

# FOIA ANNUAL REPORT

FOR  
10/01/2014  
THROUGH  
09/30/2015

Thursday, December 03, 2015

The following **Annual Freedom of Information Act** report covers the Period 10/01/2014, through 09/30/2015, as required by 5 U.S.C. 552.

## I. BASIC INFORMATION REGARDING REPORT

### 1. Name, title, address, and telephone number of person to contact with questions about the report

Alecia S. Sillah  
Lead Government Information Specialist  
U.S. Agency for International Development  
Bureau for Management  
Office of Management Services  
Information and Records Division  
1300 Pennsylvania Avenue, N.W.  
Ronald Reagan Building, Room 2.07C  
Washington, D.C. 20523-2701  
(202) 712-1371

### 2. [www.usaid.gov/foia-requests/foia-annual-reports](http://www.usaid.gov/foia-requests/foia-annual-reports)

### 3. U.S. Agency for International Development Bureau for Management Office of Management Services

Information and Records Division  
1300 Pennsylvania Avenue, N.W.  
Ronald Reagan Building, Room 2.07C  
Washington, D.C. 20523-2701

## II. MAKING A FOIA REQUEST

1. You may submit FOIA requests in writing, by fax, or by e-mail describing the records you would like to obtain. Include an agreement to pay any FOIA processing fees, your address and telephone number. Please mark your envelope with the notation, "FOIA REQUEST."

You may fax your request. Our fax number is (202) 216-3070. You may e-mail your request to our FOIA Mailbox at [foia@usaid.gov](mailto:foia@usaid.gov). When you e-mail your request please make sure that you include a mailing address.

If you fax your request, you normally do not have to mail us the original copy. However, there are some cases in which we need both the faxed version and the signed original version. You should send both versions if your request is both a FOIA request and a Privacy Act request for records about you. We also need both versions if a third-party (an attorney, for example) requests records about you on your behalf. When a third-party makes such a request on your behalf, we need an original consent letter signed by you which gives us authorization to release records about you to the third-party

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

Initial Requests:

U.S. Agency for International Development  
FOIA Team  
Bureau for Management  
Office of Management Services  
Information and Records Division  
1300 Pennsylvania Avenue, N.W.  
Ronald Reagan Building, Room 2.07C  
Washington, D.C. 20523-2701  
Telephone: (202) 712-0960  
Facsimile: (202) 216-3070

E-Mail address: FOIA@usaid.gov

Appeals:

U.S. Agency for International Development  
Director  
Bureau for Management  
Office of Management Services  
1300 Pennsylvania Avenue, N.W.  
Ronald Reagan Building, Room 2.12-010  
Washington, D.C. 20523-2701  
Telephone: (202) 712-4410  
Facsimile: (202) 216-3369

2. Description of why some requests are not granted:

In some cases, USAID was required to withhold requested information under one or more of the FOIA's exemptions. The number of instances in which USAID used an exemption in Fiscal Year 2014 is listed in Section V.B.3. Exemption 2 was used to protect information solely related to internal personnel rules or practices. Exemptions 3 and /or 4 were normally used to protect commercial or financial information provided by contractors and grantees. Exemption 5 was used to protect vital deliberative-process information or attorney-client information. Exemption 6 was used to protect the privacy of individuals named in documents. Exemption 7 was used to protect information that could be reasonably expected to interfere with law enforcement proceedings, the privacy of individuals named in documents, the identity of a confidential source, techniques and procedures of a law enforcement investigation, and endanger the life or physical safety of any individual. At times, a request was not fulfilled for an administrative reason such as "no records" or "request withdrawn." For a more complete listing of the various types of administrative reasons, see Section V.B.2.

### III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-specific acronyms or other terms:

USAID – U.S. Agency for International Development

2. Include the following definitions of terms used in this Report:

- a. **Administrative Appeal** - a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

- b. **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.
- c. **Backlog** - the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** - for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** - the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** - a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** - a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** - the middle, not average, number. For example, of 3, 7, and 14, the median number is

7.

