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Description of document: **Annual FOIA Reports for United States Department of the Interior National Park Service, Washington, DC, for 1996 – 2006**

Requested date: 14-November-2006

Released date: 20-February-2007

Posted date: 24-January-2008

Title of Document Department of the Interior Freedom of Information Act 1996 Annual Report, 1997 Annual Report, 1998 Annual Report, 2000 Annual Report, 2001 Annual Report, 2002 Annual Report, 2003 Annual Report, 2004 Annual Report, 2005 Annual Report

Source of document: Office of the Chief Information Officer
1849 C Street NW
Mail Stop: 1201 Eye Street, NW, 8th Floor
Washington, DC 20240
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United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

FEB 20 2007

A7221(2550)

This is in response to Freedom of Information Act Request (FOIA) dated November 14, 2006, (Request No. NPS-2007-00194) seeking a copy of the National Park Service's FOIA Annual Reports from 1996 to the present.

Please find enclosed, copies of the FOIA Annual Report for Fiscal Years 1996 through 2005. The National Park Service's report for Fiscal Year 2006 is still in draft, therefore, we are withholding records under Exemption 5 of the FOIA, 5 U.S.C. 552 (b)(5) the deliberative process privilege, which allows a Federal agency to withhold privileged draft documents which are, or may be, a part of an active and/or ongoing decision making process. This privilege serves to protect against the premature or inadvertent disclosure of any preliminary or proposed policies and corresponding internal discussions prior to final agency action.

You have the right to appeal this partial denial by writing to the Freedom of Information Act Appeals Officer, U.S. Department of the Interior, 1849 C Street, NW, MS-6556, MIB, Washington, D.C. 20240. Your appeal must be in writing and received no later than 30 workdays after the date of this letter (Saturday, Sunday, public holidays excepted). A copy of your original request and this letter should accompany the appeal as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter.

In working on this response, I consulted with Mr. Jason Waanders, Attorney Advisor, Division of Parks & Wildlife, Office of the Solicitor, Department of the Interior.

If you have any questions concerning this response, please contact Diane Cooke, FOIA Officer at 202/354-1925.

Sincerely,

A handwritten signature in black ink that reads "Diane M. Cooke". The signature is written in a cursive style with a large initial "D" and "C".

Diane M. Cooke
FOIA Officer
NPS Headquarters

Enclosure

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 1996 Annual Report
(January 1 - December 31, 1996)

Bureau/Office National Park Service
Reporting Official Pinky Salley
Telephone No. Doris Lowery
208-3067
Date 1-17-97

1. Requests received. 845

2. Denials and noncompliances. 242

- a. Number of requests fully or partially denied: 242
- b. Number of times each exemption under Subsection 552(b) was invoked in making the denial:*

<u>Exemption</u>	<u>Times invoked</u>
1	<u>0</u>
2	<u>10</u>
3	<u>1</u>
4	<u>48</u>
5	<u>46</u>
6	<u>105</u>
7	<u>32</u>
8	<u>0</u>
9	<u>0</u>

*In some cases, more than one exemption may be cited in denying a single request.

c. List of statutes invoked under the use of exemption 3:

Cave Protection Act

d. List of names and titles of officials denying records and the number of instances for each official:*

<u>Name</u>	<u>Title</u>	<u>No. of Instances</u>
-------------	--------------	-------------------------

*LIST ATTACHED

e. Number of requests not fully complied with (Other authority):

(1) Requester's failure to adequately identify records.	23
(2) Refusal to pay fees.	17
(3) Nonpossession of records by DOI. (Records do not exist)	72
(4) Referred to another agency.	49

*For the purposes of the Annual Report, only list those officials actually responsible for the denial--do not include everyone consulted during the review process.

	(5) Request withdrawn.	<u>9</u>
	(6) Request referred to another bureau.	<u>11</u>
	(7) Requested information previously furnished.	<u>27</u>
	(8) Other (explain).	<u>1</u>
3.	<u>Fees.</u> An appeal returned with directive to respond to Appellant	
	Total amount of fees collected from the public.	\$ <u>5,393.55</u>
4.	<u>Costs.</u>	
	Total cost to administer the FOIA.	\$ <u>357,205.74</u>
5.	<u>Number of time extensions taken and the reason for each.</u>	
	a. The need to search for and collect the requested records from another source.	<u>69</u>
	b. The need to search for, collect, and examine a voluminous amount of records.	<u>53</u>
	c. Consultation with another agency, or other components in DOI.	<u>26</u>
6.	<u>Availability of records.</u>	
	List new categories of records, or segregable portions thereof, now being released.	<u>N/A</u>
7.	<u>FOIA training.</u>	
	List any FOIA training provided to bureau/office employees during CY 1995, i.e., date and location of training.	

Name and Title
No. of Instances
1/17/97

Robert Barbee, Field Director, Alaska Field Area
1

Richard DeClerck, Attorney Advisor, Portland Regional Office, SOL
1

Charles P. Clapper, Director, Denver Service Center
43

William A. Perry, Attorney Advisor, Denver Regional Office, SOL
48

Gerald O'Nan, Attorney Advisor, Denver Regional Office, SOL
43

David Wright, Manager, Harper Ferry Center
1

Alton Woods, Attorney Advisor, Division of General Law, SOL
1

John E. Cook, Director, Intermountain Field Area
33

William W. Schenk, Field Director, Midwest Field Area (FNP)
7

Edward D. Carlin, Acting Field Director, Midwest Field Area (FNP)
1

Catherine A. Damon, Acting Field Director, Midwest Field Area (FNP)
1

David N. Given, Acting Field Director, Midwest Field Area (FNP)
5

Alan M. Hutchings, Acting Field Field Director, Midwest Field Area (FNP)
1

Robert Stanton, Field Director, National Capital Area

16

Randolph Myers, Attorney Advisor, Division of Conservation and Wildlife, SOL

38

Josefa O'Malley, Attorney Advisor, Division of Conservation and Wildlife, SOL

9

Terry Carlstrom, Acting Field Director, National Capital Area

17

Joseph Lawler, Acting Field Director, National Capital Area

4

John Parsons, Acting Field Director, National Capital Area

1

Richard Powers, Acting Field Director, National Capital Area

8

Marie Rust, Field Director, Northeast Field Area

6

Anthony Conte, Regional Solicitor, Boston, SOL

6

Stanley Albright, Field Director, Pacificwest Field Area

82

Bill Silver, Field Solicitor, Pacificwest Field Area

81

Bill Back, Field Solicitor, Pacificwest Field Area

1

Bob Baker, Field Director, Southeast Field Area

5

Jerry Belson, Acting Field Director, Southeast Field Area

6

Patricia Hooks, Attorney Advisor, Southeast Field Area

3

Sean Skaggs, Attorney Advisor, Southeast Field Area

5

John Harrington, Attorney Advisor, Southeast Field Area

1

Delores Young, Attorney Advisor, Southeast Field Area

2

Roger Kennedy, Director, FNP

2

Dennis Galvin, Acting Director, FNP

2

Debra Hecox, Attorney Advisor, Division of Conservation and Wildlife, SOL

3

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 1997 Annual Report
(January 1 - September 30, 1997)

