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Description of document:	**Department of Commerce U.S. Census Bureau Annual FOIA Reports FY 1995 – 2006**
Requested date:	11-November-2006
Released date:	19-December-2006
Posted date:	12-December-2008
Title of Document	Freedom of Information Act Annual Report For CY 1995, CY 1996, FY 1997 Annual FOIA Report FY 1998, FY 1999, FY 2000, FY 2001, FY 2002, FY 2003, FY 2004, FY 2005, FY 2006
Date/date range of document:	1995 - 2006
Source of document:	FOIA Officer Policy Office Room 8H027 Census Bureau Washington, D.C. 20233-3700 Phone: (888)-206-6463 Fax: (301) 763-6239 Email: FOIA staff

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UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

DEC 19 2006

This responds to your Freedom of Information Act (FOIA) request for "Census Bureau FOIA annual reports." We received your letter in this office on November 11, 2006, and are processing your request under the FOIA.

Enclosed are copies of the FY 1995 - 2006 Annual FOIA Reports from the U.S. Census Bureau to the Department of Commerce. This responds to your request in full. There is no charge for this information.

Sincerely,

Burton H. Reist
FOIA Officer

Enclosures

MEMORANDUM FOR Brenda Dolan
Departmental Freedom of Information Officer
Office of Executive Assistance Management

From: M. Catherine Miller
Chief, Policy Office

Subject: Freedom of Information Act Annual Report
Covering CY 1995

We are forwarding the Census Bureau's Freedom of Information Act Annual Report as requested in your February 7 memorandum. This report, as required by the Act, summarizes this Agency's administration of the program for the year just ended.

If you have any questions or require any further information regarding this matter, please contact Gary Austin of my staff on 301-457-2490.

Attachment

POL:GDAustin:2/12/96
Document: 95FOIA.RPT

cc: POL (2)
MCMiller
FOIA File
Document: Reports\95foia.rpt

FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR CY 1995

BUREAU: Bureau of the Census

1. Total number of initial determinations not to comply with a request for records made under Subsection 552(a):

   44

2 Authority relied upon for each such determination:

(a)

Exemptions in 552(b)	Number of Times Invoked
Exemption 3	24
Exemptions 3 and 4	5
Exemption 4	5
Exemption 5	2
Exemption 6	8

(b) Statute(s) invoked pursuant to Exemption No. 3*:

Statutory Citation	Number of Times Invoked
13 U.S.C. 9	23
13 U.S.C. 301(g)	6

(c) Other authority:

Reason	Number of Times Invoked
No reply from requester to fee estimate	1
Records generated by another agency	1
Request withdrawn by requester	1
Information publicly available	1

* Exemption 3 covers records that are restricted from release by another statute. An example is 13 U.S.C. 9, the "Census Act." For each instance counted, list the U.S.C. citation rather than the Public Law citation.

3. List the name and title or position of each person who is responsible for the initial denial of records requested and number of instances of participation of each:

Name	Title	Number of Instances of Participation
M. Catherine Miller	Chief, Policy Office	44

4. Total number of intraagency appeals from adverse initial decisions made pursuant to Subsection (a)(6):

(DATA TO BE PROVIDED BY THE OFFICE OF GENERAL COUNSEL)

(a) Number of appeals in which, upon review, the request for information was granted in full:

(b) Number of appeals in which, upon review, the request for information was denied in full:

(c) Number of appeals in which, upon review, the request was denied in part:

5. Specify the authority relied on for total or partial denials on appeal.

(DATA TO BE PROVIDED BY THE OFFICE OF GENERAL COUNSEL)

(a)

Exemptions in 552(b)	Number of Times Invoked

(b) Statutes invoked pursuant to Exemption No. 3*:

Statutory Citation	Number of Times Invoked

---

* See explanation on Page 1

(c) other authority:

Reason	Number of Times Invoked

6. List name and title of each person who, on appeal, was responsible for the denial in whole or in part of records requested and the number of instances of participation of each.

(DATA TO BE PROVIDED BY THE OFFICE OF GENERAL COUNSEL)

Name	Title	Number of Instances of Participation

7. Provide a copy of each court opinion or order giving rise to a proceeding under Subsection (a)(4)(F); a copy of the Merit Systems Protection Board findings and recommendations of each such proceeding; and a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

OPINIONS TO BE PROVIDED BY THE OFFICE OF GENERAL COUNSEL

8. Provide an up-to-date copy of all rules or regulations issued in 1995 pursuant to or in implementation of the Freedom of Information Act (5 U.S.C. 552).

NO NEW RULES OR REGULATIONS ISSUED BY THE CENSUS BUREAU IN 1995

9. Provide the total dollar amount of fees collected for making records available.

$2,189

10. Provide the following information:

A. A list of all new categories or segregable portions of records now released upon request.

NONE

B. Total non-collectible costs incurred in administering the Act.

$67,300 [estimate based upon fractional staff years of two employees who handle FOIA/PA requests]

C. Fee waiver activity specified below:

The number of requests for fee waivers: 2

The number of fee waiver requests granted: 0

The number of fee waiver requests denied: 2

The number of fee waiver requests in which fees were reduced: 0

The number of fee waiver denials appealed:
(DATA TO BE PROVIDED BY OGC)
The number of appeals upheld:
(DATA TO BE PROVIDED BY OGC)
The number of appeals reversed:
(DATA TO BE PROVIDED BY OGC)
The number of appeals reversed in part:
(DATA TO BE PROVIDED BY OGC)

D. Compliance with time limitations:

I Number of instances in which requests were answered within the 10-day time limitation: 149

II Number of instances in which it was necessary to seek a 10-day extension of time, broken down as follows: 3

(a) Additional time to search for records from field facilities.

(b) Additional time to examine voluminous amounts of records.

(c) Additional time for interagency consultation.

3

III Number of instances where court appeals were taken on the basis of no response within the time limits.
(DATA TO BE PROVIDED BY OGC)

IV Number of instances where the court allowed additional time.
(DATA TO BE PROVIDED BY OGC)

Provide a copy of each court opinion or order granting additional time.

V Number of instances in which the requester voluntarily agreed to a time extension 0

E. Internal Memoranda:

Furnish a copy of all unpublished internal memoranda or instructions for bureau personnel to follow in administering the Act. Indicate whether the document is publicly available, and if not, the basis for withholding.

N/A

F. Total Requests:

Total number of requests logged in by your facility. Include requests which were logged and processed simultaneously under both the FOIA and Privacy Act.

152

G. Litigation:

Describe any litigation relating to FOIA in which the office of General Counsel was involved during CY 1994.

(INFORMATION TO BE PROVIDED BY OGC)

H. Provide additional comments as appropriate.

ANNUAL FOIA REPORT FY 1999

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Gerald W. Gates
Title: FOIA Officer
Address: U.S. Census Bureau, Washington, DC 20233-3700
Telephone: (301) 457-2515

B. Electronic address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II. How to Make a FOIA Request

Agencies may either include descriptions here or provide them by cross-reference to their FOIA reference guides (which should be electronically linked for convenient electronic reference purposes).

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

U.S. Census Bureau
Policy Office
Federal Building 3, Room 2430
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges

Sixty percent of responses were in 10 days or less. There were no late responses.

C. Brief description of why some requests are not granted.

The majority of requests were not granted because no responsive documents existed.

ANNUAL FOIA REPORT FY 1999

I. Basic Information Regarding Report

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The majority of requests were not granted because no responsive documents existed.

U.S. Department of Commerce

Office of Management and Organization

To:	Jane Comstock
Phone:	301-763-2505
Fax:	301-763-6239
From:	Brenda Dolan
Phone:	202-482-3258
Fax:	202-219-8979
Date:	12/20/06
Pages including this cover page:	25

COMMENTS:

ANNUAL FOIA REPORT FY 1999

I. Basic Information Regarding Report

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B. Brief description of the agency's response-time ranges

Sixty percent of responses were in 10 days or less. There were no late responses.

