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DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20223

Freedom of Information and Privacy Acts Branch
245 Murray Drive
Building 410
Washington, D.C. 20223

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File Number: 20060810

Dear Requester:

Reference is made to your Freedom of Information/Privacy Acts (FOIA) request originally received by the United States Secret Service on October 26, 2006, for information pertaining to a copy of the USSS FOIA annual reports (not the DHS Departmental FOIA Annual reports, which are posted on the internet, but the internal USSS annual FOIA reports provided to the DHS) for the years 1996 to present (inclusive).

The Secret Service maintains FOIA annual reports for three years, after this time frame, they are destroyed. We were able to locate one old report (1996). The annual reports for 1999, 2000, 2001, 2002, and 2003, are on the USSS internet site under FOIA and annual reports. Enclosed are FOIA annual reports for 2004, 2005, and 2006.

If you disagree with our determination, you have the right of administrative appeal within 35 days by writing to Freedom of Information Appeal, Deputy Director, U.S. Secret Service, 245 Murray Drive, Building 410, Washington, D.C. 20223. If you choose to file an administrative appeal, please explain the basis of your appeal and reference the case number listed above.

Sincerely,

Kathy J. Lyerly
Special Agent In Charge
Freedom of Information &
Privacy Acts Officer

FY06 ANNUAL REPORT INFORMATION FOR (component)
United States Secret Service
1. EXEMPTION (b)(3) STATUTES CITED

EXEMPTION (b)(3) STATUTE CITED	DESCRIPTION OF MATERIAL WITHHELD	CASE CITATION, AS APPLICABLE	NUMBER OF INSTANCES
18 U.S.C. 2510-2550 Rule 6(e) of the Federal Rules of Criminal Procedures	Intercepted Communications Wiretaps Grand Jury Information		

2. INITIAL REQUESTS
3. APPEALS
2.a. NUMBER OF INITIAL REQUESTS
3.a. NUMBER OF APPEALS

Number of requests pending at end of previous fiscal year	Number of requests received during current fiscal year	Number of requests processed during current fiscal year	Number of requests pending at end of current fiscal year	Number of appeals received during fiscal year	Number of appeals processed during fiscal year
758	838	843	753	71	105

2.b. DISPOSITION OF INITIAL REQUESTS
3.b. DISPOSITION OF APPEALS

Total Grants	Partial Grants	Denials	Completely Upheld	Partially Upheld	Completely Reversed
48	154	75	42	6	16

2.c. FOIA EXEMPTIONS CITED
3.c. FOIA EXEMPTIONS CITED

(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7)(A)	(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7)(A)
3	120	22		27	55	2		4	1	2	2		4
(b)(7)(B)	(b)(7)(C)	(b)(7)(D)	(b)(7)(E)	(b)(7)(F)	(b)(8)	(b)(9)	(b)(7)(B)	(b)(7)(C)	(b)(7)(D)	(b)(7)(E)	(b)(7)(F)	(b)(8)	(b)(9)
	142	29	70					7	1	4			

2.d. OTHER REASONS CITED					3.d. OTHER REASONS CITED				
No Records	Referrals	Request Withdrawn	Fee-related Reason	Not Reasonably Described	No Records	Referrals	Request Withdrawn	Fee-related Reason	Not Reasonably Described
187	1	56		1	26		1	4	
Not a Proper Request	Not an Agency Record	Duplicate Request	Other	Total	Not a Proper Request	Not an Agency Record	Duplicate Request	Other	Total
1	36		284	566				10	41

4. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS			
4.a. MEDIAN PROCESSING TIME (Note: count days from the time a request is perfected)			4.b. STATUS OF PENDING REQUESTS
Types of Requests	Total # of Requests	Median Age (Days)	
SIMPLE	**		Number of requests pending as of the end of the current fiscal year (Insert number from 2.a. box 4) 753
COMPLEX	**		Median number of days that such requests were pending as of the end of the current fiscal year 359
EXPEDITED	40	**	

5. COSTS/FOIA STAFFING					
5.a. STAFFING LEVELS			5.b. TOTAL COSTS		
Number of Full Time Personnel	Number of Part-Time or Collateral Duty Personnel	Total Number of Personnel	FOIA Processing (Including Appeals)	Litigation-Related Activities (Estimated)	Total Costs
12	1.85	13.85	\$1,379,643.70	\$74,741.25	\$1,454,384.90

5.c. STATEMENT OF ADDITIONAL RESOURCES NEEDED FOR FOIA COMPLIANCE	

6. FEES	
Total amount of fees collected for search, review, document duplication, and any other direct costs permitted under agency regulations.	<div>\$0</div> <div>Percentage (%) of Total Costs</div> <div>0%</div>

7. ADDITIONAL STATISTICS	
7.a. TIME RANGE OF REQUESTS PENDING	7.b. TIME RANGE OF CONSULTATIONS PENDING WITH OTHER AGENCIES
Number of requests pending as of the end of the current fiscal year (Insert number from 4.b. box 1)	<div>753</div> <div>Number of consultations pending with other agencies as of the end of the current fiscal year</div> <div>**</div>
Median number of days that such requests were pending as of the end of the current fiscal year (Insert number from 4.b. box 2)	<div>359</div> <div>Median number of days that such requests were pending as of the end of the current fiscal year (use date of initial interagency communication)</div> <div>**</div>

****Multi-track processing is used. However, the Secret Service's FOI/PA request tracking system was recently designed to capture information needed for this section, and does not reflect adequate information for the entire reporting period.**



U.S. Department of Homeland Security
UNITED STATES SECRET SERVICE

Washington, D.C. 20223

December 20, 2005

MEMORANDUM FOR DEPARTMENTAL DISCLOSURE OFFICER

FROM: Latita Huff – Secret Service Disclosure Officer

THRU: Kathy Lyerly – Special Agent In Charge, Liaison Division

SUBJECT: FY05 FOIA Annual Report Submission

The attached is the submission of the FOIA Annual Report for the Secret Service. The report pertains to the period beginning October 1, 2004 through September 30, 2005.

