



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

**Annual Freedom of Information Act (FOIA) Report for FY 2005
(October 1, 2004 through September 30, 2005)**

I. Basic Information Regarding Report

A. Any questions concerning this report, as well as requests for a copy of the report in paper form, should be addressed to the Office of Management and Budget (OMB), Attn: Donald Hawkins, FOIA Officer, 725 17th Street NW, Washington, DC 20503, (202) 395-7250.

B. Copies of this report, as well as information on how to make a Freedom of Information Act (FOIA) request to OMB, are available at the "FOIA" site on the OMB Home Page at <http://www.whitehouse.gov/omb/foia>.

C. To obtain a copy of the report in paper form, see A above.

II. How to Make a FOIA Request

A. Guidance on how/where to submit a FOIA request can be found on the OMB Home Page mentioned above. As noted in the guidance, all FOIA requests to OMB are received at the address shown on the Home Page.

B. OMB processed a total of 218 FOIA initial requests during fiscal year 2005 with median response time of 41 days.

C. Of the 218 initial requests processed, 94 were granted in total. With respect to the remaining 124 requests OMB had no documents responsive to the request, some or all of the responsive documents were withheld under one of the FOIA exemptions, or the requester was referred to another agency, withdrawn, duplicate, or records were not reasonably described.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms. N/A

B. 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 the requester; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which of these laws are 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 -- a request or appeal for as to which an agency has taken a final action with respect to the request or the appeal.
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 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 entireties, 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 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, 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

A. List of Exemption 3 statutes relied on by agency during current fiscal year. None

1. Brief description of type(s) of information withheld under each statute. N/A

2. Statement of whether a court has upheld the use of each statute. If so, then cite example. N/A

V. Initial FOIA/PA Access Requests

A. Number of Initial Requests

1. Number of requests pending as of end of preceding fiscal year 57*
2. Number of requests received during current fiscal year 169
3. Number of requests processed during current fiscal year 218
4. Number of requests pending as of end of current fiscal year 8

* This figure includes 21 additional FOIA requests which were pending at the end of FY 2004 which were inadvertently not included in the FY 2004 report. These requests were all processed and closed during FY 2005 and are noted in this report.

B. Disposition of initial requests.

1. Number of total grants 94
2. Number of partial grants 26
3. Number of denials 6
 - a. number of times each FOIA exemption used
(counting each exemption once per request)

- (1) Exemption 1 1
- (2) Exemption 2 1
- (3) Exemption 3 0
- (4) Exemption 4 0
- (5) Exemption 5 28
- (6) Exemption 6 3
- (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) 92
 - a. no records 41
 - b. referrals 8
 - c. request withdrawn 24
 - d. fee-related reason 7
 - e. records not reasonably described 1
 - f. not a proper FOIA request for some other reason 8
 - g. not an agency record 0
 - h. duplicate request 3*
 - i. other (specify) 0

* Duplicate requests are requests received for a second or third time (from the same person), regarding the same subject matter.

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

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

B. Disposition of appeals.

- 1. Number completely upheld 1
- 2. Number partially reversed 1
- 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 2
 - (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) 0
 - a no records 0
 - 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) 0

VII. Compliance with Time Limits/Status of Pending Requests

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

1. Simple requests (if multiple tracks used).
 - a. number of requests processed 218
 - b. median number of days to process 41
2. Complex requests (specify for any and all tracks used).
 - a. number of requests processed 0
 - b. median number of days to process 0
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 8
2. Median number of days that such requests were pending as of that date
9

VIII. Comparisons with Previous Year(s) (Optional)

A. Comparison of numbers of requests received 223 (FY 2001) & 87 (FY 2002) & 99 (FY2003) & 152 (FY 2004) & 169 (FYI 2005).

B. Comparison of numbers of requests processed 238 (FY 2001) & 82 (FY 2002) & 65 (FY 2003) & 173 (FY 2004) & 218 (2005).

C. Comparison of median numbers of days requests were pending as of end of fiscal year: 59 days (FY 2001) & 203 days (FY 2002) & 56 days (FY 2003) & 218 (FY 2004) & 9 days (2005).

D. Other statistics significant to agency: As an aside, OMB, unlike some other agencies, does not have a centralized FOIA process in which requests are handled on a consecutive basis: the processing of one request generally does not delay OMB's ability to respond to other requests. For this reason, when OMB receives a request for expedited processing, (OMB received 16 such requests in FY05), OMB's practice is to inform the requester that OMB does not operate a first-in, first-out system for processing FOIA requests and that, accordingly, OMB will begin the processing of the person's request. This reply, along with OMB's prompt response to the requests themselves, appear to have addressed the requesters' goal in requesting expedited processing.

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g.,backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records) N/A

