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Description of document: U.S. Office of Special Counsel (OSC) FOIA records re: 1. internal memos or reports regarding the status and/or performance of OSC's FOIA function, 2. communications between OSC and the Department of Justice's Office of Information Policy (OIP) regarding OSC's administration of the FOIA, and 3. the five oldest pending FOIA requests at OSC, 1998-2009

Requested date: 25-September-2009

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Posted date: 17-December-2012

Source of document: FOIA Officer  
U.S. Office of Special Counsel  
1730 M St., N.W. (Suite 218)  
Washington, DC 20036-4505  
Fax: (202) 254-3711 (marked "FOIA Request")

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**U.S. OFFICE OF SPECIAL COUNSEL**  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
(202) 254-3600

September 19, 2012

RE: Freedom of Information Act Request (Ref. # FO-09-3890)

I am writing in response to your letter, dated September 25, 2009, in which you asked the U.S. Office of Special Counsel (OSC) to provide you with certain records under the Freedom of Information Act (FOIA).<sup>1</sup> I regret the substantial delay in processing your request.

In your letter, you made three different requests. In your first request, you asked for "internal memos or reports" regarding the "status and/or performance" of OSC's FOIA function from 2008 and 2009. OSC conducted a search and identified four records responsive to your request (three internal reports and an email chain containing year-to-date statistics). These four documents, totaling 16 pages, are enclosed and have been released in full.

Your second request was for communications between OSC and the Department of Justice's Office of Information Policy (OIP) regarding OSC's administration of the FOIA from 2008 and 2009. OSC conducted a search for records and identified 43 pages of email chains and attachments that are responsive to your request. I have withheld in full the attachments (a total of 31 pages) under FOIA Exemption 5<sup>2</sup> since all three attachments were drafts submitted to OIP for its review and do not reflect the final decision of the agency. Of the remaining 12 pages, I have enclosed four pages (three pages in their entirety and one page partially redacted under FOIA Exemption 6<sup>3</sup>) and I have referred eight pages, which contain OSC and OIP email exchanges, to OIP for processing. OIP will process these documents and respond directly to you.

Finally, the third item you requested was a copy of the five oldest pending FOIA requests at OSC. OSC conducted a search for records on July 5, 2012, and identified the five request letters that are responsive to this request. (You will note that your request, to which I am responding now, is the oldest of OSC's pending requests.) By enclosure, I have released three of

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<sup>1</sup> The FOIA appears in title 5 of the U.S. Code, at section 552 (5 U.S.C. § 552).

<sup>2</sup> FOIA Exemption 5 allows OSC to withhold information that consists of one or more inter-agency or intra-agency records normally protected from discovery in civil litigation, based on one or more legal privileges, including the deliberative process privilege. § 552(b)(5).

<sup>3</sup> FOIA Exemption 6 allows OSC to withhold information because disclosure of that information would constitute a clearly unwarranted invasion of personal privacy. § 552(b)(6).

**U.S. Office of Special Counsel**

September 19, 2012

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the letters in their entirety; on the other two letters, I have redacted signatures and personal contact information under FOIA Exemption 6 in order to preserve the requesters' personal privacy.

You have the right to appeal this determination under the FOIA. Any such appeal must be sent in writing to the Office of General Counsel at the address shown at the top of this letter. The appeal must be received at OSC within 45 days of the date of this letter.

Sincerely,

/s/

Pamela J. Stone  
Attorney Advisor  
Office of General Counsel

Enclosures

## Stackhouse, Kathryn

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**From:** Kurt, Christopher  
**Sent:** Thursday, August 06, 2009 11:26 AM  
**To:** McDonnell, Erin  
**Cc:** Leung, Wing  
**Subject:** RE: FY 09 FOIA resolutions???

Erin, these are the results of one of the new reports we use to generate Annual Report data. I just ran this, so it's current, except that we actually will have a total 20 pending RQs once I put all the new ones in. Other details about what we've processed are also available.

FAR002s - FOIA Requests Received,  
Processed and Pending in Fiscal Year 2009

Number of Requests Pending at Beginning of FY : 6  
Number of Requests Received in FY : 116  
Number of Requests Processed in FY : 110  
Number of Requests Pending at End of FY : 12

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**From:** McDonnell, Erin  
**Sent:** Wednesday, August 05, 2009 7:01 PM  
**To:** Kurt, Christopher  
**Cc:** Leung, Wing  
**Subject:** FY 09 FOIA resolutions???

Are we not able to see completed FOIA matters during the FY we're in, only pending ones??



