

I. BASIC INFORMATION REGARDING REPORT

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

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2. Electronic link for access to the Report on the agency web site:
http://www.osec.doc.gov/opog/FOIA/FOIA_reports_annual.html

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.

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The FOIA Officers for the Department are also listed at:

http://www.osec.doc.gov/opog/FOIA/FOIA_foiacontacts.html

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 exemption categories listed in Section III, 3. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may be reasonably segregated from the exempt portions will be released to the requester.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. 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. Perfected Request – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
 - o. Processed Request or Processed Administrative Appeal – a request or administrative appeal for which an agency has taken final action in all respects.
 - p. Range in Number of Days – the lowest and highest number of days to process requests or administrative appeals.
 - q. Time Limits – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
2. 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

3. Agency Component Abbreviations

Component Abbreviation	Component Name
BEA	Bureau of Economic Analysis
BIS	Bureau of Industry and Security
Census	Bureau of the Census
EDA	Economic Development Administration
ESA	Economic and Statistics Administration
IOS	Immediate Office of the Secretary, Department of Commerce
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
OS	Office of the Secretary
PTO	United States Patent and Trademark Office
InfoLaw	Information Law Division, Assistant General Counsel for Employment, Litigation, and Information

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
41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1))* (Procurement Integrity Act)	Contractor bid or proposal information; source selection information	Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	NTIA	1	1
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, §2, 91 Stat. 319	Certain records that would reveal some secret aspect pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Widi v. McNeil, No. 12-CV00188, 2016 WL 4394724, at *23 (D. Me. Aug 16, 2016); Durham v. U.S. Atty. Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	NOAA	3	3
13 U.S.C. §§ 8(b), 9(a) (Census Act)	Certain census data	Baldrige v. Shapiro, 455 U.S. 345, 355 (1982).	Census	16	16
					0
					0

15 U.S.C. § 1153	Rules, regulations, and fees	N/A	NIST	1	1
					0
16 U.S.C. § 1881a(b)(1) (Magnuson-Stevens Act)	Certain information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this chapter	N/A	NOAA	8	8
50 U.S.C. § 3605 (formerly at 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).	BIS	4	4
35 U.S.C. § 122 (Patent Act)	Applications for patents; certain information pertaining to applications for patents	Irons & Sears v Dann, 606 F.2d 1215, 1219-21 (D.C. Cir. 1979)	IOS	3	3
19 U.S.C. § 1677f (Tariff Act)	Certain "information submitted to the administering authority or the [United States International Trade] Commission which is designated as proprietary by the person submitting the information"	Mudge Rose Guthrie Alexander & Ferdon v. U.S. Int'l Trade Comm'n, 846 F.2d 1527, 1530-31 (D.C. Cir. 1988).	ITA	2	2

					0
					0
5 U.S.C. app. 4 § 107(a)(2) (Ethics in Government Act of 1978)	Confidential financial disclosure report pertaining to certain government employees	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Boyd v. Exec. Office for U.S. Attorneys, 161 F. Supp. 3d 1, 7 (D.D.C. 2015); Seife v. NIH, 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012).	IOS	1	2
			OS	1	
35 U.S.C. § 122 (Patent Act)	Applications for patents; certain information pertaining to applications for patents	Irons & Sears v. Dann, 606 F.2d 1215, 1219-21 (D.C. Cir. 1979).	PTO	13	13
					0
50 U.S.C. § 4614(c)(1) (formerly at 50 U.S.C. app. § 2411(c)) (Export Administration Act of 1979)	Information pertaining to license applications under the Export Administration Act	Wis. Project on Nuclear Arms Control v. U.S. Dep't of Commerce, 317 F.3d 275, 284 (D.C. Cir. 2003); Times Publ'g Co. v. U.S. Dep't of Commerce, 236 F.3d 1286, 1289-90 (11th Cir. 2001); Lessner v. U.S. Dep't of Commerce, 827 F.2d 1333, 1336-37 (9th Cir. 1987).	BIS	4	6
			OS	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
BEA	3	10	12	1
BIS	8	83	83	8
Census	39	345	338	46
EDA	1	57	58	0
ESA	0	8	8	0
IOS	104	318	119	303
ITA	79	133	91	121
MBDA	3	6	7	2
NIST	32	77	81	28
NOAA	194	450	453	191
NTIA	3	57	52	8
NTIS	12	12	19	5
OIG	2	74	72	4
OS	112	308	240	180
PTO	37	331	343	25
AGENCY OVERALL	629	2,269	1,976	922

