



# NATIONAL ARCHIVES

**FISCAL YEAR 2016**

**Annual Freedom of Information Act (FOIA) Report**

## I. Basic Information Regarding Report

- A. Questions about this report can be addressed to Joseph Scanlon, NARA FOIA Officer, Office of General Counsel, Room 3110, 8601 Adelphi Road, College Park, MD 20740-6001. The telephone number is 301-837-0583. The e-mail address is [foia@nara.gov](mailto:foia@nara.gov).
- B. Gary M. Stern, NARA's General Counsel, also serves as the Chief FOIA Officer. Questions may be addressed to his attention at Office of General Counsel, Room 3110, 8601 Adelphi Road, College Park, MD 20740-6001. The telephone number is 301-837-1750. The e-mail address is [foia@nara.gov](mailto:foia@nara.gov).
- C. An electronic version of the report is available from the NARA website: [www.archives.gov/foia/reports/2016.pdf](http://www.archives.gov/foia/reports/2016.pdf).
- D. To request a paper copy of this report write to the FOIA Officer at 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.

NARA accepts FOIA requests for the executive branch agency records in its legal custody. That includes the operational records that NARA creates while conducting government business and the accessioned archival records that NARA receives and maintains from all executive branch agencies as the National Archives of the United States. NARA also accepts FOIA requests for Presidential and Vice Presidential records subject to the provisions of the Presidential Records Act. For general questions on the FOIA or on a specific request, you may call NARA's FOIA hotline at 301-837-3642.

Information listing the telephones numbers for NARA's FOIA Customer Service Centers and the names of our Public Liaisons is available at: <http://www.archives.gov/foia/contacts.html>.

### **FOR OPERATIONAL RECORDS (all NARA units, except the Inspector General)**

NARA FOIA Officer  
Office of General Counsel, Room 3110  
8601 Adelphi Road  
College Park, MD 20740-6001  
301-837-3642 (phone)  
301-837-0293 (fax)  
[foia@nara.gov](mailto:foia@nara.gov) (email)

### **FOR RECORDS OF NARA'S INSPECTOR GENERAL**

Office of Inspector General

Attn: FOIA Request

8601 Adelphi Road, Room 1300

College Park, MD 20740-6001

301-837-3000 (phone)

301-837-3197 (fax)

**FOR ARCHIVAL RECORDS (Washington, DC Metropolitan Area)**

Special Access and FOIA Staff

8601 Adelphi Road, Room 5500

College Park, MD 20740-6001

301-837-3190 (phone)

301-837-1864 (fax)

[specialaccess\\_FOIA@nara.gov](mailto:specialaccess_FOIA@nara.gov) (email)

**FOR ARCHIVAL RECORDS (outside the Washington, DC Metropolitan Area)**

FOIA requests should be addressed to the Archival Director of the facility where the records are located. A listing of Archives facility addresses can be found at [www.archives.gov/locations/index.html](http://www.archives.gov/locations/index.html).

**FOR PRESIDENTIAL RECORDS SUBJECT TO FOIA**

Pursuant to the Presidential Records Act of 1978 (PRA), the records of each former President, beginning with President Reagan, become subject to the provisions of the FOIA five years after the President leaves office. The incumbent or former President may continue to invoke specific restrictions for up to twelve years, after which only statutory FOIA restrictions may be applied (except that FOIA exemption (b)(5) does not apply to PRA records; however, either the former President or the incumbent President may assert executive privilege). FOIA requests for Presidential records should be mailed to the attention of the Director of the Presidential library in which the records are located.

The Presidential materials at pre-PRA Presidential libraries (Hoover through Carter) are donated collections (except that the Nixon materials are subject to a special statute) and are not subject to FOIA, but each of them have small collections of executive branch agency records that are subject to the FOIA. Addresses of the Presidential Libraries are posted on our website at [www.archives.gov/presidential-libraries/index.html](http://www.archives.gov/presidential-libraries/index.html).

## **FOR OFFICIAL MILITARY or CIVILIAN PERSONNEL FILES**

National Personnel Records Center  
1 Archives Drive

St. Louis, MO 63138

(314) 801-0800

(314) 801-9195 (fax)

E-Mail: [MPR.center@nara.gov](mailto:MPR.center@nara.gov)

## **FOR ALL OTHER RECORDS**

Judicial records, records of the Congress and legislative branch agencies, donated historical materials, and Nixon Presidential Historical Materials are not subject to the FOIA.