Bureau/Office National Park Service
Reporting Official Doris R. Lowery
Telephone No. 202/208-6328
Date 12/19/1997

1. Requests received. 732
2. Denials and noncompliances.
- a. Number of requests fully or partially denied: 183
- b. Number of times each exemption under Subsection 552(b) was invoked in making the denial:*

<u>Exemption</u>	<u>Times invoked</u>
1	<u>0</u>
2	<u>15</u>
3	<u>3</u>
4	<u>23</u>
5	<u>33</u>
6	<u>84</u>
7	<u>25</u>
8	<u>0</u>
9	<u>0</u>

*In some cases, more than one exemption may be cited in denying a single request.

(5) Request withdrawn.	<u>14</u>
(6) Request referred to another bureau.	<u>15</u>
(7) Requested information previously furnished.	<u>13</u>
(8) Other (explain).	<u>0</u>

3. Fees.

Total amount of fees collected from the public. \$ 9,840.28

4. Costs.

Total cost to administer the FOIA. \$ 207,055.58

5. Number of time extensions taken and the reason for each.

a. The need to search for and collect the requested records from another source.	<u>73</u>
b. The need to search for, collect, and examine a voluminous amount of records.	<u>33</u>
c. Consultation with another agency, or other components in DOI.	<u>25</u>

6. Availability of records.

List new categories of records, or segregable portions thereof, now being released. N/A

7. FOIA training.

List any FOIA training provided to bureau/office employees during CY 1997, i.e., date and location of training.

June 10th and 11th (Phila., PA)

June 25th and 26th (Lowell Nat. Hist. Park)

NPS-Intermountain Region July 9th and 10th Grand Junction, Colorado

NPS-Intermountain Region September 3rd and 4th Albg., New Mexico

c. List of statutes invoked under the use of exemption 3:

Denfense Authorization Act

d. List of names and titles of officials denying records and the number of instances for each official:*

<u>Name</u>	<u>Title</u>	<u>No. of Instances</u>
-------------	--------------	-------------------------

LIST ATTACHED

e. Number of requests not fully complied with (Other authority):

(1) Requester's failure to adequately identify records.	11
(2) Refusal to pay fees.	11
(3) Nonpossession of records by DOI. (Records do not exist)	59
(4) Referred to another agency.	16

*For the purposes of the Annual Report, only list those officials actually responsible for the denial--do not include everyone consulted during the review process.

**Name and Title
No. of Instances**

Charles P. Clapper, Regional Director, Denver Service Center
5
G. Roger Evans, Acting Director, Denver Service
7
William A. Perry, Regional Solicitor's
12

John Cook, Regional Director, Intermountain Regional Office
46
Gerald O'Nan, Asst. Regional Solicitor
46

William Schenk, Regional Director, Midwest Regional Office
12
David Given , Acting Regional Director, Midwest Regional Office
4
Florence Six, Acting Regional Director, Midwest Regional Office
3
Catherine Damon, Acting Regional Director, Midwest Regional Office
1
James Loach, Acting Regional Director, Midwest Regional Office
1
Constance M. Lemos, FOIA Coordinator, Badlands NP,
1
William A. Perry, Attorney Advisor, Office of the Solicitor
22

Richard E. Powers, Acting Regional Director, National Capital Region
1
Joseph Lawler, Acting Regional Director, National Capital Region
22
Gentry Davis, Superintendent, National Capital Parks-East
1
Terry R. Carlstrom, Regional Director
6
Randy Myers Randolph, Attorney Advisor, Office of the Solicitor
30

Marie Rust, Regional Director, Northeast Region
13
Anthony Conte, Attorney Advisor, Office of the Solicitor
13

Holly Bundock, Acting Regional Director , Pacific West Region

51

Bill Silver, Attorney Advisor, Office of the Solicitor

7

Bill Back, Attorney Advisor, Office of the Solicitor

4

Ralph Minhan, Attorney Advisor, Office of the Solicitor

40

Jerry Belson, Regional Director, Southeast Region

5

Delores Young, Attorney Advisor, Office of the Solicitor

4

John Harrington, Assistant Regional Solicitor

1

Roger Kennedy, Director of the National Park Service

2

Denis Galvin, Acting Director of the National Park Service

3

Debra Hecox, Attorney Advisor, Office of the Solicitor

2

Barry Roth, Attorney Advisor, Office of the Solicitor

2

Carla Matix, Attorney Advisor, Office of the Solicitor

1

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 1998 Annual Report
October 1, 1997 - September 30, 1998

Bureau/Office National Park Service
Reporting Official Doris Lowery
Telephone No. 202/208-6328
Date 01/21/99

I & II. (To be completed by the Department)

III. Definitions of Terms and Acronyms Used in the Report

A. Bureau - specific acronyms or other terms included in each report.
(To be completed by the bureau if appropriate)

B. Basic terms, expressed in common terminology.

1. FOIA/PA request – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. **(All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their 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, 3, 7, and 14, the median number is 7.
16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked.
2. Brief description of type(s) of information withheld under each statute.
3. Statement of whether a court has upheld the use of each statute. If so, then cite example (To be completed by SOL)

V. Initial FOIA / PA Access Requests

■ This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is 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.

A. Numbers of initial requests.

- Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.
- The total of 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 34
2. Number of requests received during current fiscal year 731
3. Number of requests processed during current fiscal year 731
4. Number of requests pending as of end of current fiscal year 34
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

1. Number of total grants 510
2. Number of partial grants 130
3. Number of denials 44

- Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.
- Include fee waiver denials under item 4d, “Fee-related reason”.

A "no record" response does not constitute a denial which would be reported under 3--these should be included under 4a, "No records".

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

(1) Exemption 1 2

(2) Exemption 2 3

(3) Exemption 3 1

(4) Exemption 4 21

(5) Exemption 5 31

(6) Exemption 6 62

(7) Exemption 7 (A) 19

(8) Exemption 7 (B) 2

(9) Exemption 7 (C) 28

(10) Exemption 7 (D) 1

(11) Exemption 7 (E) 3

(12) Exemption 7 (F) 0

(13) Exemption 8 0

(14) Exemption 9 1

4. Other reasons for nondisclosure (total) 68

a. no records 26

b. referrals 17

c. request withdrawn 14

d. fee-related reason 4

e. records not reasonably described 1

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

g. not an agency record 0

h. duplicate request _____ 6 _____

i. other (specify) _____ 0 _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests (To be completed by the Department.)