After reviewing its database, DOC adjusted the number of requests pending for Census, ITA, NTIA, and NOAA as of the start of the Fiscal Year.

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	
BEA	0	1	0	2	0	0	1	0	0	2	4	2	12
BIS	11	11	17	18	1	2	7	0	0	9	4	3	83
Census	135	44	10	90	1	25	4	0	2	6	13	8	338
EDA	26	6	0	10	0	1	5	1	0	0	9	0	58
ESA	0	0	0	6	0	0	0	0	0	0	2	0	8
IOS	13	22	1	35	4	15	1	0	3	1	6	18	119
ITA	8	6	2	28	1	18	0	5	2	0	17	4	91
MBDA	0	1	0	3	0	1	0	0	1	0	1	0	7
NIST	34	23	1	7	0	0	8	4	0	1	3	0	81
NOAA	147	112	6	48	4	58	14	3	13	4	32	12	453
NTIA	9	9	1	9	2	3	2	2	0	2	12	1	52
NTIS	6	3	0	5	1	0	0	1	0	1	0	2	19
OIG	4	29	1	5	0	9	1	1	11	0	6	5	72
OS	11	40	5	24	3	53	1	6	31	25	15	26	240
PTO	70	85	18	74	3	9	21	6	47	5	5	0	343
AGENCY OVERALL	474	392	62	364	20	194	65	29	110	56	129	81	1,976

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

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
BEA	Directed Requester to Publicly Available Information	2	2
BIS	Directed Requester to Publicly Available Information	2	3
	Aggregate Cases	1	
Census	Directed Requester to Publicly Available Information	7	8
	Aggregate Cases	1	
			0
IOS	Directed Requester to Publicly Available Information	14	18
	Unable to Locate or Contact Requester	1	
	Aggregate Cases	3	
ITA	Directed Requester to Publicly Available Information	2	4
	Aggregate Cases	2	
NOAA	Aggregate Cases	4	12
	Request opened in error	2	
	Directed Requester to Publicly Available Information	6	
NTIA	Request opened in error	1	1
NTIS	Directed Requester to Publicly Available Information	2	2
OIG	Aggregate Cases	5	5

OS	Aggregate Cases	14	26
	Request opened in error	1	
	Directed Requester to Publicly Available Information	11	
AGENCY OVERALL			81

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
BEA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BIS	0	0	9	1	6	3	3	2	3	0	3	0	0	0
Census	0	0	9	9	6	19	0	0	0	0	0	0	0	0
EDA	0	0	0	0	3	4	0	0	1	0	0	0	0	0
ESA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IOS	0	1	4	8	12	21	0	0	1	0	9	2	0	0
ITA	0	0	2	4	1	2	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	12	9	13	0	0	2	0	1	0	0	0
NOAA	0	7	7	35	42	73	6	1	12	2	5	2	0	0
NTIA	0	0	1	3	8	7	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	2	30	0	0	27	0	1	0	0	0
OS	0	1	3	7	20	38	1	0	6	0	3	1	0	0
PTO	1	5	13	18	73	4	0	10	2	2	2	0	0	0
AGENCY OVERALL	1	14	48	97	182	214	10	13	54	4	24	5	0	0

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
OIG	0	8	8	0
InfoLaw	41	93	43	91
PTO	1	14	15	0
AGENCY OVERALL	42	115	66	91