In addition, NARA cannot respond to FOIA requests for records that are in our physical but not legal custody, such as the records of executive branch agencies stored at a NARA Federal Records Center. FOIA requests for record center holdings remain the responsibility of the originating agency.

We have published a FOIA Reference Guide that describes the procedures for making FOIA requests to NARA. The Guide can be viewed at [www.archives.gov/foia/foia-guide.html](http://www.archives.gov/foia/foia-guide.html). Additional procedural information can be found in our implementing regulations at 36 CFR Part 1250 and 1254 through 1260.

### **B. Brief description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply.**

NARA accepts FOIA requests for all executive branch records in its legal custody, including our own operational records and the historical records NARA maintains as the National Archives of the U.S. government. NARA asserts the privacy exemption more than the rest of the exemptions to protect the privacy of individuals referenced in records among our holdings. NARA also uses Exemption (b)(1), as directed by equity holding agencies, to withhold information the release of which would harm the national security of the United States. Other reasons for not granting requests are outlined in Section V, B of this report.

### **III. Acronyms, Definitions, and Exemptions**

#### **A. Agency specific acronyms or other terms**

**NARA** - National Archives and Records Administration.

**Operational records** – records that NARA creates or receives in carrying out its mission and responsibility as an executive branch agency.

**Archival records** – permanent records of the United States government that have been transferred to the legal and physical custody of the National Archives of the United States and the Presidential Libraries.

## **B. Basic terms, expressed in common terminology**

a. **Administrative 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.

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 an 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 separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

g. **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 under these two statutes are included in this report. This report does not account for requests for archival records that do not cite the FOIA or Privacy Act.)

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 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).

j. **Median number** – the middle, not 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 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).

i. **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.

ii. **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.

iii. **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.

l. **Partial grant/Partial Denial** – 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.

m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.

n. **"Perfectured" 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.

o. **Processed Request or Processed Administrative Appeal** – a request or appeal for which an agency has taken a final action on the request or the appeal 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 Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfectured" FOIA request).

## **C. 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-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or 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 (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

### 3. Agency Component Abbreviations

| Component Abbreviation | Component Name |
|------------------------|----------------|
|                        |                |
|                        |                |
|                        |                |



#### IV. EXEMPTION 3 STATUTES

| Statute   | Type of Information Withheld   | Case Citation   | Agency / Component | Number of Times Relied upon by Agency / Component | Total Number of Times Relied upon by Agency Overall |
|---|--|---|--------------------|---|---|
| 8 U.S.C. § 1202(f)<br>(Immigration and Nationality Act) | Certain records pertaining to the issuance or refusal of visas to enter the United States  | Medina-Hincapie v. Dep't of State, 700 F.2d 737, 741-42 (D.C. Cir. 1983); DeLaurentiis v. Haig, 686 F.2d 192, 194 (3d Cir. 1982); Assadi v. Dep't of State, No. 12-1111, 2014 WL 4704840, at *6 (S.D.N.Y. Sept. 19, 2014); Beltranena v. U.S. Dep't of State, 821 F. Supp. 2d 167, 177-78 (D.D.C. 2011); Badalamenti v. U.S. Dep't of State, 899 F. Supp. 542, 547 (D. Kan. 1995); Jan-Xin Zang v. FBI, 756 F. Supp. 705, 711-12 (W.D.N.Y. 1991); Smith v. DOJ, No. 81-CV-813, 1983 U.S. Dist. LEXIS 10878, at *13-14 (N.D.N.Y. Dec. 13, 1983). | NARA               | 1   | 1   |
| 10 U.S.C. § 130   | Certain "technical data with military or space application in the possession of, or under the control of, the Department of Defense" | Newport Aeronautical Sales v. Dep't of the Air Force, 684 F.3d 160, 165 (D.C. Cir. 2012); Chenkin v. Dep't of the Army, No. 93-494, 1994 U.S. Dist. LEXIS 20907, at *8 (E.D. Pa. Jan. 14, 1994), aff'd, 61 F.3d 894 (3d Cir. 1995) (unpublished table decision).  | NARA               | 2   | 2   |

