

March 2007

FREEDOM OF INFORMATION ACT

Processing Trends Show Importance of Improvement Plans



G A O

Accountability * Integrity * Reliability



Highlights of [GAO-07-441](#), a report to congressional requesters

FREEDOM OF INFORMATION ACT

Processing Trends Show Importance of Improvement Plans

Why GAO Did This Study

The Freedom of Information Act (FOIA) establishes that federal agencies must provide access to their information, enabling the public to learn about government operations and decisions. To help ensure proper implementation, the act requires that agencies report annually to the Attorney General, giving specific information about their FOIA operations, such as numbers of requests received and processed and median processing times. Also, a recent Executive Order directs agencies to develop plans to improve FOIA operations, including decreasing backlog.

For this study, GAO was asked to examine the status and trends of FOIA processing at 25 major agencies as reflected in annual reports, as well as the extent to which improvement plans contain the elements emphasized by the Executive Order. To do so, GAO analyzed the 25 agencies' annual reports and improvement plans.

What GAO Recommends

GAO suggests that the Congress consider requiring annual reports to provide additional statistics, including arithmetic means. GAO also makes recommendations to strengthen selected improvement plans, among other things. The agencies reviewed generally agreed with the draft report, except that the Treasury partially disagreed with GAO's assessment and associated recommendation. GAO continues to support its assessment and recommendation.

www.gao.gov/cgi-bin/getrpt?GAO-07-441.

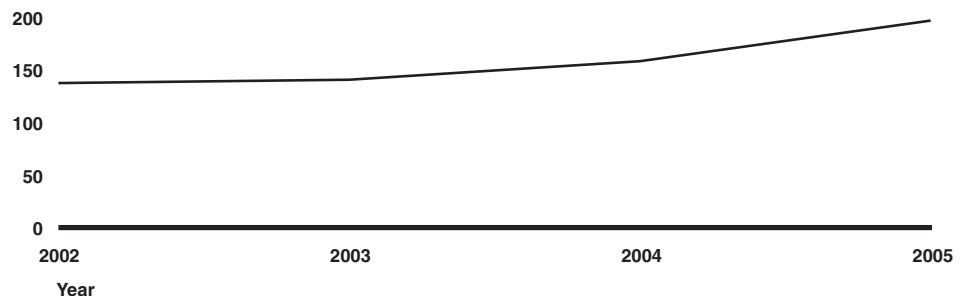
To view the full product, including the scope and methodology, click on the link above. For more information, contact Linda Koontz at (202) 512-6240 or koontzl@gao.gov.

What GAO Found

Based on data in annual reports from 2002 to 2005, the public continued to submit more requests for information from the federal government through FOIA. Despite increasing the numbers of requests processed, many agencies did not keep pace with the volume of requests that they received. As a result, the number of pending requests carried over from year to year has been steadily increasing (see fig.). Agency reports also show great variations in the median times to process requests (less than 10 days for some agency components to more than 100 days at others). However, the ability to determine trends in processing times is limited by the form in which these times are reported: that is, in medians only, without averages (that is, arithmetical means) or ranges. Although medians have the advantage of providing representative numbers that are not skewed by a few outliers, it is not statistically possible to combine several medians to develop broader generalizations (as can be done with arithmetical means). This limitation on aggregating data impedes the development of broader pictures of FOIA operations, which could be useful in monitoring efforts to improve processing and reduce the increasing backlog of requests, as intended by the Executive Order.

The improvement plans submitted by the 25 agencies mostly included goals and timetables addressing the four areas of improvement emphasized by the Executive Order: eliminating or reducing any backlog of FOIA requests; increasing reliance on dissemination of records that can be made available to the public without the need for a FOIA request, such as through posting on Web sites; improving communications with requesters about the status of their requests; and increasing public awareness of FOIA processing. Most of the plans (20 of 25) provided goals and timetables in all four areas; some agencies omitted goals in areas where they considered they were already strong. Although details of a few plans could be improved, all the plans focus on making measurable improvements and form a reasonable basis for carrying out the goals of the Executive Order.

Total FOIA Requests Pending at End of Year, 2002–2005
Requests pending in thousands



Sources: GAO analysis; FOIA annual reports for fiscal years 2002-2005 (self-reported data).

Contents

Letter

Results in Brief	1
Background	4
Status of FOIA Processing Appears Similar to Previous Years, but Limitations in Annual Report Data Present Challenges	8
Agency Improvement Plans Generally Included Areas of Improvement Emphasized by the Executive Order	19
Conclusions	36
Matters for Congressional Consideration	44
Recommendations for Executive Action	45
Agency Comments and Our Evaluation	45

Appendixes

Appendix I: Scope and Methodology	49
Appendix II: Comments from the Department of Agriculture	52
Appendix III: Comments from the Department of Justice	54
Appendix IV: Comments from the Department of the Treasury	55
Appendix V: Comments from the Department of Veterans Affairs	57
Appendix VI: Comments from the Agency for International Development	58
Appendix VII: Comments from the Environmental Protection Agency	59
Appendix VIII: Comments from the National Science Foundation	60
Appendix IX: Freedom of Information Act Exemptions	62
Appendix X: Median Processing Times Reported	63
Agency for International Development	64
Central Intelligence Agency	64
Department of Homeland Security	65
Department of Commerce	66
Department of Defense	66
Department of Energy	67
Department of the Interior	69
Department of Justice	70
Department of Labor	73
Department of Transportation	75
Department of Education	76
Environmental Protection Agency	76

General Services Administration	77
Department of Health and Human Services	78
Department of Housing and Urban Development	80
National Aeronautics and Space Administration	80
Nuclear Regulatory Commission	81
National Science Foundation	81
Office of Personnel Management	82
Small Business Administration	82
Social Security Administration	83
Department of State	83
Department of the Treasury	84
Department of Veterans Affairs	85
Appendix XI: GAO Contact and Staff Acknowledgments	87

Tables

Table 1: “Other” Reasons for Nondisclosure	11
Table 2: Agencies Reviewed	15
Table 3: Comparison of SSA’s Simple Requests Handled by Non-FOIA Staff to Totals, Fiscal Years 2002 to 2005	23
Table 4: Requests Received, Fiscal Year 2005	25
Table 5: Disposition of Processed Requests for Fiscal Year 2005	26
Table 6: Median Days to Process Requests for Fiscal Year 2005, by Track	28
Table 7: Changes in Median Processing Times Reported by Agencies for Different Processing Tracks	30
Table 8: Changes in Median Processing Times Reported by Components for Different Processing Tracks	30
Table 9: Agencies Reviewed	50

Figures

Figure 1: Overview of Generic FOIA Process	9
Figure 2: Total FOIA Requests with SSA Shown Separately, Fiscal Years 2002–2005	21
Figure 3: Total FOIA Requests and FOIA Requests Processed, Omitting SSA, Fiscal Years 2002–2005	22
Figure 4: Disposition of Processed Requests, by Agency (Fiscal Year 2005)	27
Figure 5: Total FOIA Requests Pending at End of Year, 2002–2005	33
Figure 6: Agency Processing Rate for 25 Agencies	34

Abbreviations

AID	Agency for International Development
CIA	Central Intelligence Agency
DHS	Department of Homeland Security
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of Interior
DOJ	Department of Justice
DOL	Department of Labor
DOT	Department of Transportation
e-FOIA	Electronic Freedom of Information Act
ED	Department of Education
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FOIA	Freedom of Information Act
GSA	General Services Administration
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
NASA	National Aeronautics and Space Administration
NRC	Nuclear Regulatory Commission
NSF	National Science Foundation
OIP	Office of Information and Privacy
OMB	Office of Management and Budget
OPM	Office of Personnel Management
SBA	Small Business Administration
SSA	Social Security Administration
USDA	United States Department of Agriculture
VA	Department of Veterans Affairs

This is a work of the U.S. government and is not subject to copyright protection in the United States. It may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



United States Government Accountability Office
Washington, D.C. 20548

March 30, 2007

The Honorable William Lacy Clay
Chairman
Subcommittee on Information Policy, Census, and National Archives
Committee on Oversight and Government Reform
House of Representatives

The Honorable Todd Platts
House of Representatives

The Freedom of Information Act (FOIA)¹ establishes that federal agencies must provide the public with access to government information, thus enabling them to learn about government operations and decisions. Specific requests by the public for information through the act have led to disclosure of waste, fraud, abuse, and wrongdoing in the government, as well as the identification of unsafe consumer products, harmful drugs, and serious health hazards.

To help ensure appropriate implementation, the act requires that agencies provide annual reports on their FOIA operations to the Attorney General; these reports include information as specified in the act, such as how many requests were received and processed in the previous fiscal year, how many requests were pending at the end of the year, and the median times that agencies or their components took to process requests.² Since 2001, we have provided the Congress with periodic analyses of the contents of these annual reports.³

¹5 U.S.C. § 552.

²In an ordered set of values, the median is a value below and above which there is an equal number of values; if there is no one middle number, it is the arithmetic mean (average) of the two middle values.

³For example, see GAO, *Information Management: Implementation of the Freedom of Information Act*, [GAO-05-648T](#) (Washington, D.C.: May 11, 2005); *Information Management: Update on Freedom of Information Act Implementation Status*, [GAO-04-257](#) (Washington, D.C.: Feb. 18, 2004); *Information Management: Progress in Implementing the 1996 Electronic Freedom of Information Act Amendments*, [GAO-01-378](#) (Washington, D.C.: Mar. 16, 2001).

In December 2005, the President issued an Executive Order aimed at improving agencies' disclosure of information consistent with FOIA.⁴ Among other things, this order required each agency to review its FOIA operations and develop improvement plans;⁵ by June 14, 2006, each agency was to submit a report to the Attorney General and the Director of the Office of Management and Budget (OMB) summarizing the results of the agency's review and including a copy of its improvement plan. These plans were to include specific outcome-oriented goals and timetables, by which the agency head is to evaluate the agency's success in implementing the plan.

The Executive Order directs agencies in their FOIA improvement plans to focus on ways to

- eliminate or reduce any backlog of requests;
- increase reliance on public dissemination of records including through Web sites;
- improve communications with requesters about the status of their requests; and
- increase public awareness of FOIA processing.

In July 2006, we testified before the Subcommittee on Government Management, Finance, and Accountability, House Committee on Government Reform, providing preliminary results of our ongoing analyses of the 2005 annual reports as well as of the improvement plans required by the Executive Order.⁶ This report provides the final results of our analyses.⁷

⁴Executive Order 13392, *Improving Agency Disclosure of Information* (Washington, D.C.: Dec. 14, 2005).

⁵More information on the Executive Order's requirements is provided in the section on Background.

⁶GAO, *Freedom of Information Act: Preliminary Analysis of Processing Trends Shows Importance of Improvement Plans*, [GAO-06-1022T](#) (Washington, D.C.: July 26, 2006).

⁷More recently, we provided testimony to the Subcommittee on Information Policy, Census, and National Archives (House Committee on Oversight and Government Reform): GAO, *Freedom of Information Act: Processing Trends Show Importance of Improvement Plans*, [GAO-07-491T](#) (Washington, D.C.: Feb. 14, 2007).

As agreed, our objectives were to determine (1) the status of agencies' processing of FOIA requests as reflected in their annual reports for fiscal years 2002 through 2005, highlighting any trends in these reports since 2002, and (2) to what extent the agency FOIA improvement plans contain the elements emphasized by the Executive Order.

To describe statistics on the processing of FOIA requests, we analyzed annual report data for fiscal years 2002 through 2005 from 25 major agencies (herein we refer to this scope as governmentwide). We examined data from the 24 agencies covered by the Chief Financial Officers Act, plus the Central Intelligence Agency. However, we eliminated one of the 25 agencies—the Department of Agriculture—from our analysis because one of its major components reported that not all its data were reliable. As a result, our statistical analysis for this report was based on data from a total of 24 agencies' annual reports.⁸

To determine to what extent the agency plans contained the elements emphasized by the order, we analyzed the plans for all 25 agencies to determine whether they addressed each area of improvement that was emphasized and contained goals and timetables for each.⁹ We evaluated the versions of plans submitted as of December 15, 2006. We also reviewed the Executive Order itself, implementing guidance issued by OMB and the Department of Justice, other FOIA guidance issued by Justice, and our past work in this area. A more detailed description of our scope and methodology is provided in appendix I.

We conducted our review in accordance with generally accepted government auditing standards. We performed our work from May 2006 to January 2007 in Washington, D.C.

⁸We assessed the reliability of the information contained in the annual reports of selected agencies. See appendix I for more discussion of data reliability.

⁹Two GAO analysts independently analyzed each agency's plan to determine if it contained objective goals and timetables for each of the four elements. When the analysts disagreed, they discussed the reasons for their differences and arrived at a consensus.

Results in Brief

Based on data reported by 24 major agencies in annual FOIA reports from 2002 to 2005,¹⁰ the public continued to submit more requests for information from the federal government through FOIA. Despite increasing the numbers of requests processed, many agencies did not keep pace with the volume of requests that they received. As a result, the number of pending requests carried over from year to year has been steadily increasing. According to agency reports:

- *Recently the rate of increase in requests received and processed has flattened.* Except for one agency—the Social Security Administration (SSA)¹¹—these increases were only about 3 and 2 percent from 2004 to 2005 (compared to 29 and 27 percent from 2002 to 2005).
- *For most requests processed in fiscal year 2005, responsive records were provided in full.* The percentage (87 percent) is about the same as in previous years.
- *Median times to process requests varied greatly.* These ranged from less than 10 days for some agency components to more than 100 days at others (sometimes much more than 100).
- *Numbers of pending requests carried over from year to year continue to increase.* Also, the rate of increase is growing.¹²

¹⁰Data from the Department of Agriculture were omitted because data from a major component were not reliable.

¹¹We exclude SSA's statistics from our discussion of requests received, requests processed, and their disposition because a change in the agency's counting methodology resulted in a report of over 17 million requests for fiscal year 2005, for a jump of about 16 million from the year before. According to SSA, these numbers were previously underreported. Thus, including these statistics in the governmentwide data would obscure year-to-year comparisons.

¹²Statements on pending requests are based on statistics that include the numbers reported by SSA, because they are not affected by the approximately 17 million requests mentioned in footnote 10, for which SSA does not keep statistics on pending requests or processing times.

Our ability to generalize in one of these areas—FOIA processing times—is limited by the form in which the statistics are reported: that is, as required by the act, agencies report median processing times, not averages.¹³ Working with median data only, it is not statistically possible to combine results from different agencies to develop broader generalizations (such as a governmentwide statistic based on all agency reports, or an agencywide statistic based on separate reports from all components of the agency).¹⁴ This limitation on aggregating data impedes the development of broader pictures of FOIA operations, which would be helpful both for public accountability and for effectively managing agency FOIA programs. Further, we omitted from our statistical analysis data from the Department of Agriculture because of the unreliability of data reported by a major component (the Farm Service Agency, which appeared to account for about 80 percent of the department's data). Providing annual report data that are generalizable and accurate is important to meeting the act's goal of providing visibility into government FOIA operations. Finally, in the absence of a requirement that data from the annual reports be summarized or aggregated (a function that the Department of Justice, in its FOIA oversight role, has performed in the past), the public and the Congress have no consistent means of obtaining a governmentwide picture of FOIA processing.

The 25 agencies submitted improvement plans that mostly included goals and timetables addressing the four areas of improvement emphasized by the Executive Order. Based on the results of agencies' reviews of their FOIA operations, the plans also included other improvement activities (such as improving automation and increasing staff training) that are expected to contribute to achieving the goals of the Executive Order. Out of 25 plans, 20 provided goals and timetables in all four areas. In some cases, agencies did not set goals for a given area because they determined that they were already strong in that area. All agencies with reported backlog developed plans to reduce backlog, and (with minor exceptions)

¹³The term "average" in everyday language generally indicates the arithmetic mean: that is, the sum of all the members of a list of numbers divided by the number of items in the list. In contrast, a median is a number dividing the higher half of a population from the lower half. (The median of a finite list of numbers can be found by arranging all the values from lowest to highest and finding the middle one.) The advantage of finding a median is that it is not skewed by a small number of outliers.

¹⁴Medians cannot be added and averaged. Deriving a median for two sets of numbers, for example, requires knowing each number in both sets. The medians of the original sets are not relevant, as only the source data can be used to derive a new median.

all included both measurable goals and milestones. Except for one department, agencies also generally set milestones for the other areas of improvement emphasized by the Executive Order (that is, increasing public dissemination, improving status communications, and increasing public awareness of FOIA processing); for example, to increase public awareness, agencies generally planned to ensure that their FOIA reference guides were comprehensive and up to date. The exception was the Department of the Treasury, whose review and plan was focused on backlog reduction and omitted the other three areas of improvement; if the department does not review these areas and, as appropriate, establish and report on goals and timetables for them, it will not have assurance that it has taken appropriate steps to address increasing public dissemination, improving status communications, and increasing public awareness of FOIA processing.

We suggest that the Congress consider improving the usefulness of the agency annual FOIA reports by requiring agencies to report statistics in addition to processing times, including averages. In addition, we are recommending that Justice provide aggregated statistics and summaries of the annual reports. Finally, we are making recommendations to the Departments of Agriculture and the Treasury aimed at improving annual FOIA reports and agency improvement plans.

We provided drafts of our report for comment to OMB and all 25 agencies reviewed. All the agencies generally agreed with our findings and recommendations or had no comment, except for the Department of the Treasury; Treasury partially disagreed with our assessment and conclusions regarding its improvement plan and disagreed with our recommendation. Written comments from the Departments of Agriculture, Justice, the Treasury, and Veterans Affairs, along with the Agency for International Development, the Environmental Protection Agency, and the National Science Foundation, are provided in appendixes II through VIII; other comments were provided orally. In addition, six agencies (OMB, the Office of Personnel Management, and SSA, and the Departments of the Interior, Transportation, and Housing and Urban Development) provided technical comments, which we incorporated as appropriate.

More specifically:

- The Department of Justice concurred with our assessment and recommendation and described plans to implement the recommendation.