C. Brief description of why some requests are not granted.

The majority of requests were not granted because no responsive documents existed.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

A. Agency-specific acronyms or other terms.

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 complexity 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 entireties, 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 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).

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, of 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing the sum of a group 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 agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

13 U.S.C. 9 — requires that census records be used solely for statistical purposes and makes these records confidential.

13 U.S.C. 301(g) — Shippers' Export Declarations (or any successor document) wherever located, is exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

41 U.S.C. 253b — Prohibits an agency from releasing any proposal not set forth or incorporated by reference in a contract.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 — *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) — none

41 U.S.C. 253b — unknown

V. Initial FOIA/PA Access Requests

- This should include all access request, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers 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. 10

2. Number of requests received during current fiscal year. 264

3. Number of requests processed during current fiscal year. 270

4. Number of requests pending as of end of current fiscal year. 4
(Enter this number also in Line VII.B.1)

B. Disposition of initial requests.

1. Number of total grants 95

2. Number of partial grants 47

3. Number of denials 128

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

(1) Exemption 1 _____

(2) Exemption 2 3

(3) Exemption 3 30

(4) Exemption 4 16

(5) Exemption 5 6

(6) Exemption 6 12

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) 1

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7(F)_____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) 130

a. no records 88

b. referrals 11

c. request withdrawn _____

d. fee-related reason 7

e. records not reasonably described 3

f. not a proper FOIA request for some other reason 1

g. not an agency record _____

h. duplicate request _____

i. other (specify) 20 (information publicly available)
1 (Privacy Act Exemption (k)(4))

VI. Appeals of Initial Denials of FOIA/PA Requests

- This should include all access requests, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year_____

B. Disposition of appeals.

1. Number completely upheld _____

2. Number partially reversed _____

3. Number completely reversed _____

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

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) _____

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7(F)_____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

a. no records _____

b. referrals _____

c. request withdrawn _____

d. fee-related reason _____

e. records not reasonably described _____

f. not a proper FOIA request for some other reason _____

g. not an agency record _____

h. duplicate request _____

i. other (specify) _____

VII. Compliance with Time Limits/Status of Pending Requests

- If an agency believes that "average time" is a better measure of its performance, it should include that as well.
- For decentralized agencies, calculating an agency-wide median may be difficult; a reasonable estimate may be used instead.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.
- Agencies should separately report each track of a multi-track system, as well as an "expedited processing" track, and may report any other type of request at their option.
- Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.
- Example for calculation of median: If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers).

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

1. Simple requests (if multiple tracks used).

a. number of requests processed 270

b. median number of days to process 9

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

a. number of requests processed _____

b. median number of days to process _____

3. Requests accorded expedited processing.

a. number of requests processed _____

b. median number of days to process _____

B. Status of pending requests.

- Agencies using multiple tracks may provide numbers of each track, as well as totals.

1. Number of requests pending as of end of current fiscal year. 4
(Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date. 1

VIII. Comparisons with Previous Year(s) (Optional)

- Agencies should state comparisons both in total numbers and in percentage of change.
- Note that the agency's annual report for 1997 covers a partial calendar year.

A. Comparison of numbers of requests received _____

B. Comparison of numbers of requests Processed _____

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year _____

D. Other statistics significant to agency _____

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records)_____

IX. Costs/FOIA Staffing

- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Staffing levels.

1. Number of full-time FOIA personnel 2

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1.1

3. Total number of personnel (in work-years) 3.1

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

1. FOIA processing (including appeals) approximately $162,170

2. Litigation-related activities (estimated)_____

3. Total Costs approximately $162,170

4. Comparison with previous year(s) (including percentage of change)(optional)

X. Fees

- This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests $795.47

B. Percentage of total costs Less than 1 %

XI. FOIA Regulations (Including Fee Schedule)

- Agencies should provide electronic link for availability in electronic form and attach copy in paper form.

ANNUAL FOIA REPORT FY 2000

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Gerald W. Gates
Title: FOIA Officer
Address: U.S. Census Bureau, Washington, DC 20233-3700
Telephone: (301) 457-2515

B. Electronic address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II. How to Make a FOIA Request

Agencies may either include descriptions here or provide them by cross-reference to their FOIA reference guides (which should be electronically linked for convenient electronic reference purposes).

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

U.S. Census Bureau
Policy Office
Federal Building 3, Room 2430
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges

Over 66 % of responses were in 10 days or less.

C. Brief description of why some requests are not granted.

The most common reason for a request not having been granted was that no responsive documents existed.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

A. Agency-specific acronyms or other terms.

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.)

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

1. Brief description of type(s) of information withheld under each statute.

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13 U.S.C. 301(g) and 15 C.F.R. 30.91 — Shippers' Export Declarations (or any successor document) wherever located, is exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

41 U.S.C. 253b --- Prohibits an agency from releasing any proposal not set forth or incorporated by reference in a contract.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 — *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) — none

41 U.S.C. 253b --- unknown

V. Initial FOIA/PA Access Requests

- This should include all access request, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers 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. 4

2. Number of requests received during current fiscal year. 402

3. Number of requests processed during current fiscal year. 391

4. Number of requests pending as of end of current fiscal year. 15
(Enter this number also in Line VII.B.1)

B. Disposition of initial requests.

1. Number of total grants 227

2. Number of partial grants 38

3. Number of denials 123

4. Referrals 3

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

(1) Exemption 1 _____

(2) Exemption 2 3

(3) Exemption 3 34

(4) Exemption 4 7

(5) Exemption 5 3

(6) Exemption 6 19

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) _____

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7(F)_____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total)_____

a. no records 89

b. referrals 3

c. request withdrawn _____

d. fee-related reason 1

e. records not reasonably described 3

f. not a proper FOIA request for some other reason _____

g. not an agency record _____

h. duplicate request _____

i. other (specify) 26 (information publicly available)
6 (Privacy Act Exemption (k)(4))
1 (Privacy Act Exemption (d)(5))
1 (Privacy Act Exemption (k)(6))

VI. Appeals of Initial Denials of FOIA/PA Requests

- This should include all access requests, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year_____

B. Disposition of appeals.

1. Number completely upheld _____

2. Number partially reversed _____

3. Number completely reversed _____

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

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) _____

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7(F)_____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

a. no records _____

b. referrals _____

c. request withdrawn _____

d. fee-related reason _____

e. records not reasonably described _____

f. not a proper FOIA request for some other reason _____

g. not an agency record _____

h. duplicate request _____

i. other (specify) _____

VII. Compliance with Time Limits/Status of Pending Requests

- If an agency believes that "average time" is a better measure of its performance, it should include that as well.
- For decentralized agencies, calculating an agency-wide median may be difficult; a reasonable estimate may be used instead.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.
- Agencies should separately report each track of a multi-track system, as well as an "expedited processing" track, and may report any other type of request at their option.
- Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.
- Example for calculation of median: If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers).

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

1. Simple requests (if multiple tracks used).

a. number of requests processed 391

b. median number of days to process 7

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

a. number of requests processed _____

b. median number of days to process _____

3. Requests accorded expedited processing.

a. number of requests processed _____

b. median number of days to process _____

B. Status of pending requests.

- Agencies using multiple tracks may provide numbers of each track, as well as totals.

1. Number of requests pending as of end of current fiscal year. 15
(Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date. 4

VIII. Comparisons with Previous Year(s) (Optional)

- Agencies should state comparisons both in total numbers and in percentage of change.
- Note that the agency's annual report for 1997 covers a partial calendar year.