If you have any questions or need more information, please contact me at 202-406-5838.

Attachment: FOIA Annual Report



Homeland Security

FREEDOM OF INFORMATION ACT ANNUAL REPORT REQUIREMENTS FOR FISCAL YEAR 2005

- I. Introduction:** The Freedom of Information and Privacy Acts Program (FOIA/PA) implements and administers all FOI/PA amendments, executive orders, policies, and procedures for the United States Secret Service. The Program processes incoming requests made under provisions of the Freedom of Information and Privacy Acts, maintains the electronic Freedom of Information Act (EFOIA) processing system, provides interpretation and guidance in the application of FOI/PA laws and regulations, conducts final content review for FOI/PA requests regarding court filings and works closely with the Chief Counsel's Office in processing appeals and preparing litigation documents.
- II. FISCAL YEAR 2005 FREEDOM OF INFORMATION AND PRIVACY ACT PROCESSING ORGANIZATION**
- III. Direct questions regarding this report or to request a paper copy of the report to:**

Latita M. Huff
Disclosure Officer
U. S. Secret Service
202-406-5503
Latita.Huff@ussd.dhs.gov
- IV. Internet address to download this report from the DHS FOIA website:**

<http://www.dhs.gov/dhspublic/display?theme=48>
- V. Information on how to make a FOIA Request is available from the DHS FOIA website:**

http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0316.xml
- VI. DHS FOIA/PA Implementing Regulations:**

The Department of Homeland Security FOIA Implementing Regulations can be found at 68 Fed. Reg. 4056 (January 27, 2003) and at: http://www.dhs.gov/interweb/assetlibrary/FOIA_FedReg_Notice.pdf.
- VII. Names, Addresses, and Contact Numbers for DHS FOIA Officers:**

Kathy J. Lyerly
SAIC – Liaison Division

Latita M. Huff
Disclosure Officer

U. S. Secret Service
950 H Street, N. W.
Suite 3000
Washington, DC 20223
202-406-5838

VIII. Agency efforts to improve timeliness of FOIA responses:

In an effort to streamline our processes and operate more efficiently, the Service's FOI/PA Program has automated case processing, and 75 percent of FOI/PA cases are processed electronically. All FOI/PA personnel have been trained to properly utilize electronic processing. The transition from manual processing to electronic processing has been gradual, as there is a learning curve.

Component FOIA/PA Statistical Charts: <DDD indicates the value will be calculated by the Director of Departmental Disclosure.>

The following charts contain statistics and averages for processing a myriad of documents that may or may not be easily obtained, reviewed, and provided. Due to the enormous number of requests and the fact a multi-track processing system is used, adhering as best as possible to the "first-in-first-out" processing priority, averages are used as a predictor of performance and resources. Some columns or rows may not add up exactly due to rounding.

a. Comparisons with Previous Years: <Optional for components to duplicate chart in their reports.>

	FY 2003	FY 2004	FY 2005	=/- % Difference
Requests Received + FY carryover	189,860	197,837	DDD	DDD
Requests Processed	160,902	152,034	DDD	DDD
Simple Requests Processed		116,944	DDD	DDD
Complex Requests Processed		34,391	DDD	DDD
Expedited Requests Processed		692	DDD	DDD
End of Year Pending Requests	29,007	45,652	DDD	DDD
Staffing Levels (full time)	334	341	DDD	DDD
Processing Costs (total)	\$21,924,851	\$21,148,318	DDD	DDD

b. Number of Requests:

FOIA/PA Components	Pending End of FY 2004	Received FY 2005	Processed FY 2005	Processing Workload Rate	Pending End of FY 2005
DHS TOTAL	45,810			100%	
Office of the Secretary/Privacy Office	245			DDD	
Office of the Inspector General	43			DDD	
Office of the General Counsel	- ¹			DDD	
Information Analysis & Infrastructure Protection	12			DDD	
Emergency Preparedness & Response	354			DDD	
U.S. Coast Guard	1,271			DDD	
U.S. Secret Service	744	715	701	DDD	758
U.S. Citizenship & Immigration Services	41,197			DDD	
Border & Transportation Security					
<i>CBP</i>	812			DDD	
<i>TSA</i>	7			DDD	
<i>ICE</i>	1,122			DDD	
<i>FLETC</i>	3			DDD	
US-VISIT				DDD	
Science & Technology					

¹ In FY 2004, OGC FOIA actions were included in Office of the Secretary/Privacy Office statistics.

c. **Fee Category of Requesters:** <Component row total equals number in "Processed FY 2005" row in Chart "b">

