

**DEPARTMENT of COMMERCE
FOIA ANNUAL REPORT FY09**

I. BASIC INFORMATION REGARDING REPORT

1. Person to be contacted with questions about the report.

Name: Brenda Dolan
Title: Departmental FOIA/PA Officer
Address: U.S. Department of Commerce
Office of Management and Organization
Room 5327
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
Telephone: 202-482-3707

Email: BDolan1@doc.gov

2. Electronic link for access to the Report on the agency Web site.

<http://www.osec.doc.gov/omo/FOIA/FOIAWEBSITE.htm>

3. To obtain a copy of the Report in paper form.

Write to the address or contact the person listed above in section I.1.

II. MAKING A FOIA REQUEST

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

Brenda Dolan
Departmental FOIA Officer
Office of Management and Organization
Room 5327
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-3707

Bobbie Parsons
FOIA Officer
Office of the Secretary
Office of Management and Organization
Room 5327
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-3707

Mary C. Potter
FOIA Officer
Bureau of the Census
Policy Office
Room 8H028
Suitland, Maryland 20746
301-763-4207

Pamela Moulder
FOIA Officer
Bureau of Economic Analysis/Economic and
Statistics Administration
Office of the Under Secretary for Economic Affairs
Room 4836
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-5997

O. Barry Bird
FOIA Officer
Economic Development Administration
Office of the Chief Counsel
Room 7001
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-4687

Mark Crace
FOIA Officer
Bureau of Export Administration
Office of Administration
Room 6622
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-8093

Dianna Finley
FOIA Officer
International Trade Administration
Office of Organization and Management Support
Room 4001
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-1653

Jedd Vertman
FOIA Officer
Minority Business Development Agency
Room 5067
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-5045

Catherine Fletcher
FOIA Officer
National Institute of Standards and Technology
Office of the Director for Administration
100 Bureau Drive, Mail Stop 1710
Gaithersburg, Maryland 20899-1710
301-975-4074

Steve Needle
FOIA Officer
National Technical Information Service
Office of Administrative Management
Room 305, 5301 Shawnee Road
Alexandria, Virginia 22312
703-605-6404

Sharee Anderson
FOIA Officer
National Telecommunications & Information Administration
Office of the Chief Counsel
Room 4713
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-1816

Jean Carter-Johnson
FOIA Officer
National Oceanic & Atmospheric Administration
NOAA Central FOIA Facility
1315 East-West Highway
Room 10730
Silver Spring, Maryland 20910
301-713-3540

Robert Fawcett
FOIA Officer
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313

Wade Green, Jr.
FOIA Officer
Office of Inspector General
Acting Counsel to the Inspector General
Room 7892
1401 Constitution Avenue, N.W.
Washington, D.C. 20230
202-482-5992

The FOIA Officers for the Department are also listed at:

<http://www.osec.doc.gov/omo/FOIA/FOIAWEBSITE.htm>

2. 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.

A request for records may be denied if the requested record contains information which falls into one or more of the nine FOIA exemptions listed in section III, 3. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released to the requester.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-specific acronyms or terms used in this Report.

OS- Office of the Secretary
BIS- Bureau of Industry and Security
Census- Bureau of the Census

EDA- Economic Development Administration

ESA- Economic and Statistics Administration/Bureau of Economic Analysis
ITA- International Trade Administration
MBDA- Minority Business Development Agency
NIST- National Institute of Standards and Technology
NOAA- National Oceanic and Atmospheric Administration
NTIA- National Telecommunications and Information Administration
NTIS- National Technical Information Service
OIG- Office of Inspector General
PTO- United States Patent and Trademark Office
AGC/Admin.- Assistant General Counsel for Administration

2. Definitions of terms used in this Report:

- a. **Administrative Appeal** – a request to a federal agency asking that it 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 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 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-U.S. 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 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 or administrative appeal for which an agency has not taken final action in all respects.