■ This should include all access requests, whether first-party or third-party.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____ 0 _____

2. Number of appeals processed during fiscal year _____ 0 _____

B. Disposition of appeals.

1. Number completely upheld _____ 0 _____

2. Number partially reversed _____ 0 _____

3. Number completely reversed _____ 0 _____

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

(1) Exemption 1 _____ 0 _____

(2) Exemption 2 _____ 0 _____

(3) Exemption 3 _____ 0 _____

(4) Exemption 4 _____ 0 _____

(5) Exemption 5 _____ 0 _____

(6) Exemption 6 _____ 0 _____

(7) Exemption 7(A) _____ 0 _____

(8) Exemption 7(B) _____ 0 _____

(9) Exemption 7(C) _____ 0 _____

(10) Exemption 7(D) _____ 0 _____

(11) Exemption 7(E) _____ 0 _____

(12) Exemption 7 (F)	_____ 0 _____
(13) Exemption 8	_____ 0 _____
(14) Exemption 9	_____ 0 _____
4. Other reasons for nondisclosure (total)	_____
a. no records	_____ 0 _____
b. referrals	_____ 0 _____
c. request withdrawn	_____ 0 _____
d. fee-related reason	_____ 0 _____
e. records not reasonably described	_____ 0 _____
f. not a proper FOIA request for some other reason	_____ 0 _____
g. not an agency record	_____ 0 _____
h. duplicate request	_____ 0 _____
i. other (specify)	_____ 0 _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau believes that “average time” is a better measure of its performance, it may wish to include that as well.

■ **Examples - calculating the median:**

1) Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date for 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.

2) 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. Processing time for requests processed during the year.

1. Normal Processing

a. number of requests processed 731

b. median number of days to process 30

c. average number of days to process (optional) 0

2. Requests accorded expedited processing.

a. number of requests processed 0

b. median number of days to process 0

c. average number of days to process (optional) 0

(NOTE: DOI does not use multitrack processing at this time.)

B. Status of pending requests.

1. Number of requests pending as of end of FY 98
(Enter this number from Line V.A.4.) 34

2. Median number of days that such requests were
pending as of that date (September 30, 1998) 14

3. Average number of days that such requests were
pending as of that date (optional) 0

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.
(Note that the figures reported in the FY 97 report cover 9 months only--in providing the
figures requested below, please use a 12-month period.)

A. Comparison of numbers of requests received:

	No.	% change over FY 97
FY 98	<u>731</u>	<u>0</u>
FY 97	<u>732</u>	

B. Comparison of numbers of requests processed:

No.	% change over FY 97
-----	---------------------

	(if available)
FY 98	___697___
FY 97	_____

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 97
	(if available)	
FY 98	___-___	_____
FY 97	___-___	_____

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees (do not list training sponsored by DOJ, ASAP, USDA), etc.):

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel	___2.0___
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	___17.50___
3. Total number of personnel (in work-years)	___19.5___

B. Total Costs (including staff and all resources):

- The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support. For purposes of the report, use the individual's salary (exclude benefits and overhead)(include under 1, 2, and 3, if applicable)
- Cost to provide or attend training (include under 3).
- Fees which are waived or not recovered, including those instances where the fee is \$15 or under, provided that a record of such fees is maintained as backup information (include under 1).
- The cost to develop and maintain the bureau's FOIA home page (include under 3).
- Other costs (Check with the Departmental FOIA Officer).
 1. FOIA processing (including appeals)

Staff _\$314,847.61_

Other _\$7,539.00

2. Litigation-related activities (estimated)

Staff _ 0 _

Other _ 0 _

3. Other costs - administering
the program (training, home
page costs etc.)

\$7,445.00

4. Total costs

\$329,831.76

5. Comparison with previous year(s) (including % of change)
(optional for FY 98)

\$185,776.18

C. Statement of additional resources needed for FOIA compliance none

X. Fees

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

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

 4,880.82

B. Percentage of total costs

 1.24%

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2000 Annual Report
October 1, 1999 - September 30, 2000

Bureau/Office National Park Service
Reporting Official Diane Cooke
Telephone No. 208-3933
Date 12/14/00

I & II. (To be completed by the Department)

III. Definitions of Terms and Acronyms Used in the Report

**A. Bureau - specific acronyms or other terms included in each report.
(To be completed by the bureau if appropriate)**

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 PA 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 FOIA.**
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 FOIA, or any other FOIA determination such as a matter pertaining to fees.**
4. **Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.**
5. **Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more**

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

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

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

IV. Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. (**Section 207 of the Thomas Bill. Invoked 1 time**)
2. Brief description of type(s) of information withheld under each statute. (**Location of Endangered Species**)
3. Statement of whether a court has upheld the use of each statute. If so, then cite example (**To be completed by SOL**)

V. Initial FOIA/PA Access Requests

■ This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is 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.

A. Numbers of initial requests.

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

· The total of 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 38
2. Number of requests received during current fiscal year 816
3. Number of requests processed during current fiscal year 796
4. Number of requests pending as of end of current fiscal year 58
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

1. Number of total grants 588

2. Number of partial grants 147

3. Number of denials 45

- Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.
- Include fee waiver denials under item 3 (where the requester specifically asks for a fee waiver because he/she believes disclosure is in the public interest, 43 CFR 2.21), but distinguish these from the denial of records.
- A "no record" response does not constitute a denial which would be reported under 3--these should be included under 4a, "No records".

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

(1) Exemption 1 0

(2) Exemption 2 6

(3) Exemption 3 1

(4) Exemption 4 26

(5) Exemption 5 53

(6) Exemption 6 60

(7) Exemption 7 (A) 11

(8) Exemption 7 (B) 6

(9) Exemption 7 (C) 21

(10) Exemption 7 (D) 0

(11) Exemption 7 (E) 9

(12) Exemption 7 (F) 1

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 245

- a. no records 126
- b. referrals 46
- c. request withdrawn 16
- d. fee-related reason 13
- e. records not reasonably described 7
- f. not a proper FOIA request for some other reason 7
- g. not an agency record 14
- h. duplicate request 3
- i. other (specify) 13 (1) 552a(d)(5)(4)
**(If a request was denied under the Privacy Act, specify which
Privacy Act exemption was used to deny the information.)**

VI. Appeals of Initial Denials of FOIA/PA Requests (To be completed by the Department.)

■ This should include all access requests, whether first-party or third-party.

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) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau believes that “average time” is a better measure of its performance, it may wish to include that as well.