FOIA/PA Components	Individual	Media	Commercial	Academia	Other
DHS TOTAL	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/Privacy Office					
Office of the Inspector General					
Office of the General Counsel					
Information Analysis & Infrastructure Protection					
Emergency Preparedness & Response					
U.S. Coast Guard					
U.S. Secret Service **					
U.S. Citizenship & Immigration Services					
Border & Transportation Security					
<i>CBP</i>					
<i>TSA</i>					
<i>ICE</i>					
<i>FLETC</i>					
US-VISIT					
Science & Technology					

** The USSS does not capture this information for reporting purposes at this time. Enhancements are scheduled in an effort to meet this reporting requirement.

d. **Responses to Requests:** <Component row total equals number in "Processed FY 2005" row in Chart "b">

FOIA/PA Components	Full Release	Partial Release	Denied	No Records	Duplicate Request	Fee Related	Request Withdrawn	Not Reasonably Described	Not a Proper Request	Not an Agency Record	Referred to Appropriate Agency	Other non-processing Reason ²
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
% of Requests	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/Privacy Office												
Office of the Inspector General												
Office of the General Counsel												
Information Analysis & Infrastructure Protection												
Emergency Preparedness & Response												
U.S. Coast Guard												
U.S. Secret Service	39	124	29	154	5	22	3	22	98	14	80	111
U.S. Citizenship & Immigration Services												
Border & Transportation Security												
<i>CBP</i>												
<i>TSA</i>												
<i>ICE</i>												
<i>FLETC</i>												
US-VISIT												
Science & Technology												

² Additional information about "other" for non-response is provided in chart "c"

e. Other Non-processing Reasons: <Frequency number equals component number in Chart "c" column "Other">

FOIA/PA Component	Frequency	Reason <number must equal "frequency" number>
DHS TOTAL	DDD	
Office of the Secretary/Privacy Office		
Office of the Inspector General		
Office of the General Counsel		
Information Analysis & Infrastructure Protection		
Emergency Preparedness & Response		
U.S. Coast Guard		
U.S. Secret Service **		
U.S. Citizenship & Immigration Services		
Border & Transportation Security		
<i>CBP</i>		
<i>TSA</i>		
<i>ICE</i>		
<i>FLETC</i>		
US-VISIT		
Science & Technology		

** The USSS does not capture this information for reporting purposes at this time. Enhancements are scheduled in an effort to meet this reporting requirement.

f. Number and rate of FOIA exemption use:³

FOIA/PA Components	b(1)	b(2)	b(3)	b(4)	b(5)	b(6)	b(7A)	b(7B)	b(7C)	b(7D)	b(7E)	b(7F)
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
% of use	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/Privacy Office												
Office of the Inspector General												
Information Analysis & Infrastructure Protection												
Emergency Preparedness & Respo												
U.S. Coast Guard												
U.S. Secret Service	1	123	8	19	16	52	6	0	116	26	75	1
U.S. Citizenship & Immigration Services												
Border & Transportation Security												
<i>CBP</i>												
<i>TSA</i>												
<i>ICE</i>												
<i>FLETC</i>												
US-VISIT												
Science & Technology												

³ FOIA exemptions b(8) and b(9) were not used by the DHS.

g. Number of Appeals of Release Determinations:

FOIA/PA Components	Received	Processed⁴	Upheld	Partially Upheld	Reversed	Other⁵	Pending End of FY 2005
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD
% of Requests	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office							
Office of the Inspector General							
Office of the General Counsel							
Information Analysis & Infrastructure Protection							
Emergency Preparedness & Response							
U.S. Coast Guard							
U.S. Secret Service	36	44	5	19	5	15	4
U.S. Citizenship & Immigration Services							
Border & Transportation Security							
<i>CBP</i>							
<i>TSA</i>							
<i>ICE</i>							
<i>FLETC</i>							
US-VISIT							
Science & Technology							

⁴ Number processed = number upheld, number partially reversed, number reversed, and other.

⁵ Refer to Chart "h" for other reasons. Component row total on "Other" column total equals component row total of Chart "h."

h. Number of times and rate of FOIA exemption use in appeals:⁶

FOIA/PA Components	b(1)	b(2)	b(3)	b(4)	B(5)	b(6)	b(7A)	b(7B)	b(7C)	b(7D)	b(7E)	B(7F)
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
% of use	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office												
Office of the Inspector General												
Office of the General Counsel												
Information Analysis & Infrastructure Protection												
Emergency Preparedness & Response												
U.S. Coast Guard												
U.S. Secret Service		16			1	14	1		16		15	
U.S. Citizenship & Immigration Services												
Border & Transportation Security												
CBP												
TSA												
ICE												
FLETC												
US-VISIT												
Science & Technology												

⁶ FOIA exemptions b(8) and b(9) were not used by the DHS.

[illegible]

j. Median Response Times for Simple, Complex, and Expedited Processed Requests: <A single request cannot be in more than one of three tracks-- simple, complex, or expedited. The component row total of simple+complex+expedited equals the component total of Chart "b" processed requests.>

FOIA/PA Components	Simple Requests		Complex Requests		Expedited Requests ⁷	
	Processed	Median Days to Process	Processed	Median Days to Process	Processed	Median Days to Process
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD
% of total requests	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office						
Office of the Inspector General						
Office of the General Counsel						
Information Analysis & Infrastructure Protection						
Emergency Preparedness & Response						
U.S. Coast Guard						
U.S. Secret Service	**	**	701	149	0	0
U.S. Citizenship & Immigration Services						
Border & Transportation Security						
CBP						
TSA						
ICE						
FLETC						
US-VISIT						
Science & Technology						

**Multi-track processing is used. However, the Secret Service's FOI/PA request tracking system was recently designed to capture information needed for this section, and does not reflect adequate information for the entire reporting period.

