





<b>IC</b>	<b>BLDG</b>	<b>ROOM</b>	<b>PHONE</b>
CC	10 Cloister Court Bethesda, MD 20892	61	301-451-8330
CIT	10401 Fernwood Rd. Bethesda, MD 20817	3NE52D	301-594-9518
OFM	2115 East Jefferson St. Rockville, MD 20892	3C-302A	301-496-9498
OALM	6011 Executive Blvd. Rockville, MD 20852	625J	301-435-0855
CSR	6701 Rockledge Dr. Bethesda, MD 20817	3030	301-435-1856
FIC	6705 Rockledge Dr. Bethesda, MD 20892	6070	301-496-9737
OBA	6705 Rockledge Dr. Rockville, MD 20817	757	301-435-8267
OER	6705 Rockledge Dr. Bethesda, MD 20892	4184	301-402-1058
ORS	31 9000 Rockville Pike Bethesda, MD 20892	2B37	301-402-3570
ORF	31 9000 Rockville Pike Bethesda, MD 20892	4B30	301-402-1661
OTT	6011 Executive Blvd. Rockville, MD 20852	325	301-435-5239

2.







- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

#### IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Total # of Times Relied upon by Agency
5 U.S.C. app. 4 §107(a) (Ethics in Government Act of 1978)	Financial disclosure information pertaining to certain government employees	<u>Meyeroff v. EPA</u> , 948 F.2d 1498, 1500-02 (9 <sup>th</sup> Cir. 1992); <u>Concepcion v. FBI</u> , 606 F.Supp. 2d 14, 33 (D.D.C. 2009)	1

**V. FOIA Requests**

A. Numbers of initial requests (Col.1 + Col. 2 – Col. 3 = Col. 4):

<b># Requests Pending as of Start of Fiscal Year</b>	<b># of Requests Rec'd During the Fiscal Year</b>	<b># of Requests Processed During the Fiscal Year</b>	<b># of Requests Pending as of the End of the Fiscal Year</b>
85	1,198	1,204	79

B. (1) Disposition of FOIA Requests:

# of Full Grants	775
# of Partial Grants/Partial Denials	102
# of Full Denials Based on Exemptions	11
# of Full Denials – No Records	139
# of Full Denials – Records Referred to Another Component or Agency	12
# of Full Denials – Request Withdrawn	113
# of Full Denials – Fee Related Reason	20
# of Full Denials – Records not Reasonably Described	16
# of Full Denials – Improper FOIA Request for Other Reason	6
# of Full Denials – Not Agency Record	9
# of Full Denials – Duplicate Request	1
# of Full Denials – Other (see below)	0
<b>Total Requests Processed</b>	<b>1,204</b>

B. (2) Disposition of FOIA Requests – Other N/A



B. (3) Disposition of FOIA Requests - Number of times exemptions applied

Exemption 1	0
Exemption 2	4
Exemption 3	1
Exemption 4	27
Exemption 5	24
Exemption 6	45
Exemption 7(A)	5
Exemption 7(B)	0
Exemption 7(C)	6
Exemption 7(D)	2
Exemption 7(E)	1
Exemption 7(F)	1
Exemption 8	0
Exemption 9	0

**VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

*See Department of Health and Human Services Annual Report*

**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

A. Processed Requests – Response Time for All Processed Perfected Requests

Perfected Requests				Expedited Processing			
Median # days	Avg # days	Lowest # days	Highest # days	Median # days	Avg # days	Lowest # days	Highest # days
NC	9.47		BDC	0003	Tc	4.61	1.15

Td(Lo)-


C. Processed Requests – Response Time in Day Increments

<b>All Requests</b>	<b># of Requests Processed</b>
< 1 day	32
1-20 days	756
21-40 days	251
41-60 days	65
61-80 days	30
81-100 days	19
101-120	9
121-140 days	11
141-160 days	7
161-180 days	9
181-200 days	5
201-300 days	7
301-400 days	2
401+	1
<b>Total</b>	<b>1,204</b>

Expedited Processing

<b>All Requests</b>	<b># of Requests Processed</b>
1-20 days	0
21-40 days	0
41-60 days	0
61-80 days	0
81-120 days	0
121-140 days	0
141-160 days	0
161-180 days	0
181-200 days	0

201-300 days	0
301-400 days	0
401+	0
Total	0

D. Pending Requests – All Pending Perfected Requests

Perfected Requests			Expedited Processing		
# Pending	Median # days	Avg # days	# Pending	Median # days	Avg # days
79	16	53	0	0	0

E. Pending Requests – Ten Oldest Pending Perfected Requests

<b>10<sup>th</sup> Oldest Request</b> <b>Date rec'd / # days pending</b>	<b>5/6/11</b> <b>103</b>
<b>9<sup>th</sup></b>	<b>4/8/11</b> <b>123</b>
<b>8<sup>th</sup></b>	<b>3/22/11</b> <b>136</b>
<b>7<sup>th</sup></b>	<b>2/2/11</b> <b>169</b>
<b>6<sup>th</sup></b>	<b>1/18/11</b> <b>178</b>
<b>5<sup>th</sup></b>	<b>12/13/10</b> <b>203</b>
<b>4<sup>th</sup></b>	<b>10/13/10</b> <b>244</b>
<b>3<sup>rd</sup></b>	<b>6/7/10</b> <b>333</b>
<b>2<sup>nd</sup></b>	<b>4/7/10</b> <b>375</b>
<b>Oldest Request</b> <b>Date Rec'd / # of days pending</b>	<b>8/17/07</b> <b>1,031</b>

**VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER**

A. Requests for Expedited Processing

# Granted	# Denied	Median # Days to Adjudicate	Avg. # Days to Adjudicate	# Adjudicated w/i 10 calendar days
0	0	NA	NA	NA

B. Requests for Fee Waiver

# Granted	# Denied	Median # Days to Adjudicate	Avg. # Days to Adjudicate
1	3	26	25

**IX. FOIA PERSONNEL AND COSTS**

A. Personnel

Personnel	
Full-time FOIA Employees	15.25
Equivalent Full-time FOIA Employees	12.72
Total Full-time FOIA staff	27.97

B. Costs

Costs	
Processing Costs	\$ 3,138,120
Litigation-related Costs	\$ 20,981
Total Costs	\$ 3,159,101

**X. FEES COLLECTED FOR PROCESSING REQUESTS**

- A. Total Amount of fees collected: \$ 47,108.00
- B. Percentage of total cost: 1.49 %



D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

<b>Number of Requests Received</b>		<b>Number of Requests Processed</b>	
<b># Rec'd in FY 2010 (from Annual Rpt)</b>	<b># Rec'd in FY 2011 (from Annual Rpt)</b>	<b># Processed during FY 2010 (from Annual Rpt)</b>	<b># Processed during FY 2011 (from Annual Rpt)</b>
1,253	1,198	1,282	1,204

<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
37	25

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

**See Department of Health and Human Services Annual Report**