A. Comparison of numbers of requests received _____

B. Comparison of numbers of requests Processed _____

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year _____

D. Other statistics significant to agency _____

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records)_____

IX. Costs/FOIA Staffing

- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Staffing levels.

1. Number of full-time FOIA personnel 2

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1.1

3. Total number of personnel (in work-years) 3.1

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

1. FOIA processing (including appeals) approximately $168,650

2. Litigation-related activities (estimated)_____

3. Total Costs approximately $168,650

4. Comparison with previous year(s) (including percentage of change)(optional)

X. Fees

- This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests $825.00

B. Percentage of total costs Less than 1 %

XI. FOIA Regulations (Including Fee Schedule)

- Agencies should provide electronic link for availability in electronic form and attach copy in paper form.

MEMORANDUM FOR Brenda Dolan
Departmental Freedom of Information Officer
Office of Executive Assistance Management

From: M. Catherine Miller
Chief, Policy Office

Subject: Freedom of Information Act Annual Report
Covering CY 1996

We are forwarding the Census Bureau's Freedom of Information Act Annual Report as requested in your April 2, 1997 memorandum. This report, as required by the Act, summarizes this Agency's administration of the program for the calendar year just ended.

If you have any questions or require any further information regarding this matter, please contact Gary Austin of my staff on 301-457-2490.

Attachment

POL:GDAustin:4/7/97
Document: 96FOIA.RPT

cc: POL (3)-FOIA File
Chron
Enclosures Drawer

Electronic cc: MCMiller
PFreije
Fshenk
GDAustin

FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR CY 1996

BUREAU: Bureau of the Census

1. Total number of initial determinations not to comply with a request for records made under Subsection 552(a):

   50

2 Authority relied upon for each such determination:

(a)

Exemptions in 552(b)	Number of Times Invoked
Exemption 3	20
Exemptions 3 & 4	9
Exemption 4	1
Exemption 5	1
Exemption 6	11
Exemption 3 & 6	8

(b) Statute(s) invoked pursuant to Exemption No. 3*:

Statutory Citation	Number of Times Invoked
13 U.S.C. 9	37
13 U.S.C. 301(g)	9

(c) Other authority:

Reason	Number of Times Invoked
N/A	

---

* Exemption 3 covers records that are restricted from release by another statute. An example is 13 U.S.C. 9, the "Census Act." For each instance counted, list the U.S.C. citation rather than the Public Law citation.

3. List the name and title or position of each person who is responsible for the initial denial of records requested and number of instances of participation of each:

Name	Title	Number of Instances of Participation
M. Catherine Miller	Chief, Policy Office	50

4. Total number of intraagency appeals from adverse initial decisions made pursuant to Subsection (a)(6):

INFORMATION AVAILABLE FROM THE OFFICE OF GENERAL COUNSEL (OGC) AT THE DEPARTMENT OF COMMERCE (skip to question 5)

(a) Number of appeals in which, upon review, the request for information was granted in full:

(b) Number of appeals in which, upon review, the request for information was denied in full:

(c) Number of appeals in which, upon review, the request was denied in part:

5. Specify the authority relied on for total or partial denials on appeal.

INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE (skip to question 6)

(a) Exemptions in 552(b) Number of Times Invoked

(b) Statutes invoked pursuant to Exemption No. 3*:

Statutory Citation Number of Times Invoked

* See explanation on Page 1

(c) other authority:

Reason	Number of Times Invoked

6. List name and title of each person who, on appeal, was responsible for the denial in whole or in part of records requested and the number of instances of participation of each.

Name	Title	Number of Instances of Participation

INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

7. Provide a copy of each court opinion or order giving rise to a proceeding under Subsection (a)(4)(F); a copy of the Merit Systems Protection Board findings and recommendations of each such proceeding; and a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

8. Provide an up-to-date copy of all rules or regulations issued in 1996 pursuant to or in implementation of the Freedom of Information Act (5 U.S.C. 552).

NO NEW RULES OR REGULATIONS ISSUED BY THE CENSUS BUREAU IN 1996

9. Provide the total dollar amount of fees collected for making records available.

$8,890

10. Provide the following information:

A. A list of all new categories or segregable portions of records now released upon request.

NONE

B. Total non-collectible costs incurred in administering the Act.

$91,600

C. Fee waiver activity specified below:

The number of requests for fee waivers: 0

The number of fee waiver requests granted: 0

The number of fee waiver requests denied: 0

The number of fee waiver requests in which fees were reduced: 0

The number of fee waiver denials appealed:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE
The number of appeals upheld:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE
The number of appeals reversed:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE
The number of appeals reversed in part:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

D. Compliance with time limitations:

I Number of instances in which requests were answered within the 10-day time limitation: 193

II Number of instances in which it was necessary to seek a 10-day extension of time, broken down as follows: 0

(a) Additional time to search for records from field facilities.

(b) Additional time to examine voluminous amounts of records.

(c) Additional time for interagency consultation.

III Number of instances where court appeals were taken on the basis of no response within the time limits.
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

IV Number of instances where the court allowed additional time.
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

Provide a copy of each court opinion or order granting additional time.

V Number of instances in which the requester voluntarily agreed to a time extension 0

E. Internal Memoranda:

Furnish a copy of all unpublished internal memoranda or instructions for bureau personnel to follow in administering the Act. Indicate whether the document is publicly available, and if not, the basis for withholding.

N/A

F. Total Requests:

Total number of requests logged in by your facility. Include requests which were logged and processed simultaneously under both the FOIA and Privacy Act.

193

G. Litigation:

Describe any litigation relating to FOIA in which the office of General Counsel was involved during CY 1996.

INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

H. Provide additional comments as appropriate.

MEMORANDUM FOR Brenda Dolan
Departmental Freedom of Information Officer
Office of Executive Assistance Management

From: M. Catherine Miller
Chief, Policy Office

Subject: FY 1997 Freedom of Information Act Annual Report

We are forwarding the Census Bureau's Freedom of Information Act Annual Report as requested in your memorandum of December 2, 1997. This report, as required by the Act, summarizes this Agency's administration of the program for the period January 1 through September 30, 1997.

If you have any questions or require any further information regarding this matter, please contact Gary Austin of my staff on 301-457-2490.

Attachment

POL:GDAustin:December 10, 1997:DAR:1/6/98
Document: 97FOIA.RPT

cc: POL (2)-FOIA File
Chron
Enclosures Drawer

FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR FY 1997

BUREAU: Bureau of the Census

1. Total number of initial determinations not to comply with a request for records made under Subsection 552(a): 47

2. Authority relied upon for each such determination:

(a)

Exemptions in 552(b)	Number of Times Invoked
Exemption 3	26
Exemptions 3 & 4	7
Exemptions 3 & 6	3
Exemption 4	4
Exemption 6	6
Exemptions 6 & 2	1

(b) Statute(s) invoked pursuant to Exemption No. 3*:

Statutory Citation	Number of Times Invoked
13 U.S.C. 9	27
13 U.S.C. 301(g)	6
41 U.S.C. 253b(m)	3

(c) Other authority:

Reason	Number of Times Invoked
N/A	

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* Exemption 3 covers records that are restricted from release by another statute. An example is 13 U.S.C. 9, the "Census Act." For each instance counted, list the U.S.C. citation rather than the Public Law citation.