⁷ Expedited requests are those the component granted.

k. Fee Waiver and Expedited Processing Requests and Determinations:

FOIA/PA Components	Fee Waiver Requested	Fee Waiver Granted	Expedited Processing Requested	Expedited Processing Granted ⁸
DHS TOTAL	DDD	DDD	DDD	DDD
% of Requests	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office				
Office of the Inspector General				
Office of the General Counsel				
Information Analysis & Infrastructure Protection				
Emergency Preparedness & Response				
U.S. Coast Guard				
U.S. Secret Service	12	0	14	0
U.S. Citizenship & Immigration Services				
CBP				
TSA				
ICE				
FLETC				
US-VISIT				
Science & Technology				

l. Status of Pending FOIA/PA Requests:

FOIA/PA Components	Pending at the End of FY 2005 ⁹	Median Number of Days Pending
DHS TOTAL	DDD	DDD
Office of the Secretary/ Privacy Office		
Office of the Inspector General		
Office of the General Counsel		
Information Analysis & Infrastructure Protection		
Emergency Preparedness & Response		
U.S. Coast Guard		
U.S. Secret Service	758	290
U.S. Citizenship & Immigration Services		
Border & Transportation Security		
CBP		
TSA		
ICE		
FLETC		
US-VISIT		
Science & Technology		

⁸ The number matches the Chart "i" component Expedited Requests Processed column.

⁹ This total matches the Chart "b" component number in the "Pending End of FY 2005" column.

m. DHS FOIA/PA Fees:

FOIA/PA Components	FOIA Processing (Including Appeals & Litigation Costs) ¹⁴	FOIA Fees Generated	FOIA Fees Waived	FOIA Fees Collected	Fee Percentage of Total Costs
DHS TOTAL	DDD	DDD	DDD	DDD	DDD
Office of the Secretary / Privacy Office					
Office of the Inspector General					
Office of the General Counsel					
Information Analysis & Infrastructure Protection					
Emergency Preparedness & Response					
U.S. Coast Guard					
U.S. Secret Service	1247523.00	349.40	0	541.30	0%
U.S. Citizenship & Immigration Services					
Border Transportation & Security					
<i>CBP</i>					
<i>TSA</i>					
<i>ICE</i>					
<i>FLETC</i>					
US-VISIT					
Science & Technology					

¹⁴ This amount retrieved from "Total Costs" column from Chart "I"

m. DHS FOIA/PA Processing Costs, per/request Processing Costs, and Needed Additional Processing Resources:

FOIA/PA Components	Processing Costs			Processing Costs per/Request		Needed Additional Processing Funding	
	Processing (including Appeals)	Litigation-related Activities	Total Costs ¹⁰	Requests Processed ¹¹	Cost per Request ¹²	Requests pending end of FY05	Needed FOIA funding for zero FY05 pending ¹³
DHS TOTAL							
Office of the Secretary / Privacy Office							
Office of the Inspector General							
Office of the General Counsel							
Information Analysis & Infrastructure Protection							
Emergency Preparedness & Response							
U.S. Coast Guard							
U.S. Secret Service	1197523.00	50000.00	1247523.00				
U.S. Citizenship & Immigration Services							
Border & Transportation Security							
CBP							
TSA							
ICE							
FLETC							
US-VISIT							
Science & Technology							

¹⁰ Total Costs include salary of FTE and Administrative Support Staff work-years

¹¹ This number matches the Chart "b" component number in the "Processed FY 2005" column.

¹² Processing Costs per-Request/Average Cost per Request = Total Costs ÷ Requests processed

¹³ Needed Additional Processing Resources/Needed Funding for Zero Pending = Requests pending end of FY 2004 X Average Cost per Request

o. FOIA/PA Staffing Level, Staffing Workload, and Needed Additional Staff Resources:

FOIA/PA Components	FY 04 FOIA Staffing Levels			Staffing Workload		Needed Additional Staff	
	Full-Time Employee (federal & contractor)	Part-time FOIA/PA Admin Support ¹⁵	Total Work years	Total Requests Processed ¹⁶	Requests per FTE work-year ¹⁷	Total Requests pending end of FY05	Needed additional staff for zero FY05 pending ¹⁸
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary / Privacy Office							
Office of the Inspector General							
Office of the General Counsel							
Information Analysis & Infrastructure Protection							
Emergency Preparedness & Response							
U.S. Coast Guard							
U.S. Secret Service	12	1.85	13.85				
U.S. Citizenship & Immigration Services							
Border & Transportation Security							
CBP							
TSA							
ICE							
FLETC							
US-VISIT							
Science & Technology							

¹⁵ Part-time FOIA/PA Administrative Support Staff are involved in the clerical processing of FOIA/PA requests by assisting with searches for records or preparation of records for review and release. However, support staff are not FOIA Specialists with the qualifications to review, analyze, or make FOIA/PA release determinations.