-
- The Department of Agriculture provided additional information on actions to improve FOIA processing and to ensure that data from the Farm Service Agency are reliable.
 - Except for Treasury, other agencies providing written comments generally provided additional information on their FOIA programs or provided suggestions on the draft.
 - In written and e-mail comments, the Department of the Treasury stated that it will be evaluating its improvement plan and taking action to improve its FOIA administration. It indicated a general agreement with the conclusion that Treasury's plan needs to more thoroughly integrate the Executive Order, and noted that the plan is a living, dynamic document that will accommodate changing circumstances. However, the department partially disagreed with our assessment of its improvement plan, indicating that we did not take into sufficient consideration activities that it had been carrying out before the issuance of the Executive Order (such as improvements to automation). Further, it disagreed with our recommendation that it review its FOIA operations in certain areas emphasized by the Executive Order and modify the plan as appropriate to address these areas. The department considered that its plan's emphasis on backlog reduction was in accordance with the emphasis placed on it by the Executive Order and Justice guidance, that its plan went well beyond discussing backlog reduction, and that actions that were not included in the plan implemented other elements in the letter and spirit of the Executive Order.

Although we agree that the Executive Order and Justice guidance placed great emphasis on backlog reduction, we do not agree that the plan and the other actions described fully address all the areas emphasized in the order. For example, although the improvements to automation described by the department may contribute to (for example) improved communication with requesters, without goals and milestones tying these automation improvements to that objective, neither Treasury management nor the public will be well placed to judge whether the department has succeeded in achieving the objective. We note, however, that Treasury in its comments indicates that it does plan to continue to reevaluate its improvement plan and modify it to accommodate changing circumstances. If future modifications specifically address external communications, particularly with requesters, the goal of our recommendation may be achieved.

Background

FOIA establishes a legal right of access to government records and information, on the basis of the principles of openness and accountability in government. Before the act (originally enacted in 1966), an individual seeking access to federal records had faced the burden of establishing a right to examine them. FOIA established a “right to know” standard for access, instead of a “need to know,” and shifted the burden of proof from the individual to the government agency seeking to deny access.

FOIA provides the public with access to government information either through “affirmative agency disclosure”—publishing information in the *Federal Register* or on the Internet, or making it available in reading rooms—or in response to public requests for disclosure. Public requests for disclosure of records are the best known type of FOIA disclosure. Any member of the public may request access to information held by federal agencies, without showing a need or reason for seeking the information.

Not all information held by the government is subject to FOIA. The act prescribes nine specific categories of information that are exempt from disclosure: for example, trade secrets and certain privileged commercial or financial information, certain personnel and medical files, and certain law enforcement records or information (app. IX provides the complete list). In denying access to material, agencies may cite these exemptions. The act requires agencies to notify requesters of the reasons for any adverse determination (that is, a determination not to provide records) and grants requesters the right to appeal agency decisions to deny access.

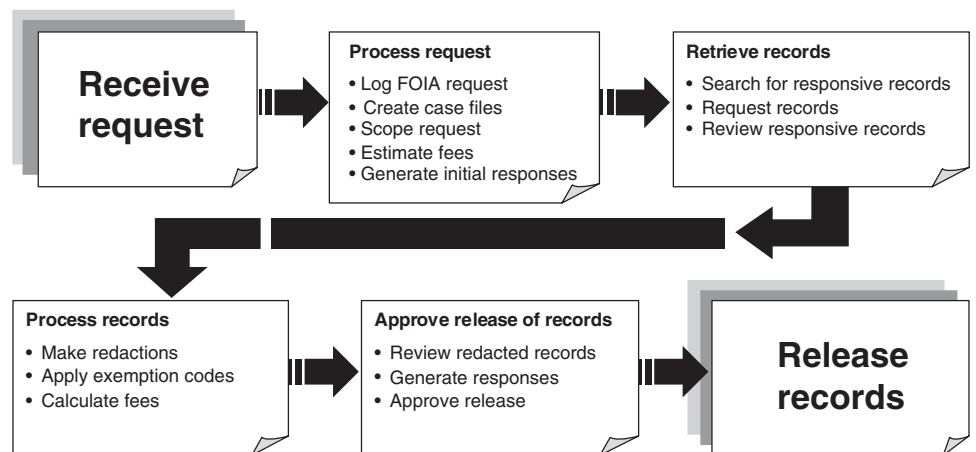
In addition, agencies are required to meet certain time frames for making key determinations: whether to comply with requests (20 business days from receipt of the request), responses to appeals of adverse determinations (20 business days from filing of the appeal), and whether to provide expedited processing of requests (10 calendar days from receipt of the request). The Congress did not establish a statutory deadline for making releasable records available, but instead required agencies to make them available promptly.

The FOIA Process at Federal Agencies

Although the specific details of processes for handling FOIA requests vary among agencies, the major steps in handling a request are similar across the government. Agencies receive requests, usually in writing (although they may accept requests by telephone or electronically), which can come from any organization or member of the public. Once received, the request

goes through several phases, which include initial processing, searching for and retrieving responsive records, preparing responsive records for release, approving the release of the records, and releasing the records to the requester. Figure 1 is an overview of the process, from the receipt of a request to the release of records.

Figure 1: Overview of Generic FOIA Process



Source: GAO analysis of agency information.

During the initial processing phase, a request is logged into the agency’s FOIA system, and a case file is started. The request is then reviewed to determine its scope, estimate fees, and provide an initial response to the requester (in general, this simply acknowledges receipt of the request). After this point, the FOIA staff begins its search to retrieve responsive records. This step may include searching for records from multiple locations and program offices. After potentially responsive records are located, the documents are reviewed to ensure that they are within the scope of the request.

During the next two phases, the agency ensures that appropriate information is to be released under the provisions of the act. First, the agency reviews the responsive records to make any redactions based on the statutory exemptions. Once the exemption review is complete, the final set of responsive records is turned over to the FOIA office, which calculates appropriate fees, if applicable. Before release, the redacted responsive records are then given a final review, possibly by the agency’s

general counsel, and then a response letter is generated, summarizing the agency's actions regarding the request. Finally, the responsive records are released to the requester.

Some requests are relatively simple to process, such as requests for specific pieces of information that the requester sends directly to the appropriate office. Other requests may require more extensive processing, depending on their complexity, the volume of information involved, the need for the agency FOIA office to work with offices that have relevant subject-matter expertise to find and obtain information, the need for a FOIA officer to review and redact information in the responsive material, the need to communicate with the requester about the scope of the request, and the need to communicate with the requester about the fees that will be charged for fulfilling the request (or whether fees will be waived).¹⁵

Specific details of agency processes for handling requests vary, depending on the agency's organizational structure and the complexity of the requests received. While some agencies centralize processing in one main office, other agencies have separate FOIA offices for each agency component and field office. Agencies also vary in how they allow requests to be made. Depending on the agency, requesters can submit requests by telephone, fax, letter, or e-mail or through the Web. In addition, agencies may process requests in two ways, known as "multitrack" and "single track." Multitrack processing involves dividing requests into two groups: (1) simple requests requiring relatively minimal review, which are placed in one processing track, and (2) more voluminous and complex requests, which are placed in another track. In contrast, single-track processing does not distinguish between simple and complex requests. With single-track processing, agencies process all requests on a first-in/first-out basis. Agencies can also process FOIA requests on an expedited basis when a requester has shown a compelling need or urgency for the information.

As agencies process FOIA requests, they generally place them in one of four possible disposition categories: grants, partial grants, denials, and "not disclosed for other reasons." These categories are defined as follows:

¹⁵Fees may be waived when disclosure of the information requested is determined to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

- *Grants*: Agency decisions to disclose all requested records in full.
- *Partial grants*: Agency decisions to withhold some records in whole or in part, because such information was determined to fall within one or more exemptions.
- *Denials*: Agency decisions not to release any part of the requested records because all information in the records is determined to be exempt under one or more statutory exemptions.
- *Not disclosed for other reasons*: Agency decisions not to release requested information for any of a variety of reasons other than statutory exemptions from disclosing records. The categories and definitions of these “other” reasons for nondisclosure are shown in table 1.

Table 1: “Other” Reasons for Nondisclosure

Category	Definition
No records	The agency searched and found no record responsive to the request.
Referrals	The agency referred records responsive to the request to another agency.
Request withdrawn	The requester withdrew the request.
Fee-related reasons	The requester refused to commit to pay fees (or other reasons related to fees).
Records not reasonably described	The requester did not describe the records sought with sufficient specificity to allow them to be located with a reasonable amount of effort.
Not a proper FOIA request	The request was not a FOIA request for one of several procedural reasons.
Not an agency record	The requested record was not within the agency’s control.
Duplicate request	The request was submitted more than once by the same requester.

Source: Department of Justice.

When a FOIA request is denied in full or in part, or the requested records are not disclosed for other reasons, the requester is entitled to be told the reason for the denial, to appeal the denial, and to challenge it in court.

The Privacy Act Also Provides Individuals with Access Rights

In addition to FOIA, the Privacy Act of 1974¹⁶ includes provisions granting individuals the right to gain access to and correct information about themselves held by federal agencies. Thus the Privacy Act serves as a second major legal basis, in addition to FOIA, for the public to use in obtaining government information. The Privacy Act also places limitations on agencies' collection, disclosure, and use of personal information.

Although the two laws differ in scope, procedures in both FOIA and the Privacy Act permit individuals to seek access to records about themselves—known as “first-party” access. Depending on the individual circumstances, one law may allow broader access or more extensive procedural rights than the other, or access may be denied under one act and allowed under the other. Consequently, the Department of Justice's Office of Information and Privacy issued guidance that it is “good policy for agencies to treat all first-party access requests as FOIA requests (as well as possibly Privacy Act requests), regardless of whether the FOIA is cited in a requester's letter.” This guidance was intended to help ensure that requesters receive the fullest possible response to their inquiries, regardless of which law they cite.

In addition, Justice guidance for the annual FOIA report directs agencies to include Privacy Act requests (that is, first-party requests) in the statistics reported. According to the guidance, “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, regardless of which law is cited by the requester, are included in this report.)”

Although FOIA and the Privacy Act can both apply to first-party requests, these may not always be processed in the same way as described earlier for FOIA requests. In some cases, little review and redaction (see fig. 1) is required, such as, for example, a request for one's own Social Security benefits records. In contrast, various degrees of review and redaction could be required for other types of first-party requests: for example, files on security background checks would need review and redaction before being provided to the person who was the subject of the investigation.

¹⁶5 U.S.C. § 552a.

Roles of OMB and Justice in FOIA Implementation

OMB and the Department of Justice both have roles in the implementation of FOIA. Under various statutes, including the Paperwork Reduction Act,¹⁷ OMB exercises broad authority for coordinating and administering various aspects of governmentwide information policy. FOIA specifically requires OMB to issue guidelines to “provide for a uniform schedule of fees for all agencies.”¹⁸ OMB issued this guidance in April 1987.¹⁹

The Department of Justice oversees agencies’ compliance with FOIA and is the primary source of policy guidance for agencies. Specifically, Justice’s requirements under the act are to

- make agencies’ annual FOIA reports available through a single electronic access point and notify the Congress as to their availability;
- in consultation with OMB, develop guidelines for the required annual agency reports, so that all reports use common terminology and follow a similar format; and
- submit an annual report on FOIA litigation and the efforts undertaken by Justice to encourage agency compliance.

Within the Department of Justice, the Office of Information and Privacy has lead responsibility for providing guidance and support to federal agencies on FOIA issues. This office first issued guidelines for agency preparation and submission of annual reports in the spring of 1997. It also periodically issues additional guidance on annual reports as well as on compliance, provides training, and maintains a counselors service to provide expert, one-on-one assistance to agency FOIA staff. Further, the Office of Information and Privacy also makes a variety of FOIA and Privacy Act

¹⁷44 U.S.C. §§ 3501–3521.

¹⁸This provision was added by the Freedom of Information Reform Act of 1986 (Pub. L. 99-570).

¹⁹See OMB, *Uniform Freedom of Information Act Fee Schedule and Guidelines*, 52 FR 10011 (Mar. 27, 1987), effective April 27, 1987. Also in 1987, the Department of Justice issued guidelines on waiving fees when requests are determined to be in the public interest. Under the guidelines, requests for waivers or reduction of fees are to be considered on a case-by-case basis, taking into account both the public interest and the requester’s commercial interests.

resources available to agencies and the public via the Justice Web site and on-line bulletins (available at www.usdoj.gov/oip/index.html).

Annual FOIA Reports Were Established by 1996 Amendments

In 1996, the Congress amended FOIA to provide for public access to information in an electronic format (among other purposes). These amendments, referred to as e-FOIA, also required that agencies submit a report to the Attorney General on or before February 1 of each year that covers the preceding fiscal year and includes information about agencies' FOIA operations.²⁰ The following are examples of information that is to be included in these reports:

- number of requests received, processed, and pending;
- median number of days taken by the agency to process different types of requests;
- determinations made by the agency not to disclose information and the reasons for not disclosing the information;
- disposition of administrative appeals by requesters;
- information on the costs associated with handling of FOIA requests; and
- full-time-equivalent staffing information.

In addition to providing their annual reports to the Attorney General, agencies are to make them available to the public in electronic form. The Attorney General is required to make all agency reports available online at a single electronic access point and report to the Congress no later than April 1 of each year that these reports are available in electronic form. (This electronic access point is www.usdoj.gov/oip/04_6.html.)

²⁰5 U.S.C. § 552(e).

In 2001, in response to a congressional request, we prepared the first in a series of reports on the implementation of the 1996 amendments to FOIA, starting from fiscal year 1999.²¹ In these reviews, we examined the contents of the annual reports for 25 major agencies (shown in table 2).²² They include the 24 major agencies covered by the Chief Financial Officers Act, as well as the Central Intelligence Agency and, until 2003, the Federal Emergency Management Agency (FEMA). In 2003, the creation of the Department of Homeland Security (DHS), which incorporated FEMA, led to a shift in some FOIA requests from agencies affected by the creation of the new department, but the same major component entities are reflected in all the years reviewed.

Table 2: Agencies Reviewed

Agency	Abbreviation
Agency for International Development	AID
Central Intelligence Agency	CIA
Department of Agriculture ^a	USDA
Department of Commerce	DOC
Department of Defense	DOD
Department of Education	ED
Department of Energy	DOE
Department of Health and Human Services	HHS
Department of Homeland Security ^b	DHS
Federal Emergency Management Agency ^b	FEMA
Department of Housing and Urban Development	HUD
Department of Interior	DOI
Department of Justice	DOJ
Department of Labor	DOL
Department of State	State

²¹GAO, *Information Management: Progress in Implementing the 1996 Electronic Freedom of Information Act Amendments*, [GAO-01-378](#) (Washington, D.C.: Mar. 16, 2001).

²²GAO, *Information Management: Update on Implementation of the 1996 Electronic Freedom of Information Act Amendments*, [GAO-02-493](#) (Washington, D.C.: Aug. 30, 2002); *Information Management: Update on Freedom of Information Act Implementation Status*, [GAO-04-257](#) (Washington, D.C.: Feb. 18, 2004); and *Information Management: Implementation of the Freedom of Information Act*, [GAO-05-648T](#) (Washington, D.C.: May 11, 2005).

(Continued From Previous Page)

Agency	Abbreviation
Department of the Treasury	Treas
Department of Transportation	DOT
Department of Veterans Affairs	VA
Environmental Protection Agency	EPA
General Services Administration	GSA
National Aeronautics and Space Administration	NASA
National Science Foundation	NSF
Nuclear Regulatory Commission	NRC
Office of Personnel Management	OPM
Small Business Administration	SBA
Social Security Administration	SSA

Source: GAO.

^aUSDA was not included in our statistical analysis for this report because data from one of its major components were found to be unreliable.

^bFEMA information was reported separately in fiscal year 2002. In fiscal years 2003, 2004, and 2005, FEMA was part of DHS.

Our previous reports included descriptions of the status of reported FOIA implementation, including any trends revealed by comparison with earlier years. We noted general increases in requests received and processed, as well as growing numbers of pending requests carried over from year to year.

In addition, our 2001 report disclosed that data quality issues limited the usefulness of agencies' annual FOIA reports and that agencies had not provided online access to all the information required by the act as amended in 1996. We therefore recommended that the Attorney General direct the Department of Justice to improve the reliability of data in the agencies' annual reports by providing guidance addressing the data quality issues we identified and by reviewing agencies' report data for completeness and consistency. We further recommended that the Attorney General direct the department to enhance the public's access to government records and information by encouraging agencies to make all required materials available electronically. In response, the Department of Justice issued supplemental guidance, addressed reporting requirements in its training programs, and continued reviewing agencies' annual reports for data quality. Justice also worked with agencies to improve the quality of data in FOIA annual reports.

Executive Order Required Agencies to Take Several Actions to Improve FOIA Operations

On December 14, 2005, the President issued an Executive Order setting forth a policy of citizen-centered and results-oriented FOIA administration.²³ Briefly, FOIA requesters are to receive courteous and appropriate services, including ways to learn about the status of their requests and the agency's response, and agencies are to provide ways for requesters and the public to learn about the FOIA process and publicly available agency records (such as those on Web sites). In addition, agency FOIA operations are to be results oriented: agencies are to process requests efficiently, achieve measurable improvements in FOIA processing, and reform programs that do not produce appropriate results.

To carry out this policy, the order required, among other things, that agency heads designate Chief FOIA Officers to oversee their FOIA programs, and that agencies establish Requester Service Centers and Public Liaisons to ensure appropriate communication with requesters. The Chief FOIA Officers were directed to conduct reviews of the agencies' FOIA operations and develop improvement plans to ensure that FOIA administration was in accordance with applicable law as well as with the policy set forth in the order. By June 2006, agencies were to submit reports that included the results of their reviews and copies of their improvement plans. The order also instructed the Attorney General to issue guidance on implementation of the order's requirements for agencies to conduct reviews and develop plans. Finally, the order instructed agencies to report on their progress in implementing their plans and meeting milestones as part of their annual reports for fiscal years 2006 and 2007, and required agencies to account for any milestones missed.

²³Executive Order 13392.

In April 2006, the Department of Justice posted guidance on implementation of the order's requirements for FOIA reviews and improvement plans.²⁴ This guidance suggested a number of areas of FOIA administration that agencies might consider in conducting their reviews and developing improvement plans. (Examples of some of these areas are automated tracking capabilities, automated processing, receiving/responding to requests electronically, forms of communication with requesters, and systems for handling referrals to other agencies.) To encourage consistency, the guidance also included a template for agencies to use to structure the plans and to report on their reviews and plans.²⁵ The improvement plans are posted on the Justice Web site at www.usdoj.gov/oip/agency_improvement.html.