- n. **Perfect 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. Concise 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-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 would disclose guidelines 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

IV. EXEMPTION 3 STATUTES

- A. Exemption 3 Statutes Relied upon to Withhold Information for Initial Requests

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | Total Number of Times Relied upon by Agency |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| 50 U.S.C. § 2411(c), Export Administration Act of 1979 § 12 (c) | Information concerning exporting license applications | Export Information Twin Coast Newspapers, Inc. v Dept. of Commerce, No. 78-0978 (D.D.C. Nov. 6, 1979) | BIS – 13 | 13 |
| 35 U.S.C. § 122 | Information concerning patent applications | Irons & Sears v Dann, 606 F.2d 1215, 1220 (D.C. Cir.1979) | PTO – 17 | 17 |
| 13 U.S.C. § 9 | Information collected by the Bureau of the Census | Baldrige v Shapiro, 455 U.S, 355 (1982) | OS – 1 Census – 32 | 33 |
| 5 U.S.C. appendix 105, Ethics in Govt. Act of 1978 | Financial Disclosure Information | Meyerhoff v EPA 958 Fed 2 1497 9 th Circuit (1992) | OS – 1 | 1 |
| 15 U.S.C. 7306(c) | Public Safety Information | No Case | NIST - 5 | 5 |
| 13 U.S.C. § 301(g) | Shippers' Export Declarations | Young Conservative Found v Dept. of Commerce, No. 85-3982 (D.D.C. March 25, 1987) | Census – 3 | 3 |
| 41 U.S.C. § 253 & 423 | Proposal not set forth or incorporated by reference in a contract | Hornbostel v Dept. of Interior, 305 F. Supp. 2d 21 (D.D.C. 2003) | NOAA - 8 NTIA-1 PTO - 2 | 11 |
| 16 U.S.C. § 1881(a) | Magnuson-Stevens Fishery Conservation and Management Act – pertains to statistical information contained in fishery management plans. | No Case | NOAA -9 | 9 |

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

| | Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------|-------------------------------------------------------|--------------------------------------------|---------------------------------------------|-----------------------------------------------------|
| | 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 |
| OS | 20 | 235 | 245 | 10 |
| BIS | 11 | 89 | 91 | 9 |
| Census | 4 | 234 | 229 | 9 |
| EDA | 1 | 37 | 34 | 4 |
| ESA | 0 | 12 | 12 | 0 |
| ITA | 0 | 141 | 114 | 27 |
| MBDA | 0 | 10 | 10 | 0 |
| NIST | 22 | 170 | 157 | 35 |
| NOAA | 172 | 688 | 708 | 152 |
| NTIA | 0 | 45 | 45 | 0 |
| NTIS | 0 | 21 | 21 | 0 |
| OIG | 4 | 48 | 51 | 1 |
| PTO | 20* | 361 | 375 | 6 |
| AGENCY OVERALL | 254 ** | 2091 | 2092 | 253 |

* In the FY2008 FOIA Annual Report, PTO reported the number of requests pending at the end of FY08 as “22.” This number was reported incorrectly. The correct figure is “20.” Therefore, the number of requests pending as of the start of FY09 has been amended to “20” in the FY09 report.

** In the FY2008 FOIA Annual Report, the number of requests pending at the end of FY08 was reported as “256.” Due to the amendment in the number of requests pending as of the start of FY09 for PTO (see footnote above), the number of requests pending as of the start of FY09 for the agency overall has been amended to “254.”

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

| | 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 | |
| OS | 58 | 32 | 1 | 40 | 15 | 14 | 41 | 13 | 0 | 30 | 1 | 0 | 245 |
| BIS | 17 | 14 | 4 | 11 | 1 | 3 | 39 | 2 | 0 | 0 | 0 | 0 | 91 |
| Census | 15 | 32 | 33 | 42 | 19 | 17 | 37 | 1 | 11 | 0 | 0 | 22 | 229 |
| EDA | 20 | 4 | 3 | 5 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 34 |
| ESA | 2 | 1 | 0 | 7 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 12 |
| ITA | 35 | 9 | 5 | 20 | 0 | 7 | 25 | 6 | 6 | 0 | 1 | 0 | 114 |

| | | | | | | | | | | | | | |
|-------------------|-----|-----|----|-----|----|----|-----|----|-----|----|----|----|------|
| MBDA | 6 | 2 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 10 |
| NIST | 30 | 12 | 7 | 12 | 3 | 8 | 20 | 4 | 0 | 58 | 0 | 3 | 157 |
| NOAA | 492 | 74 | 14 | 35 | 3 | 21 | 51 | 2 | 2 | 0 | 9 | 5 | 708 |
| NTIA | 25 | 6 | 2 | 8 | 0 | 4 | 0 | 0 | 0 | | 0 | 0 | 45 |
| NTIS | 11 | 0 | 0 | 6 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 21 |
| OIG | 4 | 10 | 3 | 6 | 0 | 14 | 1 | 0 | 0 | 0 | 0 | 13 | 51 |
| PTO | 69 | 59 | 13 | 54 | 2 | 6 | 62 | 6 | 101 | 2 | 1 | 0 | 375 |
| AGENCY OVERALL | 784 | 255 | 85 | 246 | 44 | 97 | 279 | 34 | 120 | 92 | 12 | 44 | 2092 |