¹⁶ This number is obtained from Chart "b" component number in processed column.

¹⁷ Staffing Workload/Requests per employee work year = Total Requests Processed ÷ Total Full Time Employee Work Years

¹⁸ Needed Staff Resources/Needed Staff for Zero Pending end of FY 2005 = Total Requests Pending end of FY 2005 ÷ Requests per employee work-year

IX. Definition of Terms and Formulas Used in this Report:

a. Agency-Specific Terms or Other Acronyms

- | | | |
|-----|---------|--|
| 1. | BTS | Border and Transportation Security Directorate |
| 2. | CBP | United States Customs and Border Protection |
| 3. | EP&R | Emergency Preparedness and Response Directorate |
| 4. | FEMA | Federal Emergency Management Agency |
| 5. | FLETC | Federal Law Enforcement Training Center |
| 6. | FOIA/PA | Freedom of Information Act / Privacy Act |
| 7. | IAIP | Information Analysis and Infrastructure Protection Directorate |
| 8. | ICE | Immigration and Customs Enforcement |
| 9. | OIG | Office of the Inspector General |
| 10. | PO | Privacy Office |
| 11. | S&T | Science and Technology Directorate |
| 12. | TSA | Transportation and Security Administration |
| 13. | USCG | United States Coast Guard |
| 14. | USCIS | United States Citizenship and Immigration Services |
| 15. | USSS | United States Secret Service |

b. Basic Terms Used in This Report:

1. **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.
2. **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.
3. **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.
4. **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).
 - a. **No Records** -- After a thorough search of agency records, no records were found to be responsive to the FOIA request or within the scope of the FOIA request.
 - b. **Fee Related** -- Record/request was denied because there were fee issues. For example, the requester was not willing to pay assessable FOIA processing fees or the requester had delinquent fees from previous FOIA requests.
 - c. **Not an Agency Record** -- Documents requested in a FOIA request that are not maintained, or possibly originated, by the DHS or its components.
5. **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).
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. **FOIA/PA request** -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request or 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.)
8. **Glomar response** -- is when the existence or non-existence of responsive records to a request is neither confirmed nor denied in order to protect law enforcement, privacy, or other appropriate interests.
9. **Initial Denial Authority** -- agency official who is delegated the authority to make release determinations of documents and information contained in documents requested under the FOIA on behalf of the agency.
10. **Initial request** -- a request to a federal agency for access to records under the Freedom of Information Act.
11. **Median number** -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
12. **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

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.

13. **Partial release** -- 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, in a multiple record response, a decision to disclose some records in their entireties but to withhold others in whole or in part. This is sometimes referred to as a "partial denial" or "partial grant."
14. **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.
15. **Perjury statement** -- a signed statement executed under the penalty of law, usually associated with a request for the personal records of the requester, attesting that they are the individual who they say they are.
16. **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.
17. **Proper request** -- a request that fits the definition of a FOIA request: reasonably describes the agency records being sought and cites a willingness to pay assessable fees or justifies the granting of a fee waiver.
18. **Reasonably Described** -- the request is reasonably described if it enables a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort.
19. **Referral** -- transferring a FOIA request and/or document(s) which are under another agency's purview to another entity for processing. This also includes redirecting a requester to the appropriate agency instead of referring the request.
20. **Release** -- an agency decision to disclose all records in full in response to a FOIA request. This is sometimes referred to as a "grant."
21. **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.
22. **Time limits** -- the time period in 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).

X. DHS Exemption b(3) statutes applied by DHS components throughout FY 2005: <Components should update below 2004 chart with 2005 information>

STATUTE	TYPE OF INFORMATION	CASE CITATION
8 U.S.C. 1160(B)(6)	Information on Special Agricultural workers	None
8 U.S.C. 1304(B)	Registration of Aliens	None
8 U.S.C.A. 1186a(C)(4)(C)	Admission qualifications for alien's travel control of citizens and aliens	None
18 U.S.C. 2510-2550	Intercepted Communications Wiretaps	Lam Lek Chong v. DEA, 929 F.2d 729 (D.C. Cir. 1991)
31 U.S.C. 5319	Records on Monetary Instruments and Transactions	Small v. IRS, 820 F. Supp. 163 (D.N.J. 1992)
41 U.S.C. 253b(m)	Prohibition on Release of Contractor Proposals	None
46 U.S.C. 7319	Records regarding issued merchant mariner documents	None
49 U.S.C. 114(s)	Nondisclosure of Security Activities	None
Rule 6(e) of the Federal Rules of Criminal Procedures	Grand Jury Information	Senate of P.R. v. United States Dep't of Justice, 823 F.2d 574 (D.C. Cir. 1987).

XI. Freedom of Information Act Exemptions:

The Freedom of Information Act sets out the nine exemptions that preclude the release of information contained in government documents. Some exemptions allow a government entity to exercise a degree of discretion regarding release while other exemptions do not allow for any discretion.