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
OIG	2	1	0	5	8
InfoLaw	13	11	5	14	43
PTO	7	6	2	0	15
AGENCY OVERALL	22	18	7	19	66

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
OIG	0	0	0	0	1	4	0	0	4	0	0	0	0	0
InfoLaw	0	0	4	2	1	1	0	0	0	0	0	0	0	0
PTO	0	0	0	1	2	4	1	0	1	0	0	0	0	0
AGENCY OVERALL	0	0	4	3	4	9	1	0	5	0	0	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
OIG	0	0	2	0	0	0	0	3	0	0	0
InfoLaw	7	0	6	3	0	2	0	0	2	3	0
PTO	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	7	0	8	3	0	2	0	3	2	3	0

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
OIG	N/A	0	0
InfoLaw	N/A	0	0
PTO	N/A	0	0
AGENCY OVERALL			0

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
OIG	2.00	9.25	<1	30.00
InfoLaw	79.00	169.00	<1	1,029.00
PTO	19.00	17.07	3.00	21.00
AGENCY OVERALL	62.00	65.10	<1	1,029.00

Agency Median calculation does not reflect PTO Median statistics.

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

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
InfoLaw	Date of Appeal	2015-03-09	2015-02-25	2015-01-07	2014-08-15	2014-02-11	2013-05-02	2013-04-29	2013-01-28	2012-11-02	2010-03-23
	Number of Days Pending	897	906	938	1034	1163	1359	1362	1426	1482	2141
OIG	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PTO	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date of Appeal	2015-03-09	2015-02-25	2015-01-07	2014-08-15	2014-02-11	2013-05-02	2013-04-29	2013-01-28	2012-11-02	2010-03-23
	Number of Days Pending	897	906	938	1034	1163	1359	1362	1426	1482	2141

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
BEA	25.5	25.5	2	49	<1	<1	<1	<1	N/A	N/A	N/A	N/A
BIS	10	39.75	<1	972	16	29.64	<1	152	3	3	3	3
Census	13	17.06	1	114	17	34.76	<1	409	98	77.57	3	141
EDA	14.5	14.4	<1	42	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ESA	<1	<1	<1	<1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IOS	3.5	29.42	<1	190	97	128.32	<1	901	208.5	174.9	55	267
ITA	78.5	205.03	<1	960	142.5	208	38	602	46.5	46.5	44	49
MBDA	45	185.4	29	738	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NIST	8	9.42	<1	20	56	193.32	8	1592	10	10	10	10
NOAA	25.5	47.44	<1	903	62	130.16	2	888	33.5	33.5	9	58
NTIA	2	4.76	<1	18	37.5	50.8	1	132	N/A	N/A	N/A	N/A
NTIS	33	37.7	<1	96	318	318	146	490	N/A	N/A	N/A	N/A
OIG	18	15.83	<1	31	15	15	15	15	N/A	N/A	N/A	N/A
OS	4	9.07	<1	93	47	90.09	<1	728	191	173.5	90	222
PTO	15	16.24	<1	259	30	62.28	2	85	N/A	N/A	N/A	N/A
AGENCY OVERALL	16	82.25	<1	972	37.5	105.11	<1	1592	46.5	74.12	3	267

Agency Median calculation does not reflect PTO Median statistics.

The processing times for complex requests in Section VII may have been minimally impacted by the need to reopen a request at NIST that was closed in the system.