|  |   |   |      |    |    |
|--|---|---|------|----|----|
| 10 U.S.C. § 424  | Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency | Physicians for Human Rights v. DOD, No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011); Miller v. DOJ, 562 F. Supp. 2d 82, 112 (D.D.C. 2008); Wickwire Gavin, P.C. v. Def. Intelligence Agency, 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).  | NARA | 24 | 24 |
| 18 U.S.C. §§ 2510-20 (Title III of the Omnibus Crime Control and Safe Streets Act) | Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps  | Mendoza v. DEA, No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); Lam Lek Chong v. DEA, 929 F.2d 729, 733 (D.C. Cir. 1991); Payne v. DOJ, No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).  | NARA | 4  | 4  |
| 26 U.S.C. §§ 6103, 6105 (Internal Revenue Code)                                    | Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information   | Church of Scientology v. IRS, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); Pac. Fisheries, Inc. v. IRS, 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105); Leonard v. U.S. Dep't of Treasury, No. 10-6625, 2013 WL 4517912, at *2 (D.N.J. Aug. 26, 2013) (26 U.S.C. § 6103); Tax Analysts v. IRS, 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105). | NARA | 12 | 12 |
| 42 U.S.C. § 2162 (Atomic Energy Act)   | "Restricted Data" pertaining to atomic weapons and special nuclear material   | Meeropol v. Smith, No. 75- 1121, slip op. at 53-55 (D.D.C. Feb. 29, 1984), aff'd in relevant part & remanded in part on other grounds sub nom., Meeropol v. Meese, 790 F.2d 942 (D.C. Cir. 1986).   | NARA | 12 | 12 |

|   |   |  |      |     |     |
|---|---|--|------|-----|-----|
|   |   |  |      |     |     |
| 42 U.S.C. § 2168(a)(1)(C)   | Restricted and formerly restricted data concerning atomic energy  | N/A  | NARA | 46  | 46  |
|   |   |  |      |     |     |
| 50 U.S.C. § 402 note (National Security Agency Act of 1959)                                   | Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees   | ACLU v. DOJ, 681 F.3d 61, 72-75 (2d Cir. 2012); Elec. Priv. Info. Ctr. v. NSA, 678 F.3d 926, 931 (D.C. Cir. 2012); Houghton v. NSA, 378 F. App'x 235, 238-39 (3d Cir. 2010) (per curiam); Lahr v. NTSB, 569 F.3d 964, 985 (9th Cir. 2009); Larson v. Dep't of State, 565 F.3d 857, 868-69 (D.C. Cir. 2009); Founding Church of Scientology v. NSA, 610 F.2d 824, 827-28 (D.C. Cir. 1979); Roman v. NSA, No. 07-CV-4502, 2009 WL 303686, at *5-6 (E.D.N.Y. Feb. 9, 2009), summary affirmance granted, 354 F. App'x. 591 (2d Cir. 2009). | NARA | 3   | 3   |
|   |   |  |      |     |     |
| 50 U.S.C. § 403-1(i)(1) (currently at 50 U.S.C. § 3024(i)(1)) (National Security Act of 1947) | Intelligence sources and methods  | CIA v. Sims, 471 U.S. 159, 167 (1985); ACLU v. DOJ, 681 F.3d 61, 72-75 (2d Cir. May 21, 2012); ACLU v. DOD, 628 F.3d 612, 619, 626 (D.C. Cir. 2011); Berman v. CIA, 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007).  | NARA | 87  | 87  |
|   |   |  |      |     |     |
| 50 U.S.C. § 403g (currently at 50 U.S.C. § 3507) (Central Intelligence Agency Act of 1949)    | Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency" | ACLU v. DOJ, 681 F.3d 61, 72-75 (2d Cir. 2012); Larson v. Dep't of State, 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); Berman v. CIA, 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); Makky v. Chertoff, 489 F.   | NARA | 220 | 220 |