## COMPARISON OF OSC ANNUAL FOIA REPORTS

revised 10/23/09

DESCRIPTION	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000
Median processing time (workdays)	78?	167?	7	38	57	45	216	37	54	86
<b>IV. Exemption 3 statutes relied on</b>	0	1	0	0	0	0	0	0	0	0
<b>V. Initial FOIA/PA access RQs</b>										
<b>A. # of initial FOIA/PA RQs</b>										
1. RQs pending - end of prior FY	6	16	8	31	83	41	67	47	53	62
2. RQs received	152	121	102	127	122	125	104	135	150	137
3. RQs processed	139	130	95	150	172	83	126	117	160	146
4. RQs pending – EOY	19	6	15	8	33	83	45	65	43	53
<b>B. Disposition of initial RQs</b>										
1. Total grants	30	32	23	15	35	13	16	28	50	38
2. Partial grants	42	29	17	23	28	14	32	25	37	26
3. Denials	25	42	24	50	51	31	40	25	29	41
<b>a. # of times each FOIA exemption used (count each exemption once per RQ):</b>										
1. Exemption 1	0	0	0	0	0	0	0	0	0	0
2. Exemption 2	10	39	25	36	36	18	40	8	36	17
3. Exemption 3	0	0	0	0	0	0	0	0	0	0
4. Exemption 4	1	0	0	0	0	0	0	0	0	1
5. Exemption 5	49	37	22	42	62	23	48	23	49	43
6. Exemption 6	18	13	4	5	6	5	13	4	7	1
<b>Exemption 7:</b>										
7. Exemption 7(a)	8	4	5	4	5	3	16	9	16	17
8. Exemption 7(b)	0	1	0	3	4	0	0	0	0	0
9. Exemption 7(c)	44	48	24	47	29	35	58	26	65	46
10. Exemption 7(d)	1	1	1	1	9	1	0	0	0	0
11. Exemption 7(e)	0	2	0	0	2	0	0	0	0	0
12. Exemption 7(f)	0	0	0	0	0	0	0	0	0	0
13. Exemption 8	0	0	0	0	0	0	0	0	0	0
14. Exemption 9	0	0	0	0	0	0	0	0	0	0
<b>4. Other reasons for nondisclosure in whole/part (total):</b>	40	27	31	62	58	25	38	39	44	41
a. No records	16	14	11	28	23	15	11	13	21	10
b. Referrals	0	0	0	1	1	4	0	7	1	1
c. RQ withdrawn	4	2	0	5	3	2	16	4	3	4
d. Fee-related reason	1	0	0	0	3	0	0	0	0	0
e. Records not reasonably described	1	0	0	0	0	0	0	0	0	0
f. Not proper FOIA RQ for other reason	3	0	0	2	1	0	0	0	0	0
g. Not an agency record	0	0	0	1	5	0	0	0	0	0

DESCRIPTION	FY 2000- FY 2007	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000
h. Duplicate RQ	0	4	2	0	1	0	0	0	0		0
i. Other (specify):	15	7	18								26
1. files destroyed prior to RQ IAW NARA guidelines	0	0	2	4	3	2	2	0	2		5
2. file lost or unable to be located	0	1	0	0	0	0	0	2	2		---
3. RQ(s) misdirected	11	4	11	11	5	0	8	6	7		10
4. question posed as FOIA RQ (not RQ for records)/no requirement to create records	2	2	5	2	4	1	1	0	1		4
5. neither confirm/deny existence of records (Glomar)	8	19	---				[9 to 7(c) pre DOJ]	7	7		6
6. unable to contact RQer	0	0	0	6	2	1	---	---	---		---
7. attorney no longer represents RQer	0	0	---	---	1	---	---	---	---		---
8. administrative closure due to appeal	0	0	0	1	3	---	---	---	---		---
9. administrative closure/no response from RQer	0	0	---	---	3	---	---	---	---		---
Alternate reason	0	0	2	1	---	---	---	---	---		---
RQ discontinued after OSC contact	2	0	0	6	---	---	---	---	---		---
<b>VI. # of appeals of Initial denials of FOIA/PA RQs</b>											
<b>A. # of appeals</b>											
Appeals pending - end of prior year	13	14					5	---	18		12
1. Appeals received	7	10	17	16	15	13		3	7		13
2. Appeals processed	11	11	30	10	21	6	1	9	8		6
4. Appeals pending – EOY	9	13						---	17		19
<b>B. Disposition of Appeals</b>											
1. # completely upheld	2	3	14	3	4	0	1	6	5		3
2. # partially reversed	4	6	13	4	9	2	0	3	3		3
3. # completely reversed	0	0	0	2	0	1	0	0	0		0
<b>a. # of times each FOIA exemption used (count each exemption once per appeal):</b>											
1. Exemption 1	0	0	0	0	0	0	0	0	0		0
2. Exemption 2	2	2	9	2	3	1	0	3	0		1
3. Exemption 3	0	0	0	0	0	0	0	0	0		0
4. Exemption 4	0	0	0	0	0	0	0	0	0		0
5. Exemption 5	3	4	9	3	9	2	1	8	2		3
6. Exemption 6	0	1	2	0	2	0	0	0	0		0
<b>Exemption 7</b>											
7. Exemption 7a	1	0	1	0	1	0	0	3	2		1

