



FEDERAL BUREAU OF INVESTIGATION

**FREEDOM OF INFORMATION
PRIVACY ACTS
ANNUAL STATISTICAL REPORTS**

PART 1 OF 1

FREEDOM OF INFORMATION - PRIVACY ACTS
ANNUAL STATISTICAL REPORT

U.S. Department of Justice
FREEDOM OF INFORMATION ACT (FOIA)
ANNUAL REPORT FOR FISCAL YEAR 1999

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I. BASIC INFORMATION REGARDING REPORT.

A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report.

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Program Analyst
Justice Management Division
Information Management and Security Staff
Justice Management Division
1331 Pennsylvania Avenue, N.W., Room 1220
Washington, DC 20530
(202) 514-6330

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

www.usdoj.gov/oip/foia-ar.htm

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

Contact:

Regina Byrd
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II. HOW TO MAKE A FOIA REQUEST.

For basic information on how to make a FOIA request, visit our Website at www.usdoj.gov/04foia/index.html.

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

Visit our Website at www.usdoj.gov/04foia/04_4.html

B. Brief Description of Agency's Response-Time Ranges (On a Component-by-Component Basis).

OFFICE OF THE ATTORNEY GENERAL - The median response time for the Office of the Attorney General to respond to requests that have been granted expedited processing is 2 days; the median response time for "simple" requests, which do not involve voluminous records or require lengthy consultations, is 13 days; and the median response time for "complex" requests, which involve voluminous records or require lengthy or numerous consultations with Department components and other government agencies, is 71 days. Records in the "complex" category usually contain sensitive law enforcement or national security information.

OFFICE OF THE DEPUTY ATTORNEY GENERAL - The median response time for the Office of the Deputy Attorney General to respond to requests that have been granted expedited processing is 10 days; the median response time for "simple" requests, which do not involve voluminous records or require lengthy consultations, is 13 days; and the median response time for "complex" requests, which involve voluminous records or require lengthy or numerous consultations with Department components and other government agencies, is 88 days. Records in the "complex" category usually contain sensitive law enforcement or national security information.

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL - The median response time for the Office of the Associate Attorney General to respond to requests that have been granted expedited processing is 14 days; the median response time for "simple" requests, which do not involve voluminous records or require lengthy consultations, is 16 days; and the median response time for "complex" requests, which involve voluminous records or require lengthy or numerous consultations with

Department components and other government agencies, is 79 days. Records in the "complex" category usually contain sensitive law enforcement or national security information.

ANTITRUST DIVISION - The Antitrust Division processed 219 requests this fiscal year. The median number of days to process requests was 9 days. The median number of days for pending requests is 74 days.

BUREAU OF PRISONS - The Bureau of Prison's response times for new requests ranged from 2 days for requests accorded expedited processing to 25 days for complicated requests.

CIVIL DIVISION - Processing of requests to the Civil Division are generally completed within the statutory 20-day time period. Many requests for readily available records are processed more quickly while requests for access to large volumes or to closed files stored in regional records centers may exceed the 20-day time period.

Records of the Civil Division are primarily litigation materials. Denials of access to requested records are most frequently based upon Exemption 5 which precludes disclosure of records which would be privileged in civil discovery. These privileges from disclosure include attorney work-product, attorney-client, and deliberative process privileges.

CIVIL RIGHTS DIVISION - As detailed in this report, 92% of the Civil Rights Division's 845 FOI/PA requests closed during fiscal year 1999 were completed in a median time of less than 20 days. The remaining 8% were complex requests involving requests for as many as 100,000 pages of documents, and requests requiring special consultation, or specialized review for declassification, or to protect the secrecy of the grand jury process. For these 8% of the 845 FOI/PA requests, the median time for processing is 215 days.

COMMUNITY RELATIONS SERVICE - FOIA/PA requests are generally responded to within 10 days after receipt.

CRIMINAL DIVISION - Over the past five (5) years prior to fiscal year 1999, the Criminal Division received an average of 1,500 cases per year. This fiscal year 1,606 were received. 1,499 cases were closed in fiscal year 1998 compared to 1,573 this fiscal year. More than half of the cases closed in fiscal year 1999 were closed in less than 30 days.

DRUG ENFORCEMENT ADMINISTRATION - For the 1999 fiscal year, the Drug Enforcement Administration took a median time of 14 days to process a case.

ENVIRONMENT AND NATURAL RESOURCES DIVISION - For requests seeking discrete records or a list of cases, the response time is usually two to three weeks. For requests seeking a large volume of records, e.g., all records on the X Superfund site, the response time is closer to two to three months.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW - In fiscal year 1999, the Executive Office for Immigration Review (EOIR) received over 8,000 FOIA requests; up from 3,357 in fiscal year 1998 and 1,431 in fiscal year 1997. While over 5,500 of the fiscal year 1999 requests were related to the Nicaraguan Adjustment and Central American Relief Act (NACARA), the number of standard requests continued to rise from 1,580 in fiscal year 1998 to over 2,500 in fiscal year 1999.

NACARA required all individuals with final orders of deportation to file a motion to reopen in order to be eligible to request NACARA relief. This generated a large number of requests by persons who had never been in proceedings and for whom EOIR had no Record of Proceeding, but whose requests required processing by the FOIA unit.

Despite this major increase in requests received from last year, EOIR's response times for most non-NACARA related requests did not exceed 20 business days. For NACARA-related requests, EOIR's response time was between 10 and 15 business days throughout fiscal year 1999. In addition, EOIR's backlog of requests was never higher than 50 requests at any given time during fiscal year 1999.

EXECUTIVE OFFICE FOR U.S. ATTORNEYS - The Executive Office for U.S. Attorneys' most frequent types of FOIA and Privacy Act requests range from fairly simple routine matters which may take less than a week to process to complex requests that can take up to nine months or more.

EXECUTIVE OFFICE FOR U.S. TRUSTEES - The United States Trustee Program has 94 field offices nationwide. All FOIA requests are processed by the Office of General Counsel, Executive Office for U.S. Trustees (EOUST) in Washington, D.C. Most FOIA requests pertain to bankruptcy case administration information in one of the field offices. When the responsive

documents are located in the field and forwarded to the EOUST for processing, the response time is approximately one month. When the requested information is located in the EOUST, the response time is approximately two weeks. It is important to note that many potential requesters were referred to the U.S. Trustee FOIA website where they received instant access to the requested information.

FEDERAL BUREAU OF INVESTIGATION - The average number of business days from receipt of a request until the request is closed is 276. The average number of days for processing of responsive material is 528. (For requests received by Federal Bureau of Investigation headquarters only. Information not available for field offices.)

FOREIGN CLAIMS SETTLEMENT COMMISSION - The Foreign Claims Settlement Commission received only a small number of FOIA requests over the course of the year. This year the Commission received a total of 20 requests. Unless a request involved information that must be obtained from a file in storage at the Records Center, the Commission responded to the request within no more than 3 or 4 days after receipt.

IMMIGRATION AND NATURALIZATION SERVICE - The Immigration and Naturalization Service (INS) is decentralized, in that district offices receive, process, and disseminate information requested. INS has a multi-track system -- simple (fast track) and complex for processing requests.

Simple requests are basically for manuals, policy memorandums, and genealogy. It takes anywhere from 5 to 20 days to process these requests. Complex requests consist of alien files, research data, contracts, and personnel-related files. These requests are processed anywhere from 21 to 90 days. The varying time frames are due to INS requiring other operating units and entities (Federal Records Center) to retrieve the information and/or record. However, the major reasons for the processing delay are: 1) responsive records must be obtained from another operating unit; 2) a reduction in available staff due to vacant positions (especially in Headquarters); 3) the implementation of a new processing tool (i.e., the Freedom of Information Act and Privacy Act Information Processing System -- FIPS); and 4) an increase in the new receipts.

The INS released all records sought in 42 percent of its responses, and denied some or all of the records sought in 14

percent of the responses. The Service closed the remaining cases for various administrative reasons (e.g., no records, unable to locate records, FOIA not applicable to request, etc.) For FY 1999, INS's response range for cases processed was 3 to 38 days. 75% of the time INS met the 20-day response requirement. Some of the INS field offices managed to process requests within 3 to 4 days. In this case, they are not using the tracking system, but processing solely first-in first-out. This is the exception, not the norm.

JUSTICE MANAGEMENT DIVISION - A response is usually done within a 20-day time frame (exception is requests for contracts, which requires that the contractor be notified).

NATIONAL DRUG INTELLIGENCE CENTER - The National Drug Intelligence Center does not have a FOIA backlog and usually responds to requests within the 20 days provided under the law.

OFFICE OF COMMUNITY ORIENTED POLICING SERVICES - The Office of Community Oriented Policing Services (COPS) requires only that a FOIA request be submitted in writing; either handwritten or typed. Requests may be submitted by mail, fax or through the COPS Web site at www.usdoj.gov/cops. Most FOIA responses are completed within 18 days from the date of receipt in the COPS office.

OFFICE OF DISPUTE RESOLUTION - The Office of Dispute Resolution did not receive any FOIA requests during Fiscal Year 1999.

OFFICE OF INFORMATION AND PRIVACY - The median response time for the Office of Information and Privacy to respond to requests that have been granted expedited processing is 1 day; the median response time for "simple" requests, which do not involve voluminous records or require lengthy consultations, is 5 days; and the median response time for "complex" requests, which involve voluminous records or require lengthy or numerous consultations with Department components and other entities, is 53 days.

OFFICE OF INTELLIGENCE POLICY AND REVIEW - As a general matter, the Office of Intelligence Policy and Review (OIPR) responds to access requests within the statutory time limits. In rare cases that involve processing of voluminous records, OIPR may take up to 40 working days to respond.

OFFICE OF INTERGOVERNMENTAL AFFAIRS - The median response time for "simple" requests, which do not involve voluminous records or require lengthy consultations, is 34 days; and the median response time for "complex" requests, which involve voluminous records or require lengthy or numerous consultations with Department components and other entities, is 91 days.

OFFICE OF JUSTICE PROGRAMS - The Office of Justice Programs usually responds to a FOIA request anywhere from 1 day up to 30 days depending upon the complexity of the request. Our most voluminous requests encompass grant documents, including financial status, progress reports, etc. Our most complex requests involve contract technical proposals.

OFFICE OF LEGAL COUNSEL - The Office of Legal Counsel usually responds to FOIA requests within the 20 days allowed.

OFFICE OF LEGISLATIVE AFFAIRS - The median response time for "simple" requests, which do not involve voluminous records or require lengthy consultations, is 30 days; and the median response time for "complex" requests, which involve voluminous records or require lengthy or numerous consultations with Department components and other entities, is 62 days.

OFFICE OF PARDON ATTORNEY - This component's response times vary from 1 day for requests for records the office does not possess to 40 days or more for complex requests which present novel issues and require consultation with other agencies.

OFFICE OF POLICY DEVELOPMENT - The median response time for "simple" requests, which do not involve voluminous records or require lengthy consultations, is 26 days; and the median response time for "complex" requests, which involve voluminous records or require lengthy or numerous consultations with Department components and other federal entities, is 46 days.

OFFICE OF PROFESSIONAL RESPONSIBILITY - The Office of Professional Responsibility (OPR) received 128 Freedom of Information Act/Privacy Act (FOIA/PA) requests during Fiscal Year (FY) 1999 and had thirteen requests pending from FY 1998. The total number of requests eligible for processing in FY 1999 was 141. Out of that number, OPR responded to 127 FOIA/PA requests, or 90.1%, during the year. Fourteen of the requests remained pending at the end of the FY on September 30, 1999. Of these, ten requests were either being processed or under final review.

The response time by OPR for processing the 127 FOIA/PA requests ranged from a low of 1 business day to a high of 881 business days. OPR responded to thirty-seven requests, or 29.1%, within seven business days of receipt. An additional 28 requests, or 22.0%, were processed between 8-14 business days. A total of 82 requests, or 64.6% of all requests, were processed by OPR within the statutory time limit of 20 business days. OPR took from 21 to 40 days to respond to an additional 18 requests, or 14.2%, for a total of 78.7% of all cases completed. OPR responded to 105 requests, or 82.7%, of the total cases processed, within 60 business days of receipt. Twenty-two requests, or 17.3%, took more than 60 days to process.

OFFICE OF PUBLIC AFFAIRS - The median response time for the Office of Public Affairs to respond to requests that have been granted expedited processing is 11 days; the median response time for "simple" requests, which do not involve voluminous records or require lengthy consultations, is 28 days; and the median response time for "complex" requests, which involve voluminous records or require lengthy or numerous consultations with Department components and other entities, is 94 days.

OFFICE OF THE INSPECTOR GENERAL - Response times ranged from 1 to 30 days.

OFFICE OF THE SOLICITOR GENERAL - Response times ranged from 1 day to several weeks.

PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE - All but one of the FOIA requests were handled the day of receipt or the day after. One response took approximately 15 days because additional information was needed from a third party before the response could be completed.

TAX DIVISION - The Tax Division will usually respond to each perfected FOIA responses (i.e., a FOIA request that meets all applicable regulatory requirements) for which no files are found within 1 to 2 days after receipt of the request. It will acknowledge receipt of a perfected FOIA request for which files are located within the same time frame or, if the request is not perfected, it will respond with reason(s) why the request cannot yet be considered.

For each perfected request for which files are found, the Tax Division will usually respond to those involving a small number of documents in less than 30 days from the date such request is received. If large numbers of documents are located, the Tax Division's response time currently ranges from 1 to 5 months from the date a perfected request is received. The same response time ranges apply to referrals from other DOJ components or other agencies.

U.S. MARSHALS SERVICE - Requests are generally acknowledged within 2 days of receipt and completed within the 20 working days. The completion time for complex requests, or those requiring consultation with other agencies, numerous locations to search for records, multiple subjects, or business submitter notifications exceeded 20 days.

U.S. NATIONAL CENTRAL BUREAU -- INTERPOL - The response time for U.S. National Central Bureau -- INTERPOL requests ranges from a two-day to a twenty-day turn around. About 90 percent of the requests involve "no record" responses.

U.S. PAROLE COMMISSION - During the past fiscal year, the members of the U.S. Parole Commission's FOIA staff have worked diligently to effectively reduce their FOIA backlog. The Commission is currently responding to almost all of its FOIA requests within the 20-working-day time frame.

C. Brief Description Why Requests are Not Granted.

The most frequent reason that requests are not granted is that no records responsive to the request are located.

The primary reasons for not granting requests for which records are located is that disclosure would result in an unwarranted or clearly unwarranted invasion of personal privacy or that the records are protected by the deliberative process or attorney work-product privilege.

III. DEFINITIONS OF BASIC TERMS AND ACRONYMS USED IN THE REPORT.

A. Agency-specific acronyms or other terms.

Office of AG	Office of the Attorney General
Office of DAG	Office of the Deputy Attorney General
Office of Assoc. AG	Office of the Associate Attorney General
Antitrust	Antitrust Division
BOP	Bureau of Prisons
Civil	Civil Division
Civil Rights	Civil Rights Division
CRS	Community Relations Service
Criminal	Criminal Division
DEA	Drug Enforcement Administration
ENRD	Environment and Natural Resources Division
EOIR	Executive Office for Immigration Review
EOUSA	Executive Office for United States Attorneys
EOUST	Executive Office for United States Trustees
FBI	Federal Bureau of Investigation
FCSC	Foreign Claims Settlement Commission
INS	Immigration and Naturalization Service
JMD	Justice Management Division
NDIC	National Drug Intelligence Center
COPS	Office of Community Oriented Policing Services
ODR	Office of Dispute Resolution
OIP	Office of Information and Privacy
OIPR	Office of Intelligence Policy and Review
Intergovernmental Affairs	Office of Intergovernmental Affairs
OJP	Office of Justice Programs
OLC	Office of Legal Counsel
OLA	Office of Legislative Affairs
Pardon Attorney	Office of Pardon Attorney
OPD	Office of Policy Development
OPR	Office of Professional Responsibility
Public Affairs	Office of Public Affairs
OIG	Office of the Inspector General

OSG	Office of the Solicitor General
PRAO	Professional Responsibility Advisory Office
Tax	Tax Division
USMS	U.S. Marshals Service
USNCB	U.S. National Central Bureau
USPC	U.S. Parole Commission

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

IV. EXEMPTION 3 STATUTES.

Statute/Rule	Type of Information Withheld	Case Citation
7 U.S.C. § 8	Individual account statements	None
8 U.S.C. § 18a(h)	Information submitted in connection with the premerger notification provisions of the Hart-Scott-Rodino (HSR) Antitrust Improvements Act of 1976	<u>Lieberman v. FTC</u> , 771 F.2d 32 (2d Cir. 1985)
8 U.S.C. § 1160(b)(6)	Special agricultural worker applications	None
8 U.S.C. § 1255A(c)(5)	Legalization applications	None
8 U.S.C. § 1304(b)	Fingerprint records of aliens	None
8 U.S.C. § 1367(a)	Identity of alien battered spouse	None
10 U.S.C. § 424	NRO information	None
15 U.S.C. § 1314(g)	Material submitted in response to a Civil Investigative Demand	<u>Motion Picture Ass'n of America v. USDOJ</u> , No. 80 CIV. 6612 (S.D.N.Y. Oct. 6, 1981)
15 U.S.C. § 4305(d)	Information submitted under the National Cooperative Research and Production Act of 1993	None
18 U.S.C. §§ 471-472	Reproduction of currency	None
18 U.S.C. §§ 2510-2521	Wiretap requests and information	<u>Lam Lek Chong v. DEA</u> , 929 F.2d 729 (D.C. Cir. 1991)
18 U.S.C. § 3771	Rules prescribed by Supreme Court	None
18 U.S.C. § 3123	Pen registers	<u>Manna v. USDOJ</u> , 88 F.3d 796 (9 th Cir. 1996)
18 U.S.C. § 3153(c)(1)	Pre-trial services information	None
18 U.S.C. § 5038	Juvenile arrest records	None
20 U.S.C. § 1232(g)	Academic information about individual students in federally funded institutions	None
21 U.S.C. § 842	Trade secrets of controlled substances	None
22 U.S.C. § 1644 note	Names of claimants in Holocaust Survivors Claims Programs	None
26 U.S.C. § 6103	Tax return information	<u>Church of Scientology v. IRS</u> , 484 U.S. 9 (1987)
28 U.S.C. § 592(e)	Applications to court for appointment of an independent counsel	<u>Public Citizen v. USDOJ</u> , No. 82-2909 (D.D.C. May 19, 1983)
41 U.S.C. § 253b(m)	Unsuccessful contract bid proposals	None

42 U.S.C. § 2000g-2(b)	Confidential conciliation assistance information	None
42 U.S.C. § 3789g	Statistical information identifiable to private person	None
50 U.S.C. § 402 note	Organization, functions, and activities of NSA	<u>Founding Church of Scientology v. NSA</u> , 610 F.2d 824 (D.C. Cir. 1979)
50 U.S.C. § 403	CIA organization, activities, and personnel	<u>Minier v. CIA</u> , 88 F.3d 796 (9 th Cir. 1996)
50 U.S.C. § 1801	Foreign intelligence surveillance information	None
50 U.S.C. app. § 2411(c)	Export information	<u>Twin Coast Newspapers, Inc. v. Department of Commerce</u> , No. 78-0978 (D.D.C. Nov. 6, 1979)
F.R.Cr.P. 6(e)	Grand jury information	<u>Senate of Puerto Rico v. USDOJ</u> , 823 F.2d 574 (D.C. Cir. 1987)
F.R.Cr.P. 32	Pre-sentence investigative report	<u>USDOJ v. Julian</u> , 486 U.S. 1 (1988)
F.R.Cr.P. 41b & 57b	Search warrants	None
28 CFR 16.81	USAO pre-trial diversion program files	None

V. INITIAL FOIA/PA ACCESS REQUESTS.

A. NUMBERS OF INITIAL REQUESTS.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR	NUMBER OF REQUESTS RECEIVED IN CURRENT YEAR	NUMBER OF REQUESTS PROCESSED IN CURRENT YEAR	NUMBER OF REQUESTS PENDING AS OF END OF CURRENT YEAR
OFFICE OF THE AG*	213	246	343	116
OFFICE OF THE DAG*	103	138	174	67
OFFICE OF THE ASSOC AG*	25	60	58	27
ANTITRUST	15	247	219	43
BOP	407	17,125	17,210 **	322
CIVIL	52	521	529	44
CIVIL RIGHTS	101	836	845	92
CRS	0	1	1	0
CRIMINAL	699	1,606	1,573	732
DEA	147	2,452	2,352	247
ENRD	24	206	205	25
EOIR	23	8,347	8,123	247
EOUSA	***	1,755	1,566	997
EOUST	0	130	130	0
FBI	10,816	20,754	24,207	7,363
FCSC	0	20	20	0
INS	12,615	168,944	158,913	22,646
JMD	7	2,265	2,267	5
NDIC	1	11	10	2
COPS	13	292	293	12
ODR	0	0	0	0
OIP*	9	138	125	22
OIPR	0	49	41	8
Intergovernmental Affairs*	3	19	14	8
OJP	6	458	463	1
OLC	4	70	71	3
OLA*	96	64	122	38
Pardon Attorney	3	31	32	2
OPD*	15	34	35	14
OPR	13	128	127	14
Public Affairs*	38	45	68	15
OIG	0	213	204	9
OSG	0	57	57	0
PRAO	0	4	4	0
TAX	2	424	426	0
USMS	46	1,349	1,337	58
USNCB	0	547	547	0
USPC	27	906	933	0
TOTALS	25,523	230,492	223,644	33,179

*These statistics do not match the counterpart statistics in the FY 1998 report due to previous irregularities in database software.