In a July 2006 testimony, we provided preliminary results of our analyses of the improvement plans for the 25 agencies in our review that were submitted as of the end of June; in our testimony we focused on how the plans addressed reducing or eliminating backlog.²⁶ We testified that a substantial number of plans did not include measurable goals and timetables that would allow agencies to measure and evaluate the success of their plans. Several of the plans were revised in light of our testimony, as well as in response to feedback to agencies from the Department of Justice in its FOIA oversight role.

²⁴Department of Justice, *Executive Order 13,392 Implementation Guidance* (posted Apr. 27, 2006). www.usdoj.gov/oip/foiapost/2006foiapost6.htm

²⁵Also included in this guidance was a set of questions and answers on implementing the order, as well as supplemental guidance on preparing the annual FOIA reports for fiscal years 2006 and 2007. These are to include reports on agencies' progress in implementing their plans and improving their FOIA activities.

²⁶GAO, *Freedom of Information Act: Preliminary Analysis of Processing Trends Shows Importance of Improvement Plans*, [GAO-06-1022T](http://www.gao.gov/products/GAO-06-1022T) (Washington, D.C.: July 26, 2006).

Status of FOIA Processing Appears Similar to Previous Years, but Limitations in Annual Report Data Present Challenges

The data reported by 24 major agencies in annual FOIA reports from 2002 to 2005 reveal a number of general trends. (Data from USDA, which were reported in our July 2006 testimony, are omitted in what follows, because we determined that data from a major USDA component were not reliable.) For example, the public continued to submit more requests for information from the federal government through FOIA, but many agencies, despite increasing the numbers of requests processed, did not keep pace with this increased volume. As a result, the number of pending requests carried over from year to year has been steadily increasing. However, our ability to make generalizations about processing time is limited by the type of statistic reported (that is, the median). Taking steps to improve the accuracy and form of annual report data could provide more insight into FOIA processing.

Not All Data from USDA's Farm Service Agency Are Reliable, but Its Improvement Plan Provides Opportunity to Address This Weakness

We omitted data from USDA's annual FOIA report because we determined that not all these data were reliable. Although some USDA components expressed confidence in their data, one component, the Farm Service Agency, did not. According to this agency's FOIA Officer, portions of the agency's data in annual reports were not accurate or complete. This is a significant deficiency, because the Farm Service Agency reportedly processes over 80 percent of the department's total FOIA requests. Currently, FOIA processing for the Farm Service Agency is highly decentralized, taking place in staff offices in Washington, D.C., and Kansas City, 50 state offices, and about 2,350 county offices. The agency FOIA officer told us that she questioned the completeness and accuracy of data supplied by the county offices. This official stated that some of the field office data supplied for the annual report were clearly wrong, leading her to question the systems used to record workload data at field offices and the field office staff's understanding of FOIA requirements. She attributed this condition to the agency's decentralized organization and to lack of management attention, resources, and training. Lacking accurate data hinders the Farm Service Agency from effectively monitoring and managing its FOIA program.

The Executive Order's requirement to develop an improvement plan provides an opportunity for the Farm Service Agency to address its data reliability problems. More specifically, Justice's guidance on implementing the Executive Order refers to the need for agencies to explore improvements in their monitoring and tracking systems and staff training. USDA has developed an improvement plan that includes activities to

improve FOIA processing at the Farm Service Agency that are relevant to the issues raised by the Farm Service Agency's FOIA Officer, including both automation and training. The plan sets goals for ensuring that all agency employees who process or retrieve responsive records are trained in the necessary FOIA duties, as well as for determining the type of automated tracking to be implemented. According to the plan, an electronic tracking system is needed to track requests, handle public inquiries regarding request status, and prepare a more accurate annual FOIA report. In addition, the Farm Service Agency plans to determine the benefit of increased centralization of FOIA request processing.

However, the plan does not directly address improvements to data reliability. If USDA does not also plan for activities, measures, and milestones to improve data reliability, it increases the risk that the Farm Service Agency will not produce reliable FOIA statistics, which are important for program oversight and meeting the act's goal of providing visibility into government FOIA operations.

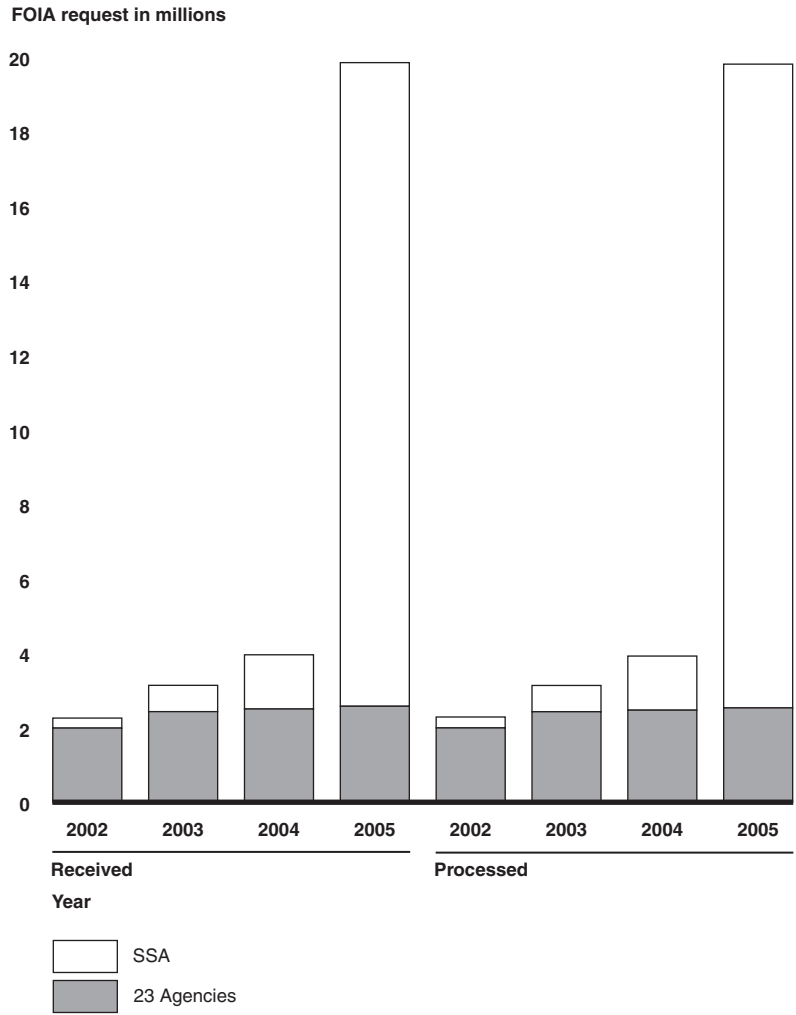
Except for SSA, Increases in Requests Received and Processed Are Generally Slowing

The numbers of FOIA requests received and processed continue to rise, but except for one case—SSA—the rate of increase has flattened in recent years. For SSA, we present statistics separately because the agency reported an additional 16 million requests in 2005, dwarfing those for all other agencies combined, which together total about 2.6 million. SSA attributed this rise to an improvement in its method of counting requests and stated that in previous years, these requests were undercounted. Further, all but about 38,000 of SSA's over 17 million requests are simple requests for personal information by or on behalf of individuals.

Figure 2 shows total requests reported governmentwide for fiscal years 2002 through 2005, with SSA's share shown separately.²⁷ This figure shows the magnitude of SSA's contribution to the whole FOIA picture, as well as the scale of the jump from 2004 to 2005.

²⁷Because of the undercount in previous years, including SSA's statistics in governmentwide data obscures year-to-year comparisons.

Figure 2: Total FOIA Requests with SSA Shown Separately, Fiscal Years 2002–2005

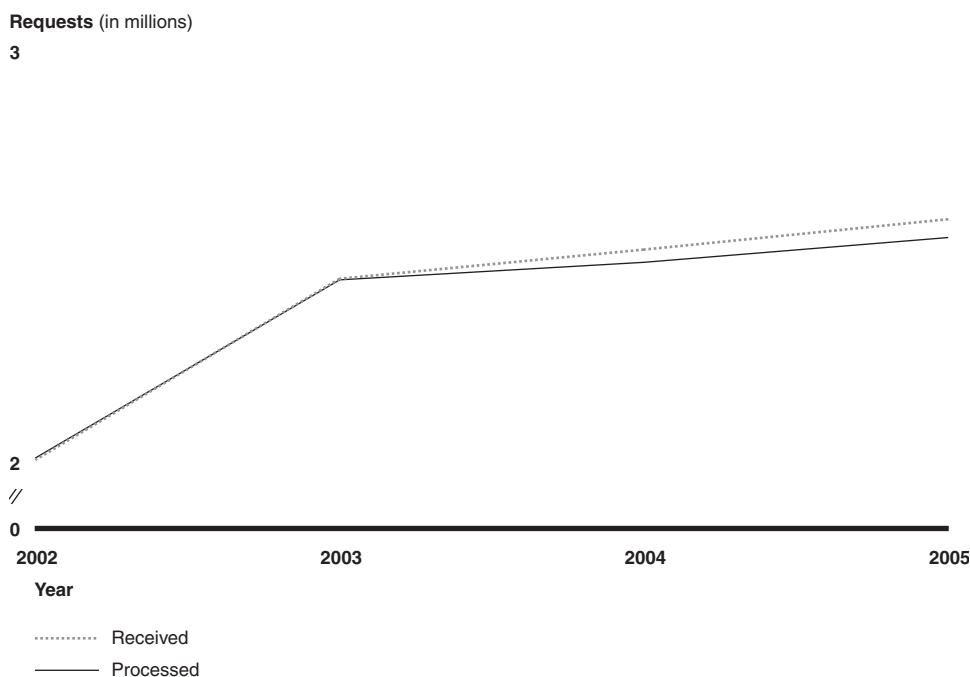


Source: GAO analysis, FOIA annual reports for fiscal years 2002-2005 (self-reported data).

Figure 3 presents statistics omitting SSA on a scale that allows a clearer view of the rate of increase in FOIA requests received and processed in the rest of the government. As this figure shows, when SSA's numbers are excluded, the rate of increase is modest and has been flattening: For the whole period (fiscal years 2002 to 2005), requests received increased by about 29 percent, and requests processed increased by about 27 percent. Most of this rise occurred from fiscal years 2002 to 2003: about 28 percent for requests received, and about 27 percent for requests processed. In

contrast, from fiscal year 2004 to 2005, the rise was much less: about 3 percent for requests received, and about 2 percent for requests processed.

Figure 3: Total FOIA Requests and FOIA Requests Processed, Omitting SSA, Fiscal Years 2002–2005



Source: GAO analysis, FOIA annual reports for fiscal years 2002-2005 (self-reported data).

According to SSA, the increases that the agency reported in fiscal year 2005 can be attributed to an improvement in its method of counting a category of requests it calls “simple requests handled by non-FOIA staff.” From fiscal year 2002 to 2005, SSA’s FOIA reports have consistently shown significant growth in this category, which has accounted for the major portion of all SSA requests reported (see table 3). In each of these years, SSA has attributed the increases in this category largely to better reporting, as well as actual increases in requests.

Table 3: Comparison of SSA's Simple Requests Handled by Non-FOIA Staff to Totals, Fiscal Years 2002 to 2005

Fiscal year	Total requests received	Total requests processed	Simple requests handled by non-FOIA staff	Percentage of total processed
2005	17,257,886	17,262,315	17,223,713	99.8
2004	1,453,619	1,450,493	1,270,512	87.6
2003	705,280	704,941	678,849	96.3
2002	268,488	292,884	245,877	84.0

Sources: SSA FOIA reports (self-reported data), GAO analysis.

SSA describes requests in this category as typically being requests by individuals for access to their own records, as well as requests in which individuals consent for SSA to supply information about themselves to third parties (such as insurance and mortgage companies) so that they can receive housing assistance, mortgages, disability insurance, and so on.²⁸ According to SSA's FOIA report, these requests are handled by personnel in about 1,500 locations in SSA, including field and district offices and teleservice centers.²⁹ Such requests are almost always granted,³⁰ according to SSA, and most receive immediate responses. SSA has stated that it does not keep processing statistics (such as median days to process) on these requests, which it reports separately from other FOIA requests (for which processing statistics are kept). However, officials say that these are typically processed in a day or less.

²⁸According to SSA officials, most of these simple requests are for essentially the same types of information, such as copies of earnings records and verifications of monthly benefit amounts or Social Security numbers.

²⁹According to SSA, its field organization is decentralized to provide services at the local level, and includes 10 regional offices, 6 processing centers, and approximately 1,500 field offices.

³⁰Denials can occur in the case of discrepancies in the requests, such as incorrect Social Security numbers, for example.

According to SSA officials, they included information on these requests in their annual reports because Justice guidance instructs agencies to treat Privacy Act requests (requests for records concerning oneself) as FOIA requests and report them in their annual reports.³¹ In addition, SSA officials said that their automated systems make it straightforward to capture and report on these simple requests. According to SSA, in fiscal year 2005, the agency began to use automated systems to capture the numbers of requests processed by non-FOIA staff, generating statistics automatically as requests were processed; the result, according to SSA, is a much more accurate count.

Besides SSA, agencies reporting large numbers of requests received were the Departments of Defense, Health and Human Services, Homeland Security, Justice, the Treasury, and Veterans Affairs, as shown in table 4.³² The rest of the agencies combined account for only about 5 percent of the total requests received (if SSA's simple requests handled by non-FOIA staff are excluded). Table 4 presents, in descending order of request totals, the numbers of requests received and percentages of the total (calculated with and without SSA's statistics on simple requests handled by non-FOIA staff).

³¹Justice's guidance defines the requests covered by the annual FOIA reports as follows: "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, regardless of which law is cited by the requester, are included in this report.)"

³²Several of these agencies, like SSA, process a large number of Privacy Act requests. For example, the Treasury has stated that the majority of requests received by the Internal Revenue Service are first party requests for tax records; these requests make up the bulk of Treasury FOIA statistics (about 80 percent).

Table 4: Requests Received, Fiscal Year 2005

Agency	Total requests received	Percentage of total including SSA line 1	Percentage of total including SSA line 2
SSA (all)	17,257,886	87.00	—
SSA (excluding simple requests handled by non-FOIA staff)	38,602	—	1.48
VA	1,914,395	9.65	73.17
HHS	222,372	1.12	8.50
DHS	163,016	0.82	6.23
DOD	81,304	0.41	3.11
Treas	53,330	0.27	2.04
DOJ	52,010	0.26	1.99
DOL	23,505	0.12	0.90
EPA	12,201	0.06	0.47
OPM	12,085	0.06	0.46
DOT	9,597	0.05	0.37
DOI	6,749	0.03	0.26
State	4,602	0.02	0.18
HUD	4,227	0.02	0.16
SBA	3,739	0.02	0.14
DOE	3,729	0.02	0.14
CIA	2,935	0.01	0.11
ED	2,416	0.01	0.09
DOC	1,804	0.01	0.07
GSA	1,416	0.01	0.05
NASA	1,229	0.01	0.05
NRC	371	0.00	0.01
AID	369	0.00	0.01
NSF	273	0.00	0.01
Total including SSA line 1	19,835,560	—	—
Total including SSA line 2	2,616,276	—	—

Source: FOIA annual reports for 2005 (self-reported data).

Note: Abbreviations are as in table 2. USDA data have been omitted, as data from a major USDA component were determined to be unreliable.

Most Requests Are Granted in Full

Most FOIA requests in 2005 were granted in full, with relatively few being partially granted, denied, or not disclosed for other reasons (statistics are shown in table 5). This generalization holds with or without SSA's inclusion. The percentage of requests granted in full was about 87 percent, which is about the same as in previous years. However, if SSA's numbers are included, the proportion of grants dominates the other categories—raising this number from 87 percent of the total to 98 percent. This is to be expected, since SSA reports that it grants the great majority of its simple requests handled by non-FOIA staff, which make up the bulk of SSA's statistics.

Table 5: Disposition of Processed Requests for Fiscal Year 2005

Disposition	Statistics excluding SSA ^a		Statistics including SSA	
	Number	Percentage	Number	Percentage
Full grants	2,206,515	87.1	19,466,907	98.3
Partial grants	102,079	4.0	102,354	0.5
Denial	19,864	0.8	20,318	0.1
Not disclosed for other reasons	204,491	8.1	205,685	1.0
Total	2,532,949		19,795,264	

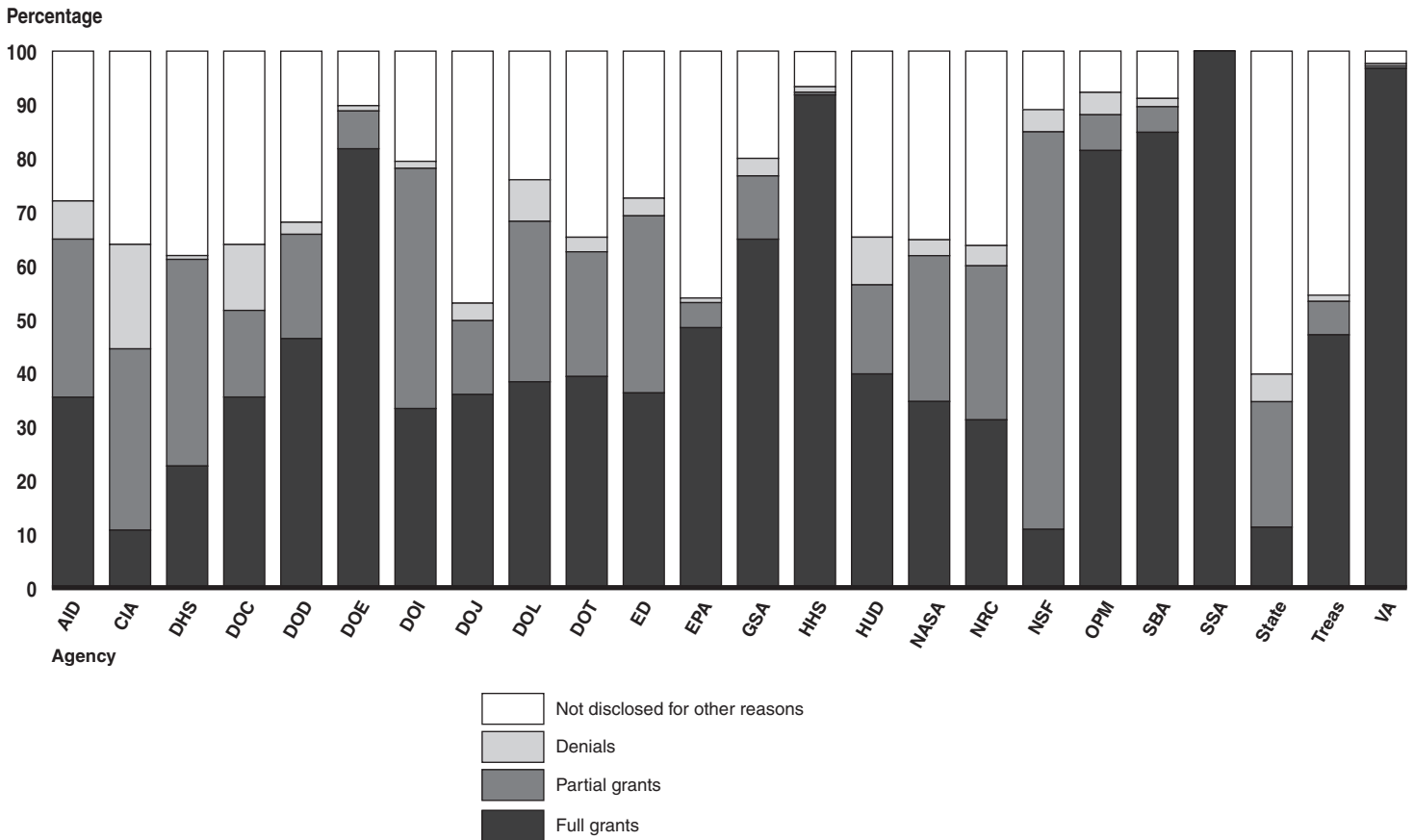
Source: FOIA annual reports for 2005 (self-reported data).