DESCRIPTION	FY 2000- FY 2007	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000
8 Exemption 7b	0	0	0	0	0	0	0	0	0		0
9 Exemption 7c	3	7	14	2	10	2	1	9	4		5
10 Exemption 7d	1	0	1	0	2	0	0	0	0		0
11 Exemption 7e	0	0	0	0	0	0	0	0	0		0
12 Exemption 7f	0	0	0	0	0	0	0	0	0		0
13 Exemption 8	0	0	0	0	0	0	0	0	0		0
14 Exemption 9	0	0	0	0	0	0	0	0	0		0
4. Other reasons for nondisclosure in whole/in part (total):		2	3	---	---	---	---	---	--		---
a. No records	1	2	2	0	3	0	0	0	0		0
b. Referrals	0	0	0	0	0	0	0	0	0		0
c. RQ withdrawn	0	0	0	0	1	1	0	0	0		0
d. Fee-related reason	0	0	0	1	0	0	0	0	0		0
e. Records not reasonably described	0	0	0	0	0	0	0	0	0		0
f. Not a proper FOIA RQ for other reason	0	0	0	0	0	0	0	0	0		0
g. Not an agency record	0	0	0	0	0	0	0	0	0		0
h. Duplicate RQ	0	0	0	0	0	0	0	0	0		0
i. Other (specify):	0	0		0		2	0	0	0		1
No requirement to create records	0	0	1	---		---	---	---	---		1
No requirement to answer questions	0	0		---		---	---	---	---		---
Neither confirm nor deny	0	0		---		---	---	---	---		---
Untimely	0	0		---		2	---	---	---		---
Unable to contact	0	0		---	2	---	---	---	---		---
Admin. closure/no info	0	0		---	1	---	---	---	---		---
Admin. closure/ct appeal	0	0		---	1	---	---	---	---		---
<b>VII. Compliance with time limits/status of pending RQs</b>											
<b>A. Median processing time - RQs processed during current year</b>											
Total - all RQs	n/a	n/a		---	---	---	---	---	---		---
a. RQs processed	139	121		---	---	---	---	---	---		---
b. median # of work days to process	--	--	--	---	---	---	---	---	---		---
1. Simple RQs:				---	---	---	---	---	---		---
a. # of RQs processed	24	26	26	64	121	30	32	34	70		66
b. median # of work days to process	9	4	1	12	42	46	91	7	14		14
2. Complex RQs:				---	---	---	---	---	---		---
a. # processed	26	34	20	71	47	51	88	71	90		80
b. median # of work days to process	158	160	109	88	105	45	242	50	54		86
Less-complex RQs processed	70	48	33								