■ **Examples - calculating the median:**

1) Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date for 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.

2) 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. Processing time for requests processed during the year.

1. Normal Processing

- a. number of requests processed 796
- b. median number of days to process 18
- c. average number of days to process (optional) _____

2. Requests accorded expedited processing.

- a. number of requests processed n/a
- b. median number of days to process -
- c. average number of days to process (optional) -

(NOTE: DOI does not use multitrack processing at this time.)

B. Status of pending requests.

- 1. Number of requests pending as of end of FY 2000 20
(Enter this number from Line V.A.4.)
- 2. Median number of days that such requests were pending as of that date (September 30, 2000) 14.25

3. Average number of days that such requests were pending as of that date (optional) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 99
FY 00	<u>820</u>	-0.94
FY 99	<u>872</u>	

B. Comparison of numbers of requests processed:

	No.	% change over FY 99
FY 00	<u>796</u>	<u>-0.93</u>
FY 99	<u>855</u>	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 99
FY 00	<u>14.25</u>	<u>-0.79</u>
FY 99	<u>18</u>	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees (do not list training sponsored by DOJ, ASAP, USDA), etc.):

- **NPS has been working extremely hard to reduce any backlogs.**
- **The FOIA Officer has been spending time one-on-one with WASO program offices giving them guidance on how to prepare FOIA's. Also, the Regional FOIA Coordinators do provide training to their employees.**

IX. Costs/FOIA Staffing

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) 21.3

3. Total number of personnel (in work-years) 22.3

B. Total Costs (including staff and all resources):

- The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support. For purposes of the report, use the individual's salary (exclude benefits and overhead)(include under 1, 2, and 3, if applicable)
- Cost to provide or attend training (include under 3).
- Fees which are waived or not recovered, including those instances where the fee is \$15 or under, provided that a record of such fees is maintained as backup information (include under 1).
- The cost to develop and maintain the bureau's FOIA home page (include under 3).
- Other costs (Check with the Departmental FOIA Officer).

1. FOIA processing (including appeals)

Staff \$441,175.8

Other \$595.00

2. Litigation-related activities (estimated)

Staff 0

Other _____

3. Other costs - administering the program (training, home page costs etc.)

\$12,200.00

4. Total costs

\$453,970.8

5. Comparison with previous year(s) (including % of change) 0.9% +5,730.73

- **This change is due to an increase in staffing.**

C. Statement of additional resources needed for FOIA compliance \$1,000,000.00

- **To be in compliance with EFOIA Servicewide.**

X. Fees

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

regulations.

A. Total amount of fees collected by agency for processing requests \$1,430.57

B. Percentage of total costs $(-)$ 1.43

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2001 Annual Report
October 1, 2000 - September 30, 2001

Bureau/Office National Park Service

Reporting Official Diane Cooke

Telephone No. 208-3933

Date 12/17/01

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

I & II. (To be completed by the Department)

III. Definitions of Terms and Acronyms Used in the Report

A. Bureau - specific acronyms or other terms included in each report.
(To be completed by the bureau if appropriate)

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 third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. **(All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. **Processed Request or Appeal** – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. **Multi-track processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **Simple request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. **Complex request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. **Grant** -- an agency decision to disclose all records in full in response to a FOIA request.
10. **Partial grant** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their 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, 3, 7, and 14, the median number is 7.
16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. **(Provide the complete title and citation of the statute used by the bureau/office.)**
 - ◆ **Archeological Resources Protection Act of 1979 16 USC 470hh(a)**
 - ◆ **National Historical Preservation Act of 1966, 16 USC 470-470t, 110**
 - ◆ **Federal Cave Resources Protection Act of 1988, 16 USC sec. 4301 et seq. Section 5(a) was invoked.**
 - ◆ **16 USC 4304(a), Confidentiality of Information concerning Nature and location of Significant Caves was invoked.**
 - ◆ **Section 207 of NPOMA (The Thomas Bill)**
2. Brief description of type(s) of information withheld under each statute **(Be specific with regard to the information withheld.)**
 - ◆ **Artifacts and Archeological Site Data was withheld.**
 - ◆ **Location list of significant caves on Federal land in Missouri was withheld.**
 - ◆ **Documents containing information on all of the individual general locations of caves on all Federal land was withheld.**
 - ◆ **Site specific nest locations was withheld.**
3. Statement of whether a court has upheld the use of each statute. If so, then cite example **(To be completed by SOL)**

V. Initial FOIA / PA Access Requests

■ This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is 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.

A. Numbers of initial requests.

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

- **The total of 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 58
2. Number of requests received during current fiscal year 894
3. Number of requests processed during current fiscal year 899
4. Number of requests pending as of end of current fiscal year 53
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

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

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

1. Number of total grants 458
2. Number of partial grants 168
3. Number of denials 36

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

- **Include fee waiver denials under item 3 (where the requester specifically asks for a fee waiver because he/she believes disclosure is in the public interest, 43 CFR 2.21), but distinguish these from the denial of records.**

- **A “no record” response does not constitute a denial which would be reported under 3--these should be included under 4a, “No records.”**

- 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 4
(4) Exemption 4 16
(5) Exemption 5 54
(6) Exemption 6 91
(7) Exemption 7 (A) 8
(8) Exemption 7 (B) 3
(9) Exemption 7 (C) 18
(10) Exemption 7 (D) 0
(11) Exemption 7 (E) 6
(12) Exemption 7 (F) 2
(13) Exemption 8 0
(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 237

- a. no records 126
- b. referrals 39
- c. request withdrawn 15
- d. fee-related reason 12
- e. records not reasonably described 14
- f. not a proper FOIA request for some other reason 3
- g. not an agency record 17
- h. duplicate request 5
- i. other (specify) 6 **552a (d)(5)—1 time; 552a (j2) —1 time;
552a (b)(1)—2 times; 2 for further review – 1 was**

pending review by the SOL ofc; 1 pending NPS' review of email messages.

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests (To be completed by the Department.)

■ This should include all access requests, whether first-party or third-party.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year _____

B. Disposition of appeals.

· **The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line VI.A.2 (number of appeals processed).**

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

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) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau

pending as of that date (optional) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 00
FY 01	894__	(+) 0.025__
FY 00	872__	

B. Comparison of numbers of requests processed:

	No.	% change over FY 00
FY 01	_899_	(+) 0.051__
FY 00	_855_	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 00
FY 01	_22_	(+) 0.222__
FY 00	_18_	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees (do not list training sponsored by DOJ, ASAP, USDA), etc.):

The National Park Service's Northeast Regional Office provided two training sessions to employees in both our Philadelphia and Boston offices.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel _____ 3 _____
2. Number of personnel with part-time or occasional FOIA duties (in total work-years) _____ 21.3 _____

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

document duplication, and any other direct costs permitted under agency regulations.