3. List the name and title or position of each person who is responsible for the initial denial of records requested and number of instances of participation of each:

Name	Title	Number of Instances of Participation
M. Catherine Miller	Chief, Policy Office	47

4. Total number of intraagency appeals from adverse initial decisions made pursuant to Subsection (a)(6):

INFORMATION AVAILABLE FROM THE OFFICE OF GENERAL COUNSEL (OGC) AT THE DEPARTMENT OF COMMERCE (skip to question 5)

(a) Number of appeals in which, upon review, the request for information was granted in full:

(b) Number of appeals in which, upon review, the request for information was denied in full:

(c) Number of appeals in which, upon review, the request was denied in part:

5. Specify the authority relied on for total or partial denials on appeal.

INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE (skip to question 6)

(a)

Exemptions in 552(b)	Number of Times Invoked

(b) Statutes invoked pursuant to Exemption No. 3*:

Statutory Citation	Number of Times Invoked

(c) other authority:

Reason	Number of Times Invoked

* See explanation on Page 1

6. List name and title of each person who, on appeal, was responsible for the denial in whole or in part of records requested and the number of instances of participation of each.

Name	Title	Number of Instances of Participation

INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

7. Provide a copy of each court opinion or order giving rise to a proceeding under Subsection (a)(4)(F); a copy of the Merit Systems Protection Board findings and recommendations of each such proceeding; and a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

8. Provide an up-to-date copy of all rules or regulations issued in FY 1997 pursuant to or in implementation of the Freedom of Information Act (5 U.S.C. 552).

NO NEW RULES OR REGULATIONS ISSUED BY THE CENSUS BUREAU IN 1997

9. Provide the total dollar amount of fees collected for making records available: $971.50

10. Provide the following information:

A. A list of all new categories or segregable portions of records now released upon request: NONE

B. Total non-collectible costs incurred in administering the Act: $98,352.00

C. Fee waiver activity specified below:

The number of requests for fee waivers: 0

The number of fee waiver requests granted: 0

The number of fee waiver requests denied: 0

The number of fee waiver requests in which fees were reduced: 0

The number of fee waiver denials appealed:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

The number of appeals upheld:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

The number of appeals reversed:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

The number of appeals reversed in part:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

D. Compliance with time limitations:

(I) Number of instances in which requests were answered within the 10-day time limitation: 151 [155 for 20-day time limitation]

(II) Number of instances in which it was necessary to seek a 10-day extension of time, broken down as follows: 4

(a) Additional time to search for records from field facilities: 1

(b) Additional time to examine voluminous amounts of records: N/A

(c) Additional time for interagency consultation: 3

(III) Number of instances where court appeals were taken on the basis of no response within the time limits.
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

(IV) Number of instances where the court allowed additional time.
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

Provide a copy of each court opinion or order granting additional time.

(V) Number of instances in which the requester voluntarily agreed to a time extension:
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

E. Internal Memoranda:

Furnish a copy of all unpublished internal memoranda or instructions for bureau personnel to follow in administering the Act. Indicate whether the document is publicly available, and if not, the basis for withholding: N/A

F. Total Requests:

Total number of requests logged in by your facility. Include requests which were logged and processed simultaneously under both the FOIA and Privacy Act: 155

G. Litigation:

Describe any litigation relating to FOIA in which the Office of General Counsel was involved during FY 1997.
INFORMATION AVAILABLE FROM THE OGC AT THE DEPARTMENT OF COMMERCE

H. Provide additional comments as appropriate.

ANNUAL FOIA REPORT FY 1998

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Gerald W. Gates
Title: FOIA Officer
Address: Census Bureau, Washington, DC 20233-3700
Telephone: (301) 457-2515

B. Electronic address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II. How to Make a FOIA Request

Agencies may either include descriptions here or provide them by cross-reference to their FOIA reference guides (which should be electronically linked for convenient electronic reference purposes).

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

Bureau of the Census
Policy Office
Federal building 3, room 2430
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges

Eighty percent of responses were in 10 days or less. There were no late responses.

C. Brief description of why some requests are not granted.

The majority of requests were not granted because the information requested, primarily statistical data, is publicly available or is protected by 13 U.S.C. 9, the "Census Act", which forbids the release of individually-identifiable data.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

A. Agency-specific acronyms or other terms.

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 complexity 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 entireties, 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 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).

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, of 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing the sum of a group 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 agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

13 U.S.C. 9 — requires that census records be used solely for statistical purposes and makes these records confidential.

13 U.S.C. 301(g) — Shippers' Export Declarations (or any successor document) wherever located, is exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 — *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) — none

V. Initial FOIA/PA Access Requests

- This should include all access request, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers 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. 8

2. Number of requests received during current fiscal year. 203

3. Number of requests processed during current fiscal year. 201

4. Number of requests pending as of end of current fiscal year. 10
(Enter this number also in Line VII.B.1)

B. Disposition of initial requests.

1. Number of total grants 98

2. Number of partial grants 29

3. Number of denials 74

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

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 24

(4) Exemption 4 _____

(5) Exemption 5 1

(6) Exemption 6 _____

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) _____

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7(F)_____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total)_____

a. no records 28

b. referrals _____

c. request withdrawn 1

d. fee-related reason 2

e. records not reasonably described _____

f. not a proper FOIA request for some other reason _____

g. not an agency record 1

h. duplicate request _____

i. other (specify) 21 (information publicly available)

VI. Appeals of Initial Denials of FOIA/PA Requests

- This should include all access requests, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year_____

B. Disposition of appeals.

1. Number completely upheld _____

2. Number partially reversed _____

3. Number completely reversed _____

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

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) _____

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7(F)_____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

   a. no records _____

   b. referrals _____

   c. request withdrawn _____

   d. fee-related reason _____

   e. records not reasonably described _____

   f. not a proper FOIA request for some other reason _____

   g. not an agency record _____

   h. duplicate request _____

   i. other (specify) _____

VII. Compliance with Time Limits/Status of Pending Requests

- If an agency believes that "average time" is a better measure of its performance, it should include that as well.
- For decentralized agencies, calculating an agency-wide median may be difficult; a reasonable estimate may be used instead.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.
- Agencies should separately report each track of a multi-track system, as well as an "expedited processing" track, and may report any other type of request at their option.
- Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.

- Example for calculation of median: If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers).

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

1. Simple requests (if multiple tracks used).

   a. number of requests processed 201

   b. median number of days to process 7

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

   a. number of requests processed _____

   b. median number of days to process _____

3. Requests accorded expedited processing.

   a. number of requests processed _____

   b. median number of days to process _____

B. Status of pending requests.

- Agencies using multiple tracks may provide numbers of each track, as well as totals.

1. Number of requests pending as of end of current fiscal year. 10
   (Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date. 39

VIII. Comparisons with Previous Year(s) (Optional)

- Agencies should state comparisons both in total numbers and in percentage of change.
- Note that the agency's annual report for 1997 covers a partial calendar year.

A. Comparison of numbers of requests received _____

B. Comparison of numbers of requests Processed _____

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year _____

D. Other statistics significant to agency _____

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records)_____

IX. Costs/FOIA Staffing

- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Staffing levels.

1. Number of full-time FOIA personnel 1

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1.23

3. Total number of personnel (in work-years) 2.23

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

1. FOIA processing (including appeals) $136,802

2. Litigation-related activities (estimated)_____

3. Total Costs $136,802
4. Comparison with previous year(s) (including percentage of change)(optional)

X. Fees

- This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests $801.90
B. Percentage of total costs 1 %

XI. FOIA Regulations (Including Fee Schedule)

- Agencies should provide electronic link for availability in electronic form and attach copy in paper form.

ANNUAL FOIA REPORT FY 2001

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Gerald W. Gates
Title: FOIA Officer
Address: U.S. Census Bureau, Washington, DC 20233-3700
Telephone: (301) 457-2515

B. Electronic address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II. How to Make a FOIA Request

Agencies may either include descriptions here or provide them by cross-reference to their FOIA reference guides (which should be electronically linked for convenient electronic reference purposes).

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

U.S. Census Bureau
Policy Office
Federal Building 3, Room 2430
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges

Over 57 % of responses were in 10 days or less.