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
BEA	49	49	49	49	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BIS	17	67.58	<1	972	32	63	5	152	N/A	N/A	N/A	N/A
Census	12	17.33	2	114	36.5	59.15	3	409	51.5	53.5	11	100
EDA	17	17	1	42	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	N/A	N/A
IOS	5	5	5	5	142	163.13	15	901	260	194	55	267
ITA	90.5	221.33	4	783	137	137	81	193	N/A	N/A	N/A	N/A
MBDA	75	75	75	75	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NIST	11.5	11.56	<1	20	59.5	220.42	9	1592	10	10	10	10
NOAA	29.5	46.17	<1	468	83	141.51	2	730	N/A	N/A	N/A	N/A
NTIA	1	3.45	<1	18	63	67	31	132	N/A	N/A	N/A	N/A
NTIS	31	29.57	<1	61	490	490	490	490	N/A	N/A	N/A	N/A
OIG	19	17.91	<1	31	15	15	15	15	N/A	N/A	N/A	N/A
OS	<1	<1	<1	1	124.5	142.93	11	728	194	201.33	188	222
PTO	17	19.66	<1	259	36	76.75	13	485	N/A	N/A	N/A	N/A
AGENCY OVERALL	19	41.54	<1	972	83	143.26	2	1592	51.5	114.71	10	267

Agency Median calculation does not reflect PTO Median statistics.

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
BEA	1	0	1	0	0	0	0	0	0	0	0	0	0	2
BIS	48	8	3	0	0	0	0	0	0	0	0	0	2	61
Census	151	20	7	0	4	1	0	0	0	0	0	0	0	183
EDA	45	6	1	0	0	0	0	0	0	0	0	0	0	52
ESA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
IOS	8	2	0	0	1	0	0	0	0	1	0	0	0	12
ITA	6	4	3	3	4	0	0	0	3	2	1	0	6	32
MBDA	0	2	1	1	0	0	0	0	0	0	0	0	1	5
NIST	31	0	0	0	0	0	0	0	0	0	0	0	0	31
NOAA	123	84	37	12	16	5	9	6	0	4	2	1	3	302
NTIA	33	0	0	0	0	0	0	0	0	0	0	0	0	33
NTIS	2	4	2	1	1	0	0	0	0	0	0	0	0	10
OIG	35	7	0	0	0	0	0	0	0	0	0	0	0	42
OS	26	2	0	0	1	0	0	0	0	0	0	0	0	29
PTO	194	27	2	1	2	0	0	0	0	0	1	0	0	227
AGENCY OVERALL	704	166	57	18	29	6	9	6	3	7	4	1	12	1,022

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
BEA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
BIS	8	2	3	0	0	0	0	1	0	0	0	0	0	14
Census	70	22	12	9	5	1	0	0	1	0	2	0	1	123
EDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ESA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IOS	19	6	6	10	6	5	7	3	4	5	10	7	2	90
ITA	0	1	0	0	2	0	0	0	0	1	1	0	1	6
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	4	12	10	1	2	0	0	3	0	0	4	2	6	44
NOAA	20	22	10	4	3	10	3	3	1	5	10	6	7	104
NTIA	2	3	1	2	1	0	1	0	0	0	0	0	0	10
NTIS	0	0	0	0	0	0	0	1	0	0	0	0	1	2
OIG	1	0	0	0	0	0	0	0	0	0	0	0	0	1
OS	50	12	6	6	4	9	5	7	3	10	15	0	2	129
PTO	23	20	6	3	2	1	3	1	2	0	1	2	1	65
AGENCY OVERALL	198	100	54	35	25	26	19	19	11	21	43	17	21	589

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
BEA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BIS	1	0	0	0	0	0	0	0	0	0	0	0	0	1
CENSUS	6	0	1	1	8	3	3	1	0	0	0	0	0	23
EDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ESA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IOS	0	0	1	2	0	0	1	0	0	0	6	0	0	10
ITA	0	0	2	0	0	0	0	0	0	0	0	0	0	2
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	1	0	0	0	0	0	0	0	0	0	0	0	0	1
NOAA	1	0	1	0	0	0	0	0	0	0	0	0	0	2
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
OS	0	0	0	0	1	0	0	0	0	2	1	0	0	4
PTO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	9	0	5	3	9	3	4	1	0	2	7	0	0	43