**This number includes 1,360 requests that were initially accepted by BOP, but which BOP subsequently determined lacked identifying information sufficient to allow processing the request to completion, and thus, were rejected. It was derived by subtracting the number of requests pending as of the end of FY 1999 from the sum of the number of requests pending as of the beginning of FY 1999 and number of requests received during FY 1999.

***On September 14, 1998, the EOUSA Evaluation and Review Staff conducted an evaluation of the FOIA/PA Unit and concluded that its statistical reports were incorrect.

V. INITIAL FOIA/PA ACCESS REQUESTS.

B. DISPOSITION OF INITIAL REQUESTS

	NUMBER OF TOTAL GRANTS	NUMBER OF PARTIAL GRANTS	NUMBER OF DENIALS	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*
OFFICE OF THE AG	71	44	3	137	15	55	9	2	2	0	5	0
OFFICE OF THE DAG	18	38	2	73	5	29	9	0	0	0	1	1
OFFICE OF THE ASSOC AG	3	5	1	41	3	0	5	0	0	0	0	0
ANTITRUST	65	59	29	53	1	5	6	0	0	1	0	0
BOP	9,421	1,082	211	3,123	12	30	58	362	101	243	58	2,509
CIVIL	128	32	29	281	21	9	11	0	9	0	9	0
CIVIL RIGHTS	362	137	12	143	90	6	17	6	35	1	3	33
CRS	0	0	0	1	0	0	0	0	0	0	0	0
CRIMINAL	166	212	461	99	41	2	0	2	499	0	0	57
DEA	186	1,325	199	394	14	11	78	4	3	0	57	43
ENRD	66	56	6	57	3	9	4	0	0	0	0	0
EOIR	2,634	1	27	245	3	4	51	5,058	0	0	2	8
EOUSA	261	216	451	251	119	15	49	46	49	14	28	67
EOUST	75	23	23	32	0	0	0	0	0	0	0	0
FBI	1,436	4,729	652	9,741	117	1,321	517	163	2,498	0	2,751	282
FCSC	10	1	1	9	0	0	0	0	0	0	0	0
INS	66,201	22,167	638	7,840	158	1,452	114	446	4,439	4,543	3,374	47,541
JMD	106	40	3	25	2,083	7	1	0	0	0	2	0
NDIC	1	1	1	5	1	0	0	1	0	0	0	0
COPS	217	32	2	25	10	6	3	3	0	0	5	0
ODR	0	0	0	0	0	0	0	0	0	0	0	0
OIP	75	7	0	22	10	1	3	2	2	0	3	0
OIPR	5	3	27	6	0	0	0	0	0	0	0	0
Intergovernmental Affairs	1	0	0	11	0	0	2	0	0	0	0	0
OJP	196	144	2	92	24	1	0	0	0	4	1	0
OLC	14	5	4	45	3	0	0	0	0	0	0	0
OLA	11	27	0	35	3	37	7	0	1	0	1	0
Pardon Attorney	6	14	0	9	0	1	0	1	0	0	1	0
OPD	4	3	0	24	1	1	1	0	0	0	1	0
OPR	24	29	26	39	14	1	0	0	0	0	0	3
Public Affairs	5	9	0	50	0	1	2	0	0	0	1	0
OIG	32	96	12	56	7	1	0	0	0	0	0	0
OSG	21	4	4	21	0	3	3	0	1	0	0	0
PRAO	1	0	3	0	0	0	0	0	0	0	0	2
TAX	36	30	12	326	12	2	2	1	9	0	0	3
USMS	188	525	24	175	24	7	35	22	22	4	10	271
USNCB	39	29	4	243	12	13	0	2	6	0	5	31
USPC	497	108	1	171	0	0	5	0	148	2	1	0
TOTALS	82,582	31,231	2,870	23,900	2,806	3,030	992	6,121	7,824	4,812	6,319	50,851

*See following page for individual component explanations.

*EXPLANATION OF DISPOSITION OF FOIA/PA INITIAL REQUESTS
OTHER REASONS FOR NONDISCLOSURE
(COLUMN MARKED "OTHER")

Office of the DAG	1	Requester's refusal to comply with requirements
BOP	2509	1,357 Lack of proper release authorization 1,152 Other reasons for rejecting, such as authorization too old or incomplete, or inmate encouraged to use on-site access procedures
CIVIL RIGHTS	33	29 No consent 2 Unable to locate requester 2 Unable to locate file
CRIMINAL	57	1 No response to inquiry 55 Special letters 1 Project letters
DEA	43	Case administratively closed: Correspondence to requester returned due to unknown forwarding address or case referred to another agency for handling
EOIR	8	7 Records of proceedings (lost by Federal Records Center) 1 Bond Hearing
EOUSA	67	49 Administrative closing 4 Available at GPO 11 No power of attorney 3 No forwarding address
FBI	282	223 Mail returned/No forwarding address 59 Requests opened in error (Errors made during training of new employees.)
INS	47,541	1,040 Requests for records that pre-date 1906 and may not exist 5,034 Unable to locate 41,467 Transfers
OPR	3	Consultations
PRAO	2	1 Not a FOIA matter 1 Referred elsewhere for more expeditious retrieval of information
TAX	3	Incorrect referrals; returned to referring agency/component
USMS	271	145 Failure to verify identity 118 Failure to identify district 5 No forwarding address 2 No longer interested 1 Referred records not responsive to request
USNCB	31	Requester's failure to comply with requirements

EXEMPTIONS CLAIMED UNDER THE FREEDOM OF INFORMATION ACT

552(b)														
	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)
OFFICE OF THE AG	0	0	4	0	23	22	13	0	20	6	1	3	0	0
OFFICE OF THE DAG	1	0	1	0	19	16	9	0	17	5	0	0	0	0
OFFICE OF THE ASSOC AG	1	0	1	0	3	2	0	0	3	0	0	0	0	0
ANTITRUST	0	3	34	13	24	2	37	0	20	24	0	0	0	0
BOP	0	121	15	5	166	273	42	14	797	161	50	481	0	0
CIVIL	1	1	4	8	46	6	6	0	5	1	1	0	0	0
CIVIL RIGHTS	0	1	6	0	34	10	21	0	116	2	1	0	0	0
CRS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CRIMINAL	6	24	26	0	71	268	25	0	268	50	2	5	0	0
DEA	14	1,033	49	37	18	262	69	0	1,185	638	24	963	0	0
ENRD	0	0	3	5	31	28	4	0	19	1	0	0	0	0
EOIR	0	0	1	0	3	84	2	0	0	0	0	0	0	0
EOUSA	4	16	96	5	139	374	44	8	545	39	15	16	0	0
EOUST	0	0	0	0	2	17	2	0	2	0	0	0	0	0
FBI	1,011	1,049	493	8	57	679	304	8	4,882	2,678	685	143	3	1
FCSC	0	0	1	0	0	0	0	0	0	0	0	0	0	0
INS	12	1,508	30	12	7,687	8,683	4,357	6	7,048	1,551	2,348	10	0	0
JMD	0	2	5	26	4	30	6	0	5	0	0	3	0	0
NDIC	0	0	0	0	0	0	0	0	1	0	0	1	0	0
COPS	0	0	0	0	6	29	0	0	0	0	0	0	0	0
ODR	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIP	1	0	0	0	1	6	0	0	3	1	0	0	0	0
OIPR	27	1	4	0	1	1	1	0	1	0	0	0	0	0
Intergovernmental Affairs	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OJP	0	0	1	14	3	105	0	0	0	0	47	0	0	0
OLC	1	0	0	0	8	0	0	0	1	0	0	0	0	0
OLA	0	0	0	0	13	13	7	0	7	0	0	1	0	0
PARDON ATTORNEY	0	0	0	0	10	12	0	0	0	0	0	0	0	0
OPD	0	0	0	0	1	2	0	0	1	0	0	0	0	0
OPR	1	22	3	0	24	2	10	0	47	2	0	0	0	0
Public Affairs	0	0	0	0	7	3	4	0	1	0	0	0	0	0
OIG	1	0	0	0	2	11	6	0	97	0	2	0	0	0
OSG	0	0	0	0	8	0	0	0	0	0	0	0	0	0
PRAO	0	1	0	0	1	0	0	0	0	0	0	0	0	0
TAX	0	0	18	1	19	0	2	0	16	1	6	0	0	0
USMS	0	153	5	6	28	78	4	0	330	7	38	7	0	0
USNCB	0	18	0	0	0	3	7	0	28	21	11	1	0	0
USPC	0	19	0	0	12	85	0	0	85	2	2	7	0	0
TOTALS	1,081	4,872	800	140	8,471	11,106	4,982	36	15,550	5,190	3,233	1,641	3	1

VI. Appeals of Initial Denials of FOIA/PA Requests.

A. Numbers of appeals. (This includes all access requests, whether first-party or third-party.)

1. Number of appeals received during fiscal year 5,005
2. Number of appeals processed during fiscal year 5,064

B. Disposition of appeals.

1. Number completely upheld 1,583
2. Number partially reversed 709
3. Number completely reversed 131

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

(1) Exemption 1 189
(2) Exemption 2 364
(3) Exemption 3 103
(4) Exemption 4 5
(5) Exemption 5 228
(6) Exemption 6 233
(7) Exemption 7(A) 282
(8) Exemption 7(B) 0
(9) Exemption 7(C) 1,545
(10) Exemption 7(D) 456
(11) Exemption 7(E) 168
(12) Exemption 7(F) 257
(13) Exemption 8 0
(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 2,641

a. No records 831

- b. Referrals 42
- c. Request withdrawn 63
- d. Fee-related reason 39
- e. Records not reasonably described 0
- f. Not a proper FOIA request for some other reason 107
- g. Not an agency record 89
- h. Duplicate request 39
- i. Other (specify) 1,431
 - 1) Failure of initial component to process initial action - 251
 - 2) Remanded - 1,058
 - 3) Judicial Adjudication/Litigation - 92
 - 4) Expedited Treatment Granted/Denied - 30

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS

A. MEDIAN PROCESSING TIME FOR REQUESTS PROCESSED DURING THE YEAR

	SIMPLE REQUESTS		COMPLEX REQUESTS		REQUESTS ACCORDED EXPEDITED PROCESSING	
	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS
OFFICE OF THE AG	231	20	111	56	1	134
OFFICE OF THE DAG	112	20	60	82	1	134
OFFICE OF THE ASSOC AG	51	23	5	96	2	6
ANTITRUST	219	9	0	N/A	0	N/A
BOP	6,545; 6,496*; 1,762**	17; 2*; 20	321; 2,086	25; 10	13; 127	4; 2
CIVIL	92	12	437	14	0	N/A
CIVIL RIGHTS	721	13	65	215	59	17
CRS	1	10	0	N/A	0	N/A
CRIMINAL	0	N/A	1,573	26	1	90
DEA	0	N/A	2,352	14	0	N/A
ENRD	0	N/A	201	21	1	23
EOIR	7,678	15	445	25	0	N/A
EOUSA	1,559	104	0	N/A	7	26
EOUST	130	17	0	N/A	0	N/A
FBI	6,447	228	340	1148	30	2337
FCSC	20	3	0	N/A	0	N/A
INS	77,867	10	81,046	21	27	5
JMD	130	14	65	63	0	N/A
NDIC	0	N/A	10	20	0	N/A
COPS	293	8	0	N/A	0	N/A
ODR	0	N/A	0	N/A	0	N/A
OIP	118	8	5	85	2	2
OIPR	40	10.65	0	N/A	0	N/A
Intergovernmental Affairs	11	13	1	27	2	13
OJP	113	1	16	25	32	7
OLC	41	5	4	14	0	N/A
OLA	54	21	66	82	2	47
Pardon Attorney	32	38	0	N/A	0	N/A
OPD	31	23	3	56	1	48
OPR	0	N/A	127	14	0	N/A
Public Affairs	64	29	3	150	1	36
OIG	204	29	0	N/A	0	N/A
OSG	57	15	0	N/A	0	N/A
PRAO	2	1	2	8	0	N/A
TAX	373	1	53	12	0	N/A
USMS***	1,337	15	0	N/A	0	N/A
USNCB	536	4	11	16	1	10
USPC	0	N/A	933	25	0	N/A

*This number includes two types of rejected requests: those that were rejected upon receipt as well as those that BOP initially accepted, but which were subsequently determined to lack identifying information to allow BOP to respond to the request.

**This number does not include a significant number of requests that were processed via on-site access procedures. For example, the North Central Regional Office handles the heaviest load of requests processed (12,799 requests) via on-site access.

***The USMS automated case-tracking system pre-dates the median days and multiple-track reporting requirement. Data entry adjustments proved unsuccessful for a breakdown by tracks; however, programming was accomplished to capture the median days for all requests processed overall.

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS

B. STATUS OF PENDING REQUESTS

	NUMBER OF PENDING AS OF END OF <u>FISCAL YEAR</u>	MEDIAN NUMBER OF DAYS <u>TO PROCESS</u>
OFFICE OF THE AG	116	63; 84; 82 Use three (3) tracks: expedited, simple, and complex
OFFICE OF THE DAG	67	38; 108; 69 Use three (3) tracks: expedited, simple, and complex
OFFICE OF THE ASSOC AG	27	38; 114; 160 Use three (3) tracks: expedited, simple, and complex
ANTITRUST	43	74
BOP	322	16
CIVIL	44	19
CIVIL RIGHTS	92	51
CRS	0	N/A
CRIMINAL	732	459
DEA	247	12
ENRD	29	11.5
EOIR	247	10
EOUSA	997	116
EOUST	0	N/A
FBI	7,363	252
FCSC	0	N/A
INS	22,646	25
JMD	5	9
NDIC	2	48
COPS	12	20
ODR	0	N/A
OIP	21	0; 141; 0 Use three (3) tracks: expedited, simple, and complex
OIPR	8	35
Intergovernmental Affairs	7	38; 141; 3 Use three (3) tracks: expedited, simple, and complex
OJP	1	30
OLC	3	7
OLA	38	38; 64; 141 Use three (3) tracks: expedited, simple, and complex
Pardon Attorney	2	5
OPD	14	38; 0; 69 Use three (3) tracks: expedited, simple, and complex
OPR	14	45
Public Affairs	15	38; 94; 0 Use three (3) tracks: expedited, simple, and complex
OIG	9	23
OSG	0	N/A
PRAO	0	N/A
TAX	0	N/A
USMS	58	11
USNCB	0	N/A
USPC	0	N/A

VIII. COMPARISONS WITH PREVIOUS YEAR(S).

- A. Comparison of numbers of requests received 230,492 vs. 181,388, a 27% increase
- B. Comparison of numbers of requests processed 223,644 vs. 195,105, a 14.5% increase
- C. Comparison of median numbers of days requests were pending as of end of fiscal year varies by component and processing track
- D. Any other statistic significant to agency _____
- E. Other narrative statements describing component efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records):

Overall, the Department has continued to pay strong attention and devote its resources to the reduction and elimination of backlogs of pending FOIA and Privacy Act requests. Partnerships fostered between FOIA staff and Information Resources Management personnel have promoted greater access to Department records electronically and extensive volumes of records have been posted on the Department's FOIA Web sites. Although the numbers of incoming FOIA/PA requests have not yet decreased as a result of the availability of information on Department Web sites, component response times have been significantly enhanced by automation. The installation of automated document-management systems within individual component FOIA/PA offices continues to streamline operations and improve productivity. With few exceptions, FOIA/PA backlogs continue to decline and four components eliminated their backlogs in FY 1999.

The Civil Rights Division's FOI/PA Branch posted extensive amounts of documents on its Web site -- particularly records regarding Division activity in the area of Disability Rights. This posting resulted in a reduction in the Division's backlog, the median turnaround time in nearly all categories, and the number of incoming requests. The Division has also been able to reduce the number of contractors which has made

some impact on the overall quantity processed. Categories that have not improved in turnaround time have remained steady. The Branch has also conducted training sessions with program sections to improve responsiveness.

The Drug Enforcement Administration is currently in the process of implementing an electronic redaction program.

The U.S. Trustee FOIA Web site helped improve public availability of U.S. Trustee records. Numerous frequently requested records were made available via the Web site including: private trustee names and addresses, bankruptcy manuals, bankruptcy regulations, bankruptcy prosecutions, press releases, weekly reports to the Attorney General, and bankruptcy statistics. Many potential requesters called U.S. Trustee offices and were referred to the FOIA Web site, where they retrieved information instantly instead of having to submit a FOIA request.

IX. COSTS/FOIA STAFFING

STAFFING LEVELS

TOTAL COSTS (INCLUDING STAFF AND ALL RESOURCES)

	NUMBER OF FULL-TIME PERSONNEL	NUMBER OF PERSONNEL WITH PART-TIME OR OCCASIONAL FOIA DUTIES (IN TOTAL WORK-YEARS)	TOTAL NUMBER OF PERSONNEL (IN WORK-YEARS)	FOIA PROCESSING (INCLUDING APPEALS) (ESTIMATED)	LITIGATION-RELATED ACTIVITIES (ESTIMATED)	TOTAL
OFFICE OF THE AG	4	0.10	4.10	\$304,071.38	\$33,785.71	\$337,857.09
OFFICE OF THE DAG	2	0.10	2.10	162,993.87	18,110.43	181,104.30
OFFICE OF THE ASSOC AG	1	0.30	1.30	63,026.46	7,002.94	70,029.40
ANTITRUST	6.9	0.90	7.80	414,250.00	0.00	414,250.00
BOP	31	1.77	32.77	1,897,089.29	20,874.67	1,917,963.96
CIVIL	2	0.00	2.00	210,000.00	24,655.00	234,655.00
CIVIL RIGHTS	10	0.00	10.00	860,589.00	12,641.00	873,230.00
CRS	0	0.01	0.01	0.00	0.00	0.00
CRIMINAL	18	1.50	19.50	2,003,305.00	100,000.00	2,103,305.00
DEA	21	2.33	23.33	1,135,202.00	188,044.00	1,323,246.00
ENRD	0	1.50	1.50	39,538.95	0.00	39,538.95
EOIR	4	1.25	5.25	259,390.00	0.00	259,390.00
EOUSA	17	0.00	17.00	0.00	0.00	2,100,000.00 *
FOIUST	1	2.00	3.00	38.80	43.20	82.00
FCSC	0	0.05	0.05	4,000.00	0.00	4,000.00
INS	175	1.40	176.40	10,753,584.00	0.00	10,753,584.00
JMD	2	1.40	3.40	93,885.65	0.00	93,885.65
NDIC	0	0.60	0.60	45,000.00	0.00	45,000.00
COPS	1	0.02	1.02	59,550.00	0.00	59,550.00
ODR	0	0	0	0.00	0.00	0.00
OIP	28	0.40	28.40	2,894,241.00	11,718.00	2,905,959.00
OIPR	0	0.20	0.20	7,828.00	0.00	7,828.00
Intergovernmental Affairs	0	0.15	0.15	12,119.20	1,346.57	13,465.77
OJP	3	1.00	4.00	205,000.00	5,000.00	210,000.00
OLC	0	0.85	0.85	6,000.00	1,200.00	7,200.00
OLA	1	0.20	1.20	117,030.96	13,003.44	130,034.40
Pardon Attorney	0	0.10	0.10	7,754.95	512.82	8,267.77
OPD	0	0.50	0.50	31,618.19	3,513.13	35,131.32
OPR	2	0.30	2.30	112,415.36	8,511.64	120,927.00
Public Affairs	1	0.10	1.10	60,445.19	6,716.13	67,161.32
OIG	1	2.00	3.00	52,000.00	0.00	52,000.00
OSG	0	0.25	0.25	10,000.00	0.00	10,000.00
PRAO	0	0.00	0.00	0.00	0.00	0.00
TAX	2	0.50	2.50	195,471.00	508,919.00	704,390.00
USMS	8	5.90	13.90	804,500.25	42,621.35	847,121.60
USNCB	1	1.00	2.00	100,000.00	0.00	100,000.00
USPC	2	1.00	3.00	96,867.00	5,000.00	101,867.00
TOTALS	1,015.90	30.6848	1,046.58	\$23,018,805.50	\$1,013,219.03	\$59,234,088.53

*EOUSA does not at this time designate its costs according to the status of its requests; therefore, there is no method yet to determine the percentage of costs attributable to processing as opposed to litigation.