- A. Total amount of fees collected by agency for processing requests _ \$4,191.77 _
- B. Percentage of total costs _(+) 1.93 _

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2002 Annual Report
October 1, 2001 - September 30, 2002

Bureau/Office National Park Service

Reporting Official Diane Cooke

Telephone No. 208-3933

Date 12/16/02

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

I & II. (To be completed by the Department)

III. Definitions of Terms and Acronyms Used in the Report

**A. Bureau - specific acronyms or other terms included in each report.
(To be completed by the bureau if appropriate)**

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 third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. **(All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

-
5. **Multi-track processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
 6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
 7. **Simple request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
 8. **Complex request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
 9. **Grant** -- an agency decision to disclose all records in full in response to a FOIA request.
 10. **Partial grant** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
 11. **Denial** -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
 12. **Time limits** -- the time period 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, 3, 7, and

14, the median number is 7.

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

IV. Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. **(Provide the complete title and citation of the statute used by the bureau/office.)**
 - ◆ **Section 207 of NPOMA (The Thomas Bill)**
2. Brief description of type(s) of information withheld under each statute **(Be specific with regard to the information withheld.)**
 - ◆ **Describing several threatened and endangered species at the park; other information are maps indicating locations of populations of the referenced threatened and endangered species.**
3. Statement of whether a court has upheld the use of each statute. If so, then cite example **(To be completed by SOL)**

V. Initial FOIA / PA Access Requests

■ This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is 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.

A. Numbers of initial requests.

- **Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.**
- **The total of 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 29
2. Number of requests received during current fiscal year 829
3. Number of requests processed during current fiscal year 833
4. Number of requests pending as of end of current fiscal year 25
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

- **The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line V.A.3 (number of requests processed).**
- **Please note, each request should be counted just once under V.B depending on how the majority of the documents were handled. For example, if a request is “partially granted” and a few documents are referred to another agency for response, the request should be counted just once as a “partially granted” request (this applies to the majority of the records).**

1. Number of total grants 389
2. Number of partial grants 150
3. Number of denials 57

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

- **Include fee waiver denials under item 3 (where the requester specifically asks for a fee waiver because he/she believes disclosure is in the public interest, 43 CFR 2.21), but distinguish these from the denial of records.**

- **A "no record" response does not constitute a denial which would be reported under 3--these should be included under 4a, "No records."**

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

- (1) Exemption 1 0
- (2) Exemption 2 9
- (3) Exemption 3 1
- (4) Exemption 4 15
- (5) Exemption 5 64
- (6) Exemption 6 84
- (7) Exemption 7 (A) 12
- (8) Exemption 7 (B) 10
- (9) Exemption 7 (C) 36

(10) Exemption 7 (D) 1

(11) Exemption 7 (E) 14

(12) Exemption 7 (F) 1

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 237

a. no records 109

b. referrals 50

c. request withdrawn 26

d. fee-related reason 12

e. records not reasonably described 11

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

g. not an agency record 17

h. duplicate request 8

i. other (specify) 3 **552a —1 time; 552a (b) —1 time; Not being able to deny or confirm the existence of any records – 1 time.**

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests (To be completed by the Department.)

■ This should include all access requests, whether first-party or third-party.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year _____

B. Disposition of appeals.

The total of the numbers in lines 1, 2, 3, and 4 should equal the

number in line VI.A.2 (number of appeals processed).

Please note, each appeal should be counted just once under VI.B depending on how the majority of the documents were handled. For example, if a request is “partially reversed” and a few documents are referred to another agency for response, the appeal should be counted just once as a “partially reversed” appeal (this applies to the majority of the records).

- 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) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau believes that “average time” is a better measure of its performance, it may wish to include that as well.

■ **Examples - calculating the median:**

1) Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date for 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.

2) 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. Processing time for requests processed during the year.

The total of the numbers in lines 1a and 2a should equal the number reported under line V.A.3 (number of requests processed).

1. Normal Processing

a. number of requests processed 833

b. median number of days to process 19

c. average number of days to process (optional) _____

2. Requests accorded expedited processing.

a. number of requests processed 1

b. median number of days to process 20

c. average number of days to process (optional) _____

(NOTE: DOI does not use multitrack processing at this time.)

B. Status of pending requests.

1. Number of requests pending as of end of FY 2001 25
(Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date (September 30, 2001) 25

3. Average number of days that such requests were pending as of that date (optional) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 01
FY 02	829__	(-) 0.075__
FY 01	897__	

B. Comparison of numbers of requests processed:

	No.	% change over FY 01
FY 02	833__	(-) 0.025__
FY 01	855__	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 01
FY 02	25__	(+) 0.13__
FY 01	22__	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees (do not list training sponsored by DOJ, ASAP, USDA), etc.):

- **NPS has been working extremely hard to reduce any backlogs.**
- **The FOIA Officer has been spending time one-on-one with WASO program offices giving them guidance on how to prepare FOIA's.**

5. Number of requests for expedited processing received: 3

Number of requests for expedited processing granted: 2

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 4

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 11.85

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

3. Total number of personnel (in work-years) 15.85

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

B. Total Costs (including staff and all resources):

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

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

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

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

1. FOIA processing (including appeals)

Staff \$ 601,406.00

Other \$13,823.05 (for training and upkeep of websites etc.)

2. Litigation-related activities (estimated)

Staff \$5,000

Other _____

3. Total costs \$620,229.05

4. Comparison with previous year(s) (including % of change \$476,743.01 (+)0.030

C. Statement of additional resources needed for FOIA compliance \$1,000,000.00

◆ Again, to comply with EFOIA Servicewide.

X. Fees

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

A. Total amount of fees collected by agency for processing requests \$4,210.04

B. Percentage of total costs (+) .004

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2003 Annual Report
October 1, 2002 - September 30, 2003

Bureau/Office National Park Service
Reporting Official Diane Cooke
Telephone No. 354-1925
Date 12-05-03 (rev. 3/8/04)

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

I & II. (To be completed by the Department)

III. Definitions of Terms and Acronyms Used in the Report

**A. Bureau - specific acronyms or other terms included in each report.
(To be completed by the bureau if appropriate)**

B. Basic terms, expressed in common terminology.

1. **FOIA/PA request – Freedom of Information Act/Privacy Act request.
A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. **Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.**
3. **Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.**
4. **Processed Request or Appeal – a request or appeal for which an agency**

has taken a final action on the request or the appeal in all respects.

