: 0
 - (2) Exemption 2: 0
 - (3) Exemption 3: 0
 - (4) Exemption 4: 0
 - (5) Exemption 5: 0
 - (6) Exemption 6: 0
 - (7) Exemption 7(A): 0
 - (8) Exemption 7(B): 0
 - (9) Exemption 7(C): 0
 - (10) Exemption 7(D): 0
 - (11) Exemption 7(E): 0
 - (12) Exemption 7(F): 0
 - (13) Exemption 8: 0
 - (14) Exemption 9: 0
- 4. Other reasons for nondisclosure (total): 3
 - a. no records: 3
 - b. referrals: 0
 - c. request withdrawn: 0
 - d. fee-related reason: 0
 - e. records not reasonably described: 0
 - f. not a proper FOIA request for some other reason: 0
 - g. not an agency record: 0
 - h. duplicate request: 0
 - i. other (specify): None.

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS:

A. Median processing time for requests processed during the year:

1. Simple requests:

- a. Number of requests processed: 27
- b. Median number of days to process: 208

2. Complex requests:

- a. Number of requests processed: 21
- b. Median number of days to process: 360

3. Requests accorded expedited processing:

- a. Number of requests processed: 0
- b. Median number of days to process: 0

B. Status of Pending Requests:

- 1. Number of requests pending as of end of current fiscal year: 21
- 2. Median number of days that such requests were pending as of that date: 365

VIII. COMPARISONS WITH PREVIOUS YEAR:

	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>
A. Number of requests received	18	47	34
→ Expedited requests received (# granted)		2(0)	4(0)
B. Number of requests processed	18	19	48
C. Number of requests pending at end of FY	7	35	21

IX. COSTS/FOIA STAFFING:

A. Staffing levels:

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 0.10
3. Total number of personnel (in work-years): 0.10

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

1. FOIA processing (including appeals): \$12,500
2. Litigation-related activities (estimated): \$0
3. Total costs: \$12,500

C. Statement of additional resources needed for FOIA compliance: None

X. FEES:

- A. Total amount of fees collected by agency for processing requests: \$0.00
- B. Percentage of total costs: 0