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

| Component | Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon | TOTAL |
|------------------|-------------------------------------------------------------------------------------------------------------------------|--------------|
| Census | Publicly Available Information 21 Appealed Before Response Sent 1 | 22 |
| NIST | No Certification of Identity Document Provided 1 Handled Through Another Process Outside of FOIA 2 | 3 |
| NOAA | Publicly Available Information 5 | 5 |
| NTIS | Statute Based Price Authority 1 | 1 |
| OIG | Request Misdirected and Withdrawn 13 | 13 |

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 |
|-----------------------|-------|-------|-------|-------|-------|-------|----------|----------|----------|----------|----------|----------|-------|-------|
| OS | 1 | 6 | 2 | 2 | 16 | 25 | 1 | 0 | 4 | 0 | 3 | 1 | 0 | 0 |
| BIS | 4 | 1 | 13 | 3 | 4 | 2 | 2 | 0 | 1 | 1 | 3 | 0 | 0 | 0 |
| Census | 0 | 8 | 35 | 9 | 6 | 25 | 1 | 0 | 1 | 1 | 0 | 1 | 0 | 0 |
| EDA | 0 | 0 | 0 | 3 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ESA | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ITA | 1 | 2 | 0 | 4 | 11 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MBDA | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NIST | 0 | 0 | 5 | 8 | 2 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NOAA | 0 | 8 | 17 | 27 | 52 | 30 | 6 | 0 | 6 | 0 | 4 | 0 | 0 | 0 |
| NTIA | 0 | 1 | 1 | 3 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| NTIS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 3 | 0 | 0 | 5 | 3 | 1 | 0 | 8 | 0 | 2 | 0 | 0 | 0 |
| PTO | 0 | 23 | 19 | 19 | 9 | 25 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 6 | 52 | 92 | 80 | 108 | 122 | 11 | 0 | 23 | 2 | 12 | 3 | 0 | 0 |

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

| | Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------|-------------------------------------------------------------|--------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------|
| Bureau | 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 |
| AGC/Admin.* | 87 | 68 | 95 | 60 |
| PTO | 0 | 15 | 15 | 0 |
| AGENCY OVERALL | 87 | 83 | 110 | 60 |

* Assistant General Counsel for Administration (AGC/Admin.) processes the appeals for all the Department of Commerce components, except for PTO.

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 |
|-----------------------|----------------------------------|------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------|--------------|
| AGC/Admin. | 10 | 29 | 27 | 29 | 95 |
| PTO | 14 | 1 | 0 | 0 | 15 |
| AGENCY OVERALL | 24 | 30 | 27 | 29 | 110 |

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

| Bureau | 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 |
|----------------|------------------|------------------|------------------|------------------|------------------|------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|------------------|------------------|
| AGC/ Admin. | 0 | 2 | 8 | 4 | 25 | 15 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| PTO | 0 | 1 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Agency | 0 | 3 | 10 | 4 | 27 | 15 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Overall | | | | | | | | | | | | | | |

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

| | 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 |
|-----------------------|-------------------|--------------------------------------------------|--------------------------|---------------------------|-----------------------------------------|-------------------------------------------|--------------------------|------------------------------------|------------------------------|--------------------------------------------------------------------------|------------------------------------------|
| AGC/Admin. | 4 | 0 | 8 | 8 | 0 | 5 | 1 | 3 | 0 | 0 | 0 |
| PTO | 6 | 1 | 0 | 3 | 0 | 1 | 0 | 0 | 0 | 3 | 0 |
| AGENCY OVERALL | 10 | 1 | 8 | 11 | 0 | 6 | 1 | 3 | 0 | 3 | 0 |

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

| Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon | TOTAL |
|----------------------------------------------------------------------------------------------------------------------------------|--------------|
| 0 | 0 |