C. Brief description of why some requests are not granted.

The most common reason for a request not having been granted was that no responsive documents existed.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

A. Agency-specific acronyms or other terms.

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 complexity 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 entireties, 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 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).

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, of 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing the sum of a group 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 agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

13 U.S.C. 9 — requires that census records be used solely for statistical purposes and makes these records confidential.

13 U.S.C. 301(g) and 15 C.F.R. 30.91 — Shippers' Export Declarations (or any successor document) wherever located, is exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

41 U.S.C. 253b --- Prohibits an agency from releasing any proposal not set forth or incorporated by reference in a contract.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 — *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) — none

41 U.S.C. 253b --- unknown

V. Initial FOIA/PA Access Requests

- This should include all access request, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers 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. 15

2. Number of requests received during current fiscal year. 268

3. Number of requests processed during current fiscal year. 273

4. Number of requests pending as of end of current fiscal year. 10
(Enter this number also in Line VII.B.1)

B. Disposition of initial requests.

1. Number of total grants 113

2. Number of partial grants 61

3. Number of denials 99

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

(1) Exemption 1 _____

(2) Exemption 2 6

(3) Exemption 3 18

(4) Exemption 4 8

(5) Exemption 5 23

(6) Exemption 6 15

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) 1

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7(F)_____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total)_____

a. no records 39

b. referrals 10

c. request withdrawn _____

d. fee-related reason 7

e. records not reasonably described 0

f. not a proper FOIA request for some other reason 46

g. not an agency record 22

h. duplicate request 1

i. other (specify)

VI. Appeals of Initial Denials of FOIA/PA Requests

- This should include all access requests, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year_____

B. Disposition of appeals.

1. Number completely upheld _____

2. Number partially reversed _____

3. Number completely reversed _____

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

(1) Exemption 1 _____

(2) Exemption 2 _____

(3) Exemption 3 _____

(4) Exemption 4 _____

(5) Exemption 5 _____

(6) Exemption 6 _____

(7) Exemption 7(A) _____

(8) Exemption 7(B) _____

(9) Exemption 7(C) _____

(10) Exemption 7(D) _____

(11) Exemption 7(E) _____

(12) Exemption 7(F)_____

(13) Exemption 8 _____

(14) Exemption 9 _____

4. Other reasons for nondisclosure (total) _____

a. no records _____

b. referrals _____

c. request withdrawn _____

d. fee-related reason _____

e. records not reasonably described _____

f. not a proper FOIA request for some other reason _____

g. not an agency record _____

h. duplicate request _____

i. other (specify) _____

VII. Compliance with Time Limits/Status of Pending Requests

- If an agency believes that "average time" is a better measure of its performance, it should include that as well.
- For decentralized agencies, calculating an agency-wide median may be difficult; a reasonable estimate may be used instead.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.
- Agencies should separately report each track of a multi-track system, as well as an "expedited processing" track, and may report any other type of request at their option.
- Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.
- Example for calculation of median: If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers).

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

1. Simple requests (if multiple tracks used).

a. number of requests processed 273

b. median number of days to process 9

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

a. number of requests processed _____

b. median number of days to process _____

3. Requests accorded expedited processing.

a. number of requests processed _____

b. median number of days to process _____

B. Status of pending requests.

- Agencies using multiple tracks may provide numbers of each track, as well as totals.

1. Number of requests pending as of end of current fiscal year. 10
(Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date. 11

VIII. Comparisons with Previous Year(s) (Optional)

- Agencies should state comparisons both in total numbers and in percentage of change.
- Note that the agency's annual report for 1997 covers a partial calendar year.

A. Comparison of numbers of requests received _____

B. Comparison of numbers of requests Processed _____

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year _____

D. Other statistics significant to agency _____

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records)_____

IX. Costs/FOIA Staffing

- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Staffing levels.

1. Number of full-time FOIA personnel 2

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1.5

3. Total number of personnel (in work-years) 3.5

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

1. FOIA processing (including appeals) approximately $244,000

2. Litigation-related activities (estimated)_____

3. Total Costs approximately $244,000

4. Comparison with previous year(s) (including percentage of change)(optional)

X. Fees

- This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests $1,800

B. Percentage of total costs Less than 1 %

XI. FOIA Regulations (Including Fee Schedule)

- Agencies should provide electronic link for availability in electronic form and attach copy in paper form.

ANNUAL FOIA REPORT FY 2002

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Gerald W. Gates
Title: FOIA Officer
Address: U.S. Census Bureau, Washington, DC 20233-3700
Telephone: (301) 457-2515

B. Electronic Address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II How to Make a FOIA Request

For Census Bureau, in addition to address in item I.A., please refer to www.census.gov/po/www/foia/foiaweb.htm

Instructions are shown on DOC FOIA Home Page at:

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

U.S. Census Bureau
Policy Office
Federal Building 3, Room 2430
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges.

Nearly 60% of responses were in 15 days or less.

C. Brief description of why some requests are not granted.

The most common reason for a request not having been granted was that no responsive documents existed.

A request for records may be denied if the requested record contains information which falls into one or more of the nine categories listed below. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated form the exempt portions will be released to the requester.

Categories of Exempt Information

Exemption One: Records which are specifically authorized under criteria established by an Executive Order to be kept secret in interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.
Exemption Two: Records related solely to the internal personnel rules and practices of the Department of Commerce.

Exemption Three: Records specifically exempted from disclosure by statute, provided that such statute:

Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issues: or establishes particular criteria for withholding or refers to particular types of matter to be withheld.

Exemption Four: Trade secrets and commercial of financial information obtained from a person that is privileged or confidential.

Exemption Five: Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Department of Commerce.

Exemption Six: Personnel, medical, and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exemption Seven: Records compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records could reasonably be expected to interfere with enforcement proceedings; would
deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy;

could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished records on a confidential basis; would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or could reasonably be expected to endanger the life or physical safety of any individual.

Exemption Eight: Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions.

Exemption Nine: Geological and geophysical information and data, including maps, concerning wells.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

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 complexity 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 entireties, 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 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).

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, of 3, 7, and 14, the median number is 7.

16. Average Number - the number obtained by dividing the sum of a group 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 agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

13 U.S.C. 9 ----- requires that census records be used solely for statistical purposes and makes these records confidential.

13 U.S.C. 301(g) and 15 C.F.R. 30.91 ----- Shippers' Export Declarations (or any successor document) wherever located, is exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

41 U.S.C. 253b ----- Prohibits an agency from releasing any proposal not set forth or incorporated by reference in a contract.

OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations"----- Prohibits release of audit statements that are insufficient or incomplete.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 ----- *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) ----- none

41 U.S.C. 253b ----- unknown

OMB Circular A-133 ----- unknown

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests

1. Number of requests pending as of end of preceding fiscal year. 10

2. Number of requests received during current fiscal year. 217

3. Number of requests processed during current fiscal year. 217

4. Number of requests pending as of end of current fiscal year. 10

B. Disposition of initial requests.

1. Number of total grants. 40

2. Number of partial grants. 72

3. Number of denials. 105

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

(1) Exemption 1 0

(2) Exemption 2 2

(3) Exemption 3 61

(4) Exemption 4 17

(5) Exemption 5 11

(6) Exemption 6 13

(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

4. Other reasons for nondisclosure (total)

a. no records	66
b. referrals	12
c. request withdrawn	5
d. fee-related reason	2
e. records not reasonably described	0
f. not a proper FOIA request for some other reason	32
g. not an agency record	28
h. duplicate request	1
i. other (publicly available information)	
publicly available information	27
Privacy Act Exemption (k)(4)	36
Privacy Act Exemption (k)(6)	1

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1. Number of appeals received during fiscal year ___