Note: USDA data have been omitted, as data from a major USDA component were determined to be unreliable. Percentages do not add up to 100 percent because of rounding.

^a We exclude all SSA statistics for this comparison rather than omitting only simple requests handled by non-FOIA staff, because SSA's report does not break out this category in its statistics on disposition.

Three of the seven agencies that handled the largest numbers of requests (HHS, SSA, and VA; see table 4) also granted the largest percentages of requests in full, as shown in figure 4. Figure 4 shows, by agency, the disposition of requests processed: that is, whether granted in full, partially granted, denied, or “not disclosed for other reasons” (see table 1 for a list of these reasons).

Figure 4: Disposition of Processed Requests, by Agency (Fiscal Year 2005)



Source: GAO analysis, FOIA annual reports for fiscal year 2005 (self-reported data).

Note: Abbreviations are shown in table 2. USDA data have been omitted, as data from a major USDA component were determined to be unreliable.

As the figure shows, the numbers of fully granted requests varied widely among agencies in fiscal year 2005. Six agencies made full grants of requested records in over 80 percent of the cases they processed (besides the three already mentioned, these include Energy, OPM, and SBA). In contrast, 13 of 24 made full grants of requested records in less than 40 percent of their cases, including 3 agencies (CIA, NSF, and State) that made full grants in less than 20 percent of cases processed.

This variance among agencies in the disposition of requests has been evident in prior years as well.³³ In many cases, the variance can be accounted for by the types of requests that different agencies process. For example, as discussed earlier, SSA grants a very high proportion of requests because they are requests for personal information about individuals that are routinely made available to or for the individuals concerned. Similarly, VA routinely makes medical records available to individual veterans, and HHS also handles large numbers of Privacy Act requests. Such requests are generally granted in full. Other agencies, on the other hand, receive numerous requests whose responses must routinely be redacted. For example, NSF reported in its annual report that most of its requests (an estimated 90 percent) are for copies of funded grant proposals. The responsive documents are routinely redacted to remove personal information on individual principal investigators (such as salaries, home addresses, and so on), which results in high numbers of “partial grants” compared to “full grants.”

Processing Times Vary, but Broad Generalizations Are Limited

For 2005, the reported time required to process requests (by track) varied considerably among agencies. Table 6 presents data on median processing times for fiscal year 2005. For agencies that reported processing times by component rather than for the agency as a whole, the table indicates the range of median times reported by the agency’s components.

Table 6: Median Days to Process Requests for Fiscal Year 2005, by Track

Agency	Type of request processing track			
	Simple	Complex	Single	Expedited
AID	—	—	55	34
CIA	7	68	—	—
DHS	16–61	3–242	—	2–45
DOC	12	40	—	8
DOD	16	85	—	—
DOE	5–106	10–170	—	1–12

³³See GAO, *Information Management: Progress in Implementing the 1996 Electronic Freedom of Information Act Amendments*, GAO-01-378 (Washington, D.C.: Mar. 16, 2001), and *Information Management: Update on Freedom of Information Act Implementation Status*, GAO-04-257 (Washington, D.C.: Feb. 18, 2004).

(Continued From Previous Page)

Agency	Type of request processing track			
	Simple	Complex	Single	Expedited
DOI	2–43	28–89	—	1–15
DOJ	0–139	12–863	—	2–185
DOL	6–30	14–60	—	2–18
DOT	1–30	20–134	—	5–30
ED	35	66	—	24
EPA	13–32	4–166	—	8–109
GSA	—	14	—	—
HHS	10–26	60–370	5–173	14–158
HUD	21–65	35–160	—	9–70
NASA	19	49	—	15
NRC	12	75	—	20
NSF	—	—	14	—
OPM	—	—	14	1
SBA	—	—	7	—
SSA	15	39	10	17
State	14	142	—	136
Treas	2–86	3–251	—	1
VA	—	1–60	—	1–10

Source: FOIA annual reports for fiscal year 2005 (self-reported data).

Note: For agencies that reported processing times by component, the table indicates the range of reported component median times. A dash indicates that the agency did not report any median time for a given track in a given year. USDA data have been omitted, as data from a major USDA component were determined to be unreliable.

As the table shows, seven agencies had components that reported processing simple requests in less than 10 days (these components are parts of the CIA, Energy, the Interior, Justice, Labor, Transportation, and the Treasury); for each of these agencies, the lower value of the reported ranges is less than 10. On the other hand, median time to process simple requests is relatively long at some organizations (for example, components of Energy and Justice, as shown by median ranges whose upper end values are greater than 100 days).

For complex requests, the picture is similarly mixed. Components of four agencies (EPA, DHS, the Treasury, and VA) reported processing complex requests quickly—with a median of less than 10 days. In contrast, other components of several agencies (DHS, Energy, EPA, HHS, HUD, Justice,

State, Transportation, and the Treasury) reported relatively long median times to process complex requests, with median days greater than 100.

Six agencies (AID, HHS, NSF, OPM, SBA, and SSA) reported using single-track processing. The median processing times for single-track processing varied from 5 days (at an HHS component) to 173 days (at another HHS component).

The changes from fiscal year 2004 to 2005 also vary. For agencies that reported agencywide figures, table 7 shows how many showed increased or decreased median processing times. Table 8 shows these numbers for the components that were reported separately.

Table 7: Changes in Median Processing Times Reported by Agencies for Different Processing Tracks

Processing track	Number of agencies using this track	Agencies with increased median times		Agencies with decreased median times		Agencies with unchanged median times	
		Number	Percent	Number	Percent	Number	Percent
Simple	7	3	42.9	3	42.9	1	14.3
Complex	8	5	62.5	2	25.0	1	12.5
Single	5	3	60.0	2	40.0	0	0.0
Expedited	5	2	40.0	3	60.0	0	0.0

Sources: Annual FOIA reports, GAO analysis.

Table 8: Changes in Median Processing Times Reported by Components for Different Processing Tracks

Processing track	Number of components using this track	Components with increased median times		Components with decreased median times		Components with unchanged median times	
		Number	Percent	Number	Percent	Number	Percent
Simple	107	48	44.9	41	38.3	18	16.8
Complex	94	49	52.1	39	41.5	6	6.4
Single	9	3	33.3	2	22.2	4	44.4
Expedited	38	22	57.9	11	28.9	5	13.2

Sources: Annual FOIA reports, GAO analysis.

Note: A total of 204 components are listed in the FOIA reports. Not all the components processed requests or used all the tracks.

In general, these tables show that no trend emerges across tracks and types of reporting, and the numbers of agencies and components involved vary from track to track. The picture that emerges is of great variation in processing times according to circumstances.

To allow more insight into the variations in median processing times, we provide in appendix X tables of median processing times as reported by agencies and components in the annual FOIA reports in fiscal years 2004 and 2005. This attachment also includes information on the number of requests reported by the agencies and components, which provides context for assessing the median times reported.

Our ability to make further generalizations about FOIA processing times is limited by the fact that, as required by the act, agencies report median processing times only and not, for example, arithmetic means (the usual meaning of “average” in everyday language). To find an arithmetic mean, one adds all the members of a list of numbers and divides the result by the number of items in the list. To find the median, one arranges all the values in the list from lowest to highest and finds the middle one (or the average of the middle two if there is no one middle number). Thus, although using medians provides representative numbers that are not skewed by a few outliers, they cannot be summed. Deriving a median for two sets of numbers, for example, requires knowing all numbers in both sets. Only the source data for the medians can be used to derive a new median, not the medians themselves.

As a result, with only medians it is not statistically possible to combine results from different agencies to develop broader generalizations, such as a governmentwide statistic based on all agency reports, statistics from sets of comparable agencies, or an agencywide statistic based on separate reports from all components of the agency.

In rewriting the FOIA reporting requirements in 1996, legislators declared an interest in making them “more useful to the public and to the Congress, and [making] the information in them more accessible.”³⁴ However, the limitation on aggregating data imposed by the use of medians alone impedes the development of broader pictures of FOIA operations. A more

³⁴Committee on Government Reform and Oversight, House of Representatives, *Report to accompany H.R. 3802, Electronic Freedom of Information Amendments of 1996*, H.R. 104-795 (Washington, D.C.: Sept. 17, 1996).

complete picture would be given by the inclusion of other statistics based on the same data that are used to derive medians, such as means and ranges. Providing means along with the median would allow more generalizations to be drawn, and providing ranges would complete the picture by adding information on the outliers in agency statistics. More complete information would be useful for public accountability and for effectively managing agency FOIA programs, as well as for meeting the act's goal of providing visibility into government FOIA operations.

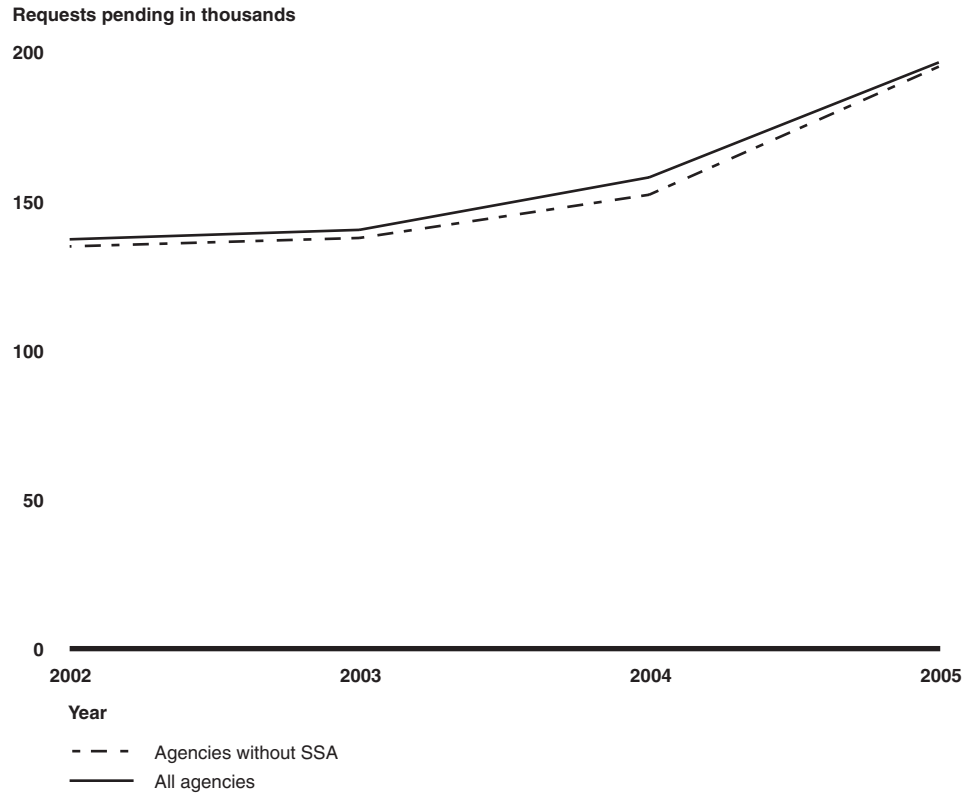
Agency Pending Cases Continue to Increase

In addition to the governmentwide increase in number of requests processed, many agencies (10 of 24) also reported that their numbers of pending cases—requests carried over from one year to the next—have increased since 2002.³⁵ In 2002, pending requests governmentwide were reported to number about 138,000, whereas in 2005, about 200,000—45 percent more—were reported. (In addition, the rate of increase grew in fiscal year 2005, rising 24 percent from fiscal year 2004, compared to 13 percent from 2003 to 2004.) Figure 5 shows these results, illustrating the accelerating rate at which pending cases have been increasing.

These statistics include pending cases reported by SSA, because SSA's pending cases do not include simple requests handled by non-FOIA staff (for which SSA does not track pending cases). As the figure shows, these pending cases do not change the governmentwide picture significantly.

³⁵For most of these agencies, the numbers of requests received and processed also increased, as shown in figure 2.

Figure 5: Total FOIA Requests Pending at End of Year, 2002–2005



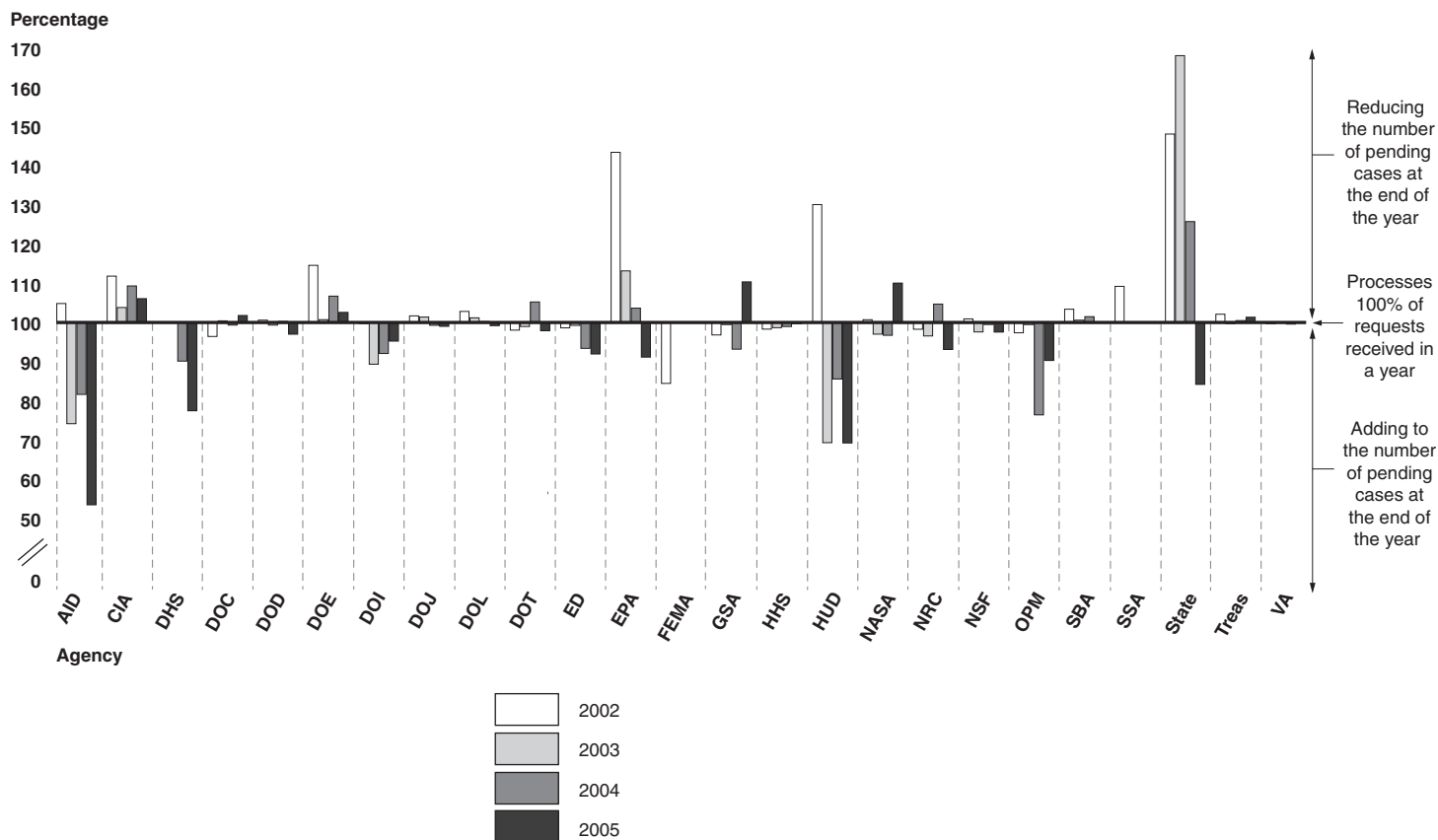
Source: GAO analysis, FOIA annual reports for fiscal years 2002-2005 (self-reported data).

Trends for individual agencies show mixed progress in reducing the number of pending requests reported from 2002 to 2005—some agencies have decreased numbers of pending cases, while others’ numbers have increased. Figure 6 shows processing rates at the 24 agencies (that is, the number of requests that an agency processes relative to the number it receives). Eight of the 24 agencies (AID, DHS, the Interior, Education, HHS, HUD, NSF, and OPM) reported processing fewer requests than they received each year for fiscal years 2003, 2004, and 2005; 8 additional agencies processed less than they received in 2 of these 3 years (Defense, Justice, Transportation, GSA, NASA, NRC, SSA, and VA).