**FBI FOIA processing and litigation-related activities included in total costs.

X. Fees.

A. Total amount of fees collected by agency for processing requests \$89,431.67.

B. Percentage of total 0.15098%.

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

SOURCE: Order No. 2156-98, 63 FR 29593, June 1, 1998, unless otherwise noted.

§16.1 General provisions.

(a) This subpart contains the rules that the Department of Justice follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. These rules should be read together with the FOIA, which provides additional information about access to records maintained by the Department. Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, which are processed under subpart D of this part, are processed under this subpart also. Information routinely provided to the public as part of a regular Department activity (for example, press releases issued by the Office of Public Affairs) may be provided to the public without following this subpart. As a matter of policy, the Department makes discretionary disclosures of records or information exempt from disclosure under the FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court.

(b) As used in this subpart, *component* means each separate bureau, office, board, division, commission, service, or administration of the Department of Justice.

§16.2 Public reading rooms.

(a) The Department maintains public reading rooms that contain the records that the FOIA requires to be made regularly available for public inspection and copying. Each Department component is responsible for determining which of the records it generates are required to be made available in this way and for making those records available either in its own reading room or in the Department's central reading room. Each component shall maintain and make available for public inspection and copying a current subject-matter index of its reading room records. Each index shall be updated regularly, at least quarterly, with respect to newly included records.

(b) The Department maintains public reading rooms or areas at the locations listed below:

(1) Bureau of Prisons—on the Seventh Floor, 500 First Street, NW., Washington, DC;

(2) Civil Rights Division—in Room 930, 320 First Street, NW., Washington, DC;

(3) Community Relations Service—in Suite 2000, 600 E Street, NW., Washington, DC;

(4) Drug Enforcement Administration—in Room W-7216, 700 Army Navy Drive, Arlington, Virginia;

(5) Executive Office for Immigration Review (Board of Immigration Appeals)—in Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia;

(6) Federal Bureau of Investigation—at the J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW., Washington, DC;

(7) Foreign Claims Settlement Commission—in Room 6002, 600 E Street, NW., Washington, DC;

(8) Immigration and Naturalization Service—425 I Street, NW., Washington, DC;

(9) Office of Justice Programs—in Room 5430, 810 Seventh Street, NW., Washington, DC;

(10) Pardon Attorney—on the Fourth Floor, 500 First Street, NW., Washington, DC;

(11) United States Attorneys and United States Marshals—at the principal offices of the United States Attorneys and the United States Marshals, which are listed in most telephone books; and

(12) All other components of the Department of Justice—in Room 6505 at the Main Justice Building, 950 Pennsylvania Avenue, NW., Washington, DC.

(c) Components shall also make reading room records created by the Department on or after November 1, 1996, available electronically at the Department's World Wide Web site (which can be found at <http://www.usdoj.gov>), through use of the Department's "Freedom of Information Act Home Page." This includes each component's index of its reading room records, which will indicate which records are available electronically.

[Order No. 2156-98, 63 FR 29593, June 1, 1998; 63 FR 51401, Sept. 25, 1998]

§16.3 Requirements for making requests.

(a) *How made and addressed.* You may make a request for records of the Department of Justice by writing directly to the Department component that maintains those records. You may find the Department's "Freedom of Information Act Reference Guide"—which is available electronically at the Department's World Wide Web site, and is available in paper form as well—helpful in making your request. For additional information about the FOIA, you may refer directly to the statute. If you are making a request for records about yourself, see §16.4(d) for additional requirements. If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) will help the processing of your request. Your request should be sent to the component's FOIA office at the address listed in appendix I to part 16. In most cases, your FOIA request should be sent to a component's central FOIA office. For records held by a field office of the Federal Bureau of Investigation (FBI) or the Immigration and Naturalization Service (INS), however, you must write directly to that FBI or INS field office address, which can be found in most telephone books or by calling the component's central FOIA office. (The functions of each component are summarized in part 0 of this title and in the description of the Department and its components in the "United States Government Manual," which is issued annually and is available in most libraries, as well as for sale from the Government Printing Office's Superintendent of Documents. This manual also can be accessed electronically at the Government Printing Office's World Wide Web site (which can be found at http://www.access.gpo.gov/su_docs.) If you cannot determine where within the Department to send your request, you may send it to the FOIA/PA Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530-0001. That office will forward your request to the component(s) it believes most likely to have the records that you

want. Your request will be considered received as of the date it is received by the proper component's FOIA office. For the quickest possible handling, you should mark both your request letter and the envelope "Freedom of Information Act Request."

(b) *Description of records sought.* You must describe the records that you seek in enough detail to enable Department personnel to locate them with a reasonable amount of effort. Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if you want records about a court case, you should provide the title of the case, the court in which the case was filed, and the nature of the case. If known, you should include any file designations or descriptions for the records that you want. As a general rule, the more specific you are about the records or type of records that you want, the more likely the Department will be able to locate those records in response to your request. If a component determines that your request does not reasonably describe records, it shall tell you either what additional information is needed or why your request is otherwise insufficient. The component also shall give you an opportunity to discuss your request so that you may modify it to meet the requirements of this section. If your request does not reasonably describe the records you seek, the agency's response to your request may be delayed.

(c) *Agreement to pay fees.* If you make a FOIA request, it shall be considered an agreement by you to pay all applicable fees charged under §16.11, up to \$25.00, unless you seek a waiver of fees. The component responsible for responding to your request ordinarily will confirm this agreement in an acknowledgement letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

[Order No. 2156-98, 63 FR 29593, June 1, 1998; 63 FR 51401, Sept. 25, 1998]

§ 16.4 Responsibility for responding to requests.

(a) *In general.* Except as stated in paragraphs (c), (d), and (e) of this section, the component that first receives a request for a record and has possession of that record is the component responsible for responding to the request. In determining which records are responsive to a request, a component ordinarily will include only records in its possession as of the date the component begins its search for them. If any other date is used, the component shall inform the requester of that date.

(b) *Authority to grant or deny requests.* The head of a component, or the component head's designee, is authorized to grant or deny any request for a record of that component.

(c) *Consultations and referrals.* When a component receives a request for a record in its possession, it shall determine whether another component, or another agency of the Federal Government, is better able to determine whether the record is exempt from disclosure under the FOIA and, if so, whether it should be disclosed as a matter of administrative discretion. If the receiving component determines that it is best able to process the record in response to the request, then it shall do so. If the receiving component determines that it is not best able to process the record, then it shall either:

(1) Respond to the request regarding that record, after consulting with the component or agency best able to determine whether to disclose it and with any other component or agency that has a substantial interest in it; or

(2) Refer the responsibility for responding to the request regarding that record to the component best able to determine whether to disclose it, or to another agency that originated the record (but only if that agency is subject to the FOIA). Ordinarily, the component or agency that originated a record will be presumed to be best able to determine whether to disclose it.

(d) *Law enforcement information.* Whenever a request is made for a record containing information that relates to an investigation of a possible violation of law and was originated by another component or agency, the receiving component shall either refer the responsibility for responding to the request regarding that information to that other component or agency or consult with that other component or agency.

(e) *Classified information.* Whenever a request is made for a record containing information that has been classified, or may be appropriate for classification, by another component or agency under Executive Order 12958 or any other executive order concerning the classification of records, the receiving component shall refer the responsibility for responding to the request regarding that information to the component or agency that classified the information, should consider the information for classification, or has the primary interest in it, as appropriate. Whenever a record contains information that has been derivatively classified by a component because it contains information classified by another component or agency, the component shall refer the responsibility for responding to the request regarding that information to the component or agency that classified the underlying information.

(f) *Notice of referral.* Whenever a component refers all or any part of the responsibility for responding to a request to another component or agency, it ordinarily shall notify the requester of the referral and inform the requester of the name of each component or agency to which the request has been referred and of the part of the request that has been referred.

(g) *Timing of responses to consultations and referrals.* All consultations and referrals will be handled according to the date the FOIA request initially was received by the first component or agency, not any later date.

(h) *Agreements regarding consultations and referrals.* Components may make agreements with other components or agencies to eliminate the need for consultations or referrals for particular types of records.

§ 16.5 Timing of responses to requests.

(a) *In general.* Components ordinarily shall respond to requests according to their order of receipt.

(b) *Multitrack processing.* (1) A component may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process the request, including through limits based on the number of pages involved. If a component does so, it shall advise requesters in its slower track(s) of the limits of its faster track(s).

(2) A component using multitrack processing may provide requesters in its slower track(s) with an opportunity to limit the scope of their requests in order to qualify for faster processing within the specified limits of the component's faster track(s). A component doing so will contact the requester either by telephone or by letter, whichever is more efficient in each case.

(c) *Unusual circumstances.* (1) Where the statutory time limits for processing a request cannot be met because of "unusual circumstances," as defined in the FOIA, and the component determines to extend the time limits on that basis, the component shall as soon as practicable notify the requester in writing of the unusual circumstances and of the date by which processing of the request can be expected to be completed. Where the extension is for more than ten working days, the component shall provide the requester with an opportunity either to modify the request so that it may be processed within the time limits or to arrange an alternative time period with the component for processing the request or a modified request.

(2) Where a component reasonably believes that multiple requests submitted by a requester, or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, and the requests involve clearly related matters, they may be aggregated. Multiple requests involving unrelated matters will not be aggregated.

(d) *Expedited processing.* (1) Requests and appeals will be taken out of order and given expedited treatment whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information;

(iii) The loss of substantial due process rights; or

(iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

(2) A request for expedited processing may be made at the time of the initial request for records or at any later time. For a prompt determination, a request for expedited processing must be received by the proper component. Requests based on the categories in paragraphs (d)(1)(i), (ii), and (iii) of this section must be submitted to the component that maintains the records requested. Requests based on the category in paragraph (d)(1)(iv) of this section must be submitted to the Director of Public Affairs, whose address is: Office of Public Affairs, U.S. Department of Justice, Room 1128, 950 Pennsylvania Avenue, NW., Washington DC 20530-0001. A component that receives a request that must be handled by the Office of Public Affairs shall forward it immediately to that office by hand-delivery or fax.

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. For example, a requester within the category in paragraph (d)(1)(ii) of this section, if not a full-time member of the news media, must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his or her sole occupation. A requester within the category in paragraph (d)(1)(iv) of this section also must establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally. The formality of certification may be waived as a matter of administrative discretion.

(4) Within ten calendar days of its receipt of a request for expedited processing, the proper component shall decide whether to grant it and shall notify the requester of the decision. If a request for expedited treatment is granted, the request shall be given priority and shall be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision shall be acted on expeditiously.

§ 16.6 Responses to requests.

(a) *Acknowledgements of requests.* On receipt of a request, a component ordinarily shall send an acknowledgement letter to the requester which shall confirm the requester's agreement to pay fees under § 16.3(c) and provide an assigned request number for further reference.

(b) *Grants of requests.* Ordinarily, a component shall have twenty business days from when a request is received to determine whether to grant or deny the request. Once a component makes a determination to grant a request in whole or in part, it shall notify the requester in writing. The component shall inform the requester in the notice of any fee charged under §16.11 and shall disclose records to the requester promptly on payment of any applicable fee. Records disclosed in part shall be marked or annotated to show the amount of information deleted unless doing so would harm an interest protected by an applicable exemption. The location of the information deleted also shall be indicated on the record, if technically feasible.

(c) *Adverse determinations of requests.* A component making an adverse determination denying a request in any respect shall notify the requester of that determination in writing. Adverse determinations, or denials of requests, consist of: a determination to withhold any requested record in whole or in part; a determination that a requested record does not exist or cannot be located; a determination that a record is not readily reproducible in the form or format sought by the requester; a determination that what has been requested is not a record subject to the FOIA; a determination on any disputed fee matter, including a denial of a request for a fee waiver; and a denial of a request for expedited treatment. The denial letter shall be signed by the head of the component, or the component head's designee, and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason(s) for the denial, including any FOIA exemption applied by the component in denying the request;

(3) An estimate of the volume of records or information withheld, in number of pages or in some other reasonable form of estimation. This estimate does not need to be provided if the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption; and

(4) A statement that the denial may be appealed under §16.9(a) and a description of the requirements of §16.9(a).

§ 16.7 Classified information.

In processing a request for information that is classified under Executive Order 12958 (3 CFR, 1996 Comp., p. 333) or any other executive order, the originating component shall review the information to determine whether it should remain classified. Information determined to no longer require classification shall not be withheld on the basis of Exemption 1 of the FOIA. On receipt of any appeal involving classified information, the Office of Information and Privacy shall take appropriate action to ensure compliance with part 17 of this title.

§ 16.8 Business information.

(a) *In general.* Business information obtained by the Department from a submitter will be disclosed under the FOIA only under this section.

(b) *Definitions.* For purposes of this section:

(1) *Business information* means commercial or financial information obtained by the Department from a submitter that may be protected from disclosure under Exemption 4 of the FOIA.

(2) *Submitter* means any person or entity from whom the Department obtains business information, directly or indirectly. The term includes corporations; state, local, and tribal governments; and foreign governments.

(c) *Designation of business information.* A submitter of business information will use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under Exemption 4. These designations will expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(d) *Notice to submitters.* A component shall provide a submitter with prompt written notice of a FOIA request or administrative appeal that seeks its business information wherever required

under paragraph (e) of this section, except as provided in paragraph (h) of this section. In order to give the submitter an opportunity to object to disclosure of any specified portion of that information under paragraph (f) of this section. The notice shall either describe the business information requested or include copies of the requested records or record portions containing the information. When notification of a voluminous number of submitters is required, notification may be made by posting or publishing the notice in a place reasonably likely to accomplish it.

(e) *Where notice is required.* Notice shall be given to a submitter wherever:

(1) The information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(2) The component has reason to believe that the information may be protected from disclosure under Exemption 4.

(f) *Opportunity to object to disclosure.* A component will allow a submitter a reasonable time to respond to the notice described in paragraph (d) of this section and will specify that time period within the notice. If a submitter has any objection to disclosure, it is required to submit a detailed written statement. The statement must specify all grounds for withholding any portion of the information under any exemption of the FOIA and, in the case of Exemption 4, it must show why the information is a trade secret or commercial or financial information that is privileged or confidential. In the event that a submitter fails to respond to the notice within the time specified in it, the submitter will be considered to have no objection to disclosure of the information. Information provided by the submitter that is not received by the component until after its disclosure decision has been made shall not be considered by the component. Information provided by a submitter under this paragraph may itself be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* A component shall consider a submitter's objections and specific grounds for non-disclosure in deciding whether to disclose business information. Whenever a

component decides to disclose business information over the objection of a submitter, the component shall give the submitter written notice, which shall include:

(1) A statement of the reason(s) why each of the submitter's disclosure objections was not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which shall be a reasonable time subsequent to the notice.

(h) *Exceptions to notice requirements.* The notice requirements of paragraphs (d) and (g) of this section shall not apply if:

(1) The component determines that the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600 (3 CFR, 1988 Comp., p. 235); or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous—except that, in such a case, the component shall, within a reasonable time prior to a specified disclosure date, give the submitter written notice of any final decision to disclose the information.

(i) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, the component shall promptly notify the submitter.

(j) *Corresponding notice to requesters.* Whenever a component provides a submitter with notice and an opportunity to object to disclosure under paragraph (d) of this section, the component shall also notify the requester(s). Whenever a component notifies a submitter of its intent to disclose requested information under paragraph (g) of this section, the component shall also notify the requester(s). Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the

component shall notify the requester(s).

[Order No. 2156-98, 63 FR 29593, June 1, 1998; 63 FR 51401, Sept. 25, 1998]

§16.9 Appeals.

(a) *Appeals of adverse determinations.* If you are dissatisfied with a component's response to your request, you may appeal an adverse determination denying your request, in any respect, to the Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, DC 20530-0001. You must make your appeal in writing and it must be received by the Office of Information and Privacy within 60 days of the date of the letter denying your request. Your appeal letter may include as much or as little related information as you wish, as long as it clearly identifies the component determination (including the assigned request number, if known) that you are appealing. For the quickest possible handling, you should mark your appeal letter and the envelope "Freedom of Information Act Appeal." Unless the Attorney General directs otherwise, a Director of the Office of Information and Privacy will act on behalf of the Attorney General on all appeals under this section, except that:

(1) In the case of an adverse determination by the Deputy Attorney General or the Associate Attorney General, the Attorney General or the Attorney General's designee will act on the appeal;

(2) An adverse determination by the Attorney General will be the final action of the Department; and

(3) An appeal ordinarily will not be acted on if the request becomes a matter of FOIA litigation.

(b) *Responses to appeals.* The decision on your appeal will be made in writing. A decision affirming an adverse determination in whole or in part shall contain a statement of the reason(s) for the affirmation, including any FOIA exemption(s) applied, and will inform you of the FOIA provisions for court review of the decision. If the adverse determination is reversed or modified on appeal, in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.

(c) *When appeal is required.* If you wish to seek review by a court of any adverse determination, you must first appeal it under this section.

§16.10 Preservation of records.

Each component shall preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule 14. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

§16.11 Fees.

(a) *In general.* Components shall charge for processing requests under the FOIA in accordance with paragraph (c) of this section, except where fees are limited under paragraph (d) of this section or where a waiver or reduction of fees is granted under paragraph (k) of this section. A component ordinarily shall collect all applicable fees before sending copies of requested records to a requester. Requesters must pay fees by check or money order made payable to the Treasury of the United States.

(b) *Definitions.* For purposes of this section:

(1) *Commercial use request* means a request from or on behalf of a person who seeks information for a use or purpose that furthers his or her commercial, trade, or profit interests, which can include furthering those interests through litigation. Components shall determine, whenever reasonably possible, the use to which a requester will put the requested records. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because a component has reasonable cause to doubt a requester's stated use, the component shall provide the requester a reasonable opportunity to submit further clarification.

(2) *Direct costs* means those expenses that an agency actually incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include, for

example, the salary of the employee performing the work (the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating duplication machinery. Not included in direct costs are overhead expenses such as the costs of space and heating or lighting of the facility in which the records are kept.

(3) *Duplication* means the making of a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, microform, audiovisual materials, or electronic records (for example, magnetic tape or disk), among others. Components shall honor a requester's specified preference of form or format of disclosure if the record is readily reproducible with reasonable efforts in the requested form or format by the office responding to the request.

(4) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education, that operates a program of scholarly research. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research.

(5) *Noncommercial scientific institution* means an institution that is not operated on a "commercial" basis, as that term is defined in paragraph (b)(1) of this section, and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

(6) *Representative of the news media*, or news media requester, means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or

that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances where they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. For "freelance" journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization. A publication contract would be the clearest proof, but components shall also look to the past publication record of a requester in making this determination. To be in this category, a requester must not be seeking the requested records for a commercial use. However, a request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use.

(7) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. It also includes processing any record for disclosure—for example, doing all that is necessary to redact it and prepare it for disclosure. Review costs are recoverable even if a record ultimately is not disclosed. Review time includes time spent considering any formal objection to disclosure made by a business submitter under §16.8, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(8) *Search* means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format. Components shall ensure that searches are done in the most efficient and least expensive manner reasonably possible. For example, components shall not search line-by-line where duplicating an entire document would be quicker and less expensive.

(c) *Fees.* In responding to FOIA requests, components shall charge the

following fees unless a waiver or reduction of fees has been granted under paragraph (k) of this section:

(1) *Search.* (i) Search fees shall be charged for all requests—other than requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media—subject to the limitations of paragraph (d) of this section. Components may charge for time spent searching even if they do not locate any responsive record or if they withhold the record(s) located as entirely exempt from disclosure.

(ii) For each quarter hour spent by clerical personnel in searching for and retrieving a requested record, the fee will be \$4.00. Where a search and retrieval cannot be performed entirely by clerical personnel—for example, where the identification of records within the scope of a request requires the use of professional personnel—the fee will be \$7.00 for each quarter hour of search time spent by professional personnel. Where the time of managerial personnel is required, the fee will be \$10.25 for each quarter hour of time spent by those personnel.

(iii) For computer searches of records, requesters will be charged the direct costs of conducting the search, although certain requesters (as provided in paragraph (d)(1) of this section) will be charged no search fee and certain other requesters (as provided in paragraph (d)(3) of this section) will be entitled to the cost equivalent of two hours of manual search time without charge. These direct costs will include the cost of operating a central processing unit for that portion of operating time that is directly attributable to searching for responsive records, as well as the costs of operator/programmer salary apportionable to the search.