|   |   |  |      |    |    |
|---|---|--|------|----|----|
|   |   | Supp. 2d 421, 442 (D.N.J. 2007),<br>aff'd on other grounds, 541 F. 3d<br>205 (3d Cir. 2008).   |      |    |    |
| Fed. R. Crim. P. 6(e), enacted<br>by Act of July 30, 1977, Pub.<br>L. No. 95-78, 91 Stat. 319 | Certain records pertaining to grand<br>jury proceedings   | Sussman v. USMS, 494 F.3d 1106,<br>1113 (D.C. Cir. 2007); Fund for<br>Constitutional Gov't v. Nat'l<br>Archives & Records Serv., 656 F.2d<br>856, 867-68 (D.C. Cir. 1981);<br>Durham v. U.S. Atty. Gen., No. 06-<br>843, 2008 WL 620744, at *2 (E.D.<br>Tex. Mar. 3, 2008); Cozen<br>O'Connor v. U.S. Dep't of Treasury,<br>570 F. Supp. 2d 749, 776 (E.D. Pa.<br>2008). | NARA | 23 | 23 |
| 50 U.S.C. § 421   | Identities of certain United States<br>undercover intelligence officers,<br>agents, informants, and sources   | N/A  | NARA | 1  | 1  |
| 5 U.S.C. § 574(j)   | Dispute resolution communications   | N/A  | NARA | 6  | 6  |
| Pub. L. No. 105-246, 112 Stat<br>1859 (Nazi War Crimes<br>Disclosure Act)                     | Records related to or supporting<br>any active or inactive investigation,<br>inquiry, or prosecution by the Office<br>of Special Investigations of the<br>Department of Justice | N/A  | NARA | 2  | 2  |
|   |   |  |      |    |    |



## V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

| Agency / Component | Number of Requests Pending as of Start of Fiscal Year | Number of Requests Received in Fiscal Year | Number of Requests Processed in Fiscal Year | Number of Requests Pending as of End of Fiscal Year |
|--------------------|---|--|---|---|
| NARA               | 4,396   | 49,966                                     | 50,205                                      | 4,157   |
|                    |   |  |   | 0   |
| AGENCY OVERALL     | 4,396   | 49,966                                     | 50,205                                      | 4,157   |

*At the end of FY2015, NARA reported 8,325 pending and backlogged requests, but noted that it was cleaning up the FOIA data in its data warehouse. Previously, the data in the warehouse did not consistently reflect all request closures. This resulted in a higher number of requests reported as pending at the end of FY2015. The change from 8,325 to 4,396 reflects the cleanup to the data warehouse and accurately reflects the number of pending requests at the start of FY2016.*

**V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS**

| Agency / Component | Number of Full Grants | Number of Partial Grants / Partial Denials | Number of Full Denials Based on Exemptions | Number of Full Denials Based on Reasons Other than Exemptions |   |                   |                    |                                  |  |                   |                   |                               | TOTAL  |
|--------------------|-----------------------|--|--|---|---|-------------------|--------------------|----------------------------------|--|-------------------|-------------------|-------------------------------|--------|
|                    |                       |  |  | No Records  | All Records Referred to Another Component or Agency | Request Withdrawn | Fee-Related Reason | Records not Reasonably Described | Improper FOIA Request for Other Reason | Not Agency Record | Duplicate Request | Other *Explain in Chart Below |        |
| NARA               | 1,013                 | 1,810                                      | 22   | 46,633  | 27  | 153               | 6                  | 38                               | 79                                     | 16                | 116               | 292                           | 50,205 |
|                    |                       |  |  |   |   |                   |                    |                                  |  |                   |                   |                               | 0      |
| AGENCY OVERALL     | 1,013                 | 1,810                                      | 22   | 46,633  | 27  | 153               | 6                  | 38                               | 79                                     | 16                | 116               | 292                           | 50,205 |

**V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS  
 BASED ON REASONS OTHER THAN EXEMPTIONS"**

| Agency /<br>Component | Description of "Other" Reasons for Denials from Chart B(1) | Number of Times<br>"Other" Reason<br>Was Relied Upon | TOTAL |
|-----------------------|--|--|-------|
| NARA                  | Presidential Records Act (PRA)                             | 29   | 292   |
|                       | Unable to locate or contact requester                      | 263  |       |
| AGENCY<br>OVERALL     |  |  | 292   |
|                       |  |  |       |