In contrast, two agencies (CIA and Energy) had processing rates above 100 percent in all 3 years, meaning that each made continued progress in reducing their numbers of pending cases. Fourteen additional agencies

were able to make at least a small reduction in their numbers of pending requests in 1 or more years between fiscal years 2003 and 2005.

Figure 6: Agency Processing Rate for 25 Agencies



Source: GAO analysis of FOIA annual reports for fiscal years 2002-2005 (self-reported data).

Notes: Abbreviations are as in table 2.

The agency processing rate is defined as the number of requests processed in a given year compared with the requests received, expressed as a percentage.

In 2002, FEMA data were used, and for 2003, 2004, and 2005, DHS data were used.

No Regular Mechanism Is in Place for Aggregating Annual Report Data

Legislators noted in 1996 that the FOIA reporting requirements were rewritten “to make them more useful to the public and to the Congress, and to make the information in them more accessible.” The Congress also gave the Department of Justice the responsibility to provide policy guidance and oversee agencies’ compliance with FOIA.

In its oversight and guidance role, Justice’s Office of Information and Privacy (OIP) created summaries of the annual FOIA reports and made these available through its FOIA Post Web page (www.usdoj.gov/oip/foiapost/mainpage.htm). In 2003, Justice described its summary as “a major guidance tool.”³⁶ It pointed out that although it was not required to do so under the law, the office had initiated the practice of compiling aggregate summaries of all agencies’ annual FOIA report data as soon as these were filed by all agencies. These summaries did not contain aggregated statistical tables, but they did provide prose descriptions that included statistics on major governmentwide results. However, the most recent of these summaries is for fiscal year 2003.³⁷ According to the Acting Director of OIP, she did not know why such summaries had not been made available since then. According to this official, internally the agency found the summaries useful and was considering making them available again. She also stated that these summaries gave a good overall picture of governmentwide processing.

Aggregating and summarizing the information in the annual reports serves to maximize their usefulness and accessibility, in accordance with congressional intent, as well as potentially providing Justice with insight into FOIA implementation governmentwide and valuable benchmarks for use in overseeing the FOIA program. Such information would also be valuable for others interested in gauging governmentwide performance. The absence of such summaries reduces the ability of the public and the Congress to consistently obtain a governmentwide picture of FOIA processing.

³⁶Department of Justice, 2003 Litigation and Compliance Report, www.usdoj.gov/oip/03introduction.htm

³⁷*Summary of Annual FOIA Reports for Fiscal Year 2003*, www.usdoj.gov/oip/foiapost/2004foiapost22.htm

Agency Improvement Plans Generally Included Areas of Improvement Emphasized by the Executive Order

As required by the Executive Order, all the 25 agencies submitted improvement plans based on the results of reviews of their respective FOIA operations, as well as on the areas emphasized by the order. The plans generally addressed these four areas, with 20 of 25 plans addressing all four. In particular, for all but 2 agencies with reported backlog, plans included both measurable goals and timetables for backlog reduction. Further, to increase reliance on dissemination, improve communications on the status of requests, and increase public awareness of FOIA processing, agencies generally set milestones to accomplish activities promoting these aims. In some cases, agencies did not set goals for a given area because they determined that they were already strong in that area.

All Agencies Addressed Reducing Backlog, and Most Set Measurable Goals and Milestones

The Executive Order states that improvement plans shall include “specific activities that the agency will implement to eliminate or reduce the agency’s FOIA backlog, including (as applicable) changes that will make the processing of FOIA requests more streamlined and effective.” It further states that plans were to include “concrete milestones, with specific timetables and outcomes to be achieved,” to allow the plan’s success to be measured and evaluated. In addition, the Justice guidance suggested a number of process improvement areas for agencies to consider, such as receiving or responding to requests electronically, automated FOIA processing, automated tracking capabilities, and multitrack processing. It also gave agencies considerable leeway in choosing “means of measurement of success” for improving timeliness and thus reducing backlog.³⁸

³⁸For example, Justice’s guidance states that “Agencies should consider a number of measures of timeliness, including number of pending requests, median processing times, average processing times (in addition, if that is feasible), number of requests processed in a year, duration of oldest pending requests, etc.” “In determining such appropriate measurements, agencies should be able to carefully determine which ones best fit their individual circumstances, which can vary greatly from one agency to another.”

All agency plans discussed avoiding or reducing backlog, and most (22 out of 25) established measurable goals and timetables for this area of focus. One agency, SBA, reported that it had no backlog, so it set no goals. A second agency, NSF, set no specific numerical goals for backlog reduction, but it had minimal backlog (in fiscal year 2005, NSF reported 273 requests received and 17 pending at the end of the reporting period),³⁹ and its median processing time in fiscal year 2005 was 14.26 days.⁴⁰ Its plan includes activities to increase efficiency (such as improving its ability to process requests electronically and investigating the acquisition of an improved automated tracking system) and to monitor and analyze backlogged requests to determine whether systemic changes are warranted in its processes. Given NSF's minimal backlog and other improvement activities planned, the treatment of backlog reduction in its plan seems reasonable. A third agency, HUD, set a measurable goal for reducing backlog, but did not include a date by which it planned to achieve it. However, it achieved this goal, according to agency officials, by November 2006.⁴¹

³⁹Pending cases are not technically the same as the "backlog" referred to in the Executive Order, which refers to "requests . . . that have not been responded to within the statutory time limit." Pending cases reported in the annual reports are those FOIA cases open at the end of the reporting period. Although in previous reports, we have used the term "backlog" to refer to these pending cases, they may or may not constitute backlog in the sense of the Executive Order, primarily because some requests may have arrived in the last 20 days of the reporting period. If so, they would not exceed the statutory limit. Thus, backlogged cases in the sense of the Executive Order are a subset of pending cases.

⁴⁰NSF's plan stated that the vast majority of its FOIA requests are answered within 20 working days, which is consistent with the median processing time it reported.

⁴¹HUD set a goal of fewer than 400 pending requests at its Headquarters FOIA Division, at which HUD states it typically has a backlog of between 400 and 500. The HUD plan did not set backlog reduction goals for its field operations, stating that "the field offices appear to process FOIA requests more efficiently" than the headquarters, based on median processing times. HUD officials also told us that HUD field offices (which number about 80) typically receive routine requests that can be processed quickly, such as requests for information on grants and mortgages.

The goals chosen by the 22 remaining agencies varied considerably (which is consistent with the flexibility in choosing measures that Justice provided in its implementation guidance). Some agencies linked backlog reduction to various different measures. For example, EPA's goal was to reduce its response backlog to less than 10 percent of the number of new FOIA requests received each year. Energy set a goal of achieving a 50 percent reduction by June 2007 in the number of pending FOIA cases that were over 1 year old. NRC chose to focus on improving processing times, setting percentage goals for completion of different types of requests (for example, completing 75 percent of simple requests within 20 days). Labor's plan sets goals that aim for larger percentages of reduction for the oldest categories of pending requests (75 percent reduction for the oldest, 50 percent reduction for the next oldest, and so on). A number of agencies included goals to close their oldest 5 to 10 requests (Justice, the Treasury, Education, Commerce, Defense, GSA, NASA, SSA, and VA). According to the Attorney General's report to the President, in concentrating on their oldest requests, many agencies followed Justice's lead.⁴²

OPM and DHS plan to eliminate their backlogs, Transportation is planning to substantially reduce previous fiscal year backlogs, and several agencies chose goals based on a percentage of reduction of existing backlog (for example, CIA, Commerce, Education, Defense, the Interior, Justice, SSA, the Treasury, and USDA). Some agencies also described plans to perform analyses that would measure their backlogs so that they could then establish the necessary baselines against which to measure progress. For example, Labor's plan includes activities to monitor and determine the department's oldest pending requests. The plan states that Labor will use as its baseline the number of requests that it identifies as pending for various lengths of time as of December 31, 2006. Similarly, Defense's plan included activities to establish backlog levels and use these as the basis for its objective of reducing backlog by 10 percent annually.

In addition to setting backlog targets, agencies also describe activities that contribute to reducing backlog. For example, the Treasury plan, which states that backlog reduction is the main challenge facing the department and the focus of its plan, includes such activities (with associated

⁴²Department of Justice, *Attorney General's Report to the President Pursuant to Executive Order 13,392, Entitled "Improving Agency Disclosure of Information"* (Washington, D.C.: Oct. 16, 2006). www.usdoj.gov/oip/ag_report_to_president_13392.pdf

milestones) as reengineering its multitrack FOIA process, monitoring monthly reports, and establishing a FOIA council.

The agency plans thus provide a variety of activities and measures of improvement that should permit agency heads, the Congress, and the public to assess the agencies' success in implementing their plans to reduce backlog.

Most Agencies Plan to Increase Public Dissemination of Records through Web Sites

The Executive Order calls for "increased reliance on the dissemination of records that can be made available to the public" without the necessity of a FOIA request, such as through posting on Web sites. In its guidance, Justice notes that agencies are required by FOIA to post frequently requested records, policy statements, staff manuals and instructions to staff, and final agency opinions. It encourages agencies not only to review their activities to meet this requirement, but also to make other public information available that might reduce the need to make FOIA requests. It also suggests that agencies consider improving FOIA Web sites to ensure that they are user friendly and up to date.

Agency plans generally established goals and timetables for increasing reliance on public dissemination of records, including through Web sites. Of 25 agencies, 24 included plans to revise agency Web sites and add information to them, and 12 of these are making additional efforts to ensure that frequently requested documents are posted on their Web sites. For example, Defense is planning to increase the number of its components that have Web sites as well as posting frequently requested documents. Interior is planning to facilitate the posting of frequently requested documents by using scanning and redaction equipment to make electronic versions readily available.

Agencies planned other related activities, such as making posted documents easier to find, improving navigation, and adding other helpful information. For example, besides reviewing its Web site to verify and add links, AID plans to establish an "information/searching decision tree" to assist Web site visitors by directing them to agency public affairs staff who may be able to locate information and avoid the need for visitors to file FOIA requests. Besides adding frequently requested documents, CIA plans to improve navigation and review its site quarterly. HUD plans activities to anticipate topics that may produce numerous FOIA requests ("hot button" issues) and post relevant documents. Education is planning to use its automated tracking technology to determine when it is receiving multiple

requests for similar information and then post such information on its Web site.⁴³ Based on its FOIA review, NRC determined that it would be helpful to requesters for the agency to provide examples of the types of information in NRC documents that might be covered by FOIA exemptions, and it established goals to achieve this.

The Treasury plan does not address increasing public dissemination of records. Treasury's plan, as mentioned earlier, is focused on backlog reduction. It does not mention the other areas emphasized in the Executive Order, list them among the areas it selected for review, or explain the decision to omit them from the review and plan. Treasury officials told us that they concentrated in their plan on areas where they determined the department had a deficiency: namely, a backlog consisting of numerous requests, some of which were very old (dating as far back as 1991). By comparison, they did not consider they had deficiencies in the other areas. With regard to increasing dissemination, they noted that their Web sites currently provide frequently requested records. However, without a careful review of the department's current dissemination practices or a plan to take actions to increase dissemination, Treasury does not have assurance that it has identified and exploited available opportunities to increase dissemination of records in such a way as to reduce the need for the public to make FOIA requests, as stressed by the Executive Order.

Most Agency Plans Included Improving Status Communications with FOIA Requesters

The Executive Order sets as policy that agencies shall provide FOIA requesters ways to learn about the status of their FOIA requests and states that agency improvement plans shall ensure that FOIA administration is in accordance with this policy. In its implementation guidance, Justice reiterated the order's emphasis on providing status information to requesters and discussed the need for agencies to examine, among other things, their capabilities for tracking status and the forms of communication used with requesters.

Most agencies (22 of 25) established goals and timetables for improving communications with FOIA requesters about the status of their requests. Goals set by these agencies included planned changes to communications, including sending acknowledgement letters, standardizing letters to requesters, including information on elements of a proper FOIA request in

⁴³This is distinct from multiple requests for the same document, which are already covered by the FOIA provision that directs agencies to post frequently requested documents.

response letters, and posting contact information on Web pages. Both NASA and Interior planned to establish toll free numbers for requesters to obtain status information. NASA also included plans to acquire software that would allow a requester to access and track status of his or her request. Interior planned to develop and post frequently asked questions to provide requesters with information about where to submit their requests, processing times, fees charged, and how to check on the status of their requests. HUD's plan included posting information on its Web site, providing training on customer service, and gauging progress through public forums at which it can receive comments on improving FOIA performance.

Three agencies did not include improvement goals because they considered them unnecessary. In two cases (Defense and EPA), agencies considered that status communications were already an area of strength.

Defense considered that it was strong in both customer responsiveness and communications. Defense performed extensive surveys of the opinions and practices of its FOIA staff and Public Liaisons⁴⁴ and concluded that "FOIA personnel routinely contact requesters to try to resolve problems and to better define requests." Defense's Web site provides instructions for requesters on how to get information about the status of requests, as well as information on Requester Service Centers and Public Liaisons. Defense officials also told us that this information is included in acknowledgement letters to requesters. In addition, these officials stated that planned revisions to Defense FOIA Web sites would promote improving status communications, and that the department is working to implement an Interactive Customer Collection tool that would enable requesters to provide feedback.

Similarly, EPA officials told us that they considered the agency's activities to communicate with requesters on the status of their requests to be already effective, noting that many of the improvements planned by other

⁴⁴The department surveyed its component Chief Public Liaison Officers as well as personnel in Defense FOIA offices. Department staff were asked to indicate, among other things, what activities they perform in communicating with requesters (including acknowledgement of request receipt, notification of request referral, interim communication at approximately 20 working days, and so on) and to estimate what percentage of requests required requesters to be contacted. According to Defense, an average of 80 percent of respondents reported that they routinely performed various actions communicating with requesters. Department officials also told us that Defense is in the process of collecting feedback from the requester community.

agencies were already in effect at EPA. For example, EPA sends out an acknowledgment letter within a day of the request that includes a tracking number, the department that will be involved, and a contact name and telephone number. Officials also stated that EPA holds regular FOIA requester forums, the last held on November 1, 2006, and that EPA's requester community had expressed satisfaction with EPA's responsiveness. EPA's response to the Executive Order describes its efforts to communicate with requesters, including activities of staff at its FOIA Service Center and a FOIA hotline through which callers may receive information on the status of their requests. It also describes the enterprise FOIA management system, deployed in 2005, that provides "cradle to grave" tracking of incoming requests and responses.

The third agency, Treasury, did not address improving status communications, as its plan is entirely focused on backlog reduction. As required by the Executive Order, Treasury did set up Requester Service Centers and Public Liaisons, which are among the mechanisms envisioned to improve status communications. However, because Treasury omitted status communications from the areas of improvement that it selected for review, it is not clear that this area received attention commensurate with the emphasis it was given in the Executive Order. Without such attention to communication with requesters, Treasury increases the risk that its FOIA operations will not be as responsive and citizen centered as the Executive Order envisioned.

Agencies Generally Plan to Rely on FOIA Reference Guides to Increase Public Awareness of FOIA Processing

The Executive Order states that improvement plans shall include activities to increase public awareness of FOIA processing, including (as appropriate) expanded use of Requester Service Centers and FOIA Public Liaisons, which agencies were required to establish by the order. In Justice's guidance, it linked this requirement to the FOIA Reference Guide that agencies are required to maintain as an aid to potential FOIA requesters, because such guides can be an effective means for increasing public awareness. Accordingly, the Justice guidance advised agencies to double-check these guides to ensure that they remain comprehensive and up to date.

Most agencies (23 of 25) defined goals and timetables for increasing public awareness of FOIA processing, generally including ensuring that FOIA reference guides were up to date. In addition, all 25 agencies established Requester Service Centers and Public Liaisons as required by the Executive Order. Besides these activities, certain agencies planned other types of

outreach: for example, the Department of State reported taking steps to obtain feedback from the public on how to improve FOIA processes; GSA plans to post information about what GSA can and cannot release; the Department of the Interior plans to initiate feedback surveys on requesters' FOIA experience; and the Department of Labor is planning to hold public forums and solicit suggestions from the requester community. Defense did not set specific goals and milestones in this area; according to Defense, it did not do so because its FOIA handbook had already been updated in the fall of 2005. The department also established Requester Service Centers and Public Liaisons, as required. Department officials told us that in meeting their goals and milestones for revising FOIA Web sites, they expect to improve awareness of Defense's FOIA process, as well as public access and other objectives.

As mentioned earlier, Treasury did not address this area in its review or plan. However, Treasury has established Requester Service Centers and FOIA Public Liaisons, as required. Treasury's Director of Disclosure Services⁴⁵ also told us that Treasury provides on its Web site a FOIA handbook, a Privacy Act handbook, and a citizen's guide for requesters. In addition, this official told us that Treasury had updated its FOIA handbook in 2005 and conducted staff training based on the update. However, at the time of our review, the FOIA handbook on the Web site was a version dated January 2000. When we pointed out that this earlier version was posted, the official indicated that he would arrange for the most recent version to be posted.

Because Treasury did not review its efforts to increase public awareness, it missed an opportunity to discover that the handbook on the Web site was outdated and thus might not provide assurance to the public that the information provided was fully up to date, reducing its effectiveness as a communication tool. Without further attention to increasing public awareness, Treasury lacks assurance that it has taken all appropriate steps to ensure that the public has the means of understanding the agency's FOIA processing.

⁴⁵This official is also the FOIA public liaison for all Treasury components except the Office of Thrift Supervision, the Inspector General for Tax Administration, and the Internal Revenue Service.

Conclusions

The annual FOIA reports continue to provide valuable information about citizens' use of this important tool to obtain information about the operation and decisions of the federal government. The value of this information clearly depends, however, on its accuracy. In the case of the USDA's Farm Service Agency, which is not assured of the accuracy of its data, the department's FOIA improvement plan is an opportunity to address data reliability along with other processing improvements. In addition, one value of the annual reports lies in the possibility they provide of seeing trends and drawing generalizations. However, our ability to generalize about processing times, whether from agency to agency or year to year, is limited because only median times are reported. Since processing times are an important gauge of government responsiveness to citizen inquiries, this limitation is significant. Medians are useful as representative numbers that are not skewed by a few outliers, but the addition of averages (arithmetic means) and ranges would enhance the ability to make useful comparisons and provide a more complete picture. Finally, in the absence of aggregated statistics and summaries, as formerly provided by the Justice Department, it is difficult to obtain a governmentwide picture of FOIA processing. Providing such statistics and summaries could increase the value of the annual reporting process for assessing the performance of the FOIA program as a whole.