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
BIS	3	16	22	3	18	23	0	N/A	N/A
Census	20	9.5	13.5	20	10	34.15	3	117	98
IOS	44	87	84.39	236	70.5	129.12	21	247	206.76
ITA	65	185	327.4	20	614	752.75	4	200.5	169
MBDA	1	46	46	0	N/A	N/A	0	N/A	N/A
NIST	6	8.5	7.67	21	270	479.9	0	N/A	N/A
NOAA	89	45	78.11	50	167.5	168.24	5	5	20.6
NTIA	1	1	1	7	35	68.43	0	N/A	N/A
NTIS	2	44	44	1	73	73	0	N/A	N/A
OIG	3	11	10.67	0	N/A	N/A	0	N/A	N/A
OS	40	102	103.7	77	159	184.43	3	162	177.67
PTO	13	28	54.08	8	37.5	86.5	0	N/A	N/A
AGENCY OVERALL	287	71	130.13	442	134	180.39	36	207.5	165.22

Agency Median calculation does not reflect PTO Median statistics.

As noted in Section VII.A., one complex request at NIST which was closed in the system was reopened and this may have minimally impacted the median and average times in the complex track.

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

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
BIS	Date of Receipt	N/A	N/A	N/A	N/A	2018-09-24	2018-09-10	2018-08-30	2018-08-27	2018-07-30	2018-07-20
	Number of Days Pending	0	0	0	0	4	10	16	18	41	46
Census	Date of Receipt	2018-07-09	2018-06-19	2018-06-14	2018-05-07	2018-03-28	2018-03-23	2018-03-15	2018-03-09	2018-02-21	2018-02-20
	Number of Days Pending	10	65	71	81	81	131	137	205	217	218
IOS	Date of Receipt	2017-04-18	2017-04-14	2017-04-06	2017-03-31	2017-03-23	2017-03-10	2017-03-10	2017-03-10	2017-03-09	2017-01-18
	Number of Days Pending	343	358	435	439	445	454	454	454	455	490
ITA	Date of Receipt	2014-10-01	2014-09-18	2014-07-11	2014-06-02	2014-04-24	2013-10-23	2013-09-25	2012-08-03	2012-06-13	2012-03-23
	Number of Days Pending	1000	1010	1053	1149	1175	1236	1255	1542	1578	1635
MBDA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-06-05
	Number of Days Pending	0	0	0	0	0	0	0	0	0	46
NIST	Date of Receipt	2017-04-18	2017-03-07	2017-02-15	2016-10-28	2015-10-02	2015-02-09	2013-09-18	2012-12-27	2012-08-22	2011-10-31
	Number of Days Pending	365	395	408	543	750	914	1260	1444	1530	1734
NOAA	Date of Receipt	2017-03-31	2017-03-14	2017-03-10	2017-02-07	2017-01-09	2016-11-30	2016-11-28	2016-06-27	2015-12-21	2014-09-22
	Number of Days Pending	251	310	389	412	496	522	524	629	759	1071
NTIA	Date of Receipt	N/A	N/A	2018-09-26	2018-08-30	2018-08-28	2018-08-08	2018-08-03	2018-04-23	2018-03-27	2018-02-09
	Number of Days Pending	0	0	1	18	84	98	101	110	128	152

NTIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-08-23	2018-03-13	2016-10-25
	Number of Days Pending	0	0	0	0	0	0	0	25	63	73
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-09-25	2018-09-13	2018-09-04
	Number of Days Pending	0	0	0	0	0	0	0	3	11	18
OS	Date of Receipt	2017-03-02	2017-02-23	2017-02-13	2017-02-06	2017-02-03	2016-12-08	2016-11-03	2016-08-22	2016-07-22	2016-06-30
	Number of Days Pending	228	388	407	477	478	516	539	590	611	626
PTO	Date of Receipt	2018-08-07	2018-07-09	2018-07-02	2018-06-22	2018-06-20	2018-06-20	2018-01-23	2017-12-21	2017-11-21	2017-07-24
	Number of Days Pending	37	58	62	68	70	70	174	194	215	298
AGENCY OVERALL	Date of Receipt	2014-04-24	2013-10-23	2013-09-25	2013-09-18	2012-12-27	2012-08-22	2012-08-03	2012-06-13	2012-03-23	2011-10-31
	Number of Days Pending	1112	1236	1255	1260	1444	1530	1542	1578	1635	1734