- k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
    - i. **Expedited Processing** - an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
    - ii. **Simple Request** - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
    - iii. **Complex Request** - a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
  - l. **Partial Grant/Partial Denial** - in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
  - m. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfect Request** - a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
  - o. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.
  - q. **Time Limits** - the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. Include the following concise descriptions of the nine FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices
  - 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

A. For Initial Requests			
Statute	Type of Information Withheld	Case Citation	Total Number of Times Relied upon by Agency
41 U.S.C. § 4702	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA, No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	6

B. For Appeals			
Statute	Type of Information Withheld	Case Citation	Total Number of Times

			<b>Relied upon by Agency</b>
41 U.S.C. § 4702	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA, No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	1

## V. FOIA REQUESTS

<b>A. Received, Processed and Pending FOIA Requests</b>				
	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
<b>AGENCY OVERALL</b>	295	330	305	320

<b>B.(1) Disposition of FOIA Requests All Processed Requests</b>														
	Number of Full Grants	Number of Partial Grants/Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions										TOTAL
				No records	Referrals	Request withdrawn	Fee-related reason	Records not reasonably described	Not a proper FOIA request for some other reason	Not an agency record	Duplicate Request	Other	*Explain in chart below	
<b>AGENCY OVERALL</b>	72	96	11	36	1	55	0	6	18	5	4	1	1	305

<b>B.(2) Disposition of FOIA Requests Other Reasons for Full Denials Based on Reasons Other than Exemptions</b>		
<b>Component</b>	<b>Description of Other Reasons for Denials from Chart B (1)</b>	<b>TOTAL</b>





	of Days											
AGENCY OVERALL	21	60.78	<1	227	243.5	319.91	8	1137	76	89.4	71	119

**C. Processed Requests Response Time in Day Increments**

Simple Requests														
AGENCY OVERALL	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
	28	3	2	0	1	1	0	1	0	0	2	0	0	38
Complex Requests														
AGENCY OVERALL	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
	33	19	16	16	13	4	7	18	6	3	41	15	62	253
Requests Granted Expedited Processing														
AGENCY OVERALL	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
	2	4	0	3	0	3	0	0	0	0	0	0	0	12

**D. Pending Requests All Pending Perfected Requests**

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
AGENCY OVERALL	7	159	112.86	2993	254	318.55	14	171.5	211.36

**E. Pending Requests Ten Oldest Pending Perfected Requests**

	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
AGENCY OVERALL	04/09/2012 874	04/09/2012 874	03/05/2012 899	02/09/2012 915	11/23/2011 967	11/22/2011 968	11/17/2011 971	09/22/2011 1009	09/21/2011 1010	01/06/2011 1189

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

**A. Requests for Expedited Processing**

--

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AGENCY OVERALL	19	25	4.5	8.34	37

<b>B. Requests for Fee Waiver</b>					
	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	
AGENCY OVERALL	24	6	5	6.43	

**IX. FOIA PERSONNEL AND COSTS**

	PERSONNEL			COSTS		
	Number of Full-Time FOIA Employees	Number of Equivalent Full-Time FOIA Employees	Total Number of Full-Time FOIA Staff	Processing Costs	Litigation-Related Costs	Total Costs
AGENCY OVERALL	15.00	8.9	23.9	\$2,633,813.31	\$19750.00	\$2,653,563.31

**X. FEES COLLECTED FOR PROCESSING REQUESTS**

	Total Amount of Fees Collected	Percentage of Total Costs (Rounded to nearest hundredth decimal)
AGENCY OVERALL	\$0.00	0

**XI. FOIA Regulations (Including Fee Schedule)**

--

**XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS**

<b>A. Backlogs of FOIA Requests and Administrative Appeals</b>	
Number of Backlogged Requests as of End of	Number of Backlogged Appeals as of End of

	Fiscal Year	Fiscal Year
AGENCY OVERALL	301	6

**Discuss/Explain the backlog here(Optional)**

--

<b>B. Consultations on FOIA Requests Received, Processed, and Pending Consultations</b>				
	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
AGENCY OVERALL	9	24	25	8

<b>C. Consultations on FOIA Requests Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency</b>										
	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
AGENCY OVERALL			09/22/2015 6	08/14/2015 32	08/11/2015 35	08/11/2015 35	08/11/2015 35	07/24/2015 47	06/29/2015 65	06/10/2015 78

<b>D. Comparison of Numbers of Requests from Previous and Current Annual Report Requests Received, Processed, and Backlogged</b>				
	<b>NUMBER OF REQUESTS RECEIVED</b>		<b>NUMBER OF REQUESTS PROCESSED</b>	
	Number Received During Fiscal Year from Last Years Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Years Annual Report	Number Processed During Fiscal Year from Current Annual Report
AGENCY OVERALL	373	330	315	305

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report

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

	<b>NUMBER OF APPEALS RECEIVED</b>		<b>NUMBER OF APPEALS PROCESSED</b>	
	<b>Number Received During Fiscal Year from Last Years Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Years Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
AGENCY OVERALL	16	17	18	29

	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
AGENCY OVERALL	18	6

**F. Discussion of Other FOIA Activities (Optional)**