(2) *Duplication.* Duplication fees will be charged to all requesters, subject to the limitations of paragraph (d) of this section. For a paper photocopy of a record (no more than one copy of which need be supplied), the fee will be ten cents per page. For copies produced by computer, such as tapes or printouts, components will charge the direct costs, including operator time, of producing the copy. For other forms of du-

plication, components will charge the direct costs of that duplication.

(3) *Review.* Review fees will be charged to requesters who make a commercial use request. Review fees will be charged only for the initial record review—in other words, the review done when a component determines whether an exemption applies to a particular record or record portion at the initial request level. No charge will be made for review at the administrative appeal level for an exemption already applied. However, records or record portions withheld under an exemption that is subsequently determined not to apply may be reviewed again to determine whether any other exemption not previously considered applies; the costs of that review are chargeable where it is made necessary by such a change of circumstances. Review fees will be charged at the same rates as those charged for a search under paragraph (c)(1)(ii) of this section.

(d) *Limitations on charging fees.* (1) No search fee will be charged for requests by educational institutions, noncommercial scientific institutions, or representatives of the news media.

(2) No search fee or review fee will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(3) Except for requesters seeking records for a commercial use, components will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent); and

(ii) The first two hours of search (or the cost equivalent).

(4) Whenever a total fee calculated under paragraph (c) of this section is \$14.00 or less for any request, no fee will be charged.

(5) The provisions of paragraphs (d)(3) and (4) of this section work together. This means that for requesters other than those seeking records for a commercial use, no fee will be charged unless the cost of search in excess of two hours plus the cost of duplication in excess of 100 pages totals more than \$14.00.

(e) *Notice of anticipated fees in excess of \$25.00.* When a component determines or estimates that the fees to be charged under this section will amount to more than \$25.00, the component

shall notify the requester of the actual or estimated amount of the fees, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the component shall advise the requester that the estimated fee may be only a portion of the total fee. In cases in which a requester has been notified that actual or estimated fees amount to more than \$25.00, the request shall not be considered received and further work shall not be done on it until the requester agrees to pay the anticipated total fee. Any such agreement should be memorialized in writing. A notice under this paragraph will offer the requester an opportunity to discuss the matter with Department personnel in order to reformulate the request to meet the requester's needs at a lower cost.

(f) *Charges for other services.* Apart from the other provisions of this section, when a component chooses as a matter of administrative discretion to provide a special service—such as certifying that records are true copies or sending them by other than ordinary mail—the direct costs of providing the service ordinarily will be charged.

(g) *Charging interest.* Components may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the date of the billing until payment is received by the component. Components will follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) *Aggregating requests.* Where a component reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees, the component may aggregate those requests and charge accordingly. Components may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. Where requests are separated by a longer period, components will aggre-

gate them only where there exists a solid basis for determining that aggregation is warranted under all the circumstances involved. Multiple requests involving unrelated matters will not be aggregated.

(i) *Advance payments.* (1) For requests other than those described in paragraphs (1)(2) and (3) of this section, a component shall not require the requester to make an advance payment—in other words, a payment made before work is begun or continued on a request. Payment owed for work already completed (i.e., a prepayment before copies are sent to a requester) is not an advance payment.

(2) Where a component determines or estimates that a total fee to be charged under this section will be more than \$250.00, it may require the requester to make an advance payment of an amount up to the amount of the entire anticipated fee before beginning to process the request, except where it receives a satisfactory assurance of full payment from a requester that has a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged FOIA fee to any component or agency within 30 days of the date of billing, a component may require the requester to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee, before the component begins to process a new request or continues to process a pending request from that requester.

(4) In cases in which a component requires advance payment or payment due under paragraph (1)(2) or (3) of this section, the request shall not be considered received and further work will not be done on it until the required payment is received.

(j) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. Where records responsive to requests are maintained for distribution by agencies operating such statutorily based fee

schedule programs, components will inform requesters of the steps for obtaining records from those sources so that they may do so most economically.

(k) *Requirements for waiver or reduction of fees.* (1) Records responsive to a request will be furnished without charge or at a charge reduced below that established under paragraph (c) of this section where a component determines, based on all available information, that the requester has demonstrated that:

(i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and

(ii) Disclosure of the information is not primarily in the commercial interest of the requester.

(2) To determine whether the first fee waiver requirement is met, components will consider the following factors:

(i) *The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."* The subject of the requested records must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote or attenuated.

(ii) *The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.* The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be "likely to contribute" to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be as likely to contribute to such understanding where nothing new would be added to the public's understanding.

(iii) *The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding."* The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the

subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) *The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.* The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced by the disclosure to a significant extent. Components shall not make value judgments about whether information that would contribute significantly to public understanding of the operations or activities of the government is "important" enough to be made public.

(3) To determine whether the second fee waiver requirement is met, components will consider the following factors:

(i) *The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure.* Components shall consider any commercial interest of the requester (with reference to the definition of "commercial use" in paragraph (b)(1) of this section), or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. Requesters shall be given an opportunity in the administrative process to provide explanatory information regarding this consideration.

(ii) *The primary interest in disclosure: Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."* A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure. Components ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be

the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.

(4) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(5) Requests for the waiver or reduction of fees should address the factors listed in paragraphs (k)(2) and (3) of this section, insofar as they apply to each request. Components will exercise their discretion to consider the cost-effectiveness of their investment of administrative resources in this decision-making process, however, in deciding to grant waivers or reductions of fees.

[Order No. 2156-98, 63 FR 25593, June 1, 1998; 63 FR 34965, June 26, 1998; 63 FR 36295, July 2, 1998; 63 FR 51401, Sept. 25, 1998]

§16.12 Other rights and services.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

Subpart D—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

SOURCE: Order No. 2156-98, 63 FR 29600, June 1, 1998, unless otherwise noted.

§16.40 General provisions.

(a) *Purpose and scope.* This subpart contains the rules that the Department of Justice follows under the Privacy Act of 1974, 5 U.S.C. 552a. These rules should be read together with the Privacy Act, which provides additional information about records maintained on individuals. The rules in this subpart apply to all records in systems of records maintained by the Department that are retrieved by an individual's name or personal identifier. They describe the procedures by which individuals may request access to records about themselves, request amendment or correction of those records, and request an accounting of disclosures of those by the Department. In addition, the Department processes all Privacy

Act requests for access to records under the Freedom of Information Act (FOIA), 5 U.S.C. 552, following the rules contained in subpart A of this part, which gives requests the benefit of both statutes.

(b) *Definitions.* As used in this subpart:

(1) *Component* means each separate bureau, office, board, division, commission, service, or administration of the Department of Justice.

(2) *Request for access* to a record means a request made under Privacy Act subsection (d)(1).

(3) *Request for amendment or correction* of a record means a request made under Privacy Act subsection (d)(2).

(4) *Request for an accounting* means a request made under Privacy Act subsection (c)(3).

(5) *Requester* means an individual who makes a request for access, a request for amendment or correction, or a request for an accounting under the Privacy Act.

(c) *Authority to request records for a law enforcement purpose.* The head of a component or a United States Attorney, or either's designee, is authorized to make written requests under subsection (b)(7) of the Privacy Act for records maintained by other agencies that are necessary to carry out an authorized law enforcement activity.

[Order No. 2156-98, 63 FR 29600, June 1, 1998; 63 FR 51401, Sept. 25, 1998]

§16.41 Requests for access to records.

(a) *How made and addressed.* You may make a request for access to a Department of Justice record about yourself by appearing in person or by writing directly to the Department component that maintains the record. Your request should be sent or delivered to the component's Privacy Act office at the address listed in appendix I to this part. In most cases, a component's central Privacy Act office is the place to send a Privacy Act request. For records held by a field office of the Federal Bureau of Investigation (FBI) or the Immigration and Naturalization Service (INS), however, you must write directly to that FBI or INS field office address, which can be found in most telephone books or by calling the component's central Privacy Act office.

(The functions of each component are summarized in Part 0 of this title and in the description of the Department and its components in the "United States Government Manual," which is issued annually and is available in most libraries, as well as for sale from the Government Printing Office's Superintendent of Documents. This manual also can be accessed electronically at the Government Printing Office's World Wide Web site (which can be found at http://www.access.gpo.gov/su_docs). If you cannot determine where within the Department to send your request, you may send it to the FOIA/PA Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530-0001, and that office will forward it to the component(s) it believes most likely to have the records that you seek. For the quickest possible handling, you should mark both your request letter and the envelope "Privacy Act Request."

(b) *Description of records sought.* You must describe the records that you want in enough detail to enable Department personnel to locate the system of records containing them with a reasonable amount of effort. Whenever possible, your request should describe the records sought, the time periods in which you believe they were compiled, and the name or identifying number of each system of records in which you believe they are kept. The Department publishes notices in the FEDERAL REGISTER that describe its components' systems of records. A description of the Department's systems of records also may be found as part of the "Privacy Act Compilation" published by the National Archives and Records Administration's Office of the Federal Register. This compilation is available in most large reference and university libraries. This compilation also can be accessed electronically at the Government Printing Office's World Wide Web site (which can be found at http://www.access.gpo.gov/su_docs).

(c) *Agreement to pay fees.* If you make a Privacy Act request for access to records, it shall be considered an agreement by you to pay all applicable fees charged under § 16.49, up to \$25.00. The component responsible for responding

to your request ordinarily shall confirm this agreement in an acknowledgement letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

(d) *Verification of identity.* When you make a request for access to records about yourself, you must verify your identity. You must state your full name, current address, and date and place of birth. You must sign your request and your signature must either be notarized or submitted by you under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the FOIA/PA Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530-0001. In order to help the identification and location of requested records, you may also, at your option, include your social security number.

(e) *Verification of guardianship.* When making a request as the parent or guardian of a minor or as the guardian of someone determined by a court to be incompetent, for access to records about that individual, you must establish:

(1) The identity of the individual who is the subject of the record, by stating the name, current address, date and place of birth, and, at your option, the social security number of the individual;

(2) Your own identity, as required in paragraph (d) of this section;

(3) That you are the parent or guardian of that individual, which you may prove by providing a copy of the individual's birth certificate showing your parentage or by providing a court order establishing your guardianship; and

(4) That you are acting on behalf of that individual in making the request.

[Order No. 2156-98, 63 FR 29600, June 1, 1998; 63 FR 34965, June 26, 1998; 63 FR 51401, Sept. 25, 1998]

§ 16.42 Responsibility for responding to requests for access to records.

(a) *In general.* Except as stated in paragraphs (c), (d), and (e) of this section, the component that first receives a request for access to a record, and

has possession of that record, is the component responsible for responding to the request. In determining which records are responsive to a request, a component ordinarily shall include only those records in its possession as of the date the component begins its search for them. If any other date is used, the component shall inform the requester of that date.

(b) *Authority to grant or deny requests.* The head of a component, or the component head's designee, is authorized to grant or deny any request for access to a record of that component.

(c) *Consultations and referrals.* When a component receives a request for access to a record in its possession, it shall determine whether another component, or another agency of the Federal Government, is better able to determine whether the record is exempt from access under the Privacy Act. If the receiving component determines that it is best able to process the record in response to the request, then it shall do so. If the receiving component determines that it is not best able to process the record, then it shall either:

(1) Respond to the request regarding that record, after consulting with the component or agency best able to determine whether the record is exempt from access and with any other component or agency that has a substantial interest in it; or

(2) Refer the responsibility for responding to the request regarding that record to the component best able to determine whether it is exempt from access, or to another agency that originated the record (but only if that agency is subject to the Privacy Act). Ordinarily, the component or agency that originated a record will be presumed to be best able to determine whether it is exempt from access.

(d) *Law enforcement information.* Whenever a request is made for access to a record containing information that relates to an investigation of a possible violation of law and that was originated by another component or agency, the receiving component shall either refer the responsibility for responding to the request regarding that information to that other component

or agency or shall consult with that other component or agency.

(e) *Classified information.* Whenever a request is made for access to a record containing information that has been classified by or may be appropriate for classification by another component or agency under Executive Order 12958 or any other executive order concerning the classification of records, the receiving component shall refer the responsibility for responding to the request regarding that information to the component or agency that classified the information, should consider the information for classification, or has the primary interest in it, as appropriate. Whenever a record contains information that has been derivatively classified by a component because it contains information classified by another component or agency, the component shall refer the responsibility for responding to the request regarding that information to the component or agency that classified the underlying information.

(f) *Notice of referral.* Whenever a component refers all or any part of the responsibility for responding to a request to another component or agency, it ordinarily shall notify the requester of the referral and inform the requester of the name of each component or agency to which the request has been referred and of the part of the request that has been referred.

(g) *Timing of responses to consultations and referrals.* All consultations and referrals shall be handled according to the date the Privacy Act access request was initially received by the first component or agency, not any later date.

(h) *Agreements regarding consultations and referrals.* Components may make agreements with other components or agencies to eliminate the need for consultations or referrals for particular types of records.

[Order No. 2156-98, 63 FR 29600, June 1, 1998; 63 FR 34965, June 26, 1998; 63 FR 51401, Sept. 25, 1998]

§ 16.43 Responses to requests for access to records.

(a) *Acknowledgements of requests.* On receipt of a request, a component ordinarily shall send an acknowledgement

letter to the requester which shall confirm the requester's agreement to pay fees under §16.41(c) and provide an assigned request number for further reference.

(b) *Grants of requests for access.* Once a component makes a determination to grant a request for access in whole or in part, it shall notify the requester in writing. The component shall inform the requester in the notice of any fee charged under §16.49 and shall disclose records to the requester promptly on payment of any applicable fee. If a request is made in person, the component may disclose records to the requester directly, in a manner not unreasonably disruptive of its operations, on payment of any applicable fee and with a written record made of the grant of the request. If a requester is accompanied by another person, the requester shall be required to authorize in writing any discussion of the records in the presence of the other person.

(c) *Adverse determinations of requests for access.* A component making an adverse determination denying a request for access in any respect shall notify the requester of that determination in writing. Adverse determinations, or denials of requests, consist of: A determination to withhold any requested record in whole or in part; a determination that a requested record does not exist or cannot be located; a determination that what has been requested is not a record subject to the Privacy Act; a determination on any disputed fee matter; and a denial of a request for expedited treatment. The notification letter shall be signed by the head of the component, or the component head's designee, and shall include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reason(s) for the denial, including any Privacy Act exemption(s) applied by the component in denying the request; and

(3) A statement that the denial may be appealed under §16.45(a) and a description of the requirements of §16.45(a).

§16.44 Classified information.

In processing a request for access to a record containing information that is classified under Executive Order 12958

or any other executive order, the originating component shall review the information to determine whether it should remain classified. Information determined to no longer require classification shall not be withheld from a requester on the basis of Exemption (k)(1) of the Privacy Act. On receipt of any appeal involving classified information, the Office of Information and Privacy shall take appropriate action to ensure compliance with part 17 of this title.

§16.45 Appeals from denials of requests for access to records.

(a) *Appeals.* If you are dissatisfied with a component's response to your request for access to records, you may appeal an adverse determination denying your request in any respect to the Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, DC 20530-0001. You must make your appeal in writing and it must be received by the Office of Information and Privacy within 60 days of the date of the letter denying your request. Your appeal letter may include as much or as little related information as you wish, as long as it clearly identifies the component determination (including the assigned request number, if known) that you are appealing. For the quickest possible handling, you should mark both your appeal letter and the envelope "Privacy Act Appeal." Unless the Attorney General directs otherwise, a Director of the Office of Information and Privacy will act on behalf of the Attorney General on all appeals under this section, except that:

(1) In the case of an adverse determination by the Deputy Attorney General or the Associate Attorney General, the Attorney General or the Attorney General's designee will act on the appeal;

(2) An adverse determination by the Attorney General will be the final action of the Department; and

(3) An appeal ordinarily will not be acted on if the request becomes a matter of litigation.

(b) *Responses to appeals.* The decision on your appeal will be made in writing. A decision affirming an adverse determination in whole or in part will include a brief statement of the reason(s)

for the affirmance, including any Privacy Act exemption applied, and will inform you of the Privacy Act provisions for court review of the decision. If the adverse determination is reversed or modified on appeal in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.

(c) *When appeal is required.* If you wish to seek review by a court of any adverse determination or denial of a request, you must first appeal it under this section.

§16.46 Requests for amendment or correction of records.

(a) *How made and addressed.* Unless the record is not subject to amendment or correction as stated in paragraph (f) of this section, you may make a request for amendment or correction of a Department of Justice record about yourself by writing directly to the Department component that maintains the record, following the procedures in §16.41. Your request should identify each particular record in question, state the amendment or correction that you want, and state why you believe that the record is not accurate, relevant, timely, or complete. You may submit any documentation that you think would be helpful. If you believe that the same record is in more than one system of records, you should state that and address your request to each component that maintains a system of records containing the record.

(b) *Component responses.* Within ten working days of receiving your request for amendment or correction of records, a component shall send you a written acknowledgment of its receipt of your request, and it shall promptly notify you whether your request is granted or denied. If the component grants your request in whole or in part, it shall describe the amendment or correction made and shall advise you of your right to obtain a copy of the corrected or amended record, in disclosable form. If the component denies your request in whole or in part, it shall send you a letter signed by the head of the component, or the component head's designee, that shall state:

(1) The reason(s) for the denial; and

(2) The procedure for appeal of the denial under paragraph (c) of this section, including the name and business address of the official who will act on your appeal.

(c) *Appeals.* You may appeal a denial of a request for amendment or correction to the Office of Information and Privacy in the same manner as a denial of a request for access to records (see §16.45) and the same procedures shall be followed. If your appeal is denied, you shall be advised of your right to file a Statement of Disagreement as described in paragraph (d) of this section and of your right under the Privacy Act for court review of the decision.

(d) *Statements of Disagreement.* If your appeal under this section is denied in whole or in part, you have the right to file a Statement of Disagreement that states your reason(s) for disagreeing with the Department's denial of your request for amendment or correction. Statements of Disagreement must be concise, must clearly identify each part of any record that is disputed, and should be no longer than one typed page for each fact disputed. Your Statement of Disagreement must be sent to the component involved, which shall place it in the system of records in which the disputed record is maintained and shall mark the disputed record to indicate that a Statement of Disagreement has been filed and where in the system of records it may be found.

(e) *Notification of amendment/correction or disagreement.* Within 30 working days of the amendment or correction of a record, the component that maintains the record shall notify all persons, organizations, or agencies to which it previously disclosed the record, if an accounting of that disclosure was made, that the record has been amended or corrected. If an individual has filed a Statement of Disagreement, the component shall append a copy of it to the disputed record whenever the record is disclosed and may also append a concise statement of its reason(s) for denying the request to amend or correct the record.

(f) *Records not subject to amendment or correction.* The following records are

not subject to amendment or correction:

(1) Transcripts of testimony given under oath or written statements made under oath;

(2) Transcripts of grand jury proceedings, judicial proceedings, or quasi-judicial proceedings, which are the official record of those proceedings;

(3) Presentence records that originated with the courts; and

(4) Records in systems of records that have been exempted from amendment and correction under Privacy Act, 5 U.S.C. 552a(j) or (k) by notice published in the FEDERAL REGISTER.

§16.47 Requests for an accounting of record disclosures.

(a) *How made and addressed.* Except where accountings of disclosures are not required to be kept (as stated in paragraph (b) of this section), you may make a request for an accounting of any disclosure that has been made by the Department to another person, organization, or agency of any record about you. This accounting contains the date, nature, and purpose of each disclosure, as well as the name and address of the person, organization, or agency to which the disclosure was made. Your request for an accounting should identify each particular record in question and should be made by writing directly to the Department component that maintains the record, following the procedures in §16.41.

(b) *Where accountings are not required.* Components are not required to provide accountings to you where they relate to:

(1) Disclosures for which accountings are not required to be kept—in other words, disclosures that are made to employees within the agency and disclosures that are made under the FOIA;

(2) Disclosures made to law enforcement agencies for authorized law enforcement activities in response to written requests from those law enforcement agencies specifying the law enforcement activities for which the disclosures are sought; or

(3) Disclosures made from law enforcement systems of records that have been exempted from accounting requirements.

(c) *Appeals.* You may appeal a denial of a request for an accounting to the Office of Information and Privacy in the same manner as a denial of a request for access to records (see §16.45) and the same procedures will be followed.

§16.48 Preservation of records.

Each component will preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule 14. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the Act.

§16.49 Fees.

Components shall charge fees for duplication of records under the Privacy Act in the same way in which they charge duplication fees under §16.11. No search or review fee may be charged for any record unless the record has been exempted from access under Exemptions (j)(2) or (k)(2) of the Privacy Act.

§16.50 Notice of court-ordered and emergency disclosures.

(a) *Court-ordered disclosures.* When a record pertaining to an individual is required to be disclosed by a court order, the component shall make reasonable efforts to provide notice of this to the individual. Notice shall be given within a reasonable time after the component's receipt of the order—except that in a case in which the order is not a matter of public record, the notice shall be given only after the order becomes public. This notice shall be mailed to the individual's last known address and shall contain a copy of the order and a description of the information disclosed. Notice shall not be given if disclosure is made from a criminal law enforcement system of records that has been exempted from the notice requirement.