C. (4) Response Time for Administrative Appeals

| Bureau | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
|-----------------------|------------------------------|-------------------------------|------------------------------|-------------------------------|
| AGC/Admin. | 208 | 410 | 4 | 1447 |
| PTO | 17 | 19 | 1 | 20 |
| Agency Overall | 338 | 104 | 4 | 1447 |

C. (5) Ten Oldest Pending Administrative Appeals

| Bureau | | 10 th Oldest Appeal | 9 th | 8 th | 7 th | 6 th | 5 th | 4 th | 3 rd | 2 nd | Oldest Appeal |
|-------------------|----------------------------------------------------------|--------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|
| AGC/Admin. | Date of Receipt of Ten Oldest Appeals | 5/30/06 | 2/14/06 | 2/13/06 | 12/9/05 | 10/17/05 | 9/20/05 | 8/1/05 | 1/14/05 | 4/28/03 | 3/17/03 |
| AGC/Admin. | Number of Days Pending | 873 | 948 | 949 | 995 | 1034 | 1053 | 1089 | 1230 | 1679 | 1709 |
| | | 10 th Oldest Appeal | 9 th | 8 th | 7 th | 6 th | 5 th | 4 th | 3 rd | 2 nd | Oldest Appeal |
| PTO | Date of Receipt of Ten Oldest Appeals | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Agency Overall | Date of Receipt | 5/30/06 | 2/14/06 | 2/13/06 | 12/9/05 | 10/17/05 | 9/20/05 | 8/1/05 | 1/14/05 | 4/28/03 | 3/17/03 |
| Agency Overall | Number of Days Pending | 873 | 948 | 949 | 995 | 1034 | 1053 | 1089 | 1230 | 1679 | 1709 |

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

A. Processed Requests – Response Time for All Processed Perfected Requests

| | 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 |
| OS | 13 | 13 | 1 | 46 | 82 | 134 | 52 | 573 | 0 | 0 | 0 | 0 |
| BIS | 6 | 15 | 1 | 112 | 51 | 74 | 10 | 214 | 0 | 0 | 0 | 0 |
| Census | 9 | 11 | 1 | 66 | 0 | 0 | 0 | 0 | 24 | 24 | 20 | 30 |
| EDA | 1 | 4 | 1 | 9 | 20 | 27 | 11 | 57 | 8 | 8 | 8 | 8 |
| ESA | 9 | 10 | 1 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | |
|---------------------------|----|----|---|-----|----|-----|----|-----|----|----|---|----|
| ITA | 11 | 21 | 1 | 152 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MBDA | 12 | 19 | 7 | 76 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NIST | 28 | 31 | 1 | 256 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NOAA | 9 | 9 | 1 | 20 | 50 | 113 | 21 | 762 | 6 | 10 | 5 | 40 |
| NTIA | 7 | 9 | 1 | 26 | 0 | 0 | 0 | 0 | 19 | 19 | 9 | 29 |
| NTIS | 7 | 6 | 6 | 10 | 0 | 0 | 0 | 0 | 5 | 5 | 5 | 5 |
| OIG | 20 | 23 | 1 | 190 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 5 | 7 | 0 | 58 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 12 | 15 | 1 | 256 | 51 | 115 | 10 | 762 | 20 | 18 | 5 | 40 |

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

| | 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 |
| OS | 14 | 14 | 1 | 46 | 178 | 198 | 64 | 573 | 0 | 0 | 0 | 0 |
| BIS | 19 | 30 | 4 | 112 | 50 | 73 | 10 | 214 | 0 | 0 | 0 | 0 |
| Census | 19 | 20 | 5 | 66 | 0 | 0 | 0 | 0 | 24 | 25 | 22 | 30 |
| EDA | 4 | 4 | 1 | 9 | 18 | 21 | 11 | 57 | 8 | 8 | 8 | 8 |
| ESA | 6 | 6 | 6 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | |
|---------------------------|----|----|---|-----|----|-----|----|-----|----|----|---|----|
| ITA | 14 | 15 | 1 | 43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MBDA | 12 | 19 | 7 | 76 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NIST | 28 | 32 | 1 | 256 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NOAA | 9 | 9 | 1 | 20 | 50 | 119 | 21 | 762 | 6 | 10 | 5 | 40 |
| NTIA | 2 | 8 | 1 | 26 | 0 | 0 | 0 | 0 | 19 | 19 | 9 | 29 |
| NTIS | 6 | 7 | 6 | 8 | 0 | 0 | 0 | 0 | 5 | 5 | 5 | 5 |
| OIG | 19 | 26 | 1 | 190 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 10 | 10 | 1 | 58 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 12 | 15 | 1 | 256 | 52 | 119 | 10 | 762 | 20 | 18 | 5 | 40 |