5. **Multi-track processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **Simple request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. **Complex request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. **Grant** -- an agency decision to disclose all records in full in response to a FOIA request.
10. **Partial grant** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. **Denial** -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. **Time limits** -- the time period 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, 3, 7, and 14, the median number is 7.
 16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes (See NPS' response at the end of the Report)

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

V. Initial FOIA/PA Access Requests

- This should include all access requests, whether first-party or third-party. Only "perfected" requests should be included. A "perfected request" is 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.

A. Numbers of initial requests.

- **Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.**
- **The total of 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 - 29
2. Number of requests received during current fiscal year - 817
3. Number of requests processed during current fiscal year - 802

4. Number of requests pending as of end of current fiscal year - 44
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

- **The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line V.A.3 (number of requests processed).**
- **Please note, each request should be counted just once under V.B. depending on how the majority of the documents were handled. For example, if a request is “partially granted” and a few documents are referred to another agency for response, the request should be counted just once as a “partially granted” request (this applies to the majority of the records).**

1. Number of total grants - 316

2. Number of partial grants - 175

3. Number of denials - 65

- **Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.**
- **A “no record” response does not constitute a denial which would be reported under 3—these should be included under 4a, “No records.”**

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

(1) Exemption 1 - 0

(2) Exemption 2 - 13

(3) Exemption 3 - 2

(4) Exemption 4 - 21

(5) Exemption 5 - 63

(6) Exemption 6 - 66

(7) Exemption 7 (A) - 11

(8) Exemption 7 (B) - 21

(9) Exemption 7 (C) - 35

(10) Exemption 7 (D) - 0

(11) Exemption 7 (E) - 4

(12) Exemption 7 (F) - 1

(13) Exemption 8 - 0

(14) Exemption 9 - 0

4. Other reasons for nondisclosure (total) - 246

• **Include fee waiver denials under item 4d.**

a. no records - 93

b. referrals - 42

c. request withdrawn - 26

d. fee-related reason - 36

e. records not reasonably described - 13

f. not a proper FOIA request for some other reason - 4

g. not an agency record - 20

h. duplicate request - 12

i. other (specify) - 0

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests **(To be completed by the Department.)**

- This should include all access requests, whether first-party or third-party.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year _____

B. Disposition of appeals.

- **The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line VI.A.2 (number of appeals processed).**
- **Please note, each appeal should be counted just once under VI.B. depending on how the majority of the documents were handled. For example, if a request is “partially reversed” and a few documents are referred to another agency for response, the appeal should be counted just once as a “partially reversed” appeal (this applies to the majority of the records).**

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) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau believes that “average time” is a better measure of its performance, it may wish to include that as well.
- **Examples - calculating the median:**

1) 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.

2) 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. Processing time for requests processed during the year.

- **The total of the numbers in lines 1a and 2a should equal the number reported under line V.A.3 (number of requests processed).**

1. Normal Processing

- a. number of requests processed - 801
- b. median number of days to process - 21
- c. average number of days to process (optional) _____

2. Requests accorded expedited processing.

- a. number of requests processed - 1
- b. median number of days to process - 1
- c. average number of days to process (optional) _____

(NOTE: DOI does not use multitrack processing at this time.)

B. Status of pending requests.

- 1. Number of requests pending as of end of FY 2003 - 44
(Enter this number from Line V.A.4.)
- 2. Median number of days that such requests were pending as of that date (September 30, 2003) - 16
- 3. Average number of days that such requests were pending as of that date (optional) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 02
FY 03	817	- .01
FY 02	829	

B. Comparison of numbers of requests processed:

	No.	% change over FY 02
FY 03	802	- .04
FY 02	833	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 02
FY 03	16	- .4
FY 02	25	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees (do not list training sponsored by DOJ, ASAP, USDA), etc.):

E. Number of requests for expedited processing received: - 1

Number of requests for expedited processing granted: - 1

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel - 3

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) - 12.86

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

.85 work-years.)

3. Total number of personnel (in work-years) - 15.86

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

B. Total Costs (including staff and all resources):

- The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support (include under 1, 2, and 3, if applicable). For purposes of the report, use the individual's salary (exclude benefits and overhead).
- Cost to provide or attend training (include under 1).
- Fees which are waived or not recovered, including those instances where the fee is \$30 or under, provided that a record of such fees is maintained as backup information (include under 1).
- The cost to develop and maintain the bureau's FOIA home page (include under 1).

1. FOIA processing (including appeals)

Staff \$617,878.13

Other \$15,000

2. Litigation-related activities (estimated)

Staff \$5,000

Other 0

3. Total costs \$637,878.13

4. Comparison with previous year(s) (including % of change) \$476,743.01
(-.33%)

C. Statement of additional resources needed for FOIA compliance - \$1,000,000
* To comply with EFOIA Servicewide, and also training.

X. Fees

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

A. Total amount of fees collected by agency for processing requests
\$4,575.57

B. Percentage of total costs 40.2%

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. (Provide the complete title and citation of the statute used by the bureau/office.)

1. Federal Acquisition Regulation (FAR) 24.202(a) - used once

2. National Defense Authorization Act of 1996, section 821, amends Section 302B of the Federal Property and Administrative Service Act of 1949 (41 USC 253b) - used once

2. Brief description of type(s) of information withheld under each statute (Be specific with regard to the information withheld.)

1. Lewis & Clark "Corps of Discovery II" Mobile Exhibit/Tour Operations Proposal in response to a competitive solicitation.

2. Contract Proposals

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2004 Annual Report
October 1, 2003 - September 30, 2004

Bureau/Office __ National Park Service __
Reporting Official __ Diane M. Cooke __
Telephone No. __ 202/354-1925 __
Date __ 12/22/04 __

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

I & II. (To be completed by the Department)

III. Definitions of Terms and Acronyms Used in the Report

**A. Bureau - specific acronyms or other terms included in each report.
(To be completed by the bureau if appropriate)**

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A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. **Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.**
3. **Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.**
4. **Processed Request or Appeal – a request or appeal for which an agency**

has taken a final action on the request or the appeal in all respects.

5. **Multi-track processing** -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **Simple request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. **Complex request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. **Grant** -- an agency decision to disclose all records in full in response to a FOIA request.
10. **Partial grant** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their 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, 3, 7, and 14, the median number is 7.
16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

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

V. Initial FOIA/PA Access Requests

- This should include all access requests, whether first-party or third-party. Only “perfected” requests should be included. A “perfected request” is 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.

A. Numbers of initial requests.

- **Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.**
- **The total of 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 ___ 45 ___
2. Number of requests received during current fiscal year ___ 896 ___
3. Number of requests processed during current fiscal year ___ 923 ___

4. Number of requests pending as of end of current fiscal year 18
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

- The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line V.A.3 (number of requests processed).
- Please note, each request should be counted just once under V.B. depending on how the majority of the documents were handled. For example, if a request is "partially granted" and a few documents are referred to another agency for response, the request should be counted just once as a "partially granted" request (this applies to the majority of the records).