**V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED**

| Agency / Component | 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 |
|--------------------|-------|-------|-------|-------|-------|-------|----------|----------|----------|----------|----------|----------|-------|-------|
| NARA               | 507   | 18    | 443   | 8     | 27    | 328   | 0        | 0        | 151      | 283      | 53       | 10       | 0     | 4     |
|                    |       |       |       |       |       |       |          |          |          |          |          |          |       |       |
| AGENCY OVERALL     | 507   | 18    | 443   | 8     | 27    | 328   | 0        | 0        | 151      | 283      | 53       | 10       | 0     | 4     |

**VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS**

| Agency / Component | Number of Appeals Pending as of 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 |
|--------------------|--|---|--|--|
| NARA               | 105  | 98  | 45   | 158  |
|                    |  |   |  | 0  |
| AGENCY OVERALL     | 105  | 98  | 45   | 158  |

**VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS**

| Agency / Component | 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 |
|--------------------|---------------------------|---|---|--|-------|
| NARA               | 23                        | 5   | 7   | 10   | 45    |
|                    |                           |   |   |  | 0     |
| AGENCY OVERALL     | 23                        | 5   | 7   | 10   | 45    |

**VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED**

| Agency / Component | 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 |
|--------------------|-------|-------|-------|-------|-------|-------|----------|----------|----------|----------|----------|----------|-------|-------|
| NARA               | 3     | 0     | 0     | 0     | 1     | 4     | 0        | 0        | 1        | 0        | 1        | 0        | 0     | 0     |
|                    |       |       |       |       |       |       |          |          |          |          |          |          |       |       |
| AGENCY OVERALL     | 3     | 0     | 0     | 0     | 1     | 4     | 0        | 0        | 1        | 0        | 1        | 0        | 0     | 0     |

**VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS**

| Agency / Component | No Records | Records Referred at Initial Request Level | Request Withdrawn | Fee-Related Reason | 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 *Explain in chart below |
|--------------------|------------|---|-------------------|--------------------|----------------------------------|------------------------------------|-------------------|-----------------------------|-----------------------|---|-------------------------------|
| NARA               | 10         | 2   | 1                 | 3                  | 0                                | 9                                  | 0                 | 0                           | 0                     | 2   | 1                             |
|                    |            |   |                   |                    |                                  |                                    |                   |                             |                       |   |                               |
| AGENCY OVERALL     | 10         | 2   | 1                 | 3                  | 0                                | 9                                  | 0                 | 0                           | 0                     | 2   | 1                             |

**VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS**

| Agency / Component | Description of "Other" Reasons for Denial on Appeal from Chart C(2) | Number of Times "Other" Reason Was Relied Upon | TOTAL |
|--------------------|---|--|-------|
| NARA               | Agency conducted reasonable search                                  | 1  | 1     |
| AGENCY OVERALL     |   |  | 1     |
|                    |   |  |       |

**VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS**

| Agency / Component | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
|--------------------|-----------------------|------------------------|-----------------------|------------------------|
|                    |                       |                        |                       |                        |
|                    |                       |                        |                       |                        |
| AGENCY OVERALL     | 282.00                | 256.20                 | 6.00                  | 490.00                 |

**VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS**

| Agency / Component |                        | 10th Oldest Appeal | 9th        | 8th        | 7th        | 6th        | 5th        | 4th        | 3rd        | 2nd        | Oldest Appeal |
|--------------------|------------------------|--------------------|------------|------------|------------|------------|------------|------------|------------|------------|---------------|
|                    | Date of Appeal         |                    |            |            |            |            |            |            |            |            |               |
|                    | Number of Days Pending |                    |            |            |            |            |            |            |            |            |               |
| AGENCY OVERALL     | Date of Appeal         | 2014-05-22         | 2014-05-20 | 2014-04-24 | 2014-04-04 | 2014-03-14 | 2013-09-11 | 2013-09-09 | 2013-09-09 | 2013-07-12 | 2012-10-26    |
|                    | Number of Days Pending | 594                | 596        | 614        | 628        | 643        | 768        | 770        | 770        | 810        | 988           |



**VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS**

| Agency / Component | SIMPLE                |                        |                       |                        | COMPLEX               |                        |                       |                        | EXPEDITED PROCESSING  |                        |                       |                        |
|--------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
|                    | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
|                    |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |
|                    |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |
| AGENCY OVERALL     | 14                    | 11.5                   | <1                    | 2578                   | 612                   | 1098.7                 | <1                    | 5707                   | 10                    | 45.13                  | <1                    | 171                    |

**VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED**

| Agency / Component | SIMPLE                |                        |                       |                        | COMPLEX               |                        |                       |                        | EXPEDITED PROCESSING  |                        |                       |                        |
|--------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
|                    | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
|                    |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |
|                    |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |                       |                        |
| AGENCY OVERALL     | 138                   | 214.37                 | <1                    | 1621                   | 658                   | 1250.22                | 1                     | 5707                   | 31                    | 31                     | 31                    | 31                     |

**VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS**

| Agency / Component | <1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL  |
|--------------------|------------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|--------|
| NARA               | 46,614     | 1,145      | 354        | 198        | 80          | 44           | 40           | 29           | 32           | 19           | 42           | 65           | 333       | 48,995 |
|                    |            |            |            |            |             |              |              |              |              |              |              |              |           | 0      |
| AGENCY OVERALL     | 46,614     | 1,145      | 354        | 198        | 80          | 44           | 40           | 29           | 32           | 19           | 42           | 65           | 333       | 48,995 |

**VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS**

| Agency / Component | <1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|--------------------|------------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| NARA               | 74         | 53         | 14         | 9          | 13          | 9            | 7            | 11           | 17           | 13           | 68           | 63           | 734       | 1,085 |
|                    |            |            |            |            |             |              |              |              |              |              |              |              |           | 0     |
| AGENCY OVERALL     | 74         | 53         | 14         | 9          | 13          | 9            | 7            | 11           | 17           | 13           | 68           | 63           | 734       | 1,085 |

**VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS**

| Agency / Component | <1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|--------------------|------------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| NARA               | 5          | 1          | 0          | 0          | 0           | 0            | 1            | 0            | 1            | 0            | 0            | 0            | 0         | 8     |
|                    |            |            |            |            |             |              |              |              |              |              |              |              |           | 0     |
| AGENCY OVERALL     | 5          | 1          | 0          | 0          | 0           | 0            | 1            | 0            | 1            | 0            | 0            | 0            | 0         | 8     |

**VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS**

| Agency / Component | SIMPLE         |                       |                        | COMPLEX        |                       |                        | EXPEDITED PROCESSING |                       |                        |
|--------------------|----------------|-----------------------|------------------------|----------------|-----------------------|------------------------|----------------------|-----------------------|------------------------|
|                    | Number Pending | Median Number of Days | Average Number of Days | Number Pending | Median Number of Days | Average Number of Days | Number Pending       | Median Number of Days | Average Number of Days |
|                    |                |                       |                        |                |                       |                        |                      |                       |                        |
|                    |                |                       |                        |                |                       |                        |                      |                       |                        |
| AGENCY OVERALL     | 1779           | 352                   | 470.73                 | 2317           | 639                   | 1140.39                | 1                    | 271                   | 271                    |

**VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS**

| Agency / Component |                        | 10th Oldest Request | 9th        | 8th        | 7th        | 6th        | 5th        | 4th        | 3rd        | 2nd        | Oldest Request |
|--------------------|------------------------|---------------------|------------|------------|------------|------------|------------|------------|------------|------------|----------------|
|                    | Date of Receipt        |                     |            |            |            |            |            |            |            |            |                |
|                    | Number of Days Pending |                     |            |            |            |            |            |            |            |            |                |
| AGENCY OVERALL     | Date of Receipt        | 1998-12-23          | 1998-10-21 | 1997-12-11 | 1997-10-01 | 1997-10-01 | 1997-03-14 | 1996-10-25 | 1996-08-31 | 1994-03-14 | 1993-11-29     |
|                    | Number of Days Pending | 4466                | 4509       | 4725       | 4773       | 4773       | 4913       | 5007       | 5044       | 5702       | 5739           |