(b) *Emergency disclosures.* Upon disclosing a record pertaining to an individual made under compelling circumstances affecting health or safety,

the component shall notify that individual of the disclosure. This notice shall be mailed to the individual's last known address and shall state the nature of the information disclosed; the person, organization, or agency to which it was disclosed; the date of disclosure; and the compelling circumstances justifying the disclosure.

[Order No. 2156-98, 63 FR 29600, June 1, 1998; 63 FR 51401, Sept. 25, 1998]

§16.51 Security of systems of records.

(a) Each component shall establish administrative and physical controls to prevent unauthorized access to its systems of records, to prevent unauthorized disclosure of records, and to prevent physical damage to or destruction of records. The stringency of these controls shall correspond to the sensitivity of the records that the controls protect. At a minimum, each component's administrative and physical controls shall ensure that:

(1) Records are protected from public view;

(2) The area in which records are kept is supervised during business hours to prevent unauthorized persons from having access to them;

(3) Records are inaccessible to unauthorized persons outside of business hours; and

(4) Records are not disclosed to unauthorized persons or under unauthorized circumstances in either oral or written form.

(b) Each component shall have procedures that restrict access to records to only those individuals within the Department who must have access to those records in order to perform their duties and that prevent inadvertent disclosure of records.

[Order No. 2156-98, 63 FR 29600, June 1, 1998; 63 FR 34965, June 26, 1998]

§16.52 Contracts for the operation of record systems.

Any approved contract for the operation of a record system will contain the standard contract requirements issued by the General Services Administration to ensure compliance with the requirements of the Privacy Act for that record system. The contracting component will be responsible

for ensuring that the contractor complies with these contract requirements.

§16.53 Use and collection of social security numbers.

Each component shall ensure that employees authorized to collect information are aware:

(a) That individuals may not be denied any right, benefit, or privilege as a result of refusing to provide their social security numbers, unless the collection is authorized either by a statute or by a regulation issued prior to 1975; and

(b) That individuals requested to provide their social security numbers must be informed of:

(1) Whether providing social security numbers is mandatory or voluntary;

(2) Any statutory or regulatory authority that authorizes the collection of social security numbers; and

(3) The uses that will be made of the numbers.

§16.54 Employee standards of conduct.

Each component will inform its employees of the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. Unless otherwise permitted by law, an employee of the Department of Justice shall:

(a) Collect from individuals only the information that is relevant and necessary to discharge the responsibilities of the Department;

(b) Collect information about an individual directly from that individual whenever practicable;

(c) Inform each individual from whom information is collected of:

(1) The legal authority to collect the information and whether providing it is mandatory or voluntary;

(2) The principal purpose for which the Department intends to use the information;

(3) The routine uses the Department may make of the information; and

(4) The effects on the individual, if any, of not providing the information;

(d) Ensure that the component maintains no system of records without public notice and that it notifies appropriate Department officials of the existence or development of any system

of records that is not the subject of a current or planned public notice;

(e) Maintain all records that are used by the Department in making any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in the determination;

(f) Except as to disclosures made to an agency or made under the FOIA, make reasonable efforts, prior to disseminating any record about an individual, to ensure that the record is accurate, relevant, timely, and complete;

(g) Maintain no record describing how an individual exercises his or her First Amendment rights, unless it is expressly authorized by statute or by the individual about whom the record is maintained, or is pertinent to and within the scope of an authorized law enforcement activity;

(h) When required by the Act, maintain an accounting in the specified form of all disclosures of records by the Department to persons, organizations, or agencies;

(i) Maintain and use records with care to prevent the unauthorized or inadvertent disclosure of a record to anyone; and

(j) Notify the appropriate Department official of any record that contains information that the Privacy Act does not permit the Department to maintain.

[Order No. 2156-98, 63 FR 29600, June 1, 1998; 63 FR 34965, June 26, 1998; 63 FR 51401, Sept. 25, 1998]

§ 16.55 Other rights and services.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the Privacy Act.

APPENDIX I TO PART 16—COMPONENTS OF THE DEPARTMENT OF JUSTICE

Unless a separate address is listed below, the address for each component is: (component name), U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530-0001. For all components marked by an asterisk, FOIA and Privacy Act requests should be sent to the Office of Information and Privacy, U.S. Department of Justice, Flag Bldg., Suite 570, Washington, DC 20530-0001. The components are:

A

Office of the Attorney General*
Office of the Deputy Attorney General*
Office of the Associate Attorney General*
Office of the Solicitor General

B

Office of Information and Privacy*
Office of the Inspector General
Office of the Intelligence Policy and Review
Office of Intergovernmental Affairs*
Office of Investigative Agency Policies
Office of Legal Counsel
Office of Legislative Affairs*
Office of Policy Development*
Office of Professional Responsibility
Office of Public Affairs*

C

Antitrust Division, U.S. Department of Justice, LPB Bldg., Suite 200, Washington, DC 20530-0001
Civil Division, U.S. Department of Justice, 901E Bldg., Room 808, Washington, DC 20530-0001
Civil Rights Division, U.S. Department of Justice, NYAV Bldg., Room 6000B, Washington, DC 20530-0001
Criminal Division, U.S. Department of Justice, WCTR Bldg., Suite 1075, Washington, DC 20530-0001
Environment and Natural Resources Division, U.S. Department of Justice, Post Office Box 4390, Washington, DC 20044-4390
Justice Management Division
Tax Division, U.S. Department of Justice, JCB Bldg., Room 6823, Washington, DC 20530-0001
Bureau of Prisons, U.S. Department of Justice, HOLC Bldg., Room 738, 320 First Street, NW., Washington, DC 20534-0001
Community Relations Service, U.S. Department of Justice, BICN Bldg., Suite 2000, Washington, DC 20530-0001
Drug Enforcement Administration, U.S. Department of Justice, Washington, DC 20537-0001
Executive Office for Immigration Review, U.S. Department of Justice, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041-0001
Executive Office for United States Attorneys, U.S. Department of Justice, BICN Bldg., Room 7100, Washington, DC 20530-0001
Executive Office for United States Trustees, U.S. Department of Justice, 901E Bldg., Room 780, Washington, DC 20530-0001
Federal Bureau of Investigation, U.S. Department of Justice, 935 Pennsylvania Avenue, NW., Washington, DC 20535-0001 (for field offices, consult your telephone book)
Foreign Claims Settlement Commission, U.S. Department of Justice, BICN Bldg., Room 6002, 600 E Street, NW., Washington, DC 20579-0001
Immigration and Naturalization Service, U.S. Department of Justice, CAB Bldg., 425 Eye Street, NW., Washington, DC 20538-0001 (for field offices, consult your telephone book)

INTERPOL-U.S. National Central Bureau,
U.S. Department of Justice, Washington,
DC 20530-0001
National Drug Intelligence Center, U.S. Department of Justice, Fifth Floor, 319 Washington Street, Johnstown, PA 15901-1622
Office of Community Oriented Policing Services, U.S. Department of Justice, VT1 Bldg., Twelfth Floor, Washington, DC 20530-0001
Office of Justice Programs, U.S. Department of Justice, Room 5337, 810 Seventh Street, NW., Washington, DC 20531-0001
Pardon Attorney, U.S. Department of Justice, FRST Bldg., Fourth Floor, Washington, DC 20530-0001
United States Marshals Service, U.S. Department of Justice, Lincoln Place, Room 1250, CSQ3, 600 Army Navy Drive, Arlington, VA 22202-4210

[Order No. 2156-98, 63 FR 29604, June 1, 1998; 63 FR 34965, June 26, 1998; 63 FR 51401, Sept. 25, 1998]

II. How to Make a FOIA Request

Provide a brief description of the component's response-time ranges.

Average number of business days from receipt of request until request closed: 441. Average number of business days for processing of responsive material: 649. (For requests received by FBIHQ only. Information not available for field offices.)

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by component during reporting fiscal year.

1. Brief description of type(s) of information withheld under each statute, with special attention to statutes that are particular to an individual component.

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

*SEE ATTACHED

**ANNUAL REPORT TO CONGRESS/FY 1998
FEDERAL BUREAU OF INVESTIGATION
EXEMPTION B3 STATUTES**

STATUTE	INFORMATION WITHHELD	LITIGATION
National Security Act of 1947	Other intelligence agency information	Upheld
CIA Act of 1949	Other intelligence agency information	Upheld
Federal Rules of Criminal Procedure Rule 6(e)	FGJ material	Upheld
8 U.S.C. 1202	State Department information	N/A
18 U.S.C. 2510 - 2520	Title III information	Pending
18 U.S.C. 2703	Telephone records	N/A
18 U.S.C. 3123	Trap and trace; pen register	Pending
18 U.S.C. 5038	Juvenile Delinquency proceedings/records	N/A
20 U.S.C. 6103	Gun owner registration information	N/A
26 U.S.C. 6103	Tax records	N/A
50 U.S.C. 402	National Security Council information	Upheld
50 U.S.C. 403	Other intelligence agency information	Upheld
50 U.S.C. 6103	Tax information	N/A

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Federal Bureau of Investigation

ATTACHMENT B

V. Initial FOIA/PA Access Requests

A. Number of initial requests.

Total of the numbers in Lines 1 and 2, minus the number in Line 3, should equal the number in Line 4. This should include all access requests, whether first-party or third-party.

1. Number of requests pending as of end of preceding fiscal year 15,380
2. Number of requests received during current fiscal year 15,780
3. Number of requests processed during current fiscal year 20,344
4. Number of requests pending as of end of current fiscal year 10,816
(Enter this number also in Line VII.B.1.)

B. Disposition of initial requests.

1. Number of total grants 996
2. Number of partial grants 3,962
3. Number of denials 455

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

- (1) Exemption 1 1,024
- (2) Exemption 2 1,679
- (3) Exemption 3 384
- (4) Exemption 4 6
- (5) Exemption 5 50
- (6) Exemption 6 520
- (7) Exemption 7(A) 256
- (8) Exemption 7(B) 9
- (9) Exemption 7(C) 4,073
- (10) Exemption 7(D) 2,387
- (11) Exemption 7(E) 587
- (12) Exemption 7(F) 92

Annual Report to Congress/FY 1998 ATTACHMENT B
Federal Bureau of Investigation

(13) Exemption 8 4

(14) Exemption 9 1

4. Other reasons for nondisclosure (total) 14,981

a. No records 7,516

b. Referrals 710

c. Request withdrawn 1,453

d. Fee-related reason 718

e. Records not reasonably described 181

f. Not a proper FOIA request for some other reason 2,427

g. Not an agency record 0

h. Duplicate request 1,736

i. Other (specify) 190*

*Mail returned - no forwarding address

*Requests were opened in error (Note: Errors
made during training of new employees.)

VII. Compliance with Time Limits/Status of Pending Requests

Count days from the time at which a request is "perfected."

Separately report each track of a multi-track system, as well as an "expedited processing" track, and may report any other type of request at component option.

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

1. Simple requests (if multiple tracks used).

a. Number of requests processed _____

b. Median number of days to process _____

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

a. Number of requests processed _____

b. Median number of days to process _____

3. Requests accorded expedited processing.

a. Number of requests processed _____

b. Median number of days to process _____

*Information regarding median processing time and median pending time not currently available. Will be available in the future as part of the FDPS/Tracking System.

B. Status of pending requests.

Components using multiple tracks may provide numbers for each track, as well as totals.

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

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

Examples for calculation of median:

Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.

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)

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 536
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)
2
3. Total number of personnel (in work-years)
538

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

1. FOIA processing (including appeals) * *Costs of appeals and litigation included in total costs and not available separately.
2. Litigation-related activities (estimated) *
3. Total costs \$32,306,115**
4. Comparison with previous year(s) (including percentage of change) (optional) _____

C. Statement of additional resources needed for FOIA compliance (optional) _____

X. Fees

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

- A. Total amount of fees collected by component for processing requests \$35,182
- B. Percentage of total costs Negligible (.0011)

**Includes \$1,592,267 payment to DOJ for adjudication of FOIPA appeals.
**Does not include No Year Obligations of \$9,005,068 and No Year Carry Forward of \$53,932 for the FOIPA Document Processing System (FDPS).

Annual Report to Congress
Federal Bureau of Investigation

ATTACHMENT G

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Fiscal Year 1998

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 2,998 *
2. Number of requests granted in whole: 85
3. Number of requests granted in part: 401
4. Number of requests wholly denied: 54
5. Numbers of requests for which no record was found: 2,084

Numbers (6), (7), and (8) will be answered separately by the Office of Information and Privacy)

9. Number of requests to amend records in systems: 16
10. Number of amendment requests granted in whole: 6
11. Number of amendment requests granted in part: 3
12. Number of amendment requests wholly denied: 7

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, 4, and 5 above, for example. Where such is the case, please indicate this with an appropriate footnote.

*There were 374 requests for access received during FY1998 which were not closed during FY 1998.

FREEDOM OF INFORMATION ACT AND PRIVACY ACT
ANNUAL STATISTICAL REPORT

CALENDAR YEAR	<u>97</u>
PAGES	<u>12</u>

Freedom of Information Act
 Annual Statistical Report
 (FOIA/AS Report)
~~Calendar-Year~~ 97
 (1/1/97-9/30/97)

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 10,313.
 2. Number of additional requests received during the current calendar year 6,394 .
- Total requests 16,707 .

Disposition of Requests:

3. Total number of determinations to provide all the records 117 .
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 792 .)
5. Total number of determinations not to provide any of the records 123 .
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 44 .
 - (b) Requester's refusal to pay search or reproduction fees 822 .
 - (c) Non-possession of records 2,024 .
 - (d) Referral to other agencies or other DOJ components 480 .
 - (e) Requester's refusal to comply with other requirements 1,340 .
 - (f) Requests withdrawn 203 .
 - (g) Duplicate requests 557 .
 - (h) FOIA not applicable to request NA .
 - (i) Other (specify). 1/ 1,113 .

Total (e) thru (i) only 3,213 .

Total (a) thru (i) 6,583 .

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 9,092 .

Total items 3 thru 7 16,707. 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	<u>257</u>
Exemption (2)	<u>353</u>
Exemption (3)	<u>72</u>
Exemption (4)	<u>2</u>
Exemption (5)	<u>15</u>
Exemption (6)	<u>117</u>
Exemption (7)(A)	<u>82</u>
Exemption (7)(B)	<u>2</u>
Exemption (7)(C)	<u>819</u>
Exemption (7)(D)	<u>487</u>
Exemption (7)(E)	<u>84</u>
Exemption (7)(F)	<u>10</u>
Total	<u>2,310</u>

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

Statutory citation 4/ Number of times invoked 5/

(SEE ENCLOSURE 1)

Total 72

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. FIRST NAME, MIDDLE INITIAL, LAST NAME (FML).

<u>Name (FML)</u>	<u>Title</u>	<u>Number of instances</u>
J. Kevin O'Brien	FOIPA Section Chief. FBIHQ	748

The Special Agent in Charge (SAC) of each office, and Assistant Director in Charge (ADIC) at three offices, are responsible for the initial denial of requests processed by that office.

167

(SEE ENCLOSURE 2)

Total 915 6/

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

(Enclosure 1 Question 8(b))

<u>Statutory Citation 4/</u>	<u>Number of Times Invoked 5/</u>
Rule 6(e), FRCP	47
18 U.S.C. § 2510 et. seq.	6
18 U.S.C. § 5038	2
18 U.S.C. § 3123	1
26 U.S.C. § 6103	12
28 U.S.C. § 534	1
50 U.S.C. § 403(d)(3)	3
	<u>72</u>

(Enclosure 2 Question 9)

<u>NAME</u>	<u>TITLE</u>	<u>NUMBER OF FOIPA DENIALS</u>
Victor M. Gonzalez	SAC Albany	3
James K. Weber	SAC Albuquerque	1
David W. Johnson Jr	SAC Atlanta	3
David R. Knowlton	SAC Baltimore	2
Barry W. Mawn	SAC Boston	8
Jeremiah W. Doyle Jr	SAC Buffalo	1
William E. Perry	SAC Charlotte	1
Herbert L. Collins Jr.	SAC Chicago	9
Theodore Jackson	SAC Cincinnati	2
Van A. Harp	SAC Cleveland	3
R. Dodge Frederick	SAC Columbia	1
Danny O. Coulson	SAC Dallas	3
Frank A. Laturco	SAC Denver	3
J. D. Martinolich Jr	SAC Detroit	2
Don K. Clark	SAC Houston	3
Wayne R. Alford	SAC Indianapolis	2
Thomas J. Murphy	SAC Jacksonville	1
David M. Tubbs	SAC Kansas City	1
Virgil L. Young Jr	SAC Knoxville	2
Bobby L. Siller	SAC Las Vegas	3
Ivian C. Smith	SAC Little Rock	3
Timothy P. McNally	ADIC Los Angeles	12
John W. Hancock	SAC Memphis	9
Vernon D. Kohl	SAC Louisville	1
Charles E. Riley III	SAC Louisville	1
Paul R. Philip	SAC Miami	4
Michael J. Santimauro	SAC Milwaukee	5
Roger H. Wheeler	SAC Minneapolis	4
Nicholas J. Walsh	SAC Mobile	4
William C. Megary	SAC Newark	4
Merrill S. Parks Jr	SAC New Haven	2
James V. Desarno Jr	SAC New Orleans	2
Charles Mathews III	SAC New Orleans	1
James K. Kallstrom	ADIC New York City	16
Larry E. Torrence	SAC Norfolk	2
Thomas M. Kuker	SAC Oklahoma City	3
Bob C. Reutter	SAC Philadelphia	2
Bruce J. Gebhardt	SAC Phoenix	1
Richard M. Mosquera	SAC Pittsburgh	1
Kathleen L. McChesney	SAC Portland	2
Stanley Klein	SAC Richmond	2
Thomas T. Kubic	SAC Salt Lake City	3
Ruben Garcia Jr	SAC San Antonio	3
William D. Gore	SAC San Diego	1
Robert E. Walsh	SAC San Francisco	11
Hector M. Pesquera	SAC San Juan	3
Burdena G. Pasenelli	SAC Seattle	5
Albert R. Robinson	SAC Tampa	1
W. Lane Crocker Jr	ADIC Washington Field Office	6
		<u>167</u>

Privacy Act
Annual Statistical Report
(PA/AS Report)
Calendar Year 97

Requests Count: (1/1/97-9/30/97)

1. Balance of unprocessed requests brought forward on January 1 8,535.
2. Number of additional requests received during the current calendar year 7,596.
Total requests 16,131.

Disposition of Requests:

3. Total number of determinations to provide all the records 570.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 1,482.
5. Total number of determinations not to provide any of the records 199.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 54.
 - (b) Requester's refusal to pay search or reproduction fees 298.
 - (c) Non-possession of records 5,223.
 - (d) Referral to other agencies or other DOJ components 401.
 - (e) Requester's refusal to comply with other requirements 243.
 - (f) Requests withdrawn 43.
 - (g) Duplicate requests 25.
 - (h) Privacy Act not applicable to request. NA.
 - (i) Other (specify). 1/ 1,272.

Total (e) thru (i) only 1,583.

Total (a) thru (i) 7,559.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 6,321.

Total items 3. thru 7. 16,131. 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>3</u>
(b) Exemption 552a(j)(2)	<u>1,512</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>57</u>
Exemption (2)	<u>318</u>
Exemption (3)	<u>1</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>98</u>
Exemption (6)	<u>42</u>
Exemption (7)	<u>0</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>251</u>
Exemption (2)	<u>424</u>
Exemption (3)	<u>101</u>
Exemption (4)	<u>1</u>
Exemption (5)	<u>19</u>
Exemption (6)	<u>285</u>

2/ The total of items numbered 3. thru 6. plus item 7., i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	81
Exemption (7)(B)	3
Exemption (7)(C)	1,571
Exemption (7)(D)	724
Exemption (7)(E)	165
Exemption (7)(F)	54

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

Statutory citation <u>4/</u>	Pursuant to Exemption 552a(k)(4) <u>5/</u>	Pursuant to Exemption 552(b)(3) <u>5/</u>	Number of times invoked
(SEE ENCLOSURE 3)			91

- 9. Total number of requests for amendments to records 18.
- 10. Total number of determinations to amend the records wholly or partially. (A partial grant is also considered a partial denial.) 4.
- 11. Total number of determinations not to amend the records 1.
- 12. Total number of requests for which there were no records 0.
- 13. Reasons for each denial and partial denial of requests to amend records: 6/

<u>Reason</u>	<u>Number of times</u>
Denial for expunction pursuant to 28 C.F.R. § 16.50(e).	1

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial, e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

(Enclosure 3 Question 8(f))

<u>Statutory Citation 4/</u>	Pursuant to Exemption 552 <u>a(k)(4) 5/</u>	Pursuant to Exemption 552 (b)(3) <u>5/</u>	Number of times <u>invoked</u>
Rule 6(e), FRCP		57	
18 U.S.C. § 2510 et. seq		26	
18 U.S.C. § 3123		6	
50 U.S.C. § 403 (d)(3)		2	
		<u>91</u>	

DOJ Component Federal Bureau of Investigation

Administrative Manhours, Costs, and Fees
Collected/Assessed; Freedom of Information
(FOI)/Privacy Act (PA) Requests

~~Calendar Year~~ 97

(1/1/97-9/30/97)

Costs will be reported below in two categories, i.e., FOI/PA Requests Processing Costs, and Other PA Costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA requests, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA. PLEASE ROUND OFF THE FOLLOWING TO THE NEAREST MANHOUR AND THE NEAREST DOLLAR.