2. Number of appeals processed during fiscal year ___

B. Disposition of appeals.

1. Number completely upheld ___

2. Number partially reversed ___

3. Number completely reversed ___

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

(1) Exemption 1 ___

(2) Exemption 2 ___

(3) Exemption 3 ___

(4) Exemption 4 ___

(5) Exemption 5 ___

(6) Exemption 6 ___

(7) Exemption 7(A) ___

(8) Exemption 7(B) ___

(9) Exemption 7(C) ___

(10)Exemption 7(D) ___

(11)Exemption 7(E) ___

(12)Exemption 7(F) ___

(13)Exemption 8 ___

(14)Exemption 9 ___

4. Other reasons for nondisclosure (total) ___

a. no records ___
b. referrals ___

c. request withdrawn ___

d. fee-related reason ___

e. records not reasonably described ___

f. not a proper FOIA request for some other reason ___

g. not an agency record ___

h. duplicate request ___

i. other (untimely) ___

VII. Compliance with Time Limits/Status of Pending Requests

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

1. Simple requests (if multiple tracks used).

a. number of requests processed 217

b. median number of days to process 12

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

a. number of requests processed ___

b. median number of days to process ___

3. Requests accorded expedited processing.

a. number of requests processed ___

b. median number of days to process ___

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year 10

2. Median number of days that such requests were pending as of that date 15

VIII. Comparisons with Previous Year(s) (Optional)

A. Comparison of numbers of requests received ____

B. Comparison of numbers of requests processed ____

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year ___

D. Other statistics significant to agency ____

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 2

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1.3

3. Total number of personnel 3.3

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

1. FOIA processing (including appeals) approximately $236,000

2. Litigation-related activities (estimated) ____

3. Total Costs approximately $236,000

4. Comparison with previous year(s) (including percentage of change) (optional) ____

X. Fees

A. Total amount of fees collected by agency for processing requests	$675
B. Percentage of total costs	Less than 1%

XI. FOIA Regulations (Including Fee Schedule)

ANNUAL FOIA REPORT FY 2003

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Gerald W. Gates
Title: FOIA Officer
Address: U.S. Census Bureau, Washington, DC 20233-3700
Telephone: (301) 763-2515

B. Electronic Address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II How to Make a FOIA Request

For Census Bureau, in addition to address in item I.A., please refer to www.census.gov/po/www/foia/foiaweb.htm

Instructions are shown on DOC FOIA Home Page at:

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

U.S. Census Bureau
Policy Office
Federal Building 3, Room 2430
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges.

The response time for all requests was from one to 20 days, with the exception of one response, which was responded to within 21 days.

C. Brief description of why some requests are not granted.

The most common reasons for requests not having been granted were that either the requests were not proper FOIA requests or that no responsive documents existed.

A request for records may be denied if the requested record contains information which falls into one or more of the nine categories listed below. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released to the requester.

Categories of Exempt Information

Exemption One: Records which are specifically authorized under criteria established by an Executive Order to be kept secret in interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Exemption Two: Records related solely to the internal personnel rules and practices of the Department of Commerce.

Exemption Three: Records specifically exempted from disclosure by statute, provided that such statute:

Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issues: or establishes particular criteria for withholding or refers to particular types of matter to be withheld.

Exemption Four: Trade secrets and commercial of financial information obtained from a person that is privileged or confidential.

Exemption Five: Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Department of Commerce.

Exemption Six: Personnel, medical, and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exemption Seven: Records compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records could reasonably be expected to interfere with enforcement proceedings; would deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy;

could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished records on a confidential basis; would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or could reasonably be expected to endanger the life or physical safety of any individual.

Exemption Eight: Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions.

Exemption Nine: Geological and geophysical information and data, including maps, concerning wells.

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A. Agency-specific acronyms or other terms.

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.

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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 entireties, 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 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).

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, of 3, 7, and 14, the median number is 7.

16. Average Number - the number obtained by dividing the sum of a group 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 agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

13 U.S.C. 9 ----- requires that census records be used solely for statistical purposes and makes these records confidential.

13 U.S.C. 301(g) and 15 C.F.R. 30.91 ----- Shippers' Export Declarations (or any successor documents) wherever located, are exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

41 U.S.C. 253b ----- Prohibits an agency from releasing any proposal not set forth or incorporated by reference in a contract.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 ----- *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) ----- none

41 U.S.C. 253b ----- unknown

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests

1. Number of requests pending as of end of preceding fiscal year. 10

2. Number of requests received during current fiscal year. 213

3. Number of requests processed during current fiscal year. 208

4. Number of requests pending as of end of current fiscal year. 15

B. Disposition of initial requests.

1. Number of total grants. 52

2. Number of partial grants. 26

3. Number of denials. 130

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

(1) Exemption 1 0

(2) Exemption 2 2

(3) Exemption 3 48

(4) Exemption 4 11

(5) Exemption 5 9

(6) Exemption 6 8

(7) Exemption 7(A) 0

(8) Exemption 7(B) 0

(9) Exemption 7(C) 1

(10)Exemption 7(D) 0

(11)Exemption 7(E) 1

(12)Exemption 7(F) 0

4. Other reasons for nondisclosure (total)

a. no records	49
b. referrals	17
c. request withdrawn	1
d. fee-related reason	1
e. records not reasonably described	3
f. not a proper FOIA request for some other reason	64
g. not an agency record	12
h. duplicate request	0
i. other	
publicly available information	30
Privacy Act Exemption (k)(4)	33
Privacy Act Exemption (k)(6)	0
Privacy Act Exemption (d)(5)	1

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1. Number of appeals received during fiscal year ___

2. Number of appeals processed during fiscal year ___

B. Disposition of appeals.

1. Number completely upheld ___

2. Number partially reversed ___

3. Number completely reversed ___

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

(1) Exemption 1 ___

(2) Exemption 2 ___

(3) Exemption 3 ___

(4) Exemption 4 ___

(5) Exemption 5 ___

(6) Exemption 6 ___

(7) Exemption 7(A) ___

(8) Exemption 7(B) ___

(9) Exemption 7(C) ___

(10)Exemption 7(D) ___

(11)Exemption 7(E) ___

(12)Exemption 7(F) ___

(13)Exemption 8 ___

(14)Exemption 9 ___

4. Other reasons for nondisclosure (total) ___

a. no records __
b. referrals __

c. request withdrawn __

d. fee-related reason __

e. records not reasonably described __

f. not a proper FOIA request for some other reason __

g. not an agency record __

h. duplicate request __

i. other (untimely) __

VII. Compliance with Time Limits/Status of Pending Requests

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

1. Simple requests (if multiple tracks used).

a. number of requests processed 208

b. median number of days to process 16

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

a. number of requests processed N/A (complex track not used by the Census Bureau)

b. median number of days to process ___

3. Requests accorded expedited processing.

a. number of requests processed 0

b. median number of days to process ___

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year 15

2. Median number of days that such requests were pending as of that date 11

VIII. Comparisons with Previous Year(s) (Optional)

A. Comparison of numbers of requests received ___

B. Comparison of numbers of requests processed ___

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year ___

D. Other statistics significant to agency ___

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 2

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1.3

3. Total number of personnel 3.3

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

1. FOIA processing (including appeals) approximately $247,000

2. Litigation-related activities (estimated) ____

3. Total Costs approximately $247,000

4. Comparison with previous year(s) (including percentage of change) (optional) ____

X. Fees

A. Total amount of fees collected by agency for processing requests	$0
B. Percentage of total costs	0%

XI. FOIA Regulations (Including Fee Schedule)

ANNUAL FOIA REPORT FY 2004

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Gerald W. Gates
Title: FOIA Officer
Address: U.S. Census Bureau, Washington, DC 20233-3700
Telephone: (301) 763-2515

B. Electronic Address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II How to Make a FOIA Request

For Census Bureau, in addition to address in item I.A., please refer to www.census.gov/po/www/foia/foiaweb.htm

Instructions are shown on DOC FOIA Home Page at:

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

U.S. Census Bureau
Policy Office
Federal Building 3, Room 2430
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges.