C. Processed Requests – Response Time in Day Increments

1. Number of perfected requests processed in each of the thirteen designated time increments.

Simple Requests

| | 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 |
|--------|----------------------|-----------------------|-----------------------|-----------------------|------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|----------------------|--------------|
| OS | 115 | 47 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 166 |
| BIS | 60 | 11 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 75 |
| Census | 203 | 18 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 224 |
| EDA | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 |
| ESA | 10 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 |
| ITA | 87 | 41 | 3 | 5 | 3 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 141 |

| | | | | | | | | | | | | | | |
|-----------------------|------|-----|----|----|---|---|---|---|---|---|---|---|---|------|
| MBDA | 9 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| NIST | 119 | 24 | 5 | 4 | 2 | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 157 |
| NOAA | 413 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 413 |
| NTIA | 42 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 |
| NTIS | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 |
| OIG | 38 | 9 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 51 |
| PTO | 94 | 250 | 30 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 375 |
| AGENCY OVERALL | 1226 | 403 | 47 | 13 | 6 | 2 | 1 | 3 | 0 | 1 | 1 | 0 | 0 | 1703 |

Complex Requests

| | 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 |
|--------|--------------|---------------|---------------|---------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|-------|
| OS | 0 | 0 | 14 | 4 | 2 | 4 | 2 | 0 | 1 | 3 | 3 | 3 | 1 | 37 |
| BIS | 2 | 3 | 5 | 0 | 2 | 1 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 16 |
| Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EDA | 9 | 6 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 |
| ESA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ITA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MBDA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | | | |
|---------------------------|----|-----|----|----|----|----|----|----|---|---|----|----|----|-----|
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NIST | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NOAA | 0 | 119 | 40 | 22 | 17 | 13 | 10 | 12 | 3 | 6 | 20 | 15 | 18 | 295 |
| NTIA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NTIS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 11 | 128 | 61 | 26 | 21 | 18 | 13 | 12 | 5 | 9 | 24 | 18 | 19 | 365 |

Requests Granted Expedited Processing

| | 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 |
|--------|----------------------|-----------------------|-----------------------|-----------------------|------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|----------------------|--------------|
| OS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BIS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Census | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| EDA | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| ESA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ITA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | | | |
|---------------------------|----|---|---|---|---|---|---|---|---|---|---|---|---|----|
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MBDA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NIST | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NOAA | 6 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| NTIA | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| NTIS | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| OIG | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 10 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 |

D. Pending Requests – All Pending Perfected Requests

1. Number of perfected requests pending as of the end of fiscal year, and the median and average number of days those requests had been pending.

| | 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 |
| OS | 4 | 11 | 7 | 6 | 93 | 214 | 0 | 0 | 0 |
| BIS | 2 | 31 | 34 | 7 | 99 | 119 | 0 | 0 | 0 |
| Census | 8 | 7 | 7 | 0 | 0 | 0 | 1 | 51 | 51 |
| EDA | 4 | 8 | 9 | 0 | 0 | 0 | 0 | 0 | 0 |
| ESA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ITA | 27 | 34 | 46 | 0 | 0 | 0 | 0 | 0 | 0 |
| MBDA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NIST | 35 | 171 | 258 | 0 | 0 | 0 | 0 | 0 | 0 |
| NOAA | 0 | 0 | 0 | 152 | 92 | 154 | 0 | 0 | 0 |

| | | | | | | | | | |
|---------------------------|----|----|----|-----|----|-----|---|----|----|
| NTIA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NTIS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 1 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 6 | 16 | 17 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 87 | 10 | 24 | 165 | 34 | 103 | 1 | 51 | 51 |

E. Pending Requests – Ten Oldest Pending Perfected Requests

1. Dates of receipt of the ten oldest perfected requests pending as of the end of the fiscal year, and the number of days those requests had been pending.