DESCRIPTION	FY 2000- FY 2007	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000
Median # of work days to process less-complex RQs	25	13	10								
<b>3. RQs given expedited processing:</b>											
a. RQs received	23	23			11	2		13	---	---	
b. RQs processed	20	23	16	15	4	2	6	12	0	0	
c. median # of work days to process	6	3	8	14	2	11	88	22	0	0	
<b>B. Status of pending RQs - EOY</b>				---	---	---	---	---	---	---	---
a. RQs pending - EOY	19	6	15	8	33	83	45	65	43	53	
b. median # of work days		167	65	133	53	154	91	68	36	34	
<b>VIII. Comparisons with prior year</b>											
<b>A. Comparison - RQs received</b>											
1. RQs received - prior year	121	102	127	122	125	104	135	150	---	---	
2. RQs received - current year	152	121	102	127	122	125	104	135	---	---	
3. difference between prior-current year	+31	+19	-25	+5 (+4.1%)	3 (-2.4%)	+21 (+20%)	31 (-23%)	15 (-10%)	---	---	
<b>B. Comparison - # of RQs processed</b>											
1. RQs processed - prior year	130	95	150	172	83	126	117	160	---	---	
2. RQs processed - current year	139	130	94	150	172	83	126	117	---	---	
3. difference between prior - current year	+9	+35	-56	22 (-13%)	89 (+107%)	43 (-34%)	9 (+8%)	43 (-27%)	---	---	
<b>C. Comparison - #s of days RQs pending EO FY</b>											
1. median # - days pending prior FY	167?	65	133	53	154	91	68	---	---	---	
2. median # - days pending current FY	78?	167?	65	133	53	154	91	---	---	---	
3. difference between prior-current year	89	+102	-68	70 (+123%)	101 (-66%)	63 (+69%)	30 (+34%)	---	---	---	
<b>D. Expedited RQs</b>											
1. # received	23	23	21	18	11	2	9	---	---	---	
2. # granted	20	23	16	15	4	2	6	---	---	---	
<b>IX. Costs/FOIA Staffing</b>											
<b>A. Staffing Levels</b>											
1. # - F/T FOIA staff	1	1	1	1	0	0	0	0	0	0	
2. # - staff with P/T or occasional FOIA duties (total work years)		.5	.48	.94	1.72	1.94	1.75	1.5	1.5	1.5	
3. total personnel (work years)		1.5	1.48	1.94	1.72	1.94	1.75	1.5	1.5	1.5	
<b>B. Total Costs (incl. staff/other resources)</b>			---	---	---	---	---	---	---	---	
1. FOIA processing (incl. RQs & appeals)		\$176k	\$118K	\$173K	\$267K	\$197K	\$176K	\$87K	\$66K	\$53K	
2. litigation-related activities		\$31k	\$20K	\$19K	\$21K	\$7K	\$0	\$0	\$562	\$0	

DESCRIPTION	FY 2000- FY 2007	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000
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3. total costs		\$206k	\$138K	\$191K	\$289K	\$203K	\$1 76K	\$87K	\$66K	\$53K
<b>X. Fees</b>										
A. Total fees collected for processing RQs	\$173.10	\$55.75	549	\$114	\$357	\$244	\$93	\$372	\$300	\$20
(& total fees charged)	\$284.5			---	\$562	\$500	\$181	\$914	\$583	\$156
B. Percentage of total costs		.028%		.06%	.12%	.12%	0.06%	0.43%	0.45%	0.38%



revised 10/23/09

[illegible]



DESCRIPTION	CY 1994 – FY 2007	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999	FY 1998	CY 1997	CY 1996	CY 1995	CY 1994
contact																	
<b>VI. Number of appeals of Initial denials of FOIA/PA RQs</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
<b>A. Number of appeals</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
Number of appeals pending at end of preceding year	5-18	13	14					5	---	18	12	6	9	---	---	---	---
1. Number of appeals received - current year	3-29	7	10	17	16	15	13		3	7	13	9	6	19	29	9	12
2. Number of appeals processed - current year	1-21	11	11	30	10	21	6	1	9	8	6	8	4	---		---	---
4. Number of appeals pending – EOY	4-19	9	13						---	17	19	7	11	9 app. pending EO FY 97	8	4	---
<b>B. Disposition of Appeals</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
1. Number completely upheld	1-9	2	3	14	3	4	0	1	6	5	3	3	2	4	9	3	4
2. Number partially reversed	0-9	4	6	13	4	9	2	0	3	3	3	5	2	6	3	2	8
3. Number completely reversed	0-2	0	0	0	2	0	1	0	0	0	0	0	0	0	0	0	0
<b>a. Number of times each FOIA exemption used (count each exemption once per appeal):</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
(1) Exemption 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
(2) Exemption 2	0-3	2	2	9	2	3	1	0	3	0	1	0	0	0	1	0	1
(3) Exemption 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
(4) Exemption 4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
(5) Exemption 5	1-11	3	4	9	3	9	2	1	8	2	3	1	2	8	6	3	11
(6) Exemption 6	0-2	0	1	2	0	2	0	0	0	0	0	0	0	0	0	0	0
Exemption 7	---			---	---	---	---	---	---	---	---	---	---	9	5	3	12
(7) Exemption 7a	0-3	1	0	1	0	1	0	0	3	2	1	1	0	---	---	---	---
(8) Exemption 7b	0	0	0	0	0	0	0	0	0	0	0	0	0	---	---	---	---
(9) Exemption 7c	1-10	3	7	14	2	10	2	1	9	4	5	4	3	---	---	---	---
(10) Exemption 7d	0	1	0	1	0	2	0	0	0	0	0	0	0	---	---	---	---
(11) Exemption 7e	0	0	0	0	0	0	0	0	0	0	0	0	0	---	---	---	---
(12) Exemption 7f	0	0	0	0	0	0	0	0	0	0	0	0	0	---	---	---	---
(13) Exemption 8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
(14) Exemption 9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>4. Other reasons for nondisclosure in whole/in part (total):</b>	---		2	3	---	---	---	---	---	--	---	---	---	---	---	---	---
a. No records	0-3	1	2	2	0	3	0	0	0	0	0	0	0	1	2	1	3