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
BEA	0	2	33.5	33.5	1
BIS	1	6	3	2.86	7
Census	26	18	2	4.23	38
EDA	0	2	1	1	2
ESA	0	3	5	4.33	3
IOS	16	34	1	4.06	42
ITA	6	11	7	11.76	15
MBDA	0	1	0	0	1
NIST	1	4	7	161.4	4
NOAA	8	46	4	12.33	50
NTIA	0	2	9	9	2
NTIS	0	2	10.5	10.5	1
OIG	0	9	1	3	7
OS	4	32	3.5	6.86	29
PTO	0	0	5	0	0
AGENCY OVERALL	62	172	3	10.3	202

Agency Median calculation does not reflect PTO Median statistics.

VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BEA	0	2	44.5	44.5
BIS	13	1	1	5.21
Census	28	25	2	2.87
EDA	2	9	0	0.09
ESA	0	3	4	22.67
IOS	86	1	3	10.77
ITA	2	2	22	28.25
MBDA	0	1	0	0
NIST	1	4	8	9.4
NOAA	70	47	7	10.27
NTIA	7	2	4	4.89
NTIS	4	1	101	75
OIG	2	7	2	2.44
OS	49	4	4	20.58
PTO	5	1	1	19.67
AGENCY OVERALL	269	110	3	10.43

Agency Median calculation does not reflect PTO Median statistics.

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
BEA	1	0	1	\$111,415.68	\$0.00	\$111,415.68
BIS	1	1.75	2.75	\$160,250.00	\$0.00	\$160,250.00
Census	52	3.23	55.23	\$6,182,425.60	\$0.00	\$6,182,425.60
EDA	0	1	1	\$148,081.86	\$0.00	\$148,081.86
ESA	0	0.1	0.1	\$16,000.00	\$0.00	\$16,000.00
IOS	1	0	1	\$192,525.72	\$0.00	\$192,525.72
ITA	3	3.37	6.37	\$807,209.79	\$0.00	\$807,209.79
MBDA	6	0	6	\$356,574.40	\$0.00	\$356,574.40
NIST	0	2.25	2.25	\$253,742.25	\$0.00	\$253,742.25
NOAA	8	14.73	22.73	\$2,127,698.38	\$0.00	\$2,127,698.38
NTIA	4	0	4	\$425,068.80	\$0.00	\$425,068.80
NTIS	3	0	3	\$343,200.00	\$0.00	\$343,200.00
OIG	2	0	2	\$123,552.00	\$0.00	\$123,552.00
OS	1	0.64	1.64	\$241,547.96	\$0.00	\$241,547.96
PTO	4	3.73	7.73	\$1,130,902.49	\$0.00	\$1,130,902.49
InfoLaw	0	3.35	3.35	\$453,236.37	\$174,447.10	\$627,683.47
AGENCY OVERALL	86	34.15	120.15	\$13,073,431.30	\$174,447.10	\$13,247,878.40

X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	PerCENSUStage of Total Costs
BEA	\$0.00	0.00%
BIS	\$0.00	0.00%
Census	\$0.00	0.00%
EDA	\$940.34	0.64%
ESA	\$0.00	0.00%
IOS	\$0.00	0.00%
ITA	\$0.00	0.00%
MBDA	\$0.00	0.00%
NIST	\$1,320.00	0.52%
NOAA	\$47,224.10	2.22%
NTIA	\$6,865.30	1.62%
NTIS	\$0.00	0.00%
OIG	\$0.00	0.00%
OS	\$0.00	0.00%
PTO	\$67,366.52	5.96%
AGENCY OVERALL	\$123,716.26	0.95%