| | 10th Oldest Request and Number of Days Pending | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Request and Number of Days Pending |
|--------|------------------------------------------------------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------------------------------------------------------------------------------|
| OS | 9/25/09 3 | 9/25/09 3 | 9/15/09 11 | 8/13/09 13 | 7/28/09 44 | 6/2/09 84 | 5/27/09 88 | 5/19/09 93 | 4/2/08 378 | 5/3/07 605 |
| BIS | N/A | 9/23/09 7 | 9/9/09 21 | 8/31/09 30 | 8/31/09 30 | 8/31/09 30 | 7/28/09 64 | 7/28/09 64 | 6/6/09 117 | 4/2/09 151 |
| Census | N/A | 9/28/09 2 | 9/25/09 3 | 9/22/09 6 | 9/21/09 7 | 9/21/09 7 | 9/17/09 9 | 9/16/09 10 | 9/9/09 15 | 7/20/09 51 |
| EDA | N/A | N/A | N/A | N/A | N/A | N/A | 9/28/09 8 | 9/23/09 9 | 9/17/09 14 | 8/18/09 10 (per requestor notification, payment for fee forthcoming) |
| ESA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| ITA | 8/4/09 41 | 8/3/09 42 | 7/1/09 64 | 6/26/09 67 | 6/26/09 68 | 6/8/09 81 | 6/4/09 83 | 5/29/09 87 | 2/26/09 152 | 2/26/09 152 |
| MBDA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| NIST | 7/8/08 309 | 6/24/08 319 | 4/21/08 363 | 8/24/07 588 | 8/8/07 600 | 3/5/07 697 | 2/9/07 710 | 3/24/06 919 | 2/27/06 947 | 1/6/06 1001 |
| NOAA | 1/17/08 428 | 11/29/07 462 | 11/7/07 472 | 10/31/07 480 | 10/30/07 482 | 7/2/07 564 | 6/11/07 579 | 4/30/07 608 | 12/8/06 705 | 10/20/06 753 |
| NTIA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

| | | | | | | | | | | |
|------|-----|-----|-----|-----|-----|-----|-----|--------------|--------------|---------------|
| NTIS | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| OIG | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 8/17/09 52 |
| PTO | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 9/22/09 6 | 9/21/09 7 | 9/8/09 16 |

| Agency Overall | 10 th Oldest Request and Number of Days Pending | 9 th | 8 th | 7 th | 6 th | 5 th | 4 th | 3 rd | 2 nd | Oldest Request and Number of Days Pending |
|----------------|------------------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-------------------------------------------|
| | | 10/20/06 487 | 7/20/06 552 | 4/26/06 613 | 4/17/06 618 | 3/24/06 635 | 2/21/06 657 | 2/6/06 667 | 1/11/06 684 | 1/6/06 688 |

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

| | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number Adjudicated Within Ten Calendar Days |
|--------|---------------------------|--------------------------|--------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------|
| OS | 0 | 0 | 0 | 0 | 0 |
| BIS | 0 | 0 | 0 | 0 | 0 |
| Census | 5 | 1 | 1 | 1 | 6 |
| EDA | 1 | 0 | 1 | 1 | 1 |
| ESA | 0 | 0 | 0 | 0 | 0 |
| ITA | 0 | 19 | 1 | 1 | 19 |
| MBDA | 0 | 0 | 0 | 0 | 0 |
| NIST | 0 | 0 | 0 | 0 | 0 |
| NOAA | 10 | 5 | 14 | 15 | 7 |
| NTIA | 2 | 1 | 21 | 16 | 0 |
| NTIS | 1 | 0 | 1 | 1 | 1 |

| | | | | | |
|---------------------------|----|----|----|---|----|
| OIG | 0 | 0 | 0 | 0 | 0 |
| PTO | 0 | 9 | 1 | 2 | 9 |
| AGENCY OVERALL | 19 | 35 | 11 | 9 | 43 |

B. Requests for Fee Waiver

| | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |
|--------|---------------------------|--------------------------|--------------------------------------------------------|---------------------------------------------------------|
| OS | 4 | 1 | 10 | 10 |
| BIS | 2 | 0 | 1 | 1 |
| Census | 5 | 2 | 2 | 2 |
| EDA | 0 | 0 | 0 | 0 |
| ESA | 0 | 0 | 0 | 0 |
| ITA | 26 | 0 | 1 | 1 |
| MBDA | 0 | 0 | 0 | 0 |
| NIST | 0 | 5 | 5 | 7 |
| NOAA | 29 | 6 | 15 | 14 |
| NTIA | 1 | 1 | 21 | 16 |

| | | | | |
|---------------------------|----|----|---|----|
| NTIS | 3 | 0 | 1 | 1 |
| OIG | 0 | 0 | 0 | 0 |
| PTO | 0 | 9 | 4 | 5 |
| AGENCY OVERALL | 70 | 24 | 5 | 10 |