	FOI	Privacy	Total FOI/Privacy
Manhours	<u>307,806</u>	<u>408,023</u>	<u>715,829</u>
Costs of Services <u>1/</u>	(<u>6,798,894</u>)	(<u>9,012,487</u>)	(<u>15,811,381</u>)
Other Costs <u>2/</u>	(<u>342,217</u>)	(<u>453,636</u>)	(<u>795,853</u>)
Total Costs	<u>7,141,111</u>	<u>9,466,123</u>	<u>16,607,234</u>
Fees Collected	<u>9,186</u>	<u>12,176</u>	<u>21,362</u>
Fees Assessed but Uncollected	(<u>NA</u>)	(<u>NA</u>)	(<u>NA</u>)

1/ Costs of Services are, e.g., salaries, benefits and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

2/ Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying

* This figure does not include payments to DOJ which totaled \$1,134,603.90 for the period 1/1/97 thru 9/30/97.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours	<u>683</u>
Costs of Services	<u>17,824</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 17,824</u>

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours	<u>-</u>
Costs of Services	<u>-</u>
Other Costs	<u>-</u>
Total Costs	<u>4/ -</u>

Preparing Federal Register notices of new or modified record systems

Manhours	<u>698</u>
Costs of Services	<u>30,014</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 30,014</u>

Total Other PA Costs 47,838

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act system notices will be reported by this office.)

However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 675/35, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

FREEDOM OF INFORMATION ACT AND PRIVACY ACT
ANNUAL STATISTICAL REPORT

CALENDAR YEAR	<u>96</u>
PAGES	<u>13</u>

Attachment D

DOJ Component Federal Bureau of Investigati

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Calendar-Year 97
(1/1/97-9/30/97)

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 1,330
2. Number of requests granted in whole: 56
3. Number of requests granted in part: 287
4. Number of requests wholly denied: 47
5. Numbers of requests for which no record was found: 1,101

Numbers (6), (7), and (8) will be answered separately by the Office of Information and Privacy

9. Number of requests to amend records in systems: 18
10. Number of amendment requests granted in whole: 4
11. Number of amendment request granted in part: 0
12. Number of amendment request wholly denied: 1

NOTE: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, 4, and 5 above, for example. Where such is the case, please indicate this with an appropriate footnote.

Freedom of Information Act
Annual Statistical Report
(FOIA/AS Report)
Calendar Year 96

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 9,487.
 2. Number of additional requests received during the current calendar year 8,581.
- Total requests 18,068.

Disposition of Requests:

3. Total number of determinations to provide all the records 83.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 988.)
5. Total number of determinations not to provide any of the records 218.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 139.
 - (b) Requester's refusal to pay search or reproduction fees 518.
 - (c) Non-possession of records 1,729.
 - (d) Referral to other agencies or other DOJ components 315.
 - (e) Requester's refusal to comply with other requirements 2,200.
 - (f) Requests withdrawn 382.
 - (g) Duplicate requests 603.
 - (h) FOIA not applicable to request NA.
 - (i) Other (specify). 1/ 580.

Total (e) thru (i) only 3,765.

Total (a) thru (i) 6,466.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 10,313

Total items 3 thru 7 18,068 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	<u>277</u>
Exemption (2)	<u>391</u>
Exemption (3)	<u>157</u>
Exemption (4)	<u>12</u>
Exemption (5)	<u>15</u>
Exemption (6)	<u>1,911</u>
Exemption (7)(A)	<u>125</u>
Exemption (7)(B)	<u>4</u>
Exemption (7)(C)	<u>2,849</u>
Exemption (7)(D)	<u>584</u>
Exemption (7)(E)	<u>115</u>
Exemption (7)(F)	<u>16</u>
Total	<u>6,456</u>

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

Statutory citation 4/ Number of times invoked 5/

[See Enclosure 1]

Total 157

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. FIRST NAME, MIDDLE INITIAL, LAST NAME (FML).

<u>Name (FML)</u>	<u>Title</u>	<u>Number of instances</u>
J. Kevin O'Brien	FOIPA Section Chief FBIHQ	947

The Special Agent in Charge (SAC) of each office, and Assistant Director in Charge (ADIC) at two offices, are responsible for the initial denial of requests processed by that office.

[See Enclosure 2]

259

Total 1,206 6/

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

[ENCLOSURE 1 QUESTION 8(b)]

<u>Statutory Citation 4/</u>	<u>Number of times invoked 5/</u>
Rule 6(e), FRCP	87
18 U.S.C. § 2510 et.seq.	7
28 U.S.C. § 534	2
50 U.S.C. § 403 (d) (3)	24
26 U.S.C. § 6103	35
18 U.S.C. § 3123	1
18 U.S.C. § 5038	1
	<hr/> 157

[ENCLOSURE 2 QUESTION 9]

<u>NAME</u>	<u>TITLE</u>	<u>Number of FOIPA Denials</u>
Thomas J. Kneir	SAC Albuquerque	2
James K. Weber	SAC Albuquerque	1
David W. Johnson Jr	SAC Atlanta	6
Timothy P. McNally	SAC Baltimore	6
Richard S. Swensen	SAC Boston	11
Joseph R. Wolfinger	SAC Buffalo	4
John E. Morley	SAC Charlotte	1
William E. Perry	SAC Charlotte	1
Herbert L. Collins Jr	SAC Chicago	9
Theodore Jackson	SAC Cincinnati	7
Van A. Harp	SAC Cleveland	4
R. Dodge Frederick	SAC Columbia	1
Joseph C. Johnson	SAC Denver	2
J. D. Martinolich Jr	SAC Detroit	7
John Navarrete	SAC El Paso	3
Michael D. Wilson	SAC Houston	2
Wayne R. Alford	SAC Indianapolis	2
E. Michael Kahoe	SAC Jacksonville	3
Virgil L Young Jr	SAC Knoxville	2
Ivian C. Smith	SAC Little Rock	6
Timothy P. McNally	SAC Los Angeles	1
Charlie J. Parsons	SAC Los Angeles	25
John W. Hancock	SAC Memphis	3
Paul R. Philip	SAC Miami	8
Michael J. Santimauro	SAC Milwaukee	7
Roger H. Wheeler	SAC Minneapolis	21
Barry W. Mawn	SAC Newark	5
James V. Desarno Jr	SAC New Orleans	5
James K. Kallstrom	ADIC New York City	34
Larry E. Torrence	SAC Norfolk	5
Thomas M. Kuker	SAC Oklahoma City	8
Bob C. Reutter	SAC Philadelphia	11
Bruce J. Gebhardt	SAC Phoenix	1
John Paul OConnor	SAC Pittsburgh	2
Kathleen L. McChesney	SAC Portland	1
Leroy M. Teitsworth	SAC Portland	2
Stanley Klein	SAC Richmond	1
Richard H. Ross	SAC Sacramento	1
Thomas T. Kubic	SAC Salt Lake City	3
Don K. Clark	SAC San Antonio	1
Robert E. Walsh	SAC San Diego	3
Jim R. Freeman	SAC San Francisco	6
Hector M. Pesquera	SAC San Juan	1
Burdena G. Pasenelli	SAC Seattle	6
Albert R. Robinson	SAC Tampa	3
W. Lane Crocker Jr	ADIC Washington Field Office	10
William C. Megary	ADIC Washington Field Office	5

Privacy Act
Annual Statistical Report
(PA/AS Report)
Calendar Year 96

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 8,801
 2. Number of additional requests received during the current calendar year 9,891.
- Total requests 18,692.

Disposition of Requests:

3. Total number of determinations to provide all the records 718
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 2,265.
5. Total number of determinations not to provide any of the records 169.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 72.
 - (b) Requester's refusal to pay search or reproduction fees 119.
 - (c) Non-possession of records 5,203.
 - (d) Referral to other agencies or other DOJ components 434.
 - (e) Requester's refusal to comply with other requirements 651.
 - (f) Requests withdrawn 90.
 - (g) Duplicate requests 23.
 - (h) Privacy Act not applicable to request. NA.
 - (i) Other (specify). 1/ 413.

Total (e) thru (i) only 1,177.

Total (a) thru (i) 7,005

7. Total unprocessed requests on hand as of December 31 8,535.

Total items 3. thru 7. 18,692 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>4</u>
(b) Exemption 552a(j)(2)	<u>2,021</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>47</u>
Exemption (2)	<u>420</u>
Exemption (3)	<u>0</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>95</u>
Exemption (6)	<u>32</u>
Exemption (7)	<u>0</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>289</u>
Exemption (2)	<u>483</u>
Exemption (3)	<u>155</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>27</u>
Exemption (6)	<u>572</u>

2/ The total of items numbered 3. thru 6. plus item 7, i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	150
Exemption (7)(B)	2
Exemption (7)(C)	2,421
Exemption (7)(D)	1,061
Exemption (7)(E)	306
Exemption (7)(F)	84

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

<u>Statutory citation</u> 4/	<u>Pursuant to Exemption 552a(k)(4)</u> 5/	<u>Pursuant to Exemption 552(b)(3)</u> 5/	<u>Number of times invoked</u>
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[See Enclosure 3]

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- 9. Total number of requests for amendments to records 18.
- 10. Total number of determinations to amend the records wholly or partially. (A partial grant is also considered a partial denial.) 6.
- 11. Total number of determinations not to amend the records 12.
- 12. Total number of requests for which there were no records 0.
- 13. Reasons for each denial and partial denial of requests to amend records: 6/

<u>Reason</u>	<u>Number of times</u>
Records exempt by (j) (k) of the Privacy Act and not subject to the correction/amendment under 28 C.F.R. 16.51.	12

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial, e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

[ENCLOSURE 3 QUESTION 8(f)]

Statutory
Citation 4/

Pursuant
to
Exemption
552
a(k) (4) 5/

Pursuant
to
Exemption
552 (b) (3)
5/

Number of
times
invoked

Rule 6(e), FRCP

NA

92

18 U.S.C. § 2510 et.seq

46

18 U.S.C. § 3123

3

50 U.S.C. § 403 (d) (3)

23

18 U.S.C. § 5038

4

26 U.S.C. § 6103

2

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Administrative Manhours, Costs, and Fees
Collected/Assessed; Freedom of Information
(FOI)/Privacy Act (PA) Requests
Calendar Year 96

Costs will be reported below in two categories, i.e., FOI/PA Requests Processing Costs, and Other PA Costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA requests, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA. PLEASE ROUND OFF THE FOLLOWING TO THE NEAREST MANHOOR AND THE NEAREST DOLLAR.

	FOI	Privacy	Total FOI/Privacy
Manhours	235,754	312,510	548,264
Costs of Services <u>1/</u>	(5,972,865)	(7,917,518)	(13,890,383)
Other Costs <u>2/</u>	(1,069,600)	(1,417,843)	(2,487,443)
Total Costs	7,042,465	9,335,361	16,377,826*
Fees Collected	14,566	19,308	33,874
Fees Assessed but Uncollected	(NA)	(NA)	(NA)

1/ Costs of Services are, e.g., salaries, benefits and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

2/ Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying

* This Figure does not include payments to DOJ which totaled \$1,718,213.70 for CY 1996.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours	<u>1,098</u>
Costs of Services	<u>19,789</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 19,789</u>

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours	<u>-</u>
Costs of Services	<u>-</u>
Other Costs	<u>-</u>
Total Costs	<u>4/ -</u>

Preparing Federal Register notices of new or modified record systems

Manhours	<u>822</u>
Costs of Services	<u>35,346</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 35,346</u>

Total Other PA Costs 55,135

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act ~~system~~ notices will be reported by this office.) However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 97%/3%, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

Attachment D

DOJ Component Federal Bureau of Investigation

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Calendar Year 96

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 1,730
 2. Number of requests wholly or partially granted: 626
 3. Number of requests totally denied: 61
 4. Numbers of requests for which no record was found: 1,195
- Numbers (5), (6), and (7) will be answered separately by the Office of Information and Privacy
8. Number of requests to amend records in system: 10
 9. Number of amendment requests wholly or partially granted: 2
 10. Number of amendment requests totally denied: 8

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, and 4 above, for example. Where such is the case, please indicate this with an appropriate footnote.

AIT&T Staff Size Remains Same

11. Number of amendment requests for which no record was found:

0

Numbers (12), (13), and (14) will be answered separately by the Office of information and Privacy.

15. Did you deny an individual access to his or her records in a system of records on any basis other than a Privacy Act exemption, i.e., (j) or (k)? NO If the answer is yes, describe and provide the legal justification for the denial on a separate attachment.

Numbers (16) and (17) will be answered separately by the Civil Division.

FREEDOM OF INFORMATION ACT AND PRIVACY ACT
ANNUAL STATISTICAL REPORT

CALENDAR YEAR	<u>4.5</u>
PAGES	<u>14</u>

Freedom of Information Act
Annual Statistical Report
(FOIA/AS Report)
Calendar Year 95

Requests Count:

1. Balance of unprocessed requests brought forward on January, 1 8,280
 2. Number of additional requests received during the current calendar year 7,468
- Total requests 15,748

Disposition of Requests:

3. Total number of determinations to provide all the records 49.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 663.)
5. Total number of determinations not to provide any of the records 830.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 83.
 - (b) Requester's refusal to pay search or reproduction fees 589.
 - (c) Non-possession of records 1,400
 - (d) Referral to other agencies or other DOJ components 354.
 - (e) Requester's refusal to comply with other requirements 905.
 - (f) Requests withdrawn 253.
 - (g) Duplicate requests 514.
 - (h) FOIA not applicable to request NA.
 - (i) Other (specify). 1/ 621.

Total (e) thru (i) only 2,293

Total (a) thru (i) 4,719

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 9,487

Total items 3 thru 7 15,748 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	<u>299</u>
Exemption (2)	<u>323</u>
Exemption (3)	<u>115</u>
Exemption (4)	<u>2</u>
Exemption (5)	<u>29</u>
Exemption (6)	<u>1,377</u>
Exemption (7)(A)	<u>159</u>
Exemption (7)(B)	<u>4</u>
Exemption (7)(C)	<u>1,045</u>
Exemption (7)(D)	<u>463</u>
Exemption (7)(E)	<u>108</u>
Exemption (7)(F)	<u>12</u>

Total 3,936

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

<u>Statutory citation</u> 4/	<u>Number of times invoked</u> 5/
Rule 6(e), FRCP	62
18 USC 2510 ET SEQ	10
28 USC 534	1
50 USC 403(d)(3) & 402	30
26 USC 6103	8
18 USC 3123	1
8 USC 1202(f)	3
Total	<u>115</u>

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. FIRST NAME, MIDDLE INITIAL, LAST NAME (FML).

<u>Name (FML)</u>	<u>Title</u>	<u>Number of instances</u>
J. Kevin O'Brien	FOIPA Section Chief FBIHQ	603

The Special Agent in Charge (SAC) of each office, and Assistant Director in charge (ADIC) at two offices, are responsible for the initial denial of requests processed by that office. [See ENCLOSURE 1] 890

Total 1,493 6/

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

[ENCLOSURE 1 - QUESTION 9]

<u>NAME</u>	<u>TITLE</u>	<u>NUMBER OF FOIA DENIALS</u>
Victor M. Gonzalez	SAC Albany	8
Thomas J. Kneir	SAC Albuquerque	12
Wiley D. Thompson III	SAC Anchorage	3
Marshall S. Bratton	SAC Anchorage	4
Delbert C. Toohey	SAC Atlanta	14
David W. Johnson Jr.	SAC Atlanta	44
Timothy P. McNally	SAC Baltimore	8
G. Robert Langford	SAC Birmingham	8
Richard S. Swensen	SAC Boston	21
Joseph R. Wolfinger	SAC Buffalo	5
Joseph P. Schulte Jr.	SAC Charlotte	4
John E. Morley	SAC Charlotte	4
William D. Branon	SAC Chicago	16
Herbert L. Collins Jr.	SAC Chicago	25
Theodore Jackson	SAC Cincinnati	6
Thomas F. Jones	SAC Cleveland	10
Frederick R. Dodge	SAC Columbia	1
Danny O. Coulson	SAC Dallas	13
Joseph C. Johnson	SAC Denver	12
J. D. Martinolich Jr.	SAC Detroit	32
John Navarrete	SAC El Paso	5
John H. Schiman	SAC Honolulu	1
Michael D. Wilson	SAC Houston	35
Wayne R. Alford	SAC Indianapolis	8

David W. Johnson Jr.	SAC Jackson	1
James C. Frier	SAC Jackson	7
E. Michael Kahoe	SAC Jacksonville	7
David M. Tubbs	SAC Kansas City	4
Randolph G. Prillaman	SAC Las Vegas	1
Bobby L. Siller	SAC Las Vegas	8
Robert M. Satkowski	SAC Little Rock	1
Ivian C. Smith	SAC Little Rock	2
Charlie J. Parsons	SAC Los Angeles	93
Vernon D. Kohl	SAC Louisville	6
John W. Hancock	SAC Memphis	4
George B. Clow III	SAC Miami	18
Paul R. Philip	SAC Miami	2
Michael J. Santimauro	SAC Milwaukee	8
Herbert L. Collins Jr.	SAC Minneapolis	16
Roger H. Wheeler	SAC Minneapolis	3
Nicholas J. Walsh	SAC Mobile	6
Barry W. Mawn	SAC Newark	28
Merrill S. Parks Jr.	SAC New Haven	1
Neil J. Gallagher	SAC New Orleans	18
William A. Gavin	Deputy Assistant Director in Charge (DADIC) New York	32
James K. Kallstrom	Assistant Director in Charge (ADIC) New York	38
Larry E. Torrence	SAC Norfolk	1
Bob A. Ricks	SAC Oklahoma City	13
Charles Lontor	SAC Omaha	1
Thomas Lusby	SAC Omaha	7

Bob C. Reutter	SAC Philadelphia	24
Weldon L. Kennedy	SAC Phoenix	46
Bruce J. Gebhardt	SAC Phoenix	1
William E. Perry	SAC Pittsburgh	21
John Paul O'Connor	SAC Pittsburgh	2
Leroy M. Teitsworth	SAC Portland	13
Stanley Klein	SAC Richmond	5
Richard H. Ross	SAC Sacramento	19
James E. Nelson	SAC St. Louis	11
Eugene G. Glenn	SAC Salt Lake City	11
Thomas T. Kubic	SAC Salt Lake City	15
Don K. Clark	SAC San Antonio	21
Robert E. Walsh	SAC San Diego	17
Jim R. Freeman	SAC San Francisco	13
Richard S. Schwein	SAC San Juan	1
Thomas M. Kuker	SAC Seattle	12
Donald E. Stukey II	SAC Springfield	1
Albert R. Robinson	SAC Tampa	15
Anthony E. Daniels	Assistant Director in Charge (ADIC) Washington Metropolitan	6
W. Lane Crocker Jr.	Assistant Director in Charge (ADIC) Washington Metropolitan	11

Privacy Act
Annual Statistical Report
(PA/AS Report)
Calendar Year 95

Requests Count:

1. Balance of unprocessed requests brought forward on
January 1 6,736
 2. Number of additional requests received during the current
calendar year 8,748.
- Total requests 15,484

Disposition of Requests:

3. Total number of determinations to provide all the records 180.
4. Total number of determinations to provide part of the records.
(When responding to number 8 of this report, please remember
that this is also considered a partial denial) 1,120
5. Total number of determinations not to provide any of the
records 129.
6. Requests which were neither granted nor denied but were closed
out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the
records 61.
 - (b) Requester's refusal to pay search or reproduction
fees 67.
 - (c) Non-possession of records 3,715
 - (d) Referral to other agencies or other DOJ components 318.
 - (e) Requester's refusal to comply with other require-
ments 723.
 - (f) Requests withdrawn 39.
 - (g) Duplicate requests 13.
 - (h) Privacy Act not applicable to request. NA.
 - (i) Other (specify). 1/ 318.