Exemption	Definition
1	Covers those documents properly classified as confidential, secret, and top secret in the interest of national security, defense, or foreign policy
2	Includes documents related solely to internal personnel rules and practices of a relatively trivial nature to those of more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement or endanger the lives of public and private individuals.
3	Provides for the withholding of documents specifically exempted by other federal statutes
4	Protects from release a trade secret or privileged or confidential commercial or financial information obtained from a person. The term person has been defined to include a business entity.
5	Precludes the release records that are privileged inter-agency or intra-agency documents
6	Prevents the release of personnel, medical, or similar file the release of which would constitute a clearly unwarranted invasion of personal privacy to anyone other than the individual
7	Protects from release records compiled for law enforcement purposes, the release of which
	(7A) could reasonably be expected to interfere with law enforcement proceedings
	(7B) would deprive a person of a right to a fair trial or an impartial adjudication
	(7C) could reasonably be expected to constitute an unwarranted invasion of personal privacy
	(7D) could reasonably be expected to disclose the identity of a confidential source
	(7E) would disclose techniques, procedures, or guidelines for investigations or prosecutions
	(7F) could reasonably be expected to endanger an individual's life or physical safety
8	Covers records that are contained in or related to examination, operating, or condition reports about financial institutions on behalf of, or for the use of, an agency responsible for the regulation or supervision of financial institutions
9	Prevents the release of geological and geophysical information and data, including maps, concerning wells

XII. DHS Organizational Components and Sub-Program FOIA Responsibilities: <Components should make appropriate updates to the 2004 information published in the DHS FY 2004 Annual Report. This is a listing of programs or organizational components that the reporting component would like to highlight that are represented in the statistics provided for this report. This is not an exhaustive organizational chart or the components organization. Refer to the DHS FY 2004 FOIA Annual Report as a guideline>

December 20, 2004

MEMORANDUM FOR DEPARTMENTAL DISCLOSURE OFFICER

FROM: Latita Huff – Secret Service Disclosure Officer

Thru: Kathy Lyerly – Special Agent In Charge, Liaison Division

SUBJECT: FY04 FOIA Annual Report

The attached is our submission of the FOIA annual report for the Secret Service. The report pertains to the period beginning October 1, 2003, through September 30, 2004.

If you have any questions or need more information, please contact me at 202-406-5838.

Attachment: FOIA Annual Report

FREEDOM OF INFORMATION ACT ANNUAL REPORT

FOIA Data Submission Form
Fiscal Year 2004
(Oct. 1, 2003 - Sept. 30, 2004)

.....
Note: Bureau reporting begins at item II-B. Those sections marked "Not for bureaus" will be answered by the Departmental Disclosure Office in the combined report.
.....

I. and II-A. (Not for bureaus.)

II.B. Brief Description of your bureau's response-time ranges.

The response time for FOIA requests ranged from 13 days to 1853 days.

C. Brief description why some requests are not granted.

The most common reasons why requests for records could not be granted are (1) no responsive records were located, and (2) requesters did not satisfy all requirements to make a "perfect" FOIA request.

III. Definition of terms and acronyms used in this report.

A. USSS – United States Secret Service

B. Basic Terms (This has already been done by Department of Justice. See http://www.usdoj.gov/oip/foia_updates/Vol_XVIII_3/page2.htm)

IV. Exemption 3 Statutes.

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

Rule 6(E) of the Federal Rules of Criminal Procedures (Grand Jury Material)
Title III, 18 USC 2510-2550 (Intercepted Communications Wiretaps)

V. FOIA/PA Access Requests. Include all access requests, whether first-party or third-party.

A. Number of initial requests. Total of the 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: 877

2. Number of requests received during current fiscal year: 779
3. Number of requests processed during current fiscal year: 912
4. Number of requests pending as of end of current fiscal year: 744

B. Disposition of initial requests.

1. Total grants: 29
2. Partial grants: 169
3. Denials: 9

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

(b)(1) <u>1</u>	(b)(6) <u>69</u>	(b)(7)(E) <u>91</u>
(b)(2) <u>125</u>	(b)(7)(A) <u>6</u>	(b)(7)(F) <u>2</u>
(b)(3) <u>12</u>	(b)(7)(B) <u> </u>	(b)(8) <u> </u>
(b)(4) <u>4</u>	(b)(7)(C) <u>162</u>	(b)(9) <u> </u>
(b)(5) <u>20</u>	(b)(7)(D) <u>24</u>	

4. Other reasons for nondisclosure (total): 703
- a. no records 165
 - b. referrals
 - c. withdrawn 4
 - d. fee-related 201
 - e. records not reasonably described 21
 - f. not a proper FOIA request for some other reason 214
 - g. not an agency record 4
 - h. duplicate request
 - i. other (specify) 94

VI. Appeals of initial denials of FOIA/PA requests. Again, include all access requests, whether first-party or third-party.

A. Number of appeals.

1. Number of appeals received during fiscal year: 14
2. Number of appeals processed during fiscal year: 15

B. Disposition of appeals.

1. Number completely upheld: 10
2. Number partially reversed: 5
3. Number completely reversed:
 - a. number of times each FOIA exemption used (counting each exemption once per appeal):

(b)(1) <u> </u>	(b)(6) <u> </u>	(b)(7)(E) <u>3</u>
(b)(2) <u>3</u>	(b)(7)(A) <u>1</u>	(b)(7)(F) <u> </u>
(b)(3) <u>1</u>	(b)(7)(B) <u> </u>	(b)(8) <u> </u>
(b)(4) <u> </u>	(b)(7)(C) <u>5</u>	(b)(9) <u> </u>
(b)(5) <u>1</u>	(b)(7)(D) <u> </u>	