DESCRIPTION	CY 1994 – FY 2007	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999	FY 1998	CY 1997	CY 1996	CY 1995	CY 1994
b. Referrals	0-2	0	0	0	0	0	0	0	0	0	0	0	0	Other agency record	---	2	---
c. RQ withdrawn	0-1	0	0	0	0	1	1	0	0	0	0	0	0	---	---	---	---
d. Fee-related reason	0-1	0	0	0	1	0	0	0	0	0	0	0	0	---	---	---	---
e. Records not reasonably described	0	0	0	0	0	0	0	0	0	0	0	0	0	---	---	---	---
f. Not a proper FOIA RQ for other reason	0	0	0	0	0	0	0	0	0	0	0	0	0	---	---	---	---
g. Not an agency record	0	0	0	0	0	0	0	0	0	0	0	0	0	---	---	---	---
h. Duplicate RQ	0	0	0	0	0	0	0	0	0	0	0	0	0	---	---	---	---
i. Other (specify):	0-2	0	0		0		2	0	0	0	1	0	0	---	---	---	---
No requirement to create records	1	0	0	1	---		---	---	---	---	1	---	---	---	---	1	---
No requirement to answer questions	1	0	0		---		---	---	---	---	---	---	---	---	---	1	---
Neither confirm nor deny	1	0	0		---		---	---	---	---	---	---	---	---	1	---	---
Untimely	0-2	0	0		---		2	---	---	---	---	---	---	---	---	---	---
Unable to contact	0-2	0	0		---	2	---	---	---	---	---	---	---	---	---	---	---
Admin. closure/no info	0-1	0	0		---	1	---	---	---	---	---	---	---	---	---	---	---
Admin. closure/ct appeal	0-1	0	0		---	1	---	---	---	---	---	---	---	---	---	---	---
<b>VII. Compliance with time limits/status of pending RQs</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
<b>A. Median processing time - RQs processed during current year</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
Total - all RQs	---	n/a	n/a		---	---	---	---	---	---	---	No multi- track proc	No multi- track proc	---	---	---	---
a. number of RQs processed		139	121		---	---	---	---	---	---	---	139	107	---	---	---	---
b. median number of working days to process		--	--	--	---	---	---	---	---	---	---	130	159	---	---	---	---
1. Simple RQs:	---				---	---	---	---	---	---	---	---	---	---	---	---	---
a. number of RQs processed	32-121	24	26	26	64	121	30	32	34	70	66	---	---	---	---	---	---
b. median number of working days to process	7-91	9	4	1	12	42	46	91	7	14	14	---	---	---	---	---	---
2. Complex RQs:	---				---	---	---	---	---	---	---	---	---	---	---	---	---
a. number processed	47-90	26	34	20	71	47	51	88	71	90	80	---	---	---	---	---	---
b. median number - work days	50-242	158	160	109	88	105	45	242	50	54	86	---	---	---	---	---	---