The Executive Order provided a useful impetus for agencies to review their FOIA operations and ensure that they are appropriately responsive to the public generally and requesters specifically. The 25 agencies submitted FOIA improvement plans that generally responded to elements emphasized by the Executive Order and form a reasonable basis for carrying out the order's goals. In general, all the plans show a commendable focus on making measurable improvements. One agency (Treasury) submitted a plan that could be improved by closer adherence to the other elements, besides backlog, specified by the Executive Order.

Implementing the improvement plans and reporting on their progress should serve to keep management attention on FOIA and its role in keeping citizens well informed about the operations of their government. However, to realize the goals of the Executive Order, it will be important for Justice and the agencies to continue to refine the improvement plans and monitor progress in their implementation.

Matters for Congressional Consideration

To improve the usefulness of the statistics in agency annual FOIA reports, the Congress should consider amending the act to require agencies to report additional statistics on processing time, which at a minimum should include average times and ranges.

Recommendations for Executive Action

To provide a clearer picture of FOIA processing both in a given year and over time, we recommend that the Attorney General direct Justice's Office of Information and Privacy to use data from annual reports to develop summaries and aggregate statistics (as appropriate) for categories of agencies (such as major departments), as well as governmentwide.

To ensure that USDA data in FOIA annual reports are accurate and complete, we recommend that the Secretary of Agriculture direct the Chief FOIA Officer for the department to revise the department's FOIA improvement plan to include activities, goals, and milestones to improve data reliability for the Farm Service Agency and to monitor results.

To ensure that its plan includes an appropriate focus on communicating with requesters and the public, we recommend that the Secretary of the Treasury direct the department's Chief FOIA Officer to review its FOIA operations in the other areas emphasized in the Executive Order (increasing reliance on public dissemination of records, improving communications with FOIA requesters about the status of their requests, and increasing public awareness of FOIA processing) and, as appropriate, revise the improvement plan for fiscal year 2007 to include goals and milestones in these areas.

Agency Comments and Our Evaluation

We provided a draft of this report to OMB and the 25 agencies for review and comment. All but one agency (the Department of the Treasury) generally agreed with our assessment and recommendations or had no comment.⁴⁶ Seven agencies provided written comments: the Departments of Agriculture, Justice, the Treasury, and Veterans Affairs, along with AID, EPA, and NSF (printed in apps. II through VIII). In addition, OMB, the

⁴⁶No comments were offered by 13 agencies: the Departments of Commerce, Defense, Education, Energy, HHS, Homeland Security, Labor, and State, as well as CIA, GSA, NASA, NRC, and SBA.

Interior, Transportation, HUD, OPM, and SSA provided technical comments, which we incorporated as appropriate.

The Acting Director of Justice's Office of Information and Policy concurred with our assessment and stated that Justice agrees with our recommendation and plans to implement it (see app. III). The Acting Director stated that the office plans to resume compiling summaries of the annual reports, beginning with those for fiscal year 2006.

The Chief FOIA Officer of Agriculture provided additional information on actions that the department has taken to improve FOIA processing, as well as actions that the Farm Service Agency is taking to ensure that its data are reliable (see app. II).

Except for Treasury, other agencies providing written comments generally provided additional information on their FOIA programs or provided suggestions on the draft.

- EPA and NSF offered additional information about their FOIA operations.
- Both VA and AID stated their view that ample time should be given to accommodate reporting changes.
- VA also suggested including cases both received and processed in our discussion of the increase in pending requests. We augmented the section on pending requests to include a reference to statistics on cases received and processed.

In written and e-mail comments, the Acting Deputy Assistant Secretary for Headquarters Operations indicated that the department generally agreed with our premise that Treasury's plan needs to more thoroughly integrate the Executive Order and noted that the plan is a living, dynamic document that will accommodate changing circumstances. (Treasury's written comments are provided in app. IV.) The Acting Deputy Assistant Secretary stated that the department will be evaluating its improvement plan and taking action to improve its FOIA administration. However, Treasury also partially disagreed with our assessment, and it disagreed with our recommendation.

According to Treasury, our assessment and recommendation minimize the importance of reducing backlog in the Executive Order and Justice

guidance and do not give sufficient weight to other aspects of its improvement plan, such as the establishment of a FOIA council to improve FOIA administration, the establishment of FOIA Requester Service Centers and Public Liaisons, and its compliance with the e-FOIA amendments' requirement that frequently posted records be posted on agency Web sites. Further, Treasury considered that our assessment does not sufficiently recognize the activities and programs that the department already had in place (beyond backlog reduction) before the order was issued, which were not included in its plan (such as technology improvements to upgrade the department's FOIA tracking system in 2005 and to upgrade IRS databases).

We do not believe that we minimize the importance of reducing backlog; our report indicates that this is a major focus of the Executive Order. However, it was not the only focus of the Executive Order, which also emphasized a citizen-centered approach to FOIA implementation. The three areas of emphasis that we suggest would benefit from further attention are all related to a citizen-centered approach in that they focus on communication with the public and especially with requesters. It may be that Treasury's FOIA council will provide this focus; however, this was not clear from the agency's plan, which included no milestones or goals in these areas to guide the council's future activities.

We also disagree with Treasury's view that we do not give sufficient weight to the activities that the plan included or that Treasury officials indicated were already in progress. Although we took these into account, they did not provide evidence that Treasury was already giving or planned to give the level of attention to the three areas of emphasis that was envisioned by the Executive Order. For example, although Treasury's compliance with the 1996 e-FOIA amendments is important, the Executive Order asks agencies to look for opportunities to go beyond complying with legal requirements to disseminate records. Similarly, although the technology improvements that Treasury described have the potential to improve FOIA processing (including improvements in the three areas of emphasis), the plan did not tie these improvements and actions to goals or milestones in the three areas. As a result, we did not change our assessment. However, we have clarified the language of the report to emphasize that our assessment is based on meeting the level of attention emphasized in the Executive Order.

We note, however, that Treasury in its comments indicates that it does plan to continue to reevaluate its improvement plan and modify it to accommodate changing circumstances. If future modifications specifically

address external communications, particularly with requesters, the goal of our recommendation may be achieved.

We are sending copies of this report to the Attorney General, the Director of the Office of Management and Budget, and the heads of departments and agencies we reviewed. Copies will be made available to others on request. In addition, this report will be available at no charge on the GAO Web site at www.gao.gov.

If you should have questions about this report, please contact me at (202) 512-6240 or via e-mail at koontzl@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix XI.



Linda D. Koontz
Director, Information Management Issues

Scope and Methodology

To gauge agencies' progress in processing requests, we analyzed the workload data (from fiscal year 2002 through 2005) included in the 25 agencies' annual FOIA reports to assess trends in volume of requests received and processed, median processing times, and the number of pending cases. All agency workload data were self-reported in annual reports submitted to the Attorney General.

To assess the reliability of the information contained in agency annual reports, we interviewed officials from selected agencies and assessed quality control processes agencies had in place. We selected 10 agencies to assess data reliability: the Departments of Agriculture (USDA), Defense, Education, the Interior, Labor, and Veterans Affairs, as well as the National Aeronautics and Space Administration, National Science Foundation, Small Business Administration, and Social Security Administration. We chose the Social Security Administration and Veterans Affairs because they processed a majority of the requests. To ensure that we selected agencies of varying size, we chose the remaining 8 agencies by ordering them according to the number of requests they received, from smallest to largest, and choosing every third agency. These 10 agencies account for 97 percent of the received requests that were reported in the 25 agencies' annual reports.

Of the 10 agencies that were assessed for data reliability, we determined that the data for USDA's Farm Service Agency were not reliable; these data account for over 80 percent of the reported USDA data. We therefore eliminated USDA's data from our analysis. Because of this elimination, our analysis was of 24 major agencies¹ (herein we refer to this scope as governmentwide). Table 9 shows the 25 agencies and their reliability assessment status.

¹The agencies included are listed in table 2; these agencies are the 24 agencies covered by the Chief Financial Officers Act, plus the Central Intelligence Agency.

Table 9: Agencies Reviewed

Agency	Abbreviation	Data reliability assessment
Agency for International Development	AID	Not assessed
Central Intelligence Agency	CIA	Not assessed
Department of Agriculture	USDA	Not reliable
Department of Commerce	DOC	Not assessed
Department of Defense	DOD	Reliable
Department of Education	ED	Reliable
Department of Energy	DOE	Not assessed
Department of Health and Human Services	HHS	Not assessed
Department of Homeland Security ^a	DHS	Not assessed
Federal Emergency Management Agency ^a	FEMA	Not applicable
Department of Housing and Urban Development	HUD	Not assessed
Department of the Interior	DOI	Reliable
Department of Justice	DOJ	Not assessed
Department of Labor	DOL	Reliable
Department of State	State	Not assessed
Department of the Treasury	Treas	Not assessed
Department of Transportation	DOT	Not assessed
Department of Veterans Affairs	VA	Reliable
Environmental Protection Agency	EPA	Not assessed
General Services Administration	GSA	Not assessed
National Aeronautics and Space Administration	NASA	Reliable
National Science Foundation	NSF	Reliable
Nuclear Regulatory Commission	NRC	Not assessed
Office of Personnel Management	OPM	Not assessed
Small Business Administration	SBA	Reliable
Social Security Administration	SSA	Reliable

Source: GAO.

^aFEMA information was reported separately in fiscal year 2002. In fiscal years 2003, 2004, and 2005, FEMA was part of DHS.

To determine to what extent the agency improvement plans contain the elements emphasized by the order, we first analyzed the Executive Order to determine how it described the contents of the improvement plans. We determined that the order emphasized the following areas to be addressed by the plans: (1) reducing the backlog of FOIA requests, (2) increasing

reliance on public dissemination of records (affirmative and proactive) including through Web sites, (3) improving communications with FOIA requesters about the status of their requests, and (4) increasing public awareness of FOIA processing including updating an agency's FOIA Reference Guide. We also analyzed the improvement plans to determine if they contained specific outcome-oriented goals and timetables for each of the criteria. We then analyzed the 25 agencies' (including USDA) plans to determine whether they contained goals and timetables for each of these four elements.² We evaluated the versions of agency plans available as of December 15, 2006.

We also reviewed the Executive Order itself, implementing guidance issued by OMB and the Department of Justice, other FOIA guidance issued by Justice, and our past work in this area.

We conducted our review in accordance with generally accepted government auditing standards. We performed our work from May 2006 to January 2007 in Washington, D.C.

²Two GAO analysts independently analyzed each agency's plan to determine if it contained objective goals and timetables for each of the four elements we identified. When the analysts disagreed, they discussed the reasons for their differences and arrived at a consensus.

Comments from the Department of Agriculture



**United States
Department of
Agriculture**

**Office of the
Assistant Secretary
for Administration**

1400 Independence
Avenue SW

Washington, DC
20250-0103

FEB 23 2007

Ms. Linda D. Koontz
Director, Information Management Issues
United States Government Accountability Office
441 G Street, NW
Washington D.C. 20548

Dear Ms. Koontz,

These comments are submitted in response to the draft report, entitled "Freedom of Information Act: Processing Trends Show Importance of Agency Improvement Plans (GAO-07-441)." The report addresses information from 2001 to 2005. Thus, it does not reflect changes and improvements achieved as a result of Executive Order 13392.

The report omits United States Department of Agriculture (USDA) from the findings and considerations based upon the stated fact that "one of its major components reported that not all its data were reliable," and that thus, the Department's data overall was considered "not reliable." Also, the report recommends that the USDA improvement plan should be revised to reflect the Farm Services Agency weaknesses and that the plan should include activities and goals to use in monitoring results in improvement of data reliability.

USDA has a decentralized approach to Freedom of Information Act (FOIA) programs. This decentralized approach serves requestors well by providing responses directly from the agencies but exposes the Department to inconsistencies in data-reporting. Recognizing this, Secretary Johanns designated me as the Chief FOIA Officer to provide overall program management. As Chief FOIA Officer, I have taken actions to improve the FOIA program Department wide. Each USDA agency has an improvement plan reviewed at the executive staff level. A monthly reporting requirement has been established to report progress on the improvement plans and progress toward reducing request backlogs. The improvement plans have been revised twice, in October and December 2006 and forwarded to the Department of Justice. The revisions clearly reflect increasing emphasis on backlog reduction and improvements in reporting.

Appendix II
Comments from the Department of
Agriculture

Ms. Linda D. Koontz
Page 2

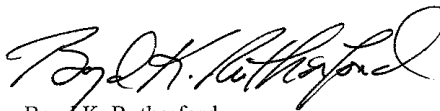
The Farm Service Agency (FSA) handles nearly 80 percent of the FOIA activity conducted within USDA. FSA is a widely dispersed agency and responds to FOIA requests from over 2400 offices across the country where the public is served from local, State, and National level FSA staff members. The professional FOIA expertise in FSA is centralized and supports the county offices at a distance. Technical skill in addressing FOIA requests at the local level is highly variable in the field offices.

The FSA FOIA improvement plan addresses these weaknesses in several areas. Specifically, FSA has developed a Web-based training module for the agency and has made the training a mandatory requirement. FSA has also launched an effort to develop technical requirements for an agency-wide system to track FOIA requests. This system will improve reporting and enhance the ability of FSA FOIA professionals to review and manage requests in the field offices. USDA Departmental Administration is in the process of evaluating their existing capabilities for case tracking and data aggregation with one solution running under pilot review. Current budget constraints are having an impact on USDA's ability to implement a Department wide solution to implement a single, tracking and aggregation system.

In closing, USDA is actively engaged in making improvements to our program and reducing the backlog. The program has executive-level oversight and management. USDA leadership is prepared to invest in the program within the context of meeting mission requirements with limited resources.

Thank you for the opportunity to comment on this report. You may contact me at (202) 720-3291 or have your staff contact Ms. Rita Morgan, Acting Departmental FOIA Officer, at (202) 720-8164 with questions.

Sincerely,



Boyd K. Rutherford
Assistant Secretary
for Administration and
Chief Freedom of Information Officer

Comments from the Department of Justice



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

February 20, 2007

Linda D. Koontz
Director
Information Management
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Koontz:

Thank you for the opportunity to review and comment on the Government Accountability Office's (GAO's) draft report entitled "Freedom of Information Act: Processing Trends Show Importance of Improvement Plans" (GAO-07-441). The Department believes that GAO's draft report accurately depicts the status and trends of FOIA processing at twenty-five major agencies as reflected in those agencies' annual reports and FOIA improvement plans required by Executive Order 13,392.

We would like to take this opportunity to address GAO's recommendation that the Department of Justice's Office of Information and Privacy (OIP) use the data collected in agencies' annual reports to develop summaries of governmentwide FOIA activities. As noted in GAO's draft report, in the past, although not required to do so under the law, OIP compiled summaries of the annual FOIA reports and made these available through Justice's FOIA Web page. The Department agrees with GAO that such summaries provide the public and the Congress a governmentwide picture of FOIA processing. Accordingly, OIP will resume compiling the aforementioned summaries beginning with a summary of the fiscal year 2006 annual reports. These summaries will follow the same format and include the same type of information as provided in OIP's prior summaries.

Again, we appreciate the opportunity to comment on GAO's draft report, and we look forward to additional collaboration in our efforts to further improve FOIA processing governmentwide.

If you have any questions regarding our comments, please contact Richard P. Theis, Assistant Director, Audit Liaison Group on (202) 514-0469.

Sincerely,

A handwritten signature in black ink that reads "Melanie Ann Pustay".

Melanie Ann Pustay
Acting Director
Office of Information and Privacy

Comments from the Department of the Treasury



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

MAR 01 2007

MEMORANDUM FOR BARBARA COLLIER
Assistant Director
Information Management Issues
Government Accountability Office

FROM: Richard Holcomb
Acting Deputy Assistant Secretary
Headquarters Operations

Richard M. Holcomb
03-01-07

SUBJECT: DRAFT REPORT: FREEDOM OF INFORMATION ACT
PROCESSING TRENDS SHOW IMPORTANCE OF
IMPROVEMENT PLANS

Please find attached Treasury's comments to the draft by GAO of Processing Trends Shows Improvement Trends. Below is a summary of Treasury's comments in response to the GAO draft:

1. Treasury will be evaluating its Improvement Plan through the Treasury FOIA Council. This spring, the FOIA Council will be charged with creating additional methods, tactics, and processing techniques to improve Treasury's FOIA administration (*i.e.* fast-track processing, improving communications with requesters, etc.).
2. Prior to the issuance of the Executive Order requiring FOIA improvement plans, Treasury had begun to upgrade its FOIA tracking database for Headquarters operations in 2005. Since this FOIA improvement project was already underway, it was not included in Treasury's FOIA Improvement Plan.
3. Likewise, the IRS had already planned an upgrade to its databases prior to the issuance of the Executive Order requiring FOIA improvement plans. The IRS system is expected to be operational in spring 2007. In light of the fact that this project was underway prior to the requirement for FOIA improvement plans, it was not included in Treasury's FOIA Improvement Plan.
4. Treasury is planning on issuing a competitive procurement for services to assist in improving Treasury's FOIA administration. In furtherance of this objective, the Treasury FOIA Council has engaged in market research by meeting with potential vendors who have made presentations, which have included: online redaction systems; enterprise content management solutions; utilization of technological advances; and improved paperless response capabilities.

Appendix IV
Comments from the Department of the
Treasury

5. The Treasury FOIA Council has continuous discussions concerning FOIA administration and improving FOIA processing through best practices and lessons learned.

The Treasury FOIA Improvement Plan is truly a “living document” which will accommodate changing circumstances. Treasury's commitment to improving its administration of FOIA precedes the Executive Order and will continue in the future. As a living document, Treasury's FOIA Improvement Plan will continue to be reevaluated as indicated in the milestones. Please find attached for your consideration Treasury's comments and viewpoints on the draft.