1. Number of total grants 495

2. Number of partial grants 124

3. Number of denials 69

- Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.
- A "no record" response does not constitute a denial which would be reported under 3--these should be included under 4a, "No records."

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 2

(4) Exemption 4 24

(5) Exemption 5 61

(6) Exemption 6 73

(7) Exemption 7 (A) ___ 23 ___

(8) Exemption 7 (B) ___ 2 ___

(9) Exemption 7 (C) ___ 41 ___

(10) Exemption 7 (D) ___ 0 ___

(11) Exemption 7 (E) ___ 1 ___

(12) Exemption 7 (F) ___ 3 ___

(13) Exemption 8 ___ 0 ___

(14) Exemption 9 ___ 0 ___

4. Other reasons for nondisclosure (total) ___ 235 ___

• **Include fee waiver denials under item 4d.**

a. no records ___ 93 ___

b. referrals ___ 50 ___

c. request withdrawn ___ 23 ___

d. fee-related reason ___ 40 ___

e. records not reasonably described ___ 6 ___

f. not a proper FOIA request for some other reason ___ 7 ___

g. not an agency record ___ 9 ___

h. duplicate request ___ 5 ___

i. other (specify) ___ 2- Glomar ___

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests **(To be completed by the Department)**

- This should include all access requests, whether first-party or third-party.

A. Numbers of appeals.

1. Number of appeals received during fiscal year N/A

2. Number of appeals processed during fiscal year

B. Disposition of appeals.

- **The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line VI.A.2 (number of appeals processed).**
- **Please note, each appeal should be counted just once under VI.B. depending on how the majority of the documents were handled. For example, if a request is “partially reversed” and a few documents are referred to another agency for response, the appeal should be counted just once as a “partially reversed” appeal (this applies to the majority of the records).**

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) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau believes that “average time” is a better measure of its performance, it may wish to include that as well.
- **Examples - calculating the median:**

1) 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.

2) 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. Processing time for requests processed during the year.

- **The total of the numbers in lines 1a and 2a should equal the number reported under line V.A.3 (number of requests processed).**

1. Normal Processing (Complete this section only if your bureau/office is not using multi-track processing)

a. number of requests processed 923

b. median number of days to process 20

2. Multi-track Processing (Complete this section if your bureau/office is using multi-track processing)

a. Simple requests

1. Number of requests processed N/A

2. Median number of days to process N/A

b. Normal requests

1. Number of requests processed N/A

2. Median number of days to process N/A

c. Complex requests

1. Number of requests processed N/A

2. Median number of days to process N/A

3. Requests accorded expedited processing (All bureaus/offices must complete)

a. number of requests processed 1

b. median number of days to process 10

B. Status of pending requests.

1. Number of requests pending as of end of FY 2004 18
(Enter this number from Line V.A.4.)
2. Median number of days that such requests were pending as of that date (September 30, 2004) 180
3. Average number of days that such requests were pending as of that date (optional) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 03
FY 04	<u>896</u>	+0.096
FY 03	<u>817</u>	

B. Comparison of numbers of requests processed:

	No.	% change over FY 03
FY 04	<u>923</u>	+0.015
FY 03	<u>802</u>	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 03
FY 04	<u>42</u>	+1.6
FY 03	<u>16</u>	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees (do not list training sponsored by DOJ, ASAP, USDA), etc.):

E. Number of requests for expedited processing received: 2

Number of requests for expedited processing granted: 1

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 3

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 8.05

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

3. Total number of personnel (in work-years) 11.05

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

B. Total Costs (including staff and all resources):

- **The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support (include under 1, 2, and 3, if applicable). For purposes of the report, use the individual's salary (exclude benefits and overhead).**
- **Cost to provide or attend training (include under 1).**
- **Fees which are waived or not recovered, including those instances where the fee is \$30 or under, provided that a record of such fees is maintained as backup information (include under 1).**
- **The cost to develop and maintain the bureau's FOIA home page (include under 1).**

1. FOIA processing (including appeals)

Staff 585,910

Other 15,000

2. Litigation-related activities (estimated)

Staff 5,000

Other N/A

3. Total costs 605,910

4. Comparison with previous year(s) (including % of change) 637,878.13 (-.050)

C. Statement of additional resources needed for FOIA compliance 1,000,000

X. Fees

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

A. Total amount of fees collected by agency for processing requests 13,185.71

B. Percentage of total costs _____

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. (Provide the complete title and citation of the statute used by the bureau or office.)

- A. National Defense Authorization Act of 1996, section 821, amends Section 302B of the Federal Property and Administrative Service Act of 1949 (41 USC 253b) – used once.
- B. Public Law 105-391, National Omnibus Management Act of 1998. (36 CFR Part 51.100) - used once.

2. Brief description of type(s) of information withheld under each statute. **(Be specific with regard to the information withheld.)**

- A. The first five pages of a concessions contract proposal.
- B. Concessions contract proposal at Crater Lake NP

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 2005 Annual Report
October 1, 2004 - September 30, 2005

Bureau/Office National Park Service
Reporting Official Diane Cooke
Telephone No. 202/354-1925
Date 12/20/05
Amended 2/15/06

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

I & II. (To be completed by the Department (OCIO))

III. Definitions of Terms and Acronyms Used in the Report

**A. Bureau - specific acronyms or other terms included in each report.
(To be completed by the bureau if appropriate)**

B. Basic terms, expressed in common terminology.

1. **FOIA/PA request – Freedom of Information Act/Privacy Act request.
A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report).**
2. **Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.**
3. **Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.**
4. **Processed Request or Appeal – a request or appeal for which an agency**

has taken a final action on the request or the appeal in all respects.

5. Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits -- the time period 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, 3, 7, and 14, the median number is 7.
 16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes (See NPS' Attachment at the end of the Report)

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

V. Initial FOIA/PA Access Requests

- This should include all access requests, whether first-party or third-party. Only "perfected" requests should be included. A "perfected request" is 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.

A. Numbers of initial requests.

- Even though a requester may ask for several items, e.g., copies of four audit reports, this still only constitutes one request.
- The total of 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 18
2. Number of requests received during current fiscal year 3137
3. Number of requests processed during current fiscal year 3117

4. Number of requests pending as of end of current fiscal year 38
(Enter this number also in line VII.B.1.)

B. Disposition of initial requests.

- The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line V.A.3 (number of requests processed).
- Please note, each request should be counted just once under V.B. depending on how the majority of the documents were handled. For example, if a request is “partially granted” and a few documents are referred to another agency for response, the request should be counted just once as a “partially granted” request (this applies to the majority of the records).