4. Other reasons for non-disclosure (total): 9
 - a. no records 6
 - b. referrals
 - c. withdrawn
 - d. fee-related 1
 - e. records not reasonably described
 - f. not a proper request/appeal for some other reason 2
 - g. not an agency record
 - h. duplicate request
 - i. other (specify):

VII. Compliance with Time Limits/Status of Pending Requests.

A. Median time for processing requests.

1. Simple Requests (report only if multi-track processing is used. If not used, report as "N/A"). **(Multi-track processing is used. However, the Secret Service's FOI/PA request tracking system was not designed to report on information needed for this section.)**

- a. number of requests processed:
- b. median number of days to process:

2. Complex Requests (specify for any and all tracks used).

- a. number of requests processed: 910
- b. median number of days to process: 111

3. Requests accorded expedited processing.

- a. number of expedited requests received: 14
- b. number of expedited requests processed (closed) 14
- c. median number of days to process expedited requests: _____

B. Status of pending requests

- 1. Number of requests pending at end of FY 2004: 744
- 2. Median number of days that such requests were pending as of that date: 366

VIII. Comparisons with Previous Years (Not required).

IX. Costs/FOIA Staffing.

A. Staffing levels.

- 1. Number of full time FOIA personnel: 13
- 2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 1.85
- 3. Total number of personnel (in work-years): 14.85

B. Total costs (staff and resources combined).

- 1. FOIA processing (including appeals): \$ 1,692,687
- 2. Litigation-related activities (estimated): \$ 67,104.67
- 3. Total Costs: \$ 1,759,791.67
- 4. Comparison with previous years. (Not required).

X. Fees.

- A. Total fees collected FY 2004: \$ 817.93
- B. Percentage of total costs: 0%

XI. FOIA Regulations. (Not for bureaus.)



DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

Date: JAN 27 1997

MEMORANDUM

TO : Alana Johnson
Departmental Disclosure Officer
Department of the Treasury


FROM : John W. Simpson
Assistant to the Special Agent in Charge
Freedom of Information & Privacy Acts Branch

SUBJECT : **Freedom of Information Act Annual
Report to Congress - CY 1996**

Reference is made to your memorandum, dated December 9, 1996, requesting the subject report.

Please find attached the 1996 Freedom of Information Act Annual Report for the United States Secret Service.

Any questions may be directed to me or Latita Roseboro at (202) 435-5838.


John W. Simpson

Attachment

DATA REQUEST FOR CY 1996

FREEDOM OF INFORMATION ACT REPORT TO CONGRESS

1. (a) Total number of requests received under 5 U.S.C. 552, as amended:

500

- (b) Total number of initial determinations not to comply with a request for records made under subsection 552(a):
[Partial and full denials based on FOIA exemptions. Do not include items listed under 2.(c) below.]

159

2. Authority relied upon for each such determination:

- (a) Exemptions in 552(b) and number of times invoked:

(b) (1)	<u>0</u>	(b) (6)	<u>16</u>
(b) (2)	<u>62</u>	(b) (7)	<u>94</u>
(b) (3)	<u>3</u>	(b) (8)	<u>0</u>
(b) (4)	<u>1</u>	(b) (9)	<u>0</u>
(b) (5)	<u>34</u>		

- (b) Statutes invoked pursuant to Exemption (b)(3):

<u>Statutory Citation</u>	<u>Number of Times Invoked</u>
5 U.S.C. 5529 -----	<u> </u>
13 U.S.C. 301(g)-----	<u> </u>
26 U.S.C. 6103 -----	<u> </u>
26 U.S.C. 6104 -----	<u> </u>
26 U.S.C. 7213 -----	<u> </u>
26 U.S.C. 7431 -----	<u> </u>
31 U.S.C. 5319 -----	<u> </u>
35 U.S.C. 205 -----	<u> </u>
50 U.S.C. 403(d)(3)-----	<u> </u>
Federal Rules of Criminal Procedure: Rule 6(e) -----	<u>1</u>
Other [cite statutes] -----	<u> </u>

(c) Other authority (specified by any one of the following categories or described separately, as appropriate):

<u>Reason</u>	<u>Number of Times Invoked</u>
Records not maintained -----	0
No records located -----	111
Not FOIA -----	0
Imperfect requests [31 CFR 1.5(c)(1)-(7)]	0
Referred in full, intra-agency -----	0
Referred in part, intra-agency -----	35
Referred, inter-agency -----	0
Appeal prior to initial determination -	4
Request withdrawn by requester -----	3
Nonpayment of outstanding FOIA bill ---	3
Denial of fee waiver request -----	0
Records previously furnished -----	2
Failure to provide authorization -----	82
Closed without determination -----	124

3. List name and title, or position, of the person who was responsible for the initial denial of records requested and number of instances of participation: [The total number of all denials must equal the total number of partial and full denials shown in item 1(b).] List here or include attachment.

John Simpson, ATSAIC, FOIA/PA Officer

4. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection (a)(6) of the FOIA: [The sum of (a), (b), (c), and (d) must agree with the total figure reported.]