The response time for all requests was from one to 20 days.

C. Brief description of why some requests are not granted.

The most common reasons for requests not having been granted were that either the requests were not proper FOIA requests or that no responsive documents existed. A request for records may be denied if the requested record contains information which falls into one or more of the nine categories listed below. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be

Exemption Eight: Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions.

Exemption Nine: Geological and geophysical information and data, including maps, concerning wells.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

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 complexity 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 entireties, 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 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).

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, of 3, 7, and 14, the median number is 7.

16. Average Number - the number obtained by dividing the sum of a group 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 agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

13 U.S.C. 9 ----- requires that census records be used solely for statistical purposes and makes these records confidential.

13 U.S.C. 301(g) and 15 C.F.R. 30.91 ----- Shippers' Export Declarations (or any successor documents) wherever located, are exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

41 U.S.C. 253b ----- Prohibits an agency from releasing any proposal not set forth or incorporated by reference in a contract.

2.. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 ----- *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) ----- none

41 U.S.C. 253b ----- unknown

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests

1. Number of requests pending as of end of preceding fiscal year. 15

2. Number of requests received during current fiscal year. 209

3. Number of requests processed during current fiscal year. 222

4. Number of requests pending as of end of current fiscal year. 2

B. Disposition of initial requests.

1. Number of total grants. 58

2. Number of partial grants. 19

3. Number of denials. 136

Number of requests withdrawn 9

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

(1) Exemption 1	0
(2) Exemption 2	3
(3) Exemption 3	73
(4) Exemption 4	12
(5) Exemption 5	7
(6) Exemption 6	8
(7) Exemption 7(A)	0
(8) Exemption 7(B)	0
(9) Exemption 7(C)	0
(10)Exemption 7(D)	0
(11)Exemption 7(E)	1
(12)Exemption 7(F)	0

4. Other reasons for nondisclosure (total)

a. no records	59
b. referrals	20
c. request withdrawn	9
d. fee-related reason	10
e. records not reasonably described	0
f. not a proper FOIA request for some other reason	29

g. not an agency record 22

h. duplicate request 2

i. other

publicly available information	33
Privacy Act Exemption (k)(4)	31
Privacy Act Exemption (k)(6)	0
Privacy Act Exemption (d)(5)	1

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1. Number of appeals received during fiscal year ___

2. Number of appeals processed during fiscal year ___

B. Disposition of appeals.

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

(1) Exemption 1 ___

(2) Exemption 2 ___

(3) Exemption 3 ___

(4) Exemption 4 ___

(5) Exemption 5 ___

(6) Exemption 6 ___

(7) Exemption 7(A) ___

(8) Exemption 7(B) ___

(9) Exemption 7(C) ___

(10)Exemption 7(D) __

(11)Exemption 7(E) __

(12)Exemption 7(F) __

(13)Exemption 8 __

(14)Exemption 9 __

4. Other reasons for nondisclosure (total) __

a. no records
b. referrals
c. request withdrawn
d. fee-related reason
e. records not reasonably described
f. not a proper FOIA request for some other reason
g. not an agency record
h. duplicate request
i. other (untimely)

VII. Compliance with Time Limits/Status of Pending Requests

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

1. Simple requests (if multiple tracks used).

a. number of requests processed 222

b. median number of days to process 16

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

a. number of requests processed N/A (complex track not used by the Census Bureau)

b. median number of days to process __

3. Requests accorded expedited processing.

a. number of requests processed 3

b. median number of days to process 2

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year 2

2. Median number of days that such requests were pending as of that date 3

VIII. Comparisons with Previous Year(s) (Optional)

A. Comparison of numbers of requests received ___

B. Comparison of numbers of requests processed ___

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year ___

D. Other statistics significant to agency ___

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 2

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1.3

3. Total number of personnel 3.3

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

1. FOIA processing (including appeals) approximately $259,000

2. Litigation-related activities (estimated) ___

3. Total Costs approximately $259,000

4. Comparison with previous year(s) (including percentage of change) (optional) ___

X. Fees

A. Total amount of fees collected by agency for processing requests	$1,426.
B. Percentage of total costs	< 1%

XI. FOIA Regulations (Including Fee Schedule)

ANNUAL FOIA REPORT FY 2005

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Burton H. Reist
Title: FOIA Officer
Address: U.S. Census Bureau, Washington, DC 20233-3700
Telephone: (301) 763-3949

B. Electronic Address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II How to Make a FOIA Request

For Census Bureau, in addition to address in item I.A., please refer to www.census.gov/po/www/foia/foiaweb.htm

Instructions are shown on DOC FOIA Home Page at:

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

U.S. Census Bureau
Policy Office
Federal Building 3, Room 2430
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges.

The response time for all requests was from one to 24 days.

C. Brief description of why some requests are not granted.

The most common reasons for requests not having been granted were that either the requests were not proper FOIA requests or that no responsive documents existed. A request for records may be denied if the requested record contains information which falls into one or more of the nine categories listed below. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be

segregated from the exempt portions will be released to the requester.

Categories of Exempt Information

Exemption One: Records which are specifically authorized under criteria established by an Executive Order to be kept secret in interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Exemption Two: Records related solely to the internal personnel rules and practices of the Department of Commerce.

Exemption Three: Records specifically exempted from disclosure by statute, provided that such statute:

Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issues: or establishes particular criteria for withholding or refers to particular types of matter to be withheld.

Exemption Four: Trade secrets and commercial of financial information obtained from a person that is privileged or confidential.

Exemption Five: Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Department of Commerce.

Exemption Six: Personnel, medical, and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exemption Seven: Records compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records could reasonably be expected to interfere with enforcement proceedings; would deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy; could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished records on a confidential basis; would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or could reasonably be expected to endanger the life or physical safety of any individual.

Exemption Eight: Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions.

Exemption Nine: Geological and geophysical information and data, including maps, concerning wells.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

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 complexity 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 entireties, 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 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).

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, of 3, 7, and 14, the median number is 7.

16. Average Number - the number obtained by dividing the sum of a group 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 agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

13 U.S.C. 9 ----- requires that census records be used solely for statistical purposes and makes these records confidential.

13 U.S.C. 301(g) and 15 C.F.R. 30.91 ----- Shippers' Export Declarations (or any successor documents) wherever located, are exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

41 U.S.C. 253b ----- Prohibits an agency from releasing any proposal not set forth or incorporated by reference in a contract.

