

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2005 Annual Report for Office of Surface Mining
October 1, 2004 - September 30, 2005

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Date	<u>October 20, 2005</u>

NOTE: Each Bureau/Office must complete all items on the report unless annotated otherwise. Enter "0" or "N/A" if there is no data to report. This is especially important with regard to the number of times each exemption is used ([V.B.3.a.](#))

- I. (To Be Completed By The Department)**
- II. (To Be Completed By The Department)**
- III. Definitions of Terms and Acronyms Used in the Report**
 - A. Bureau specific acronyms or other terms included in each report. (To Be Completed By The Department)**
 - 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 requests for access to records, regardless of which law is cited by the requester, are included in this report).**
 - 2. Initial Request – a request to a Federal agency for access to records under the Freedom of Information 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 the Freedom of Information Act, or any other FOIA 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. Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one**

processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

6. **Expedited processing** – an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **Simple request** – a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. **Complex request** – a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. **Grant** – an agency decision to disclose all records in full in response to a FOIA request.
10. **Partial grant** – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. **Denial** – an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. **Time limits** – the time period provided by the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. **"Perfected" request** – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. **Exemption 3 statute** – a separate Federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. **Median number** – the middle, not average number. For example, 3, 7, and 14, the median number is 7.
16. **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

- A. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. (Provide the complete title and citation of the statute used by the bureau/office.)**
- B. Brief description of type(s) of information withheld under each statute (Be specific with regard to information withheld.)**
- C. Statement of whether a court has upheld the use of each statute. If so, then cite example (To be completed by SOL.)**

V. Initial FOIA/PA Access Requests

- A. Numbers of initial requests.**

Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.

The total of numbers in lines 1 and 2, minus the number in line 3, should equal the number in line 4.

- 1. Number of requests pending as of end of preceding fiscal year: 0**
- 2. Number of requests received during current fiscal year: 54**
- 3. Number of requests processed during current fiscal year: 46**
- 4. Number of requests pending as of end of current fiscal year: 8**

- B. Disposition of initial requests.**

The total of the numbers in lines 1,2,3, and 4 should equal the number in [line V.A.3](#) (number of requests processed).

Please note, each request should be counted just once under [V.B](#) depending on how the majority of the documents were handled. For example, if a request is "partially granted" and a few documents are referred to another agency for response, the request should be counted just once as a "partially granted" request (this applies to the majority if the records).

- 1. Number of total grants: 24**
- 2. Number of partial grants: 2**
- 3. Number of denials: 0**

Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.

Include fee waiver denials under [V.B.4.d](#), "fee-related reasons"

A "no record" response does not constitute a denial which would be reported under 3 – these should be included under

V.B.4.a, "No Records."

a. Number of times each FOIA exemption used (counting each exemption once per request)

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

4. Other reasons for nondisclosure (total): 20

- a. No records: 15**
- b. Referrals: 0**
- c. Request withdrawn: 3**
- d. Fee-related reason: 1**
- e. Records not reasonably described: 0**
- f. Not a proper FOIA request for some other reason: 1**
- g. Not an agency record: 0**
- h. Duplicate request: 0**
- i. Other (specify): 0**

VI. Appeals of Initial Denials of FOIA/PA Requests (To Be Completed By The Department)

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Normal Processing

- a. Number of requests processed: 44**
- b. Median number of days to process: 13**

2. Multi-track Processing

- a. Simple requests (if multiple tracks used)**
 - 1. Number of requests processed: 1**
 - 2. Median number of days to process: 0**
- b. Complex requests (specify for any and all tracks used)**
 - 1. Number of requests processed: 1**
 - 2. Median number of days to process: 55**

3. Expedited Processing

- a. Number of requests processed: 0**
- b. Median number of days to process: 0**

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year: 8
2. Median number of days that such requests were pending as of that date: 10

7III. Comparisons with Previous Year(s)

- A. Comparison of numbers of requests received:
50% increase from FY 2004
- B. Comparison of numbers of requests processed:
39% increase from FY 2004
- C. Comparison of median numbers of days requests were pending at the end of FY 2004:
100% increase from FY 2004
- D. Other narrative statements describing agency efforts to improve timeliness of FOIA responses and making records available to the public, e.g. backlog reduction efforts, training activities, public availability of new categories of records:

IX. Costs/FOIA Staffing

- A. Staffing levels:
 1. Number of full-time FOIA personnel: 0
 2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 1.76

(For example, if one employee spends 10% of his time on FOIA, another 25%, and a third employee 50%, the total would be .85 work years.)

3. Total number of personnel (in work-years): 1.76

(For example, if there are 5 employees who are involved in FOIA/PA matters full time, and 3 employees working on FOIA/PA matters part time for a total of .85 work years, the total under line 3 would be 5.85 work years.)

- B. Total costs (including staff and all resources):

The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support (include under 1 and 2 if applicable). For purposes of the report, use the individual's salary plus 16% for benefits.

Cost to provide or attend training (include under 1).

Fees which are waived or not recovered, including those instances where the fee is \$15 or under, provided that a record of such fees is maintained as backup information (include under 1) – Program Staff

Only.

The cost to develop and maintain the bureau's FOIA home page (include under 1).

- 1. FOIA processing (including appeals)**
 - a. Staff: \$103,514.00**
 - b. Other: \$6,072.00**
- 2. Litigation-related activities (estimated)**
 - a. Staff: \$0.00**
 - b. Other: \$0.00**
- 3. Other Administrative Costs: \$0.00**
- 4. Total Costs: \$117,480.43**
- 5. Comparison with previous year(s) (including % of change): - 8.14%**

C. Statement of additional resources needed for FOIA compliance (To Be Completed By Office of Surface Mining)

X. Fees

This includes charges for search, review (commercial use requesters only), document duplication, and any other direct costs permitted under agency regulations.

- A. Total amount of fees collected by agency for processing requests: \$477.79**
- B. Percentage of total costs: 0.41%**

XI. FOIA Regulations (Including the Fee Schedule)

A copy of DOI's FOIA regulations, including the fee schedule (43 CFR Part 2, Subparts A & B) may be found at the following Internet Address: <http://www.doi.gov/foia/foiaregs.html>. A copy of the regulations in paper form may be obtained by contacting the Departmental FOIA Officer ([see I.A. above](#)).