Thank you for your attention to this matter if you have any further questions, please call Hugh Gilmore at 202-622-0876 or hugh.gilmore@do.treas.gov.

Comments from the Department of Veterans Affairs



THE DEPUTY SECRETARY OF VETERANS AFFAIRS
WASHINGTON

February 23, 2007

Ms. Linda D. Koontz
Director, Information Management Issues
U. S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Koontz:

The Department of Veterans Affairs (VA) has reviewed your draft report, ***FREEDOM OF INFORMATION ACT: Processing Trends Show Importance of Agency Improvement Plans*** (GAO-07-441) and agrees with your findings and conclusions. VA offers one suggestion to improve the clarity of the discussion beginning on page 36 in the section entitled, "Agency Pending Cases Continue to Increase." Including cases both received and processed by the agencies would improve the context when discussing the increased volume of pending requests.

Furthermore, consideration should be given to the fact that some Federal Agencies including VA, have automated the accounting process for gathering the Annual Freedom of Information Act Report statistics. Any change in the reporting requirements should give Federal Agencies with such automated report accounting systems enough time to modify those automated systems and still be able to generate the data necessary to populate any new required data fields with a full year's data.

VA appreciates the opportunity to comment on your draft report.

Sincerely yours:

A handwritten signature in black ink, appearing to read "Gordon H. Mansfield".

Gordon H. Mansfield

Comments from the Agency for International Development



USAID
FROM THE AMERICAN PEOPLE

FEB 23 2007

Linda D. Koontz
Director
Information Management Issues
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Ms. Koontz:

I am pleased to provide the U.S. Agency for International Development's (USAID) formal response on the draft GAO Report entitled FREEDOM OF INFORMATION ACT: Processing Trends Show Importance of Improvement Plans (GAO-07-441) (March 2007).

We commend the GAO for its continuous and extensive reviews of the FOIA sector. While each agency has differing processes, problems, and requesters; your progress reports do provide agencies with broad baselines for comparative performance reviews. We noted that the GAO has made recommendations concerning the revision of the annual FOIA report process. The most notable being the reporting of processing times as averages rather than as median times. We support that recommendation but urge that agencies and FOIA database vendors be given adequate time to reconfigure their software programs to accommodate this and any other reporting changes.

Thank you for the opportunity to respond to the GAO draft report and for the courtesies extended by your staff in the conduct of this review.

Sincerely,

Mosina H. Jordan
Counselor to the Agency

U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20523
www.usaid.gov

Comments from the Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 6 2007

OFFICE OF
ENVIRONMENTAL INFORMATION

Ms. Linda Koontz
Director, Information Management Issues
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Ms. Koontz:

Thank you for the opportunity to review the Government Accountability Office's draft report, "Freedom of Information Act, Processing Trends Show Importance of Improvement Plans," GAO-07-441.

The Environmental Protection Agency (EPA) is committed to the letter and spirit of Executive Order 13392. EPA takes prides in the quality of customer service it provides to Freedom of Information Act (FOIA) requesters and will continue to review its processes to identify opportunities to strengthen its FOIA program. The Agency remains diligent in assuring that its FOIA backlog continues to decrease and that all milestones in its FOIA Improvement Plan are met.

If you have any questions about EPA's FOIA Program, please feel free to contact Larry F. Gottesman, EPA National FOIA Officer, at (202) 566-2162.

Sincerely,

A handwritten signature in cursive script, appearing to read "Molly A. O'Neill".

Molly A. O'Neill
Assistant Administrator
and Chief Information Officer

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

Comments from the National Science Foundation

NATIONAL SCIENCE FOUNDATION

4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
GENERAL COUNSEL

February 26, 2007

Ms. Linda D. Koontz
Director, Information Management Issues
Government Accounting Office
441 G St., NW
Washington, DC 20548

Dear Ms. Koontz:

Thank you for the opportunity to comment on this draft GOA report. We find it accurate as to NSF. In particular, we are pleased that you find the treatment of backlog reduction in our plan reasonable. While beyond the reporting period for this GAO report, we believe this is supported by data in our FY06 FOIA Annual Report. Two paragraphs from our FY06 Report are most relevant here:

"The Foundation received 328 new requests in FY 2006, compared to 273 during FY 2005, an increase of almost 20%. More significantly, the total number of funded grant proposals requested jumped from 495 in FY 2005 to 732 in FY 2006, an increase of nearly 44%. The median number of days to process requests increased from 14.26 to 17.90, but the number of requests processed increased from 266 during FY 2005 to 340 in FY 2006, an increase of nearly 28%, and the number of pending requests dropped from 17 at the end of FY 2005 to 5 at the end of FY 2006."

* * *

"The program review and analysis also vividly details the major obstacle to further reducing processing time -- the number and nature of the most requested documents. Most of NSF's FOIA requests are for copies of funded grant proposals. The Foundation received 328 new requests in FY 2006, compared to 273 during FY 2005, an increase of almost 20%. More significantly, the total number of funded grant proposals requested jumped from 495 in FY 2005 to 732 in FY 2006, an increase of nearly 44%. Because proposals contain potentially confidential, proprietary commercial information, E.O. 12,600 requires NSF to contact the submitter of the proposal and solicit the submitter's views. NSF's procedures for doing so are contained in section 612.8 of its regulation. We know of no other

Telephone (703) 292-8060

FAX (703) 292-9041

Appendix VIII
Comments from the National Science
Foundation

agency with such a high percentage of requests that requires such complex and time-consuming processing. Academic submitters can be hard to locate, and frequently possess little or no knowledge of the FOIA, making it difficult to communicate with and to receive meaningful responses. Yet, we have no control over the increasing number of funded proposals requested, and we are required to contact submitters prior to making a determination. This will continue to be an ongoing challenge to timely processing of these requests."

The full Report is available at:

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=ogc0701.

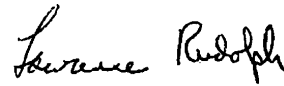
The number of requests the Foundation received in FY06 increased substantially -- almost 20%. More significantly, the total number of funded grant proposals requested jumped nearly 44%. Each of these proposals must be individually processed. The median number of days to process requests also increased. However, the number of requests processed increased from 266 during FY 2005 to 340 in FY 2006, an increase of nearly 28%, and the number of pending requests dropped from 17 at the end of FY 2005 to 5 at the end of FY 2006.

Our FOIA Officer worked extremely hard to keep up with this substantial increase in requests. As we noted in our Report, it will continue to be an ongoing challenge to timely process these requests. The numbers here illustrate the wisdom of agencies considering a number of measures of timeliness, including median processing time, number of requests processed in a year, and number of pending requests, as described in footnote 36 of your report. Here, we believe the increase in the number of requests processed, and the corresponding drop in pending requests are the best indicator of the diligence of the Foundation in processing requests in a timely manner.

For a small agency like NSF with relatively small numbers, changes in a particular number may or may not be significant. For example, if, say, the number of requests pending at the end of FY07 tripled from five to 15, it may only reflect the receipt of a large number of requests received in September which are not "late" -- not backlog -- but just pending. A look at multiple measures will likely provide a better measure of performance.

Thank you again for giving us the opportunity to comment.

Sincerely,



Lawrence Rudolph
General Counsel

Freedom of Information Act Exemptions

The act prescribes nine specific categories of information that is exempt from disclosure:

Exemption number	Matters that are exempt from FOIA
(1)	(A) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order.
(2)	Related solely to the internal personnel rules and practices of an agency.
(3)	Specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld.
(4)	Trade secrets and commercial or financial information obtained from a person and privileged or confidential.
(5)	Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.
(6)	Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
(7)	Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information <ul style="list-style-type: none"> (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or 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, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger the life or physical safety of an individual.
(8)	Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation of supervision of financial institutions.
(9)	Geological and geophysical information and data, including maps, concerning wells.

Source: 5 U.S.C. § 552(b)(1) through (b)(9).

Median Processing Times Reported

The attached tables present median processing times as reported by agencies in their annual FOIA reports in fiscal years 2004 and 2005. To provide context, we include numbers of requests processed for each agency or component. We also indicate (in columns headed “±”) whether the median days to process rose (+), fell (-), or remained unchanged (=). (We also use “~” to indicate other types of changes, such as the establishment of a new component.)

Agencies report median processing times according to processing tracks: that is, some agencies divide requests into simple and complex categories and process these in separate tracks, whereas others use a single track. Accordingly, the tables show these tracks where applicable. In addition, agencies are required to subject some requests to expedited processing, and these are reported as a separate track.

Tables for the agencies are presented in the following order, which corresponds to the order generally used in the figures and tables provided in the statement:

AID	Agency for International Development
CIA	Central Intelligence Agency
DHS	Department of Homeland Security
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
DOL	Department of Labor
DOT	Department of Transportation
ED	Department of Education
EPA	Environmental Protection Agency
GSA	General Services Administration
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
NASA	National Aeronautics and Space Administration
NRC	Nuclear Regulatory Commission
NSF	National Science Foundation
OPM	Office of Personnel Management
SBA	Small Business Administration
SSA	Social Security Administration

**Appendix X
Median Processing Times Reported**

(Continued From Previous Page)

State	Department of State
Treas	Department of the Treasury
VA	Department of Veterans Affairs

**Agency for
International
Development**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Single					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
AID	209	196	54	55	+	3	1	13	34	+

+ increase
- decrease
= no change
~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Central Intelligence
Agency**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
CIA	501	577	7	7	=	2,834	2,533	63	68	+	1	0	10	n/a	

+ increase
- decrease
= no change
~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Department of
Homeland Security**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Office of the Secretary/ Privacy Office	279	604	19	16	-	98	134	66	102	+	48	1	9	11	+
Office of the Inspector General	n/a	0	n/a	n/a		21	14	44	91	+	0	3	n/a	5	
Office of the General Counsel	(a)	0	(a)	n/a	~	(a)	1	(a)	222	~	(a)	0	(a)	n/a	~
Information Analysis & Infrastructure Protection	n/a	0	n/a	n/a		n/a	51	n/a	30	~	n/a	0	n/a	n/a	
Emergency Preparedness & Response	101	186	14	61	+	128	345	48	178	+	28	14	9	45	+
Science & Technology	(a)	1	(a)	30	~	(a)	1	(a)	210	~	(a)	0	(a)	n/a	~
U.S. Coast Guard	6,735	6,035	13	16	+	638	608	21	21	=	30	11	11	2	-
U.S. Secret Service	0	0	n/a	n/a		912	701	111	149	+	0	0	n/a	n/a	
U.S. Citizenship & Immigration Services	105,567	85,307	16	45	+	27,850	19,532	31	55	+	580	95	8	15	+
US-VISIT	(a)	14	(a)	17	~	(a)	1	(a)	60	~	(a)	0	(a)	n/a	~
Border & Transportation Security															
CBP	2,317	3,174	20	17	-	1,986	3,815	30	12	-	4	890	3	17	+
TSA	828	11	8	16	+	1,307	1,199	29	13	-	2	2	45	28	-
ICE	1,124	661	84	35	-	n/a	881	n/a	242	~	n/a	0	n/a	n/a	
FLETC	n/a	0	n/a	n/a	~	1,451	1,834	5	3	-	0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

^aComponent did not exist.

**Appendix X
Median Processing Times Reported**

**Department of
Commerce**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Commerce	1,564	1,321	13	12	-	465	511	41	40	-	6	2	5	8	+

+ increase
- decrease
= no change
~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

Department of Defense

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Defense	63,443	66,979	17	16	-	12,972	11,385	59	85	+	841	411	1	0	-

+ increase
- decrease
= no change
~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

Department of Energy

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
National Nuclear Security Administration Service Center Albuquerque	118	76	30	15	-	99	108	58	170	+	0	0	n/a	n/a	
Bonneville Power Administration	54	54	12	20	+	0	0	n/a	n/a		0	0	n/a	n/a	
Carlsbad Field Office	0	654	n/a	20		10	14	35	57	+	0	0	n/a	n/a	
Chicago Operations Office	0	36	n/a	21		38	0	21	n/a		0	0	n/a	n/a	
Golden Field Office	21	11	14	33	+	2	1	20.5	66	+	0	0	n/a	n/a	
Idaho Operations Office	45	46	11	13	+	34	34	41	36	-	0	0	n/a	n/a	
National Energy Technology Operations	9	7	20	10	-	9	26	25	30	+	0	0	n/a	n/a	
Office of Naval Reactors	(a)	7	(a)	10	~	(a)	0	(a)	n/a		(a)	0	(a)	n/a	~
Oak Ridge Operations Office	1,012	970	158	31	-	139	42	257	112	-	30	14	7	12	+
Ohio Environmental Management Consolidated Business Center	89	156	152	28	-	0	0	n/a	n/a		10	0	5	n/a	~
Office of Repository Development	42	71	15	19	+	29	13	60	73	+	0	0	n/a	0	
Richland Operations Office	0	190	n/a	31		115	0	18	n/a		0	0	n/a	n/a	
Rocky Flats Environmental Management Consolidated Business Center	0	794	n/a	106		16	0	916	n/a		0	0	n/a	n/a	
Savannah River Operations Office	65	40	61	73	+	0	0	n/a	n/a		0	0	n/a	n/a	
Office of Scientific and Technical Information	1	3	1	10	+	0	0	n/a	n/a		0	0	n/a	n/a	

**Appendix X
Median Processing Times Reported**

(Continued From Previous Page)

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Southeastern Power Administration	3	0	10	n/a		0	0	n/a	n/a		0	0	n/a	n/a	
Southwestern Power Administration	5	4	10	5	-	0	2	n/a	10		0	0	n/a	n/a	
Strategic Petroleum Reserve	13	13	10	21	+	0	2	n/a	82		0	4	n/a	1	
Western Area Power Administration	35	40	10	10	=	2	4	20	15	-	0	1	n/a	5	
Department of Energy Headquarters	395	384	81	41	-	0	0	n/a	n/a		0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

^aComponent did not exist.

**Appendix X
Median Processing Times Reported**

**Department of the
Interior**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Department of the Interior	4,126	6,206	3-834	2-43	~	30	189	56-99	28-89	~	63	25	2-64	1-15	~
Office of the Secretary	(a)	(a)	3-48	2-12		(a)	(a)	99	89	-	(a)	(a)	64	2	-
Office of Inspector General	(a)	(a)	834	7	-	(a)	(a)	n/a	n/a		(a)	(a)	2	1	-
Office of the Solicitor	(a)	(a)	15	18	+	(a)	(a)	n/a	n/a		(a)	(a)	n/a	n/a	
Office of Surface Mining	(a)	(a)	21	13	-	(a)	(a)	0	55	+	(a)	(a)	n/a	n/a	
Minerals Management Service	(a)	(a)	22	8-20	~	(a)	(a)	n/a	28		(a)	(a)	14	n/a	
Bureau of Land Management	(a)	(a)	13-21	23		(a)	(a)	56	57	+	(a)	(a)	5	6	+
Fish and Wildlife Service	(a)	(a)	35	29	-	(a)	(a)	n/a	n/a		(a)	(a)	10	15	+
National Park Service	(a)	(a)	20	19	-	(a)	(a)	n/a	n/a		(a)	(a)	10	n/a	
Bureau of Reclamation	(a)	(a)	20	18	-	(a)	(a)	n/a	n/a		(a)	(a)	8	1	-
U.S. Geological Survey	(a)	(a)	18	14	-	(a)	(a)	n/a	n/a		(a)	(a)	n/a	n/a	
Bureau of Indian Affairs	(a)	(a)	158	43	-	(a)	(a)	n/a	n/a		(a)	(a)	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

^aStatistics not broken down by component.

Note: The Department of Interior reported the number of requests processed as a department, not by individual components. The Department of Interior reports simple, normal, and complex tracks. The range used for simple requests contains both simple and normal requests.

**Appendix X
Median Processing Times Reported**

Department of Justice

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Office of the Attorney General	401	213	17	27	+	23	35	480	362	-	2	3	135	96	-
Office of the Deputy Attorney General	246	108	17	29	+	15	10	291	363	+	0	2	n/a	62	
Office of the Associate Attorney General	52	40	44	89	+	4	0	344	n/a		1	2	47	112	+
Antitrust Division	145	131	18	19	+	13	14	412	484	+	1	0	18	n/a	
Bureau of Prisons	15,047	13,243	15	16	+	680	475	28	29	+	13	25	1	3	+
Bureau of Alcohol, Tobacco, Firearms, and Explosives	2,437	1,719	7	8	+	0	0	n/a	n/a		0	0	n/a	n/a	
Civil Division	859	466	9	10	+	0	0	n/a	n/a		0	1	n/a	7	
Civil Rights Division	473	565	8	8	=	60	100	283	359	+	0	0	n/a	n/a	
Community Relations Service	8	2	10	10	=	0	0	n/a	n/a		0	0	n/a	n/a	
Criminal Division	0	0	n/a	n/a		1,414	1,291	16	35	+	2	1	31	97	+
Drug Enforcement Administration	0	0	n/a	n/a		1,933	1,569	12	16	+	0	0	n/a	n/a	
Environment and Natural Resources Division	0	0	n/a	n/a		177	145	40	53	+	0	0	n/a	n/a	
Executive Office for Immigration Review	7,811	9,367	29	43	+	681	476	89	149	+	65	27	26	44	+
Executive Office for United States Attorneys	4,848	3,751	46	58	+	0	0	n/a	n/a		73	84	195	169	-
Executive Office for United States Trustees	0	0	n/a	n/a		61	65	6	19	+	0	0	n/a	n/a	
Federal Bureau of Investigation	10,253	10,828	6	6	=	(b)	(b)	n/a	n/a		35	14	41	42	+
Foreign Claims Settlement Commission	17	9	5	5	=	0	0	n/a	n/a		0	0	n/a	n/a	

**Appendix X
Median Processing Times Reported**

(Continued From Previous Page)

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Justice Management Division	3,128	2,130	8	(c)		31	35	35	(c)		0	0	n/a	n/a	
National Drug Intelligence Center	80	58	22	21	-	3	3	30	73	+	0	0	n/a	n/a	
Office of Community Oriented Policing Services	101	61	14	8	-	0	0	n/a	n/a		2	0	6	n/a	
Office of Dispute Resolution	8	4	5	5	=	0	0	n/a	n/a		0	0	n/a	n/a	
Office of the Federal Detention Trustee	27	11	7	8	+	2	0	105	n/a		0	1	n/a	7	
Office of Information and Privacy	434	443	12	13	+	1	1	397	52	-	0	1	n/a	185	
Office of the Inspector General	241	208	10	11.5	+	0	0	n/a	n/a		0	0	n/a	n/a	
Office of Intelligence Policy and Review	28	33	8	6	-	6	17	27	31	+	0	2	n/a	16	
Office of Intergovernmental and Public Liaison	15	6	41	46	+	0	0	n/a	n/a		0	1	n/a	38	
Office of Justice Programs	493	206	1	2	+	59	108	25	25	=	0	0	n/a	n/a	
Office of Legal Counsel	55	68	10	10	=	9	16	30	30	=	0	1	n/a	40	
Office of Legal Policy	47	76	37	58	+	2	3	188	863	+	0	2	n/a	28	
Office of Legislative Affairs	58	63	84	86	+	6	9	386	330	-	0	2	n/a	67	
Office of the Pardon Attorney	40	43	29	21	-	3	0	100	n/a		0	0	n/a	n/a	
Office of Professional Responsibility	129	86	19	15	-	7	9	389	334	-	0	0	n/a	n/a	
Office of Public Affairs	20	22	137	139	+	3	3	226	730	+	0	0	n/a	n/a	
Office of the Solicitor General	73	64	60	60	=	0	0	n/a	n/a		2	22	8	10	+
Office on Violence Against Women	(a)	14	(a)	50	~	(a)	0	(a)	n/a	~	(a)	0	(a)	n/a	~

**Appendix X
Median Processing Times Reported**

(Continued From Previous Page)

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Professional Responsibility Advisory Office	13	14	3	3.5	+	0	0	n/a	n/a		0	0	n/a	n/a	
Tax Division	226	237	0	0	=	27	26	15	28	+	0	0	n/a	n/a	
U.S. Marshals Service	1,531	999	21	26	+	16	17	130	195.5	+	0	0	n/a	n/a	
U.S. National Central Bureau--INTERPOL	271	184	5	6	+	10	18	24	21	-	2	3	3	2	-
U.S. Parole Commission	0	0	n/a	n/a		1,351	1,011	20	12	-	0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

^aComponent did not exist.