DESCRIPTION	CY 1994 – FY 2007	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000	FY 1999	FY 1998	CY 1997	CY 1996	CY 1995	CY 1994
2. number granted		20	23	16	15	4	2	6	---	---	---	---	---	---	---	---	---
<b>IX. Costs/FOIA Staffing</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
<b>A. Staffing Levels</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
1. # - F/T FOIA staff	0	1	1	1	1	0	0	0	0	0	0	0	0	---	---	---	---
2. # - staff with P/T or occasional FOIA duties (total work years)	1-1.75		.5	.48	.94	1.72	1.94	1.75	1.5	1.5	1.5	1	1.38	---	---	---	---
3. total personnel (work years)	1-1.75		1.5	1.48	1.94	1.72	1.94	1.75	1.5	1.5	1.5	1	1.38	---	---	---	---
<b>B. Total Costs (incl. staff/other resources)</b>	---			---	---	---	---	---	---	---	---	---	---	---	---	---	---
1. FOIA processing (incl. RQs & appeals)	\$44K-176K		\$176k	\$118 K	\$173K	\$267K	\$197K	\$176K	\$87K	\$66K	\$53K	\$44K	\$93K	---	---	---	---
2. litigation-related activities	\$0-\$600		\$31k	\$20K	\$19K	\$21K	\$7K	\$0	\$0	\$562	\$0	\$0	\$0	---	---	---	---
3. total costs	\$44K-176K		\$206k	\$138 K	\$191K	\$289K	\$203K	\$1 76K	\$87K	\$66K	\$53K	\$44K	\$93K	---	---	---	---
<b>X. Fees</b>	---				---	---	---	---	---	---	---	---	---	---	---	---	---
A. Total fees collected for processing RQs	\$0-\$372	\$173.10	\$55.75	549	\$114	\$357	\$244	\$93	\$372	\$300	\$20	\$0	\$0	\$0	\$0	\$0	\$0
(& total fees charged)	\$156-\$914	\$284.5			---	\$562	\$500	\$181	\$914	\$583	\$156	---	---	---	---	---	---
B. Percentage of total costs	0.06-0.45%		.028%		.06%	.12%	.12%	0.06%	0.43 %	0.45 %	0.38 %	0	0	---	---	---	---



## COMPARISON OF OSC ANNUAL FOIA REPORTS

revised 10/23/09

DESCRIPTION	CY 1994- FY 1999	FY 1999	FY 1998	CY 1997	CY 1996	CY 1995	CY 1994
Median processing time (working days)		130	167	---	---	---	---
<b>IV. Exemption 3 Statutes Relied on by OSC in current year</b>		0	0	---	---	---	---
<b>V. Initial FOIA/PA Access Requests</b>							
<b>A. Numbers of Initial FOIA/PA Requests</b>							
1. Number of requests pending at end of preceding year		68	62	---	---	---	---
2. Number of requests received in current year		135	124	109	174	180	147
3. Number of requests processed in current year		139	107	---	---	---	---
4. Number of requests pending at end of current year		64	79	37 req. pending EO FY 97	---	105	---
<b>B. Disposition of Initial Requests</b>							
1. Number of total grants		26	45	26	32	34	35
2. Number of partial grants		31	22	17	61	14	55
3. Number of denials		73	28	25	73	27	57
<b>a. Number of times each FOIA exemption used (count each exemption once per request):</b>							
(1) Exemption 1		0	0	0	0	0	0
(2) Exemption 2		28	32	3	53	6	33
(3) Exemption 3		0	0	0	0	0	0
(4) Exemption 4		0	0	0	0	0	0
(5) Exemption 5		71	44	8	73	15	60
(6) Exemption 6		3	3	2	4	0	0
Exemption 7		---	---	31	99	25	89
(7) Exemption 7a		9	3	---	---	---	---
(8) Exemption 7b		0	0	---	---	---	---
(9) Exemption 7c		78	43	---	---	---	---
(10) Exemption 7d		0	0	---	---	---	---
(11) Exemption 7e		0	0	---	---	---	---
(12) Exemption 7f		0	0	---	---	---	---
(13) Exemption 8		0	0	0	0	0	0
(14) Exemption 9		0	0	0	0	0	0
<b>4. Other reasons for nondisclosure in whole or in part (total):</b>		31	12	---	---	---	---
a. No records		5	7	9	17	12	11
b. Referrals		4	1	1 doc fm other agency	41 docs fm other agency	6 docs fm other agency	15 docs fm other agency
c. Request withdrawn		0	4	4	---	---	---
d. Fee-related reason		0	0	---	---	---	---
e. Records not reasonably described		0	0	---	---	---	---
f. Not a proper FOIA request for some other reason		0	0	---	---	---	---
g. Not an agency record		0	0	---	---	---	---