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

Agency / Component	Number of Times Subsection Used
BEA	0
BIS	0
Census	0
EDA	0
ESA	0
IOS	0
ITA	0
MBDA	0
NIST	0
NOAA	0
NTIA	0
NTIS	0
OIG	0
OS	0
PTO	0
AGENCY OVERALL	0

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

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
BEA	0	0
BIS	0	0
Census	2,146	0
EDA	0	0
ESA	0	0
IOS	0	0
ITA	0	0
MBDA	0	0
NIST	0	0
NOAA	1	0
NTIA	1,050	0
NTIS	0	0
OIG	0	30
OS	0	0
PTO	0	2,682,417
AGENCY OVERALL	3,197	2,682,447

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
BEA	0	0
BIS	2	0
Census	15	0
EDA	0	0
ESA	0	0
IOS	228	0
ITA	81	0
MBDA	1	0
NIST	17	0
NOAA	99	0
NTIA	4	0
NTIS	3	0
OIG	0	0
InfoLaw	0	82
PTO	10	0
OS	112	0
AGENCY OVERALL	572	82

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
BEA	0	0	0	0
BIS	1	1	2	0
Census	0	0	0	0
EDA	0	0	0	0
ESA	0	0	0	0
IOS	0	7	0	7
ITA	14	7	10	11
MBDA	0	0	0	0
NIST	0	2	2	0
NOAA	1	18	16	3
NTIA	1	2	3	0
NTIS	1	0	1	0
OIG	0	0	0	0
OS	0	0	0	0
PTO	1	7	8	0
AGENCY OVERALL	19	44	42	21

After reviewing its database, DOC adjusted the number of consultations pending at the start of the Fiscal Year for PTO.

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
IOS	Date	N/A	N/A	N/A	2018-09-14	2018-06-26	2018-06-22	2018-06-06	2017-12-18	2017-12-18	2017-12-04
	Number of Days	0	0	0	10	66	68	80	197	197	207
ITA	Date	2018-06-26	2017-09-18	2015-07-21	2015-07-20	2015-07-20	2015-07-16	2015-07-16	2015-07-16	2014-12-10	2013-08-22
	Number of Days	66	259	802	803	803	805	805	805	954	1279
NOAA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-09-24	2018-07-30	2018-06-12
	Number of Days	0	0	0	0	0	0	0	4	43	76
AGENCY OVERALL	Date	2017-12-04	2017-09-18	2015-07-21	2015-07-20	2015-07-20	2015-07-16	2015-07-16	2015-07-16	2014-12-10	2013-08-22
	Number of Days	207	259	802	803	803	805	805	805	954	1279

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
BEA	9	10	6	12
BIS	67	83	65	83
Census	362	345	342	338
EDA	58	57	59	58
ESA	10	8	10	8
IOS	138	318	48	119
ITA	101	133	141	91
MBDA	11	6	10	7
NIST	108	77	110	81
NOAA	475	450	472	453
NTIA	58	57	80	52
NTIS	8	12	5	19
OIG	81	74	84	72
OS	295	308	247	240
PTO	428	331	427	343
AGENCY OVERALL	2,209	2,269	2,106	1,976

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
BEA	1	0
BIS	1	2
CENSUS	0	15
EDA	0	0
ESA	0	0
IOS	70	228
ITA	43	81
MBDA	3	1
NIST	25	17
NOAA	78	99
NTIA	0	4
NTIS	1	3
OIG	0	0
OS	0	112
PTO	14	10
InfoLaw	58	0
AGENCY OVERALL	294	572

After reviewing its database, DOC adjusted the number of backlogged requests as of the end of Fiscal Year 2017 for the Census.

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
OIG	3	8	3	8
InfoLaw	78	93	81	43
PTO	16	14	19	15
AGENCY OVERALL	97	115	103	66

After reviewing its database, DOC adjusted the number of requests received during fiscal year from last year's annual report for PTO as of the start of the Fiscal Year.

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
OIG	0	0
PTO	0	0
InfoLaw	38	82
AGENCY OVERALL	38	82