^bIn addition to the expedited track, the FBI maintains three tracks for requests: small (0 to 500 pages), medium (501 to 2,500 pages), and large (more than 2,500 pages). The former is reported in the "simple requests" category; the latter two are reported as "complex requests." Therefore FBI's complex requests were excluded from analysis.

^cJustice Management Division used average days opposed to median days, so it was excluded.

**Appendix X
Median Processing Times Reported**

Department of Labor

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Occupational Safety and Health Administration	8,410	7,855	7	13	+	2,695	3,431	18	45	+	34	82	4	18	+
Employment Standards Administration	6,670	6,948	17	13	-	1,057	904	23	37	+	89	73	5	9	+
Mine Safety and Health Administration	1,150	0	17	n/a		0	1,058	n/a	20		0	3	n/a	7	
Employment and Training Administration	480	270	15	20	+	35	94	20	30	+	1	5	2	10	+
Employee Benefits Security Administration	367	1,456	11	7	-	65	257	40	34	-	0	2	n/a	10	
Office of the Assistant Secretary for Administration and Management	152	151	13	13	=	62	35	20	26	+	1	1	2	4	+
Administrative Law Judges	215	206	2	10	+	0	0	n/a	n/a		0	6	n/a	3	
Veterans' Employment and Training Service	71	87	27	10	-	15	19	29	39	+	2	1	8	8	=
Office of the Inspector General	71	47	30	28	-	8	28	60	50	-	0	0	n/a	n/a	
Bureau of Labor Statistics	56	54	13	17	+	0	0	n/a	n/a		0	0	n/a	n/a	
Office of Adjudicatory Services	25	52	7	6	-	4	0	18	n/a		2	0	2	n/a	
Womens Bureau	27	19	15	10	-	0	2	n/a	25		0	0	n/a	n/a	
Office of Disability Employment Policy	12	23	20	30	+	0	0	n/a	n/a		0	0	n/a	n/a	
Office of the Assistant Secretary for Policy	3	16	25	20	-	2	1	25	60	+	1	0	25	n/a	
Office of Congressional and Intergovernmental Affairs	0	0	n/a	n/a		0	0	n/a	n/a		0	0	n/a	n/a	

**Appendix X
Median Processing Times Reported**

(Continued From Previous Page)

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Bureau of International Labor Affairs	4	24	16	7	-	9	2	30	14	-	0	0	n/a	n/a	
Office of the Chief Financial Officer	12	8	10	7	-	0	0	n/a	n/a		0	0	n/a	n/a	
Office of Public Affairs	7	8	7	7	=	0	0	n/a	n/a		0	0	n/a	n/a	
Office of Small Business Programs	22	22	30	10	-	0	0	n/a	n/a		0	0	n/a	n/a	
Office of the Solicitor	62	30	12	14	+	7	3	54	30	-	0	1	n/a	2	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Department of
Transportation**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Office of the Secretary of Transportation	320	150	1	1	=	394	87	82	77	-	0	10	n/a	30	
Office of Inspector General	60	50	6	8	+	46	34	51	64	+	3	0	57	n/a	
Federal Aviation Administration	5,162	4,401	4	3	-	2,231	2,179	31	28	-	45	46	8	9	+
Federal Highway Administration	331	294	9	16	+	30	31	30	134	+	0	17	n/a	13	
Federal Railroad Administration	0	0	n/a	n/a		524	451	95	90	-	0	0	n/a	n/a	
National Highway Traffic Safety Administration	0	0	n/a	n/a		367	263	23	20	-	0	0	n/a	n/a	
Federal Transit Administration	192	199	68	29	-	0	0	n/a	n/a		0	0	n/a	n/a	
Saint Lawrence Seaway Development Corporation	36	0	18	n/a		0	33	n/a	20		0	0	n/a	n/a	
Maritime Administration	0	124	n/a	30		155	0	30	n/a		0	0	n/a	n/a	
Research and Special Programs Administration	85	43	19	15	-	89	75	135	40	-	11	1	5	5	=
Federal Motor Carrier Safety Administration	0	0	n/a	n/a		778	823	58	31	-	0	0	n/a	n/a	
Bureau of Transportation Statistics	46	67	5	11	+	0	6	n/a	20		0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Department of
Education**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Education	1,566	1,874	0-30	35	~	442	329	2-134	66	~	74	16	3-21	24	~

+ increase
- decrease
= no change
~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Environmental
Protection Agency**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Headquarters	2,188	1,717	19	19	=	1	42	170	58	-	6	2	16	20	+
Region 1 New England Region	317	249	19	18	-	0	2	29	46	+	0	0	n/a	n/a	
Region 2 New Jersey, New York, Puerto Rico, U.S. Virgin Islands and 7 Tribal Nations	2,949	1,912	27	30	+	7	2	49	40	-	1	1	9	8	-
Region 3 Mid-Atlantic	1,748	1,699	15	13	-	0	9	n/a	4		1	0	7	n/a	
Region 4 Southeast Region	1,034	852	21	19	-	5	71	75	41	-	1	0	6	n/a	
Region 5 Mid-West Region	2,011	1,920	18	18	=	2	3	70	30	-	0	0	n/a	n/a	
Region 6 South Central Region	860	624	18	32	+	1	0	353	n/a		0	2	n/a	109	
Region 7 America's Heartland Region	651	767	23	27	+	0	2	n/a	166		0	0	n/a	n/a	
Region 8 Mountains and Plains Region	387	332	13	15	+	0	0	n/a	n/a		0	0	n/a	n/a	

**Appendix X
Median Processing Times Reported**

(Continued From Previous Page)

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Region 9 Pacific Southwest Region	725	588	16	18	+	0	39	n/a	38		1	0	6	n/a	
Region 10 Pacific Northwest Region	454	273	20	20	=	1	0	19	n/a		1	0	27	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

General Services Administration

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
GSA	0	0	n/a	n/a		1,182	1,561	14	14	=	0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Department of Health
and Human Services**

Two tables are provided for this department, because its components report both multitrack (simple and complex) processing and single-track processing.

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Office of the Secretary	0	0	n/a	n/a		0	0	n/a	n/a	
Administration for Children and Families	(a)	0	(a)	n/a	~	(a)	0	(a)	n/a	~
Administration on Aging	0	0	n/a	n/a		0	0	n/a	n/a	
Centers for Medicare & Medicaid Services	31,051	33,583	9	10	+	652	722	77	86	+
Office of the Assistant Secretary for Public Health	72	179	10	10	=	446	611	60	60	=
Agency for Healthcare Research and Quality	0	0	n/a	n/a		0	0	n/a	n/a	
Centers for Disease Control and Prevention	0	0	n/a	n/a		0	0	n/a	n/a	
Food and Drug Administration	13,626	15,539	25	26	+	1,993	1,987	325	370	+
Health Resources and Services Administration	0	0	n/a	n/a		0	0	n/a	n/a	
Indian Health Services	0	0	n/a	n/a		0	0	n/a	n/a	
National Institutes of Health	0	0	n/a	n/a		0	0	n/a	n/a	
Substance Abuse and Mental Health Services Administration	0	0	n/a	n/a		0	0	n/a	n/a	

Component	Single					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Office of the Secretary	1,147	934	55	69	+	1	1	2	60	+
Administration for Children and Families	(a)	137	(a)	40	~	(a)	4	(a)	41	~
Administration on Aging	13	22	5	5	=	0	0	n/a	n/a	

**Appendix X
Median Processing Times Reported**

(Continued From Previous Page)

Component	Single					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Centers for Medicare & Medicaid Services	0	0	n/a	n/a		11	42	66	158	+
Office of the Assistant Secretary for Public Health	0	0	n/a	n/a		0	0	n/a	n/a	
Agency for Healthcare Research and Quality	76	94	25	34	+	0	0	n/a	n/a	
Centers for Disease Control and Prevention	977	1,134	36	36	=	2	2	52	52	=
Food and Drug Administration	2,921	1,007	113	86	-	0	2	n/a	100	
Health Resources and Services Administration	416	380	20	20	=	0	6	n/a	14	
Indian Health Services	158,277	151,428	32	32	=	0	0	n/a	n/a	
National Institutes of Health	10,583	13,382	182	173	-	0	0	n/a	n/a	
Substance Abuse and Mental Health Services Administration	132	206	38	45	+	0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

^aComponent did not exist.

**Appendix X
Median Processing Times Reported**

**Department of Housing
and Urban
Development**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple			Complex			Expedited								
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Headquarters	1,676	984	95	65	-	248	271	161	160	-	70	74	42	22	-
Field	1,510	1,150	21	21	=	10	15	30	35	+	95	160	23	70	+
Office of Inspector General	354	254	55	45	-	0	0	n/a	n/a		15	15	9	9	=

+ increase
- decrease
= no change
~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**National Aeronautics
and Space
Administration**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple			Complex			Expedited								
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
NASA	1,069	938	18	19	+	454	410	33	49	+	44	3	26	15	-

+ increase
- decrease
= no change
~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Nuclear Regulatory
Commission**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
NRC	357	303	11	12	+	27	28	47	75	+	5	14	60	20	-

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**National Science
Foundation**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Single					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
NSF	309	266	20	14	-	0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Office of Personnel
Management**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Single					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
OPM	9,310	10,900	9	14	+	0	2	n/a	1	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Small Business
Administration**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Single					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
SBA	1,927	3,737	5	7	+	0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Social Security
Administration**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple					Complex				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
SSA	397	364	19	15	-	882	1,014	37	39	+

Agency	Single					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
SSA	1,321	1,555	14	10	-	0	31	n/a	17	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

Note: The tables exclude SSA's category of "simple requests handled by non-FOIA staff" and "simple request for Social Security number applications and other Office of Earnings Operations records." The category SSA labels "fast track" was reported under "single track."

Department of State

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Agency	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
State	1,236	1,647	6	14	+	3,710	2,216	209	142	-	17	7	184	136	-

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Department of the
Treasury**

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Simple					Complex					Expedited				
	No.		Days			No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±	2004	2005	2004	2005	±
The Departmental Offices	332	307	2	2	=	782	790	172	251	+	0	0	n/a	n/a	
Alcohol and Tobacco Tax and Trade Bureau	0	168	n/a	86		201	17	78	93	+	0	1	n/a	1	
Office of the Comptroller of the Currency	322	4,635	10	2	-	8,030	179	50	73	+	0	0	n/a	n/a	
Bureau of Engraving and Printing	69	76	4	3	-	44	12	60	31	-	1	0	5	n/a	
Financial Management Service	0	0	n/a	n/a		529	351	7	10	+	0	0	n/a	n/a	
Internal Revenue Service	0	0	n/a	n/a		51,985	42,533	21	21	=	0	0	n/a	n/a	
United States Mint	0	0	n/a	n/a		67	316	15	15	=	0	0	n/a	n/a	
Bureau of the Public Debt	0	0	n/a	n/a		91	90	4	3	-	0	0	n/a	n/a	
Office of Thrift Supervision	0	0	n/a	n/a		1,827	4,003	15	12	-	2	0	n/a	n/a	
Treasury Inspector General for Tax Administration	0	208	n/a	4		256	161	172	30	-	0	0	10	n/a	
Financial Crimes Enforcement Network	0	18	n/a	6		32	122	99	95	-	0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

**Appendix X
Median Processing Times Reported**

**Department of
Veterans Affairs**

The department reports all processing in one track, but it refers to this track as complex, rather than single track.

No. = number of requests processed; Days = median days to process; ± = change from 2004 to 2005

Component	Complex					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Acquisition & Material Management	376	289	4	2.5	-	0	0	n/a	n/a	
Administration	0	1,463	n/a	4		0	0	n/a	n/a	
Board of Contract Appeals	0	0	n/a	n/a		0	0	n/a	n/a	
Board of Veterans Appeals	1,006	1,049	49	19	-	0	0	n/a	n/a	
Congressional & Legislative Affairs	0	(a)	n/a	(a)	~	0	(a)	n/a	(a)	~
Diversity Management & Equal Employment Opportunity	0	0	n/a	n/a		0	0	n/a	n/a	
General Counsel	67	65	35	15	-	0	2	n/a	10	
Human Resources Management	45	1	31.5	4	-	0	0	n/a	n/a	
Inspector General	347	287	10	16	+	0	0	n/a	n/a	
Information Technology Support Service	0	0	n/a	n/a		0	0	n/a	n/a	
Office of Management	0	0	n/a	n/a		0	0	n/a	n/a	
National Cemetery Administration	0	19	n/a	15		16	0	18	n/a	
Office of the Assistant Secretary for Human Resources & Administration	0	0	n/a	n/a		0	0	n/a	n/a	
Office of the Assistant Secretary for Public & Intergovernmental Affairs	0	0	n/a	n/a		0	0	n/a	n/a	
Office of the Deputy Assistant Secretary for Budget	0	8	n/a	1		16	0	1	n/a	
Office of the Deputy Assistant Secretary for Intergovernmental Affairs	0	10	n/a	1		0	0	n/a	n/a	
Office of Finance	58	63	15	11.5	-	0	0	n/a	n/a	
Office of Information & Technology	53	72	11.5	51	+	0	0	n/a	n/a	
Office of Resolution Management	16	12	5	10	+	0	0	n/a	n/a	

**Appendix X
Median Processing Times Reported**

(Continued From Previous Page)

Component	Complex					Expedited				
	No.		Days			No.		Days		
	2004	2005	2004	2005	±	2004	2005	2004	2005	±
Office of Small & Disadvantaged Business Utilization	0	1	n/a	1		0	0	n/a	n/a	
Policy and Planning	0	0	n/a	n/a		0	0	n/a	n/a	
Public Affairs	0	0	n/a	n/a		0	0	n/a	n/a	
Security & Law Enforcement	0	(a)	n/a	(a)	~	0	(a)	n/a	(a)	~
Office of the Secretary	16	6	45	60	+	0	0	n/a	n/a	
Veterans Benefits Administration	93,296	83,332	15	15.5	+	384	88	5	4.5	-
Veterans Canteen Service	0	0	n/a	n/a		0	0	n/a	n/a	
Veterans Health Administration	1,699,079	1,814,837	4	1	-	20,730	13,409	1	1	=
White House Liaison	0	0	n/a	n/a		0	0	n/a	n/a	

+ increase
 - decrease
 = no change
 ~ other change (change in reporting, new component, etc.)

Sources: Annual FOIA report, GAO analysis.

^aComponent did not exist.

GAO Contact and Staff Acknowledgments

GAO Contact

Linda D. Koontz, (202) 512-6240 or koontzl@gao.gov

Staff Acknowledgments

In addition to the contact named above, key contributions to this report were made by Barbara Collier, Acting Assistant Director; Alan Stapleton, Assistant Director; James Ashley, Marisol Cruz; Wilfred Holloway; Vernetta Marquis; David Plocher; Kelly Shaw; Shawn Ward; and Elizabeth Zhao.

GAO's Mission

The Government Accountability Office, the audit, evaluation and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's Web site (www.gao.gov). Each weekday, GAO posts newly released reports, testimony, and correspondence on its Web site. To have GAO e-mail you a list of newly posted products every afternoon, go to www.gao.gov and select "Subscribe to Updates."

Order by Mail or Phone

The first copy of each printed report is free. Additional copies are \$2 each. A check or money order should be made out to the Superintendent of Documents. GAO also accepts VISA and Mastercard. Orders for 100 or more copies mailed to a single address are discounted 25 percent. Orders should be sent to:

U.S. Government Accountability Office
441 G Street NW, Room LM
Washington, D.C. 20548

To order by Phone: Voice: (202) 512-6000
TDD: (202) 512-2537
Fax: (202) 512-6061

To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Web site: www.gao.gov/fraudnet/fraudnet.htm

E-mail: fraudnet@gao.gov

Automated answering system: (800) 424-5454 or (202) 512-7470

Congressional Relations

Gloria Jarmon, Managing Director, JarmonG@gao.gov (202) 512-4400
U.S. Government Accountability Office, 441 G Street NW, Room 7125
Washington, D.C. 20548

Public Affairs

Paul Anderson, Managing Director, AndersonP1@gao.gov (202) 512-4800
U.S. Government Accountability Office, 441 G Street NW, Room 7149
Washington, D.C. 20548