



U.S. OFFICE OF PERSONNEL MANAGEMENT

**FREEDOM OF INFORMATION ACT REPORT
OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004**

JANUARY 2005

U.S. Office of Personnel Management
Annual Freedom of Information Act Report
FY 2004

The following information is submitted to the U.S. Department of Justice by the U.S. Office of Personnel Management (OPM) in accordance with the requirements of the Freedom of Information Act (U.S.C. § 552(e)) (FOIA), as amended.

I. Basic Information Regarding Report

A. Name, Title, Address, and Telephone Number

The contact person for the U.S. Office of Personnel Management is:

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B. Electronic Address for report on the Internet

The electronic address for this report on OPM's World Wide Web site:

www.opm.gov/efoia

C. How to obtain a copy in paper form

A paper copy of this report may be obtained from the address listed above.

II. How to Make a FOIA Request

Our *FOIA Reference Guide* (located at www.opm.gov/efoia) includes information regarding how to make a FOIA request to OPM.

III. Definition of Terms and Acronyms Used in This Report

A. Agency-specific acronyms

1. OPM – Office of Personnel Management
2. CIS – Center for Information Services

B. Basic terms, expressed in common terminology

1. **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 FOIA and Privacy Act requests for access to records, regardless of which law is cited by the requester, are included in this report.)**

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2. **Initial request** - a request to a Federal agency for access to records under the Freedom of Information Act or the Privacy Act.
3. **Appeal** - a request to a Federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under FOIA/PA, or any other FOIA/PA determination such as a matter pertaining to fees.
4. **Processed request or appeal** - a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. **Expedited processing** - an agency will process a FOIA/PA request on an expedited basis when a requester has shown an exceptional need or urgency for the records that warrants prioritization of his or her request over other requests that were made earlier.
6. **Grant** - an agency decision to disclose all records in full response to a FOIA/PA request.
7. **Partial grant** - an agency decision to disclose a record in part in response to a FOIA/PA request, deleting information determined to be exempt under one or more of the FOIA or PA exemptions; or a decision to disclose some records completely, but to withhold others in whole or in part.
8. **Denial** - an agency decision not to release any part of a record or records in response to a FOIA/PA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA or PA exemptions, or for some procedural reason (such as because no record is located in response to a FOIA/PA request).
9. **Time limits** - the time period in the FOIA for an agency to respond to a FOIA/PA request (ordinarily 20 working days from proper receipt of a perfected FOIA/PA request).
10. **Perfected request** - a FOIA/PA request for records that adequately describes the records sought, that has been received by the FOIA/PA office of each agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

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11. **Exemption 3 statute** - an agency with separate statutory authority (other than FOIA/PA) that prohibits the disclosure of agency information under FOIA.

12. **Median number** - the middle, *not* average number. For example, of 3, 7, and 14, the median number is 7.

13. **Average number** - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7 and 14, the average number is 8.

IV. Exemption 3 Statutes

<u>Statute/Rule</u>	<u>Type of Information Withheld</u>	<u>Case Citation</u>
31 USC 3729(d)	Federal False Claims Act information	None

V. Initial FOIA/PA Access Requests

A. Number of Initial Requests

1. Pending at the end of FY 2003	590
2. Received during FY 2004	12,199
3. Processed during FY 2004	9,310
4. Pending at the end of FY 2004	3,479

B. Disposition of Initial Requests

1. Number of total grants	7,236
2. Number of partial grants	1,517
3. Number of denials	29

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Number of times each FOIA exemption was used

(1) Exemption 1	0
(2) Exemption 2	41
(3) Exemption 3	1
(4) Exemption 4	14
(5) Exemption 5	18
(6) Exemption 6	1,273
(7) Exemption 7(A)	2
(8) Exemption 7(B)	0
(9) Exemption 7(C)	1,247
(10) Exemption 7(D)	1
(11) Exemption 7(E)	30
(12) Exemption 7(F)	0
(13) Exemption 8	0
(14) Exemption 9	0

4. Other reasons for nondisclosure (total)	528
a. No records	263
b. Referrals	49
c. Request withdrawn	16
d. Fee-related reason	5
e. Records not reasonably described	0
f. Not a proper FOIA request for some other reason	0
g. Not an agency record	10
h. Duplicate request	66
i. Other (specify) 5 U.S.C. 552a(k)(5) – 118 and (j)(1) – 0; unable to verify validity of request - 1	119

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of Appeals

1. Number of appeals received during FY 2004	33
2. Number of appeals processed during FY 2004 (4 pending)	29

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B. Disposition of Appeals

1. Number completely upheld	21
2. Number partially reversed	1
3. Number completely reversed	1
4. Other reasons for nondisclosure	6

Number of times each FOIA exemption used (counting each exemption once per appeal)

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

4. Other reasons for nondisclosure (total)	6
a. No records	2
b. Referrals	0
c. Request withdrawn	0
d. Fee-related reason	0
e. Records not reasonably described	0
f. Not a proper FOIA request for some other reason	2
g. Not an agency record	0
h. Duplicate request	2
i. Other (specify) 5 USC 552a(j)(1)	0

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VII. Compliance with Time Limits/Status of Pending Requests

A. Median Processing Time for Requests Processed During the Year

1. a. Number of requests processed	9,310
b. Median number of days to process	9
2. a. Requests approved for expedited processing	0
b. Median number of days to process	0

B. Status of Pending Requests

1. Number of requests pending at the end of FY 2004 (Enter the number from Section V, Part A, Line 4, above.)	3,479
2. Median number of days that such requests were pending as of 9/30/2004	26

VIII. Comparisons with Previous Year

A. Comparison of Number of Requests Received

<i>FY 2003</i>	10,168
<i>FY 2004</i>	12,199
<i>Percent of change</i>	+19.9 %

B. Comparison of Number of Requests Processed

<i>FY 2003</i>	10,101
<i>FY 2004</i>	9,310
<i>Percent of change</i>	-7.8 %

C. Other Significant Statistics - Processing Costs

<i>FY 2003 (est.)</i>	\$728,223.00
<i>FY 2004 (est.)</i>	\$705,391.00
<i>Percent of change</i>	-3.1 %

D. Other Significant Statistics – Requests for Expedited Processing

<i>FY 2004 received</i>	0
<i>FY 2004 granted</i>	0

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IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel	5
2. Number of personnel with part-time or occasional FOIA duties (est. in total work-years)	7.475
3. Total number of personnel (in work years)	12.475

B. Total Costs

1. FOIA processing (including appeals)	\$705,391.00
2. Litigation-related activities (estimated)	0
3. Total costs	\$705,391.00

X. Fees

A. Total amount of fees collected by agency for processing requests	\$2,595.08
B. Percentage of total costs	0.37 %

XI. FOIA Regulations (Including Fee Schedule)

OPM's regulations (5 CFR 294) are available through www.gpoaccess.gov/cfr/index.html. Our fee schedule is explained in our FOIA reference guide at www.opm.gov/efoia