Total (e) thru (i) only 1,093

Total (a) thru (i) 5,254

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 8,801

Total items 3. thru 7. 15,484 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>4</u>
(b) Exemption 552a(j)(2)	<u>1,095</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>28</u>
Exemption (2)	<u>196</u>
Exemption (3)	<u>1</u>
Exemption (4)	<u>23</u>
Exemption (5)	<u>25</u>
Exemption (6)	<u>6</u>
Exemption (7)	<u>0</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>204</u>
Exemption (2)	<u>325</u>
Exemption (3)	<u>100</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>46</u>
Exemption (6)	<u>216</u>

2/ The total of items numbered 3. thru 6. plus item 7., i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	<u>104</u>
Exemption (7)(B)	<u>0</u>
Exemption (7)(C)	<u>1,232</u>
Exemption (7)(D)	<u>578</u>
Exemption (7)(E)	<u>191</u>
Exemption (7)(F)	<u>50</u>

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

<u>Statutory citation</u> <u>4/</u>	<u>Pursuant to Exemption 552a(k)(4)</u> <u>5/</u>	<u>Pursuant to Exemption 552(b)(3)</u> <u>5/</u>	<u>Number of times invoked</u>
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[See ENCLOSURE 2]

- 9. Total number of requests for amendments to records 24 .
- 10. Total number of determinations to amend the records wholly or partially. (A partial grant is also considered a partial denial.) 14 .
- 11. Total number of determinations not to amend the records 10 .
- 12. Total number of requests for which there were no records 0 .
- 13. Reasons for each denial and partial denial of requests to amend records: 6/

<u>Reason</u>	<u>Number of times</u>
---------------	------------------------

Records exempt by (j)(K) of the Privacy Act and not subject to the Correction/Amendment under Title 28, CFR 16-96.

Requester failed to sufficiently justify correction/amendment.

16

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial, e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

[ENCLOSURE 2 - QUESTION 8(f)]

Statutory Citation 4/	Pursuant to EXEMPTION 552(k)(4) 5/	PURSUANT TO EXEMPTIONS 552(B)(3) 5/	NUMBER OF TIMES INVOKED
Rule 6(e), FRCP		NA	68
18 USC 2510 ET SEQ		NA	41
18 USC 3123(d)		NA	1
28 USC 534		NA	4

Attachment C
DOJ Component Federal Bureau of
Investigation

Administrative Manhours, Costs, and Fees
Collected/Assessed; Freedom of Information
(FOI)/Privacy Act (PA) Requests
Calendar Year 95

Costs will be reported below in two categories, i.e., FOI/PA Requests Processing Costs, and Other PA Costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA requests, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA. PLEASE ROUND OFF THE FOLLOWING TO THE NEAREST MANHOUR AND THE NEAREST DOLLAR.

	FOI	Privacy	Total FOI/Privacy
Manhours	<u>328,160</u>	<u>370,053</u>	<u>698,213</u>
Costs of Services <u>1/</u>	(<u>7,090,553</u>)	(<u>7,995,730</u>)	(<u>15,086,283</u>)
Other Costs <u>2/</u>	(<u>2,239,122</u>)	(<u>2,524,967</u>)	(<u>4,764,089</u>)
Total Costs	<u>9,329,676</u>	<u>10,520,697</u>	<u>19,850,373</u> <u>2A/</u>
Fees Collected	<u>11,593</u>	<u>13,073</u>	<u>24,666</u>
Fees Assessed but Uncollected	(<u>NA</u>)	(<u>NA</u>)	(<u>NA</u>)

1/ Costs of Services are, e.g., salaries, benefits and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

2/ Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying

2A/ This figure does not include payments to DOJ which totaled 1,231,637 for cy 1995.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours	<u>1,560</u>
Costs of Services	<u>24,789</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 24,789</u>

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours	<u> </u>
Costs of Services	<u> </u>
Other Costs	<u> </u>
Total Costs	<u>4/ </u>

Preparing Federal Register notices of new or modified record systems

Manhours	<u>814</u>
Costs of Services	<u>35,002</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 35,002</u>

Total Other PA Costs \$59,791

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act system notices will be reported by this office.)

However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 97%/3%, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

Attachment D

DOJ Component Federal Bureau of
Investigation

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Calendar Year 95

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 2,357
2. Number of requests wholly or partially granted: 374
3. Number of requests totally denied: 56
4. Numbers of requests for which no record was found: 887
Numbers (5), (6), and (7) will be answered separately by
the Office of Information and Privacy
8. Number of requests to amend records in system: 10
9. Number of amendment requests wholly or partially
granted: 6
10. Number of amendment requests totally denied: 4

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, and 4 above, for example. Where such is the case, please indicate this with an appropriate footnote.

11. Number of amendment requests for which no record was found:

0

Numbers (12), (13), and (14) will be answered separately by the Office of information and Privacy.

15. Did you deny an individual access to his or her records in a system of records on any basis other than a Privacy Act exemption, i.e., (j) or (k)? No If the answer is yes, describe and provide the legal justification for the denial on a separate attachment.

Numbers (16) and (17) will be answered separately by the Civil Division.

FREEDOM OF INFORMATION ACT AND PRIVACY ACT
ANNUAL STATISTICAL REPORT

CALENDAR YEAR	<u>94</u>
PAGES	<u>14</u>

DOJ Component

Freedom of Information Act
Annual Statistical Report
(FOIA/AS Report)
Calendar Year 94

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 7,282.
2. Number of additional requests received during the current calendar year 9,712.

Total requests 16,994

Disposition of Requests:

3. Total number of determinations to provide all the records 58.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 809.)
5. Total number of determinations not to provide any of the records 1,124.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 104.
 - (b) Requester's refusal to pay search or reproduction fees 599.
 - (c) Non-possession of records 2,752.
 - (d) Referral to other agencies or other DOJ components 406.
 - (e) Requester's refusal to comply with other requirements 1,232.
 - (f) Requests withdrawn 212.
 - (g) Duplicate requests 675.
 - (h) FOIA not applicable to request NA.
 - (i) Other (specify). 1/ 743.

Total (e) thru (i) only 2,862.

Total (a) thru (i) 6,723.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 8,280.

Total items 3 thru 7 16,994 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	<u>281</u>
Exemption (2)	<u>386</u>
Exemption (3)	<u>129</u>
Exemption (4)	<u>1</u>
Exemption (5)	<u>27</u>
Exemption (6)	<u>1,976</u>
Exemption (7)(A)	<u>202</u>
Exemption (7)(B)	<u>3</u>
Exemption (7)(C)	<u>1,086</u>
Exemption (7)(D)	<u>600</u>
Exemption (7)(E)	<u>172</u>
Exemption (7)(F)	<u>6</u>

Total 4,869

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

<u>Statutory citation</u> ^{4/}	<u>Number of times invoked</u> ^{5/}
Rule 6(e), FRCP	74
18 USC 2510 ET SEQ	6
28 USC 534	3
50 USC 403(d)(3) & 402	8
26 USC 6103	13
18 USC 3123	24
8 USC 1202(f)	1
Total	<u>129</u>

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. FIRST NAME, MIDDLE INITIAL, LAST NAME (FML).

<u>Name (FML)</u>	<u>Title</u>	<u>Number of instances</u>
J. Kevin O'Brien	FOIPA Section Chief FBIHQ	726

The Special Agent in Charge (SAC) of each field office is responsible for the initial denial of requests processed by that office. [See ENCLOSURE 1] 1,207

Total 1,933 ^{6/}

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

^{4/} If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

^{5/} Supra note 3, item (2).

^{6/} The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

[ENCLOSURE 2 - QUESTION 8(f)]

<u>STATUTORY CITATION 4/</u>	<u>PURSUANT TO EXEMPTION 552a(k)(4) 5/</u>	<u>PURSUANT TO EXEMPTIONS 552(b)(3) 5/</u>	<u>NUMBER OF TIMES INVOKED</u>
Rule 6(e), FRCP	NA	82	
18 USC 2510 ET SEQ	NA	5	
18 USC 3123(d)	NA	22	
50 USC 403(d)(3)	NA	2	

Privacy Act
Annual Statistical Report
(PA/AS Report)
Calendar Year 94

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 5,883.
 2. Number of additional requests received during the current calendar year 8,280.
- Total requests 14,163.

Disposition of Requests:

3. Total number of determinations to provide all the records 140.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 1,184.
5. Total number of determinations not to provide any of the records 195.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 74.
 - (b) Requester's refusal to pay search or reproduction fees 125.
 - (c) Non-possession of records 4,231.
 - (d) Referral to other agencies or other DOJ components 333.
 - (e) Requester's refusal to comply with other requirements 726.
 - (f) Requests withdrawn 66.
 - (g) Duplicate requests 21.
 - (h) Privacy Act not applicable to request. NA.
 - (i) Other (specify). 1/ 332.

Total (e) thru (i) only 1,145.

Total (a) thru (i) 5,908.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 6,736.

Total items 3. thru 7. 14,163. 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>9</u>
(b) Exemption 552a(j)(2)	<u>1,142</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>41</u>
Exemption (2)	<u>229</u>
Exemption (3)	<u>0</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>36</u>
Exemption (6)	<u>28</u>
Exemption (7)	<u>0</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>248</u>
Exemption (2)	<u>488</u>
Exemption (3)	<u>105</u>
Exemption (4)	<u>2</u>
Exemption (5)	<u>44</u>
Exemption (6)	<u>294</u>

2/ The total of items numbered 3. thru 6. plus item 7., i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	<u>164</u>
Exemption (7)(B)	<u>1</u>
Exemption (7)(C)	<u>1,329</u>
Exemption (7)(D)	<u>696</u>
Exemption (7)(E)	<u>295</u>
Exemption (7)(F)	<u>32</u>

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

<u>Statutory citation 4/</u>	<u>Pursuant to Exemption 552a(k)(4) 5/</u>	<u>Pursuant to Exemption 552(b)(3) 5/</u>	<u>Number of times invoked</u>
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[See ENCLOSURE 2]

- 9. Total number of requests for amendments to records 21.
- 10. Total number of determinations to amend the records wholly or partially. (A partial grant is also considered a partial denial.) 14.
- 11. Total number of determinations not to amend the records 7.
- 12. Total number of requests for which there were no records 0.
- 13. Reasons for each denial and partial denial of requests to amend records: 6/

<u>Reason</u>	<u>Number of times</u>
---------------	------------------------

Records exempt by (j)(k) of the Privacy Act and not subject to the Correction/Amendment under Title 28, CFR 16-96.

9

Requester failed to sufficiently justify correction/amendment.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial, e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

DOJ Component Federal Bureau of
InvestigationAdministrative Manhours, Costs, and Fees
Collected/Assessed; Freedom of Information
(FOI)/Privacy Act (PA) Requests
Calendar Year 94

Costs will be reported below in two categories, i.e., FOI/PA Requests Processing Costs, and Other PA Costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA requests, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA. PLEASE ROUND OFF THE FOLLOWING TO THE NEAREST MANHOUR AND THE NEAREST DOLLAR.

	FOI	Privacy	Total FOI/Privacy
Manhours	<u>382,585</u>	<u>339,273</u>	<u>721,858</u>
Costs of Services <u>1/</u>	<u>(8,113,320)</u>	<u>(7,194,831)</u>	<u>(15,308,151)</u>
Other Costs <u>2/</u>	<u>(2,562,101)</u>	<u>(2,272,052)</u>	<u>(4,834,153)</u>
Total Costs	<u>10,675,422</u>	<u>9,466,883</u>	<u>20,142,305 A/</u>
Fees Collected	<u>19,107</u>	<u>6,369</u>	<u>25,476</u>
Fees Assessed but Uncollected	<u>(N/A)</u>	<u>(N/A)</u>	<u>(N/A)</u>

1/ Costs of Services are, e.g., salaries, benefits and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

2/ Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying

2A/ This figure does not include payments to DOJ which totaled \$1,310,705 for CY 1994.

Attachment D

DOJ Component Federal Bureau of
Investigation

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Calendar Year 94

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 1,899
 2. Number of requests wholly or partially granted: 524
 3. Number of requests totally denied: 82
 4. Numbers of requests for which no record was found: 867
- Numbers (5), (6), and (7) will be answered separately by the Office of Information and Privacy
8. Number of requests to amend records in system: 6
 9. Number of amendment requests wholly or partially granted: 3
 10. Number of amendment requests totally denied: 3

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, and 4 above, for example. Where such is the case, please indicate this with an appropriate footnote.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours	<u>1,275</u>
Costs of Services	<u>14,250</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 14,250</u>

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours	_____
Costs of Services	_____
Other Costs	_____
Total Costs	<u>4/</u> _____ (Information not available)

Preparing Federal Register notices of new or modified record systems

Manhours	<u>368</u>
Costs of Services	<u>16,286</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 16,286</u>

Total Other PA Costs 30,536

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act system notices will be reported by this office.)

However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 97%/3%, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

11. Number of amendment requests for which no record was found:
0

Numbers (12), (13), and (14) will be answered separately by the Office of information and Privacy.

15. Did you deny an individual access to his or her records in a system of records on any basis other than a Privacy Act exemption, i.e., (j) or (k)? NO If the answer is yes, describe and provide the legal justification for the denial on a separate attachment.

Numbers (16) and (17) will be answered separately by the Civil Division.

[ENCLOSURE 1 - QUESTION 9]

<u>NAME</u>	<u>TITLE</u>	<u>NUMBER OF FOIA DENIALS</u>
Victor M. Gonzalez	SAC Albany	1
John J. O'Connor	SAC Albany	4
Bernardo M. Perez	SAC Albuquerque	12
Wiley D. Thompson III	SAC Anchorage	3
Delbert C. Toohey	SAC Atlanta	74
Danny O. Coulson	SAC Baltimore	2
G. Robert Langford	SAC Birmingham	3
Richard S. Swensen	SAC Boston	27
Joseph R. Wolfinger	SAC Buffalo	6
Thomas J. Coyle	SAC Buffalo	2
Joseph P. Schulte Jr.	SAC Charlotte	8
William D. Branon	SAC Chicago	44
Theodore Jackson	SAC Cincinnati	20
Thomas F. Jones	SAC Cleveland	16
James A. Oppy	SAC Columbia	8
Oliver B. Revell	SAC Dallas	24
Danny O. Coulson	SAC Dallas	7
J. D. Martinolich Jr.	SAC Denver	3
Joseph C. Johnson	SAC Denver	12
Hal N. Helterhoff	SAC Detroit	5
J. D. Martinolich Jr.	SAC Detroit	26
John Navarrete	SAC El Paso	8
John H. Schiman	SAC Honolulu	9
Michael D. Wilson	SAC Houston	75
Wayne R. Alford	SAC Indianapolis	7

David W. Johnson Jr.	SAC Jackson	5
Joseph V. Corless	SAC Jacksonville	1
E. Michael Kahoe	SAC Jacksonville	4
Don K. Pettus	SAC Kansas City	3
Randolph G. Prillaman	SAC Las Vegas	16
Robert M. Satkowski	SAC Little Rock	16
Charlie J. Parsons	SAC Los Angeles	85
Vernon D. Kohl	SAC Louisville	25
Robert P. Wright	SAC Memphis	4
Andrew J. Duffin	SAC Miami	9
George B. Clow III	SAC Miami	44
Toby Marvin Harding	SAC Milwaukee	19
Michael J. Santimauro	SAC Milwaukee	13
Nicholas V. O'Hara	SAC Minneapolis	1
Herbert L. Collins Jr.	SAC Minneapolis	17
Nicholas J. Walsh	SAC Mobile	7
James C. Esposito	SAC Newark	10
Barry W. Mawn	SAC Newark	27
Merrill S. Parks, Jr.	SAC New Haven	5
Neil J. Gallagher	SAC New Orleans	24
William A. Gavin	Deputy Assistant Director in Charge New York	157
Larry E. Torrence	SAC Norfolk	13
Bob A. Ricks	SAC Oklahoma City	15
Charles Lontor	SAC Omaha	5
Bob C. Reutter	SAC Philadelphia	34
Weldon L. Kennedy	SAC Phoenix	10
William E. Perry	SAC Pittsburgh	22

Robin L. Montgomery	SAC Portland	8
Leroy M. Teitsworth	SAC Portland	3
Stanley Klein	SAC Richmond	13
Richard H. Ross	SAC Sacramento	8
James W. Nelson	SAC St. Louis	4
Eugene F. Glenn	SAC Salt Lake City	14
Jeffrey J. Jamar	SAC San Antonio	5
William J. Esposito	SAC San Diego	16
Robert E. Walsh	SAC San Diego	16
Jim R. Freeman	SAC San Francisco	52
Robert J. Opfer	SAC San Juan	1
Richard D. Schwein	SAC San Juan	9
William D. Gore	SAC Seattle	5
Thomas M. Kuker	SAC Seattle	18
Donald E. Stukeley II	SAC Springfield	2
Allen H. McCreight	SAC Tampa	29
Anthony E. Daniels	Assistant Director in Charge Washington Metropolitan	7

FREEDOM OF INFORMATION ACT AND PRIVACY ACT
ANNUAL STATISTICAL REPORT

CALENDAR YEAR 93
PAGES 14

Freedom of Information Act
Annual Statistical Report
(FOIA/AS Report)
Calendar Year 93

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 6,747.
 2. Number of additional requests received during the current calendar year 10,136
- Total requests 16,883

Disposition of Requests:

3. Total number of determinations to provide all the records 59.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 1,085.)
5. Total number of determinations not to provide any of the records 1,224
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 230.
 - (b) Requester's refusal to pay search or reproduction fees 605.
 - (c) Non-possession of records 3,285.
 - (d) Referral to other agencies or other DOJ components 414.
 - (e) Requester's refusal to comply with other requirements 1,269
 - (f) Requests withdrawn 172.
 - (g) Duplicate requests 763.
 - (h) FOIA not applicable to request NA.
 - (i) Other (specify). 1/ 495.

Total (e) thru (i) only 2,699.

Total (a) thru (i) 7,233.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 7,282.

Total items 3 thru 7 16,883. 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	397
Exemption (2)	<u>514</u>
Exemption (3)	<u>120</u>
Exemption (4)	<u>2</u>
Exemption (5)	<u>44</u>
Exemption (6)	<u>1,841</u>
Exemption (7)(A)	<u>206</u>
Exemption (7)(B)	<u>3</u>
Exemption (7)(C)	<u>1,917</u>
Exemption (7)(D)	<u>953</u>
Exemption (7)(E)	<u>191</u>
Exemption (7)(F)	<u>14</u>

Total 6,202

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

<u>Statutory citation</u> <u>4/</u>	<u>Number of times invoked</u> <u>5/</u>
Rule 6(e), FRCP	71
18 USC 2510 ET SEQ	10
50 USC 403(d)(3)	23
26 USC 6103	5
18 USC 3123	1
8 USC 1202(f)	3
Public Law 86-36, Section 6(a)	7
Total	<u>120</u>

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. FIRST NAME, MIDDLE INITIAL, LAST NAME (FML).

<u>Name (FML)</u>	<u>Title</u>	<u>Number of instances</u>
J. Kevin O'Brien	FQIPA Section Chief, FBIHQ	1,011

The Special Agent in Charge (SAC) of each field office is responsible for the initial denial of records processed by that office. [See Enclosure 1]

1,298

Total 2,309 6/

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

Privacy Act
Annual Statistical Report
(PA/AS Report)
Calendar Year 93

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 5,346.
 2. Number of additional requests received during the current calendar year 12,267.
- Total requests 17,613

Disposition of Requests:

3. Total number of determinations to provide all the records 249.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 2,302.
5. Total number of determinations not to provide any of the records 279.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 136.
 - (b) Requester's refusal to pay search or reproduction fees 115.
 - (c) Non-possession of records 5,965.
 - (d) Referral to other agencies or other DOJ components 308.
 - (e) Requester's refusal to comply with other requirements 1,243.
 - (f) Requests withdrawn 63.
 - (g) Duplicate requests 39.
 - (h) Privacy Act not applicable to request NA.
 - (i) Other (specify). 1/ 1,031

Total (e) thru (i) only 2,376.

Total (a) thru (i) 8,900.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 5,883.

Total items 3. thru 7. 17,613. 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>11</u>
(b) Exemption 552a(j)(2)	<u>2,117</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>85</u>
Exemption (2)	<u>511</u>
Exemption (3)	<u>0</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>98</u>
Exemption (6)	<u>117</u>
Exemption (7)	<u>0</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>383</u>
Exemption (2)	<u>1,176</u>
Exemption (3)	<u>180</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>82</u>
Exemption (6)	<u>516</u>

2/ The total of items numbered 3. thru 6. plus item 7., i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	222
Exemption (7)(B)	3
Exemption (7)(C)	2,434
Exemption (7)(D)	1,387
Exemption (7)(E)	597
Exemption (7)(F)	59

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

<u>Statutory citation</u> 4/	<u>Pursuant to Exemption 552a(k)(4)</u> 5/	<u>Pursuant to Exemption 552(b)(3)</u> 5/	<u>Number of times invoked</u>
------------------------------	--	---	--------------------------------

See Enclosure 2

- 9. Total number of requests for amendments to records 22.
- 10. Total number of determinations to amend the records wholly or partially. (A partial grant is also considered a partial denial.) 16.
- 11. Total number of determinations not to amend the records 4.
- 12. Total number of requests for which there were no records 0.
- 13. Reasons for each denial and partial denial of requests to amend records: 6/

Reason

Number of times

Records exempt by (j)(k) of the Privacy Act and not subject to the correction/amendment under Title 28, CFR 16.96.