(a) Number of appeals in which, upon review, request for information was <i>granted in full</i> :	<u>2</u>
(b) Number of appeals in which, upon review, request for information was <i>denied in full</i> :	<u>2</u>
(c) Number of appeals in which, upon review, request for information was <i>denied in part</i> :	<u>16</u>
(d) Pending appeals:	<u>2</u>

Note: "No record" appeals, if upheld, should be counted under (b), "denied in full."

5. Specific authority relied upon for total or partial denials on appeal:

- (a) Exemptions in 552(b) and the number of times invoked:

(b) (1) <u> </u>	(b) (6) <u>1</u>
(b) (2) <u>12</u>	(b) (7) <u>16</u>
(b) (3) <u>3</u>	(b) (8) <u> </u>
(b) (4) <u> </u>	(b) (9) <u> </u>
(b) (5) <u>10</u>	

(b) Statutes invoked pursuant to Exemption (b)(3):

<u>Statutory Citation</u>	<u>Number of Times Invoked</u>
26 U.S.C. 6103 -----	_____
26 U.S.C. 6103(a) -----	_____
26 U.S.C. 6103(b)(2) -----	_____
26 U.S.C. 6103(e)(7) -----	_____
Federal Rules of Criminal Procedure: Rule 6(e) -----	_____ 3 _____
Other [cite statutes] -----	_____

(c) Other authority (specified by any one of the following categories or described separately, as appropriate):

<u>Reason</u>	<u>Number of Times Invoked</u>
Not an appeal as defined by FOIA or Treasury regulations -----	_____
Record does not exist -----	_____ 13 _____
Withdrawn by requester -----	_____
Denied fee waiver -----	_____
Litigation commenced due to failure to respond on time -----	_____
Records not requested originally -----	_____
All records already released to requester -----	_____
Requester did not file appeal within the 35-day period -----	_____
Referred intra/inter-agency -----	_____ 4 _____
Duplicate of previous appeal -----	_____ 1 _____

6. List name and title, or position, of the person who, on appeal, was responsible for the denial in whole or in part of records requested and the number of instances of denial. [The total number of denials on appeal must equal the sum of items 4(b) and 4(c).] List here or include attachment.

Richard Griffin, Deputy Director - 18

7. A copy of each court opinion or order giving rise to a proceeding under subsection (a)(4)(F) of the FOIA; a copy of the Office of Personnel Management's findings and recommendations on each such proceeding; and a report of the disciplinary action taken against the officer or employee who was responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

Number of documents attached:

0

8. Rules or regulations issued pursuant to, or in implementation of, the Freedom of Information Act: [Only amendments made during this reporting period are reported here.]

Number of documents attached:

0

9. A copy of the fee schedule adopted and the total dollar amount of fees collected for making records available:

Amount collected:

(see attachment)

10. Pursuant to subparagraph (e)(7), the following information is provided indicative of efforts to fully administer this section:

(a) Availability of records. A list of all new categories or segregative portions of records now being released upon request.

- (b) Costs. Incremental costs incurred in administering the Act. The best estimate of direct and indirect costs for CY 1996: (see attachment).

- (c) Compliance with time limitations for agency determinations. Subparagraph (a)(6)(A) of the FOIA provides for an initial determination to be made on any request for records within ten (10) working days of its receipt. In case of an appeal from an initial denial, a determination on the appeal is to be made by the agency within twenty (20) working days after receipt of the appeal. The amendments contain two provisions for extension of the foregoing time limits: (1) an additional ten days in three types of unusual circumstances, and (2) where authorized by a court.

- (1) The total number of instances in which it was necessary to seek a **statutory*** 10-day extension of time was: 0

broken down as follows:

- a. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request: 0
- b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which were demanded in a single request: 0
- c. The need for consultation, which was conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein: 0

*Not voluntary.

(2) The total number of instances where court appeals were taken on the basis of exhaustion of administrative procedures because the agency was unable to comply with the request within the applicable time limits:

0

(3) The total number of instances in which a court allowed additional time upon showing exceptional circumstances, together with a copy of each court opinion or order containing such an extension of time (attach copy of court order):

0

(d) Internal memoranda. All unpublished internal memoranda or instructions issued during CY 1996 setting forth procedures to be followed by agency personnel in administering the Act or defining its coverage, together with a statement indicating whether the memoranda or instructions are publicly available or, if not, the legal basis for nondisclosure of any such document.

Number of documents attached: 0

11. Number of court cases [received CY 1996]:

4

U.S. SECRET SERVICE
FREEDOM OF INFORMATION AND PRIVACY ACT COSTS
CUMULATIVE CALENDAR YEAR 1996

<u>DIRECT COSTS</u>	<u>FOI</u>	<u>PRIVACY</u>	<u>TOTAL</u>
Salaries	\$272,659.53	\$68,164.89	\$340,824.42
Space	127,727.20	31,931.80	159,659.00
Review Cost	-0-	-0-	-0-
Search Cost	160.31	-0-	160.31
Photocopy Cost	255.30	-0-	255.30
Total Direct	\$400,802.34	\$100,096.69	\$500,899.03
Overhead	40,080.23	10,009.66	50,089.89
Total	\$440,882.57	\$110,106.35	\$550,988.92

Fees collected during Calendar Year 1996 for Freedom of Information and Privacy Acts.

FOI
\$ 71.70

Privacy
-0-

Fees are charged in accordance with title 31 of Federal Code of Regulations, Part 1A, Section 1.6 (G).

Copy Cost----15 cents per xerox page.