DESCRIPTION	CY 1994- FY 2007	FY 1999	FY 1998	CY 1997	CY 1996	CY 1995	CY 1994
h. Duplicate request		0	0	---	---	---	---
i. Other (specify):		22	0	---	---	---	---
(1) Files destroyed prior to FOIA request IAW NARA guidelines		10	---	4	4	1	---
(2) File lost or unable to be located		1	---	---	---	--	---
(3) Request(s) misdirected		1	---	---	---	--	---
(4) Questions posed as FOIA request(s) (not request for actual records)/no requirement to create records		3	---	---	---	2	11
(5) Neither confirm nor deny existence of records-Glomar		7	---	---	10	2	1
(5) unable to contact requester		---	---	---	---	---	---
(6) attorney no longer represents requester		---	---	---	---	---	---
(7) administrative closure due to appeal		---	---	---	---	---	---
(8) administrative closure/no response from requester		---	---	---	---	---	---
Alternate reason		---	---	---	---	---	---
Request discontinued after OSC contact		---	---	---	---	---	---
<b>VI. Number of Appeals of Initial Denials of FOIA/PA Requests</b>		---	---	---	---	---	---
<b>A. Number of appeals</b>		---	---	---	---	---	---
Number of appeals pending at end of preceding year		6	9	---	---	---	---
1. Number of appeals received during current year		9	6	19	29	9	12
2. Number of appeals processed during current year		8	4	---	---	---	---
Number of appeals pending at end of current year		7	11	9 app. pending EO FY 97	8	4	---
<b>B. Disposition of Appeals</b>		---	---	---	---	---	---
1. Number completely upheld		3	2	4	9	3	4
2. Number partially reversed		5	2	6	3	2	8
3. Number completely reversed		0	0	0	0	0	0
<b>a. Number of times each FOIA exemption used (count each exemption once per appeal):</b>		---	---	---	---	---	---
(1) Exemption 1		0	0	0	0	0	0
(2) Exemption 2		0	0	0	1	0	1
(3) Exemption 3		0	0	0	0	0	0
(4) Exemption 4		0	0	0	0	0	0
(5) Exemption 5		1	2	8	6	3	11
(6) Exemption 6		0	0	0	0	0	0
Exemption 7		---	---	9	5	3	12
(7) Exemption 7a		1	0	---	---	---	---
(8) Exemption 7b		0	0	---	---	---	---
(9) Exemption 7c		4	3	---	---	---	---
(10)Exemption 7d		0	0	---	---	---	---
(11) Exemption 7e		0	0	---	---	---	---

DESCRIPTION	CY 1994- FY 2007	FY 1999	FY 1998	CY 1997	CY 1996	CY 1995	CY 1994
(12) Exemption 7f		0	0	---	---	---	---
(13) Exemption 8		0	0	0	0	0	0
(14) Exemption 9		0	0	0	0	0	0
4. Other reasons for nondisclosure in whole or in part (total):		---	---	---	---	---	---
a. No records		0	0	1	2	1	3
b. Referrals		0	0	1 doc fm other agency	---	2	---
c. Request withdrawn		0	0	---	---	---	---
d. Fee-related reason		0	0	---	---	---	---
e. Records not reasonably described		0	0	---	---	---	---
f. Not a proper FOIA request for some other reason		0	0	---	---	---	---
g. Not an agency record		0	0	---	---	---	---
h. Duplicate request		0	0	---	---	---	---
i. Other (specify):		0	0	---	---	---	---
No requirement to create records		---	---	---	---	1	---
No requirement to answer questions		---	---	---	---	1	---
Neither confirm nor deny		---	---	---	1	---	---
Untimely		---	---	---	---	---	---
Unable to contact		---	---	---	---	---	---
Adm closure/no info		---	---	---	---	---	---
Adm closure/ct appeal		---	---	---	---	---	---
<b>VII. Compliance with Time Limits/Status of Pending Requests</b>		---	---	---	---	---	---
<b>A. Median Processing Time For Requests Processed During Current Year</b>		---	---	---	---	---	---
Total for all requests		No multi-track proc	No multi-track proc	---	---	---	---
a. number of requests processed		139	107	---	---	---	---
b. median number of working days to process		130	159	---	---	---	---
1. Simple requests:		---	---	---	---	---	---
a. number of requests processed		---	---	---	---	---	---
b. median number of working days to process		---	---	---	---	---	---
2. Complex requests:		---	---	---	---	---	---
a. number of requests processed		---	---	---	---	---	---
b. median number of working days to process		---	---	---	---	---	---
Less-complex requests processed							
Median number of working days to process less-complex requests							
3. Requests accorded expedited processing:		---	---	---	---	---	---
a. number of requests received		---	---	---	---	---	---
b. number of requests processed		0	0	---	---	---	---