IX. FOIA PERSONNEL AND COSTS

| | Column 1 | Column 2 | | | | |
|--------|-----------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------|-------------|
| | PERSONNEL | | | COSTS | | |
| | Number of “Full-Time FOIA Employees” | Number of “Equivalent Full-Time FOIA Employees” | Total Number of “Full- Time FOIA Staff” (The sum of Columns 1 & 2) | Processing Costs (At initial request and appeal levels) | Litigation- Related Costs | Total Costs |
| OS | 3 | N/A | 3 | 329,892.74* | 8,076.20 | 337,968.94 |
| BIS | 1 | .35 | 1.35 | 122,048.00 | N/A | 122,048.00 |
| Census | N/A | 3.7 | 3.7 | 347,194.67 | N/A | 347,194.67 |
| EDA | N/A | 1 | 1 | 40,587.00 | N/A | 40,587.00 |
| ESA | N/A | 1 | 1 | 1,650.00 | N/A | 1,650.00 |
| ITA | .5 | N/A | .5 | 47,513.00 | 12,535.20 | 60,048.20 |
| MBDA | N/A | .25 | .25 | 21,912.25 | N/A | 21,912.25 |
| NIST | N/A | 1 | 1 | 96,894.00 | 10,799.20 | 107,963.20 |

| | | | | | | |
|---------------------------|------|------|------|--------------|-----------|--------------|
| NOAA | 2 | 10 | 12 | 1,023,372.00 | 18,486.20 | 1,041,858.20 |
| NTIA | 1 | N/A | 1 | 63,851.00 | N/A | 63,851.00 |
| NTIS | N/A | .05 | .05 | 10,500.00 | N/A | 10,500.00 |
| OIG | N/A | 1.65 | 1.65 | 269,488.00 | N/A | 269,488.00 |
| PTO | 3 | 1.5 | 4.5 | 275,728.00** | 12,837.00 | 288,565.00 |
| AGENCY OVERALL | 10.5 | 18.8 | 29.3 | 2,650,630.60 | 62,733.80 | 2,713,364.40 |

*Includes processing costs at the appeal level for the AGC/Admin.

** Includes processing costs at the appeal level for PTO.

X. FEES COLLECTED FOR PROCESSING REQUESTS

| | Total Amount of Fees Collected | Percentage of Total Costs |
|--------|---------------------------------------|----------------------------------|
| OS | 520.46 | .017% |
| BIS | 10,128.78 | 8.2% |
| Census | 108.84 | 0.03% |
| EDA | 165.87 | .40% |
| ESA | 0 | 0 |
| ITA | 0 | 0 |
| MBDA | 0 | 0 |
| NIST | 26,479.49 | 27% |
| NOAA | 24,139.48 | 2.4% |
| NTIA | 259.77 | 0.4% |
| NTIS | 0 | 0 |
| OIG | 0 | 0 |

| | | |
|---------------------------|-----------|-------|
| PTO | 7,342.00 | 2.5% |
| AGENCY OVERALL | 69,144.69 | .025% |

XI. FOIA REGULATIONS

- Electronic link to FOIA regulations, including fee schedule.

www.osec.doc.gov/omo/FOIA/ereadingroom.htm#laws

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 |
|--------|-----------------------------------------------------------------------|----------------------------------------------------------------------|
| OS | 6 | 9* |
| BIS | 8 | 4* |
| Census | 1 | 2* |
| EDA | 0 | 0* |
| ESA | 0 | 1* |
| ITA | 16 | 2* |
| MBDA | 0 | 0* |

| | | |
|---------------------------|-----|-----|
| NIST | 29 | 9* |
| NOAA | 98 | 32* |
| NTIA | 0 | 1* |
| NTIS | 0 | 0* |
| OIG | 1 | 0* |
| PTO | 0 | 0 |
| AGENCY OVERALL | 159 | 60 |

* Assistant General Counsel for Administration (AGC/Admin.) processes the appeals for all the Department of Commerce components, except for PTO. Data provided by AGC/Admin.

