

USDA Forest Service
FINAL
FY 2002 Annual FOIA Report

Sections I. Basic Information, II. How to Make a FOIA Request, and III. Definitions of Terms, will be completed by the Office of Communications.

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year:

1. Brief description of type(s) of information withheld under each statute.
2. Statement of whether a court has upheld the use of each statute. If so cite example.

- Archaeological Resources Protection Act of 1979:
 - Location of archeological sites
 - Archaeological site maps
 - Cultural resource site information
- 26 USC § 6103a:
 - Protected Tax Identification Number
- National Historic Preservation Act of 1966 (16 U.S.C. 470w-3):
 - Location and nature of historic sites
- 41 U.S.C.235b(m):
 - Unit Price information
 - Proprietary Business Information
 - Release of contract proposals that are not actually set forth in the contract.

V. Initial FOIA/PA Access Requests

A. Number of Initial Requests: *(include all access requests, whether first party or third party)* **(NOTE: The total of Lines 1 and 2, minus Line 3, should equal Line 4.)**

1. Number of requests pending at end of FY 01	<u>470*</u>
2. Number of requests received during FY 02	<u>4,465</u>
3. Number of requests processed during FY 02	<u>4,470</u>
4. Number of requests pending at end of FY 02	<u>465</u>

Last years pending was 370, this number changed because of the accuracy of the new tracking system and improvement in our reporting practices.

FY0-2002 Annual FOIA Report

B. Disposition of Initial Requests: (NOTE: The total of Lines 1, 2, 3, and 4 should equal the number of requests processed shown in Line 3 of Part A.)

1. Number of total grants 2,765
2. Number of partial grants 774
3. Number of denials 503
 a. Number of times each FOIA exemption used: (count each exemption once per request)

- (1) Exemption 1 0
(2) Exemption 2 13
(3) Exemption 3 20
(4) Exemption 4 50
(5) Exemption 5 135
(6) Exemption 6 339
(7) Exemption 7(A) 71
(8) Exemption 7(B) 11
(9) Exemption 7(C) 123
(10) Exemption 7(D) 1
(11) Exemption 7(E) 2
(12) Exemption 7(F) 1
(13) Exemption 8 0
(14) Exemption 9 0

4. Other reasons for nondisclosure: (total) 428
 a. No records 173
 b. Referred elsewhere (See Note) 20
 c. Request withdrawn 72
 d. Fee-related reason 55
 e. Records not reasonably described 17
 f. Not a proper FOIA request for some reason 20
 g. Not an agency record 4
 h. Duplicate request 12
 i. Other (specify) 55
 o *Glomar*
 o *Non response to clarification letter*
 o *Unable to contact requester*

(Note: Do not count requests referred within your agency in this category, it pertains only to requests that are referred outside of your agency)

FY0-2002 Annual FOIA Report

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS (includes all access requests, whether first-party or third-party).

A. Number of Appeals:

- 1. Number of appeals received during FY 02 96
- 2. Number of appeals processed during FY 02 36

B. Disposition of Appeals:

- 1. Number completely upheld 8
- 2. Number partially reversed 5
- 3. Number completely reversed 23

a. Number of times each FOIA exemption used: (*count each exemption once per appeal*) (total): 49

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 1
- (4) Exemption 4 7
- (5) Exemption 5 7
- (6) Exemption 6 17
- (7) Exemption 7(A) 0
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 5
- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0
- (13) Exemption 8 0
- (14) Exemption 9 0

- 4. Other reasons for nondisclosure (total): 47
 - a. No records 19
 - b. Referred elsewhere 1
 - c. Request withdrawn 0
 - d. Fee-related reason 6
 - e. Records not reasonably described 0
 - f. Not a proper FOIA request for some reason 3
 - g. Not an agency record 0
 - h. Duplicate request 0
 - i. Other (specify) 17
 - o *Glomar*

FY0-2002 Annual FOIA Report

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

A. Median Processing Time For Requests: *(Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.)*

1. Simple requests (if multiple tracks used)
 - a. Number of requests processed 2,453
 - b. Median number of days to process 15
2. Complex requests (specify for any and all tracks used)
 - a. Number of requests processed 2,009
 - b. Median number of days to process 13
3. Requests accorded expedited processing
 - a. Number of requests processed 8
 - b. Median number of days to process 3

(NOTE: The number of requests listed in the different tracks must equal the number of requests processed from section A, Line 3.)

B. Status of Pending Requests: *(Agencies using multiple tracks may provide numbers for each track as well as totals.)*

1. Number of requests pending at end of FY 02 465
2. Median number of days requests were pending at end of FY 02 35

VIII. COMPARISONS WITH PREVIOUS YEAR(S) (Optional)

E. Describe Agency Efforts To:

1. Improve timeliness:
 - Increased contact with Staff personnel responsible to provide records to FOIA analyst.
 - Increased contact with requesters to clarify or narrow the request.
2. Reduce backlog:
 - Greater efforts to contact requesters when a request is old.
 - Letters to staff directors regarding backlog within the particular staff.
 - More contact with responsible staff personnel, to encourage them to get responses handled.

FY0-2002 Annual FOIA Report

3. Provide training:
 - Many Regional Offices of the FS provided training at the District/Forest Levels.
 - The Washington Office FOIA/PA team holds biannual information sharing meetings with all of the Washington Office program staff FOIA Coordinators.
 - National meeting of Regional FOIA Coordinators provided workshop on fee waivers.
4. Add new categories of records.
 - Nothing to report

IX. COSTS/FOIA STAFFING.

A. Staffing Levels:

1. Number of full-time FOIA personnel 29
2. Number of personnel with part-time or occasional FOIA duties (in work-years) 76
3. Total number of personnel (Work-years) 75

B. Total Costs: (include staff and all resources) **Note: Use +20% for overhead.**

1. FOIA processing (including appeals) \$3,114,367.43
2. Litigation-related activities (estimated) \$12,080
3. Total costs \$3,125,847.43
4. Comparison with previous year(s) (optional) Nothing to Report.

C. Statement of additional resources needed for FOIA compliance (optional).

X. FEES: (includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.)

- A. Total amount of fees collected for processing requests \$15,497.50
- B. Percentage of total costs 2.6

XI. FOIA REGULATIONS: (including Fee Schedule): _____