**VIII.A. REQUESTS FOR EXPEDITED PROCESSING**

| Agency / Component | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number Adjudicated Within Ten Calendar Days |
|--------------------|----------------|---------------|-------------------------------------|--------------------------------------|---|
|                    |                |               |                                     |                                      |   |
|                    |                |               |                                     |                                      |   |
| AGENCY OVERALL     | 10             | 40            | 1                                   | 2.06                                 | 48  |



### VIII.B. REQUESTS FOR FEE WAIVER

| Agency / Component | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |
|--------------------|----------------|---------------|-------------------------------------|--------------------------------------|
|                    |                |               |                                     |                                      |
|                    |                |               |                                     |                                      |
| AGENCY OVERALL     | 20             | 8             | 20                                  | 2.82                                 |

## IX. FOIA PERSONNEL AND COSTS

| Agency / Component | PERSONNEL                            |   |  | COSTS            |                          |                |
|--------------------|--------------------------------------|---|--|------------------|--------------------------|----------------|
|                    | Number of "Full-Time FOIA Employees" | Number of "Equivalent Full-Time FOIA Employees" | Total Number of "Full-Time FOIA Staff" | Processing Costs | Litigation-Related Costs | Total Costs    |
| NARA               | 20                                   | 33  | 53                                     | \$7,342,891.00   | \$12,282.00              | \$7,355,173.00 |
|                    |                                      |   | 0                                      |                  |                          | \$0.00         |
| AGENCY OVERALL     | 20                                   | 33  | 53                                     | \$7,342,891.00   | \$12,282.00              | \$7,355,173.00 |

## X. FEES COLLECTED FOR PROCESSING REQUESTS

| Agency / Component | Total Amount of Fees Collected | Percentage of Total Costs |
|--------------------|--------------------------------|---------------------------|
| NARA               | \$60.00                        | 0.00%                     |
|                    |                                |                           |
| AGENCY OVERALL     | \$60.00                        | 0.00%                     |

## XI.A. NUMBER OF TIMES SUBSECTION (C) USED

| Agency / Component | Number of Times Subsection (C) Used |
|--------------------|-------------------------------------|
| NARA               | 0                                   |
|                    |                                     |
| AGENCY OVERALL     | 0                                   |

**XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS**

| Agency / Component | Number of (a)(2) Records Posted by the FOIA Office | Number of (a)(2) Records Posted by Program Offices |
|--------------------|--|--|
| NARA               | 1,126  | 10,950,488   |
|                    |  |  |
| AGENCY OVERALL     | 1,126  | 10,950,488   |

## XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

| Agency / Component | Number of Backlogged Requests as of End of Fiscal Year | Number of Backlogged Appeals as of End of Fiscal Year |
|--------------------|--|---|
| NARA               | 2,932  | 158   |
|                    |  |   |
| AGENCY OVERALL     | 2,932  | 158   |

**XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS**

| Agency / Component | Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year | Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year | Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year | Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year |
|--------------------|---|--|--|---|
| NARA               | 0   | 5  | 4  | 1   |
|                    |   |  |  | 0   |
| AGENCY OVERALL     | 0   | 5  | 4  | 1   |





**XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED**

| Agency / Component | NUMBER OF REQUESTS <u>RECEIVED</u>                                |   | NUMBER OF REQUESTS <u>PROCESSED</u>                                |  |
|--------------------|---|---|--|--|
|                    | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| NARA               | 22,555  | 49,966  | 23,591   | 50,205   |
|                    |   |   |  |  |
| AGENCY OVERALL     | 22,555  | 49,966  | 23,591   | 50,205   |

**XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS**

| Agency / Component | 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 |
|--------------------|--|---|
| NARA               | 4,396  | 2,932   |
|                    |  |   |
| AGENCY OVERALL     | 4,396  | 2,932   |

**XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED**

| Agency / Component | NUMBER OF APPEALS <u>RECEIVED</u>                                 |   | NUMBER OF APPEALS <u>PROCESSED</u>                                 |  |
|--------------------|---|---|--|--|
|                    | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| NARA               | 104   | 98  | 27   | 45   |
|                    |   |   |  |  |
| AGENCY OVERALL     | 104   | 98  | 27   | 45   |

**XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS**

| Agency / Component | Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report | Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report |
|--------------------|---|--|
| NARA               | 105   | 158  |
|                    |   |  |
| AGENCY OVERALL     | 105   | 158  |