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

| | Column 1 | Column 2 | Column 3 | Column 4 |
|--------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| | Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your 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 Your Agency During the Fiscal Year | Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year |
| OS | 0 | 6 | 6 | 0 |
| BIS | 5 | 12 | 15 | 2 |
| Census | 0 | 0 | 0 | 0 |
| EDA | 0 | 0 | 0 | 0 |
| ESA | 0 | 1 | 1 | 0 |
| ITA | 0 | 25 | 14 | 11 |
| MBDA | 0 | 0 | 0 | 0 |
| NIST | 0 | 2 | 2 | 0 |
| NOAA | 0 | 0 | 0 | 0 |
| NTIA | 0 | 0 | 0 | 0 |
| NTIS | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 |
| PTO | 0 | 2 | 2 | 0 |

| | | | | |
|---------------------------|---|----|----|----|
| AGENCY OVERALL | 5 | 48 | 40 | 13 |
|---------------------------|---|----|----|----|

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

| | 10 th Oldest Consultation and Number of Days Pending | 9 th | 8 th | 7 th | 6 th | 5 th | 4 th | 3 rd | 2 nd | Oldest Consultation and Number of Days Pending |
|--------|-----------------------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------------------------------------|
| OS | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| BIS | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 7/28/09 45 | 6/5/09 81 |
| Census | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| EDA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| ESA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| ITA | 9/17/09 10 | 9/17/09 10 | 9/15/09 12 | 8/28/09 23 | 8/24/09 27 | 8/11/09 36 | 8/4/09 41 | 7/1/09 64 | 6/26/09 67 | 2/26/09 152 |
| MBDA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| NIST | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

| | | | | | | | | | | |
|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| NOAA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| NTIA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| NTIS | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| OIG | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| PTO | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

| Agency Overall | 10 th Oldest Consultation and Number of Days Pending | 9 th | 8 th | 7 th | 6 th | 5 th | 4 th | 3 rd | 2 nd | Oldest Consultation and Number of Days Pending |
|----------------|-----------------------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------------------------------------|
| | Date | 8/28/09 | 8/24/09 | 8/11/09 | 8/4/09 | 7/28/09 | 7/1/09 | 6/26/09 | 6/5/09 | 2/26/09 |
| Number of Days | 23 | 27 | 36 | 41 | 45 | 64 | 67 | 81 | 152 | |

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

| | Column 1 | Column 2 | Column 3 | Column 4 |
|--------|--------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------|
| | 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 |
| OS | 227 | 235 | 223 | 245 |
| BIS | 67 | 89 | 58 | 91 |
| Census | 194 | 234 | 196 | 229 |
| EDA | 64 | 37 | 64 | 34 |
| ESA | 9 | 12 | 9 | 12 |
| ITA | 111 | 141 | 111 | 114 |
| MBDA | 28 | 10 | 28 | 10 |
| NIST | 180 | 170 | 176 | 157 |
| NOAA | 605 | 688 | 576 | 708 |
| NTIA | 6 | 45 | 7 | 45 |

| | | | | |
|---------------------------|------|------|------|------|
| NTIS | 15 | 21 | 16 | 21 |
| OIG | 46 | 48 | 46 | 51 |
| PTO | 384 | 361 | 375 | 375 |
| AGENCY OVERALL | 1936 | 2091 | 1885 | 2092 |

| | Column 1 | Column 2 |
|--------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| | 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 |
| OS | 15 | 6 |
| BIS | 6 | 8 |
| Census | 1 | 1 |
| EDA | 0 | 0 |
| ESA | 0 | 0 |
| ITA | 0 | 16 |
| MBDA | 0 | 0 |

| | | |
|---------------------------|-----|-----|
| NIST | 17 | 29 |
| NOAA | 102 | 98 |
| NTIA | 0 | 0 |
| NTIS | 0 | 0 |
| OIG | 2 | 1 |
| PTO | 0 | 0 |
| AGENCY OVERALL | 143 | 159 |

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

| | Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------|
| | 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 |
| AGC/Admin. | 53 | 68 | 46 | 95 |
| PTO | 17 | 15 | 17 | 15 |
| AGENCY OVERALL | 70 | 83 | 63 | 110 |

Column 1

Column 2

| | 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 |
|-----------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| AGC/Admin. | 87 | 60 |
| PTO | 0 | 0 |
| AGENCY OVERALL | 87 | 60 |