1. Number of total grants 710

2. Number of partial grants 2149

3. Number of denials 36

- Even though more than one exemption may be invoked for each denial, it still only constitutes one denial.
- A “no record” response does not constitute a denial which would be reported under 3—these should be included under 4a, “No records.”

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

(1) Exemption 1 0

(2) Exemption 2 18

(3) Exemption 3 9

(4) Exemption 4 31

(5) Exemption 5 57

(6) Exemption 6 1498

(7) Exemption 7 (A) 43

(8) Exemption 7 (B) 1

(9) Exemption 7 (C) 499

(10) Exemption 7 (D) 0

(11) Exemption 7 (E) 7

(12) Exemption 7 (F) 2

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 222

• **Include fee waiver denials under item 4d.**

a. no records 90

b. referrals 36

c. request withdrawn 14

d. fee-related reason 42

e. records not reasonably described 16

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

g. not an agency record 14

h. duplicate request 0

i. other (specify) 9 (glomar)

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VI. Appeals of Initial Denials of FOIA/PA Requests (To be completed by SOL.)

- This should include all access requests, whether first-party or third-party.

A. Numbers of appeals.

1. Number of appeals received during fiscal year _____

2. Number of appeals processed during fiscal year _____

B. Disposition of appeals.

- **The total of the numbers in lines 1, 2, 3, and 4 should equal the number in line VI.A.2 (number of appeals processed).**
- **Please note, each appeal should be counted just once under VI.B. depending on how the majority of the documents were handled. For example, if a request is “partially reversed” and a few documents are referred to another agency for response, the appeal should be counted just once as a “partially reversed” appeal (this applies to the majority of the records).**

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) _____

(If a request was denied under the Privacy Act, specify which Privacy Act exemption was used to deny the information.)

VII. Compliance with Time Limits/Status of Pending Requests

- Bureaus should count days from the time at which a request is “perfected.”
- Bureaus should provide the median number of days under A and B. If the bureau believes that “average time” is a better measure of its performance, it may wish to include that as well.
- **Examples - calculating the median:**

1) 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.

2) 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. Processing time for requests processed during the year.

- **The total of the numbers in lines 1a and 2a should equal the number reported under line V.A.3 (number of requests processed).**

1. Normal Processing (Complete this section only if your bureau/office is not using multi-track processing.)

a. number of requests processed 3117
b. median number of days to process 19

2. Multi-track Processing (Complete this section if your bureau/office is using multi-track processing.)

a. Simple requests

1. Number of requests processed N/A
2. Median number of days to process _____

b. Normal requests

1. Number of requests processed N/A
2. Median number of days to process _____

c. Complex requests

1. Number of requests processed N/A
2. Median number of days to process _____

3. Requests accorded expedited processing (All bureaus/offices must complete)

a. number of requests processed 0

b. median number of days to process 0

B. Status of pending requests.

1. Number of requests pending as of end of FY 2005 38
(Enter this number from Line V.A.4.)
2. Median number of days that such requests were pending as of that date (September 30, 2005) 72
3. Average number of days that such requests were pending as of that date (optional) _____

VIII. Comparisons with Previous Year(s)

Bureaus should state comparisons both in total numbers and in percentage of change.

A. Comparison of numbers of requests received:

	No.	% change over FY 04
FY 05	<u>3137</u>	<u>+2.50</u>
FY 04	<u>896</u>	

B. Comparison of numbers of requests processed:

	No.	% change over FY 04
FY 05	<u>3117</u>	<u>+2.37</u>
FY 04	<u>923</u>	

C. Comparison of median numbers of days requests were pending at the end of FY:

	No.	% change over FY 04
FY 05	<u>16</u>	<u>-0.61</u>
FY 04	<u>42</u>	

D. Other narrative statements describing bureau efforts to improve timeliness of FOIA responses and making records available to the public (e.g., backlog - reduction efforts, training provided by bureau to its employees [do not list training sponsored by DOJ, ASAP, USDA], etc.):

- **NPS has been working extremely hard to reduce any backlogs. The NPS is posting and providing more documents to our webpages to make them readily accessible for the public.**

- **The NPS is very customer service oriented, which helps to also limit litigation.**

E. Number of requests for expedited processing received: 1
Number of requests for expedited processing granted: 0

IX. **Costs/FOIA Staffing**

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) 14.587

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

3. Total number of personnel (in work-years) 15.587

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

B. **Total Costs (including staff and all resources):**

- **The salaries (or portion thereof) of the FOIA Officer/Coordinator(s) and others involved in administering/implementing the FOIA Program, including clerical support (include under 1, 2, and 3, if applicable). For purposes of the report, use the individual's salary (exclude benefits and overhead).**
- **Cost to provide or attend training (include under 1).**
- **Fees which are waived or not recovered, including those instances where the fee is \$30 or under, provided that a record of such fees is maintained as backup information (include under 1).**
- **The cost to develop and maintain the bureau's FOIA home page (include under 1).**

1. FOIA processing (including appeals)

Staff \$ 611,415

Other \$ 10,200

2. Litigation-related activities (estimated)

Staff \$ 18,899

Other \$ 300

3. Total costs \$ 640,814

4. Comparison with previous year(s) (including % of change) \$ 605,910
(+0.057)

- C. Statement of additional resources needed for FOIA compliance (est.) \$1,000,000
- **To help comply with FOIA/EFOIA Servicewide.**

X. Fees

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

A. Total amount of fees collected by agency for processing requests
\$ 12,653.87

B. Percentage of total costs _____

XI. FOIA Regulations (Including the Fee Schedule)
(To be completed by the Department)

(NPS Attachment)
Exemption 3 Statutes

1. List of Exemption 3 statutes relied on by bureau during current fiscal year and number of times invoked. **(Provide the complete title and citation of the statute used by the bureau/office.)**
 1. **16 USC 440hh(a), Archaeological Resources Protection Act of 1979, invoked 5 times**
 2. **41 USC 253b – Federal Property and Administrative Services Act, invoked 2 times**
 3. **PL 100-691 – Federal Cave Resources Protection Act**
 4. **16 USC 35 – Endangered Species Act**

2. Brief description of type(s) of information withheld under each statute. **(Be specific with regard to the information withheld.)**
 - 1a) **Withheld information relating to the locations and/or the nature of archeological sites. (invoked 5 times)**
 - 2a) **Withheld Bid, Solicitation and Offer (invoked 2 times)**
 - 3a) **Withheld GPS location of Caves, (invoked 1 time)**
 - 4a) **Withheld 1996 Survey of Spotted Owls, (invoked 1 time)**