DESCRIPTION	CY 1994- FY 2007	FY 1999	FY 1998	CY 1997	CY 1996	CY 1995	CY 1994
c. median number of working days to process		0	0	---	---	---	---
<b>B. Status of pending requests at end of current year</b>		---	---	---	---	---	---
a. number of requests pending at end of current year		64	79	---	---	---	---
b. median number of working days requests were pending at end of current year		34	167	---	---	---	---
<b>VIII. Comparisons with Previous Year</b>		---	---	---	---	---	---
<b>A. Comparison of Numbers of Requests Received</b>		---	---	---	---	---	---
1. requests received in prior year		---	---	---	---	---	---
2. requests received in current year		---	---	---	---	---	---
3. difference between the numbers		---	---	---	---	---	---
<b>B. Comparison of Numbers of Requests Processed</b>		---	---	---	---	---	---
1. requests processed in prior year		---	---	---	---	---	---
2. requests processed in current year		---	---	---	---	---	---
3. difference between prior and current year		---	---	---	---	---	---
<b>C. Comparison of Numbers of Days Requests Were Pending EO FY</b>		---	---	---	---	---	---
1. median number of days requests were pending prior FY		---	---	---	---	---	---
2. median number of days requests were pending current FY		---	---	---	---	---	---
3. difference between prior and current year		---	---	---	---	---	---
<b>D. Expedited Requests</b>		---	---	---	---	---	---
1. number received in current FY		---	---	---	---	---	---
2. number granted in current FY		---	---	---	---	---	---
<b>IX. Costs/FOIA Staffing</b>	---	---	---	---	---	---	---
<b>A. Staffing Levels</b>	---	---	---	---	---	---	---
1. no. of FT FOIA personnel	0	0	0	---	---	---	---
2. no. of personnel with PT or occasional FOIA duties (in total work years)	1-1.75	1	1.38	---	---	---	---
3. total no. of personnel (in work years)	1-1.75	1	1.38	---	---	---	---
<b>B. Total Costs (including staff &amp; other resources)</b>	---	---	---	---	---	---	---
1. FOIA processing (inc requests & appeals)	\$44K-176K	\$44K	\$93K	---	---	---	---
2. litigation-related activities	\$0-\$600	\$0	\$0	---	---	---	---
3. total costs	\$44K-176K	\$44K	\$93K	---	---	---	---
<b>X. Fees</b>	---	---	---	---	---	---	---
A. Total fees collected for processing requests	\$0-\$372	\$0	\$0	\$0	\$0	\$0	\$0
(& total fees charged)	\$156-\$914	---	---	---	---	---	---
B. Percentage of total costs	0.06-0.45%	0	0	---	---	---	---



## **Kurt, Christopher**

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**From:** Kurt, Christopher  
**Sent:** Tuesday, February 05, 2008 2:17 PM  
**To:** 'Adams, Bertina'  
**Cc:** McDonnell, Erin; Stackhouse, Kathryn  
**Subject:** Link to OSC's Annual Report on FOIA Activities for FY 07

<http://www.osc.gov/library.htm#foia>

### **Christopher M. Kurt**

FOIA/PA Officer  
U.S. Office of Special Counsel  
1730 M Street, NW (Suite 218)  
Washington, DC 20036  
Tel (202) 254-3716  
Fax (202) 653-5151



## **Kurt, Christopher**

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**From:** Kurt, Christopher  
**Sent:** Wednesday, October 22, 2008 4:57 PM  
**To:** 'Hitter, Thomas E'  
**Subject:** Implementation Plan

Tom,

Pardon the redundancy. Could you confirm that the backlog reduction deficiency in our Implementation Plan goal for FY08 that we discussed will not need to be reported to the President's Management Council, DOJ or OMB?

Thank you,

**Christopher M. Kurt**

FOIA/PA Officer  
U.S. Office of Special Counsel  
1730 M Street, NW (Suite 218)  
Washington, DC 20036  
Tel (202) 254-3716  
Fax (202) 653-5151

## **Stackhouse, Kathryn**

---

**From:** Salamido, Holly  
**Sent:** Tuesday, December 15, 2009 11:47 AM  
**To:** 'DOJ.OIP.FOIA@usdoj.gov'  
**Cc:** Kurt, Christopher  
**Subject:** Public Liaison for the Office of Special Counsel

Per your request at the recent training session for FOIA Public Liaisons, the name and contact information for the Office of Special Counsel's FOIA Public Liaison is as follows:

Holly Salamido  
(202) 254-[(b)(6)]

## Kurt, Christopher

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**From:** Kurt, Christopher  
**Sent:** Monday, January 05, 2009 5:12 PM  
**To:** bertina.adams@usdoj.gov  
**Cc:** McDonnell, Erin  
**Subject:** OSC FY2008 Annual FOIA Report

Tina,

The annual FOIA report for the U.S. Office of Special Counsel is attached below for perusal by OIP. I look forward to receiving your feedback.

Christopher Kurt



Annual FOIA  
Report 2008.doc

[draft report withheld, (b)(5)]