2.. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 ----- *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) ----- none

41 U.S.C. 253b ----- unknown

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests

1. Number of requests pending as of end of preceding fiscal year. 2

2. Number of requests received during current fiscal year. 196

3. Number of requests processed during current fiscal year. 190

4. Number of requests pending as of end of current fiscal year. 8

B. Disposition of initial requests.

1. Number of total grants. 35

2. Number of partial grants. 52

3. Number of denials. 94

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

(1) Exemption 1 0

(2) Exemption 2 7

(3) Exemption 3 47

(4) Exemption 4 27

(5) Exemption 5 9

(6) Exemption 6 31

(7) Exemption 7(A) 0

(8) Exemption 7(B) 0

(9) Exemption 7(C) 2

(10)Exemption 7(D) 0
(11)Exemption 7(E) 0

(12)Exemption 7(F) 0

4. Other reasons for nondisclosure (total)

a. no records 0

b. referrals 0

c. request withdrawn 9

d. fee-related reason 0

e. records not reasonably described 0

f. not a proper FOIA request for some other reason 0

g. not an agency record 0

h. duplicate request 0

i. other
publicly available information 0

Privacy Act Exemption (k)(4)	51
Privacy Act Exemption (k)(6)	1
Privacy Act Exemption (d)(5)	0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1. Number of appeals received during fiscal year ___

2. Number of appeals processed during fiscal year ___

B. Disposition of appeals.

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

(1) Exemption 1 ___

(2) Exemption 2 ___

(3) Exemption 3 ___

(4) Exemption 4 ___

(5) Exemption 5 ___

(6) Exemption 6 ___

(7) Exemption 7(A) ___

(8) Exemption 7(B) ___

(9) Exemption 7(C) ___

(10)Exemption 7(D) ___

(11)Exemption 7(E) ___

(12)Exemption 7(F) ___

(13)Exemption 8 ___

(14)Exemption 9 ___

4. Other reasons for nondisclosure (total) ___

a. no records
b. referrals
c. request withdrawn
d. fee-related reason
e. records not reasonably described
f. not a proper FOIA request for some other reason
g. not an agency record
h. duplicate request
i. other (untimely)

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year. 11

1. Simple requests (if multiple tracks used).

a. number of requests processed 190

b. median number of days to process 11

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

a. number of requests processed N/A (complex track not used by the Census Bureau)

b. median number of days to process ___

3. Requests accorded expedited processing. 1

a. number of requests processed 1
b. median number of days to process 8

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

VIII. Comparisons with Previous Year(s) (Optional)

A. Comparison of numbers of requests received ___

B. Comparison of numbers of requests processed ___

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year ___

D. Other statistics significant to agency ____

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 2

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1

3. Total number of personnel 3

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

1. FOIA processing (including appeals) approximately $225,000

2. Litigation-related activities (estimated) ____

3. Total Costs approximately $225,000

4. Comparison with previous year(s) (including percentage of change) (optional) ___

X. Fees

A. Total amount of fees collected by agency for processing requests 0
B. Percentage of total costs 0

XI. FOIA Regulations (Including Fee Schedule)

ANNUAL FOIA REPORT FY 2006

I. Basic Information Regarding Report

A. Person(s) to be contacted with questions about the report.

Name: Burton H. Reist
Title: FOIA Officer
Address: U.S. Census Bureau, Washington, DC 20233-3700
Telephone: (301) 763-3949

B. Electronic Address for report on the World Wide Web.

C. How to obtain a copy of the report in paper form.

See address in item I.A.

II How to Make a FOIA Request

For Census Bureau, in addition to address in item I.A., please refer to www.census.gov/po/www/foia/foiaweb.htm

Instructions are shown on DOC FOIA Home Page at:

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

U.S. Census Bureau
Policy Office
Room 8H026
Washington, DC 20233-3700

B. Brief description of the agency's response-time ranges.

The response time for all requests was from one to 80 days.

C. Brief description of why some requests are not granted.

A request for records may be denied if the requested record contains information which falls into one or more of the nine categories listed below. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released to the requester.

Categories of Exempt Information

Exemption One: Records which are specifically authorized under criteria established by an Executive Order to be kept secret in interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Exemption Two: Records related solely to the internal personnel rules and practices of the Department of Commerce.

Exemption Three: Records specifically exempted from disclosure by statute, provided that such statute:

Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issues: or establishes particular criteria for withholding or refers to particular types of matter to be withheld.

Exemption Four: Trade secrets and commercial of financial information obtained from a person that is privileged or confidential.

Exemption Five: Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Department of Commerce.

Exemption Six: Personnel, medical, and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exemption Seven: Records compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records could reasonably be expected to interfere with enforcement proceedings; would deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy; could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished records on a confidential basis; would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or could reasonably be expected to endanger the life or physical safety of any individual.

Exemption Eight: Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for use of an agency

responsible for the regulation or supervision of financial institutions.

Exemption Nine: Geological and geophysical information and data, including maps, concerning wells.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

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 complexity 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 entireties, 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 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).

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, of 3, 7, and 14, the median number is 7.

16. Average Number - the number obtained by dividing the sum of a group 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 agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

13 U.S.C. 9 ----- requires that census records be used solely for statistical purposes and makes these records confidential.

13 U.S.C. 301(g) and 15 C.F.R. 30.91 ----- Shippers' Export Declarations (or any successor documents) wherever located, are exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

41 U.S.C. 253b ----- Prohibits an agency from releasing any proposal not set forth or incorporated by reference in a contract.

2.. Statement of whether a court has upheld the use of each statute. If so, then cite example.

13 U.S.C. 9 ----- *Baldrige v Shapiro*, 455 U.S. 355 (1982)

13 U.S.C. 301(g) ----- none

41 U.S.C. 253b ----- unknown

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests

1. Number of requests pending as of end of preceding fiscal year. 8

2. Number of requests received during current fiscal year. 176

3. Number of requests processed during current fiscal year. 173

4. Number of requests pending as of end of current fiscal year. 11

B. Disposition of initial requests.

1. Number of total grants. 10

2. Number of partial grants. 112

3. Number of denials. 51

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

(1) Exemption 1 0

(2) Exemption 2 8

(3) Exemption 3 65

(4) Exemption 4 19

(5) Exemption 5 6

(6) Exemption 6 12

(7) Exemption 7(A) 0

(8) Exemption 7(B) 0

(9) Exemption 7(C) 1

(10)Exemption 7(D) 0

(11)Exemption 7(E) 0

(12)Exemption 7(F) 0

4. Other reasons for nondisclosure (total)

a. no records 17

b. referrals 11

c. request withdrawn 9

d. fee-related reason 3

e. records not reasonably described 0

f. not a proper FOIA request for some other reason 3

g. not an agency record 3

h. duplicate request 0

i. other
publicly available information 22

Privacy Act Exemption (k)(4)	47
Privacy Act Exemption (k)(6)	0
Privacy Act Exemption (d)(5)	0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1. Number of appeals received during fiscal year ___

2. Number of appeals processed during fiscal year ___

B. Disposition of appeals.

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

(1) Exemption 1 ___

(2) Exemption 2 ___

(3) Exemption 3 ___

(4) Exemption 4 ___

(5) Exemption 5 ___

(6) Exemption 6 ___

(7) Exemption 7(A) ___

(8) Exemption 7(B) ___

(9) Exemption 7(C) ___

(10)Exemption 7(D) ___

(11)Exemption 7(E) ___

(12)Exemption 7(F) ___

(13)Exemption 8 ___

(14)Exemption 9 ___

4. Other reasons for nondisclosure (total) ___

a. no records
b. referrals
c. request withdrawn
d. fee-related reason
e. records not reasonably described
f. not a proper FOIA request for some other reason
g. not an agency record
h. duplicate request
i. other (untimely)

VII. Compliance with Time Limits/Status of Pending Requests

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

1. Simple requests (if multiple tracks used).

a. number of requests processed 173

b. median number of days to process 20

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

a. number of requests processed N/A (complex track not used by the Census Bureau)

b. median number of days to process n/a___

3. Requests accorded expedited processing.

a. number of requests processed 1

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year 11

2. Median number of days that such requests were pending as of that date 5

VIII. Comparisons with Previous Year(s) (Optional)

A. Comparison of numbers of requests received ___

B. Comparison of numbers of requests processed ___

C. Comparison of median numbers of days requests were pending as of end of Fiscal Year ___

D. Other statistics significant to agency ____

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 2

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 3

3. Total number of personnel 5

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

1. FOIA processing (including appeals) approximately $230,000

2. Litigation-related activities (estimated) ____

3. Total Costs approximately $230,000

4. Comparison with previous year(s) (including percentage of change)+.97%____

X. Fees

A. Total amount of fees collected by agency for processing requests $670.35

B. Percentage of total costs 0

XI. FOIA Regulations (Including Fee Schedule)