10

Requester failed to sufficiently justify correction/amendment.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial, e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

[ENCLOSURE 1 - QUESTION 9]

<u>NAME</u>	<u>TITLE</u>	<u>NUMBER OF FOIA DENIALS</u>
John J. O'Connor	SAC Albany	10
Bernardo M. Perez	SAC Albuquerque	28
Burdena G. Pasenelli	SAC Anchorage	1
Delbert C. Toohey	SAC Atlanta	27
Bobby R. Gillham	SAC Baltimore	9
Danny O. Coulson	SAC Baltimore	2
Allen P. Whitaker	SAC Birmingham	5
G. Robert Langford	SAC Birmingham	6
Thomas A. Hughes	SAC Boston	29
Richard S. Swensen	SAC Boston	13
Thomas J. Coyle	SAC Buffalo	8
Joseph P. Schulte, Jr.	SAC Charlotte	29
William D. Branon	SAC Chicago	35
Allen K. Tolen	SAC Cincinnati	3
Thomas F. Jones	SAC Cleveland	14
James A. Oppy	SAC Columbia	4
Oliver B. Revell	SAC Dallas	16
Joseph D. Martinolich, Jr.	SAC Denver	20
Hal N. Helterhoff	SAC Detroit	76
Richard D. Schwein	SAC El Paso	7
Jim R. Freeman	SAC Honolulu	2
Michael D. Wilson	SAC Houston	6
Wayne R. Alford	SAC Indianapolis	20
Joseph J. Jackson	SAC Jackson	7

Stanley Klein	SAC Richmond	17
Richard H. Ross	SAC Sacramento	4
James W. Nelson	SAC St. Louis	9
Eugene F. Glenn	SAC Salt Lake City	17
Jeffrey J. Jamar	SAC San Antonio	13
William J. Esposito	SAC San Diego	22
Richard Wallace Held	SAC San Francisco	24
Jim R. Freeman	SAC San Francisco	25
Robert J. Opfer	SAC San Juan	8
William D. Gore	SAC Seattle	18
Donald E. Stuke, II	SAC Springfield	1
Allen H. McCreight	SAC Tampa	8
Robert M. Bryant	SAC Washington Metropolitan	60
Anthony E. Daniels	SAC Washington Metropolitan	8

David W. Johnson, Jr.	SAC Jackson	1
Joseph V. Corless	SAC Jacksonville	6
Don K. Pettus	SAC Kansas City	4
Barry W. Mawn	SAC Knoxville	1
Randolph G. Prillaman	SAC Las Vegas	14
Robert M. Satkowski	SAC Little Rock	21
Charlie J. Parsons	SAC Los Angeles	75
Vernon D. Kohl	SAC Louisville	19
Robert P. Wright	SAC Memphis	4
Andrew J. Duffin	SAC Miami	59
Toby Marvin Harding	SAC Milwaukee	25
Nicholas V. O'Hara	SAC Minneapolis	6
Charles W. Archer	SAC Mobile	8
Nicholas J. Walsh	SAC Mobile	1
James C. Esposito	SAC Newark	58
Milt Ahlerich	SAC New Haven	11
Richard S. Swensen	SAC New Orleans	16
Neil J. Gallagher	SAC New Orleans	4
James M. Fox	Assistant Director in Charge New York	199
W. Lane Crocker, Jr.	SAC Norfolk	9
Bob A. Ricks	SAC Oklahoma City	15
Charles Lontor	SAC Omaha	4
Bob C. Reutter	SAC Philadelphia	94
William E. Perry	SAC Pittsburgh	20
Robin L. Montgomery	SAC Portland	2
James F. Ahearn	SAC Phoenix	9
Robert M. Satkowski	SAC Richmond	2

[ENCLOSURE 2 - QUESTION 8(f)]

<u>STATUTORY CITATION 4/</u>	<u>PURSUANT TO EXEMPTION 552a(k)(4) 5/</u>	<u>PURSUANT TO EXEMPTION 552(b)(3) 5/</u>	<u>NUMBER OF TIMES INVOKED</u>
Rule 6(e), FRCP	NA	125	
8 USC 1202(f)	NA	2	
18 USC 2510 ET SEQ	NA	22	
18 USC 3123(d)	NA	5	
18 USC 5038	NA	1	
26 USC 6103	NA	2	
50 USC 403 (d) (3)	NA	<u>23</u>	
		180	

Attachment C
DOJ Component Federal Bureau of
Investigation

Administrative Manhours, Costs, and Fees
Collected/Assessed; Freedom of Information
(FOI)/Privacy Act (PA) Requests
Calendar Year 93

Costs will be reported below in two categories, i.e., FOI/PA Requests Processing Costs, and Other PA Costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA requests, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA. PLEASE ROUND OFF THE FOLLOWING TO THE NEAREST MANHOUR AND THE NEAREST DOLLAR.

	FOI	Privacy	Total FOI/Privacy
Manhours	<u>355,340</u>	<u>452,252</u>	<u>807,592</u>
Costs of Services <u>1/</u>	(<u>6,036,577</u>)	(<u>7,682,917</u>)	(<u>13,719,494</u>)
Other Costs <u>2/</u>	(<u>1,906,288</u>)	(<u>2,426,184</u>)	(<u>4,332,472</u>)
Total Costs	<u>7,942,865</u>	<u>10,109,101</u>	<u>18,051,966</u> <u>2A/</u>
Fees Collected	<u>22,722</u>	<u>5,330</u>	<u>28,052</u>
Fees Assessed but Uncollected	(<u>NA</u>)	(<u>NA</u>)	(<u>NA</u>)

1/ Costs of Services are, e.g., salaries, benefits and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

2/ Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying

2A/ This figure does not include payments to DOJ which totaled \$1,735,000 for CY 1993.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours	<u>1,100</u>
Costs of Services	<u>13,200</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 13,200</u>

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours	_____
Costs of Services	_____
Other Costs	_____
Total Costs	<u>4/ _____</u>

(Information not available)

Preparing Federal Register notices of new or modified record systems

Manhours	<u>200</u>
Costs of Services	<u>8,000</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 8,000</u>

Total Other PA Costs 21,200

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act system notices will be reported by this office.)

However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 97%/3%, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

Attachment D

DOJ Component Federal Bureau of
Investigation

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Calendar Year 93

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 2,838
2. Number of requests wholly or partially granted: 818
3. Number of requests totally denied: 123
4. Numbers of requests for which no record was found: 1,304
Numbers (5), (6), and (7) will be answered separately by
the Office of Information and Privacy
8. Number of requests to amend records in system: 5
9. Number of amendment requests wholly or partially
granted: 4
10. Number of amendment requests totally denied: 1

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, and 4 above, for example. Where such is the case, please indicate this with an appropriate footnote.

11. Number of amendment requests for which no record was found:
0

Numbers (12), (13), and (14) will be answered separately by the Office of information and Privacy.

15. Did you deny an individual access to his or her records in a system of records on any basis other than a Privacy Act exemption, i.e., (j) or (k)? no If the answer is yes, describe and provide the legal justification for the denial on a separate attachment.

Numbers (16) and (17) will be answered separately by the Civil Division.

FREEDOM OF INFORMATION ACT AND PRIVACY ACT
ANNUAL STATISTICAL REPORT

CALENDAR YEAR
PAGES

1992
13

Freedom of Information Act
Annual Statistical Report
(FOIA/AS Report)
Calendar Year 92

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 6,946.
 2. Number of additional requests received during the current calendar year 11,505.
- Total requests 18,451.

Disposition of Requests:

3. Total number of determinations to provide all the records 62.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 984.)
5. Total number of determinations not to provide any of the records 1,838.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 175.
 - (b) Requester's refusal to pay search or reproduction fees 649.
 - (c) Non-possession of records 3,606.
 - (d) Referral to other agencies or other DOJ components 793.
 - (e) Requester's refusal to comply with other requirements 1,057.
 - (f) Requests withdrawn 1,030.
 - (g) Duplicate requests 1,000.
 - (h) FOIA not applicable to request NA.
 - (i) Other (specify). 1/ 510.

Total (e) thru (i) only 3,597.

Total (a) thru (i) 8,820.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 6,747.

Total items 3 thru 7 18,451. 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	<u>376</u>
Exemption (2)	<u>438</u>
Exemption (3)	<u>123</u>
Exemption (4)	<u>5</u>
Exemption (5)	<u>37</u>
Exemption (6)	<u>1,881</u>
Exemption (7)(A)	<u>194</u>
Exemption (7)(B)	<u>5</u>
Exemption (7)(C)	<u>1,938</u>
Exemption (7)(D)	<u>918</u>
Exemption (7)(E)	<u>196</u>
Exemption (7)(F)	<u>12</u>

Total 6,123

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

<u>Statutory citation</u> 4/	<u>Number of times invoked</u> 5/
Rule 6(e), FRCP	70
18 USC § 2510 ET SEQ	7
50 USC § 403(d)(3)	23
26 USC § 6103	19
8 USC § 1202(f)	2
Public Law 86-36, Section 6(a)	4
Total	<u>125</u>

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. Last Name first, first name, middle initial please.

<u>Name</u>	<u>Title</u>	<u>Number of instances</u>
O'Brien, J. Kevin	FOIPA Section Chief, FBIHQ	1,026

The Special Agent in Charge (SAC) of each field office is responsible for the initial denial of records processed by that office. [See Attachment A] 1,796

Total 2,822 6/

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

[Attachment A - Question 9]

<u>Office</u>	<u>Period</u>	<u>Name of SAC</u>	<u>Number of FOIA Denials</u>
Albany, NY		O'Connor, John J.	17
Albuquerque, NM		Perez, Bernardo M.	11
Anchorage, AK	1/1 - 5/2	Schulte, Joseph P. Jr.	0
	5/3 - 12/31	Pasenelli, Burdena G.	0
Atlanta, GA	1/1 - 7/11	Hinshaw, William L. II	10
	7/12 - 12/31	Toohy, Delbert C.	60
Baltimore, MD		Gillham, Bobby R.	15
Birmingham, AL		Whitaker, Allen P.	2
Boston, MA		Hughes, Thomas A.	34
Buffalo, NY		Coyle, Thomas J.	10
Charlotte, NC	1/1 - 5/2	Potts, Larry A.	0
	5/3 - 12/31	Schulte, Joseph P. Jr.	11
Chicago, IL	1/1 - 7/19	Dilbeck, Delbert N.	22
	7/20 - 12/31	Branon, William D.	76
Cincinnati, OH		Tolen, Allen K.	8
Cleveland, OH	1/1 - 7/19	Branon, William D.	41
	7/20 - 12/31	Jones, Thomas F.	7
Columbia, SC		Harley, John C. Jr.	19
Dallas, TX		Revell, Oliver B.	29
Denver, CO		Martinolich, Joseph D.	13
Detroit, MI		Helterhoff, Hal N.	41
El Paso, TX		Schwein, Richard D.	3
Honolulu, HI		Freeman, Jim R.	39
Houston, TX	1/1 - 9/7	Duffin, Andrew J.	28
	9/8 - 12/31	Wilson, Michael D.	4
Indianapolis, IN		Alford, Wayne R.	49
Jackson, MS		Jackson, Joseph J.	31
Jacksonville, FL		Corless, Joseph V.	70
Kansas City, MO		Esposito, James C.	6
Knoxville, TN	1/1 - 7/13	Baugh, William E. Jr.	0
	7/14 - 12/31	Mawn, Barry W.	1
Las Vegas, NV	1/1 - 4/8	Weller, James	3
	4/9 - 12/31	Prillaman, Randolph G.	38
Little Rock, AR		Pettus, Don K.	37
Los Angeles, CA		Parsons, Charlie J.	180
Louisville, KY	1/1 - 5/14	Kohl, Vernon D.	3
	5/15 - 12/31	O'Connor, Terry T.	3
Memphis, TN	1/1 - 4/21	Fallin, William D.	1
	4/22 - 12/31	Wright, Robert P.	6
Miami, FL	1/1 - 9/7	Gavin, William A.	101
	9/8 - 12/31	Duffin, Andrew J.	4
Milwaukee, WI		Harding, Toby M.	16
Minneapolis, MN		O'Hara, Nicholas V.	45
Mobile, AL		Archer, Charles W.	4
Newark, NJ		Penrith, Gary L.	56
New Haven, CT		Ahlerich, Milt	6

<u>Office</u>	<u>Period</u>	<u>Name of SAC</u>	<u>Number of FOIA Denials</u>
New Orleans, LA		Swensen, Richard S.	83
New York, NY		Fox, James M.	113
		(Assistant Director in Charge)	
Norfolk, VA		Crocker, W. Lane Jr.	11
Oklahoma City, OK		Ricks, Bob A.	34
Omaha, NE		Lontor, Charles	11
Philadelphia, PA		Reutter, Bob C.	60
Phoenix, AI		Ahearn, James F.	8
Pittsburgh, PA		Perry, William E.	16
Portland, OR		Montgomery, Robin L.	5
Richmond, VA		Satkowski, Robert M.	7
Sacramento, CA	1/1 - 6/29	Ball, Douglas A.	8
	6/30 - 12/31	Ross, Richard H.	9
St. Louis, MO		Nelson, James W.	17
Salt Lake City, UT		Glenn, Eugene F.	8
San Antonio, TX		Jamar, Jeffrey J.	9
San Diego, CA	1/1 - 8/30	Johnson, Joseph C.	43
	8/31 - 12/31	Esposito, William J.	3
San Francisco, CA		Held, Richard W.	34
San Juan, PR		Opfer, Robert J.	12
Seattle, WA		Gore, William D.	35
Springfield, IL	1/1 - 4/21	Wright, Robert P.	2
	4/22 - 12/31	Stukey, Donald E. II	5
Tampa, FL		McCreight, Allen H.	73
Washington (D.C.)		Bryant, Robert M.	30
Metropolitan			-----
			1,796

Privacy Act
Annual Statistical Report
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Requests Count:

1. Balance of unprocessed requests brought forward on January 1 4,639.
 2. Number of additional requests received during the current calendar year 10,984
- Total requests 15,623.

Disposition of Requests:

3. Total number of determinations to provide all the records 216.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 2,360.
5. Total number of determinations not to provide any of the records 336.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 121.
 - (b) Requester's refusal to pay search or reproduction fees 111.
 - (c) Non-possession of records 5,464.
 - (d) Referral to other agencies or other DOJ components 536.
 - (e) Requester's refusal to comply with other requirements 759.
 - (f) Requests withdrawn 77.
 - (g) Duplicate requests 23.
 - (h) Privacy Act not applicable to request. NA.
 - (i) Other (specify). 1/ 274.

Total (e) thru (i) only 1,133.

Total (a) thru (i) 7,365.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 5,346.

Total items 3. thru 7. 15,623. 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>7</u>
(b) Exemption 552a(j)(2)	<u>2,260</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>91</u>
Exemption (2)	<u>585</u>
Exemption (3)	<u>0</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>86</u>
Exemption (6)	<u>132</u>
Exemption (7)	<u>1</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>430</u>
Exemption (2)	<u>1,005</u>
Exemption (3)	<u>181</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>81</u>
Exemption (6)	<u>297</u>

2/ The total of items numbered 3. thru 6. plus item 7., i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	<u>249</u>
Exemption (7)(B)	<u>1</u>
Exemption (7)(C)	<u>2,392</u>
Exemption (7)(D)	<u>1,602</u>
Exemption (7)(E)	<u>500</u>
Exemption (7)(F)	<u>76</u>

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

<u>Statutory</u> <u>citation</u> <u>4/</u>	<u>Pursuant to Exemp-</u> <u>tion 552a(k)(4)</u> <u>5/</u>	<u>Pursuant to</u> <u>Exemption</u> <u>552(b)(3)</u> <u>5/</u>	<u>Number</u> <u>of times</u> <u>invoked</u>
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See Attachment B

9. Total number of requests for amendments to records 35.
10. Total number of determinations to amend the records 10.
11. Total number of determinations to amend the records in part (This is also considered a partial denial) 16.
12. Total number of determinations not to amend the records 9.
13. Reasons for each denial and partial denial of requests to amend records: 6/

<u>Reason</u>	<u>Number of times</u>
Records exempt by (j)(k) of the Privacy Act and not subject to the Correction/Amendment under Title 28, CFR 16-96.	24
<u>Requester failed to sufficiently justify Correction/</u> <u>Amendment.</u>	1

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial, e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

[Attachment B - Question 8f]

<u>Statutory Citation</u>	<u>Pursuant to Exemption 52a(k)(4) 5/</u>	<u>Pursuant to Exemption 52(b)(3) 5/</u>	<u>Number of times invoked</u>
	NA		
Rule 6(e), FRCP		134	
8 USC 1202(f)		1	
18 USC 2510 ET SEQ		26	
18 USC 3123 (d)		8	
18 USC 5038		2	
26 USC 6103		2	
50 USC 403(d)(3)		21	
50 USC 403g		6	

		200	

**ADMINISTRATIVE WORKHOURS, COSTS, AND FEES
COLLECTED/ASSESSED; FREEDOM OF INFORMATION
(FOI)/PRIVACY ACT (PA) REQUESTS
CALENDAR YEAR 1992**

Costs will be reported below in two categories, e.e., FOI/PA requests processing costs, and other PA costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA request, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA.

	<u>FOI</u>	<u>PRIVACY</u>	<u>TOTAL FOI/PRIVACY</u>	
WORKHOURS	<u>341,527</u>	<u>328,134</u>	<u>669,661</u>	
TOTAL COSTS	<u>9,471,859</u>	<u>9,100,414</u>	<u>18,572,273</u>	<u>3/</u>
(Costs of Services ^{1/}	<u>7,198,613</u>	<u>6,916,315</u>	<u>14,114,928</u>	
(Other Costs ^{2/}	<u>2,273,246</u>	<u>2,184,099</u>	<u>4,457,345</u>	
FEES COLLECTED	<u>24,252</u>	<u>23,300</u>	<u>47,552</u>	
Fees Assessed but Uncollected	(<u>N/A</u>)	(<u>N/A</u>)	(<u>N/A</u>)	

^{1/} Costs of Services are, e.g., salaries, benefits, and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

^{2/} Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying)

^{3/} This figure does not include payments to DOJ which totaled \$1,559,903 for CY 1992.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours	<u>4,480</u>
Costs of Services	<u>49,280</u>
Other Costs	0
Total Costs	<u>4/ 49,280</u>

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours	_____
Costs of Services	_____
Other Costs	_____
Total Costs	<u>4/ _____</u> (Information not available)

Preparing Federal Register notices of new or modified record systems

Manhours	<u>300</u>
Costs of Services	<u>7,500</u>
Other Costs	0
Total Costs	<u>4/ 7,500</u>

Total Other PA Costs 56,780

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act system notices will be reported by this office.)

However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 97%/3%, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

Attachment D

DOJ Component Federal Bureau of Investigation

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Calendar Year 92

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 3,126
 2. Number of requests wholly or partially granted: 809
 3. Number of requests totally denied: 133
 4. Numbers of requests for which no record was found: 1,367
- Numbers (5), (6), and (7) will be answered separately by the Office of Information and Privacy
8. Number of requests to amend records in system: 10
 9. Number of amendment requests wholly or partially granted: 6
 10. Number of amendment requests totally denied: 4

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, and 4 above, for example. Where such is the case, please indicate this with an appropriate footnote.

11. Number of amendment requests for which no record was found:

0

Numbers (12), (13), and (14) will be answered separately by the Office of information and Privacy.

15. Did you deny an individual access to his or her records in a system of records on any basis other than a Privacy Act exemption, i.e., (j) or (k)? No If the answer is yes, describe and provide the legal justification for the denial on a separate attachment.

Numbers (16) and (17) will be answered separately by the Civil Division.

FREEDOM OF INFORMATION ACT AND PRIVACY ACT
ANNUAL STATISTICAL REPORT

CALENDAR YEAR
PAGES

1991
14

DOJ Component Federal Bureau of
InvestigationFreedom of Information Act
Annual Statistical Report
(FOIA/AS Report)
Calendar Year 91

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 5,853.
 2. Number of additional requests received during the current calendar year 9,592.
- Total requests 15,445.

Disposition of Requests:

3. Total number of determinations to provide all the records 80
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 1,092.)
5. Total number of determinations not to provide any of the records 993.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 212.
 - (b) Requester's refusal to pay search or reproduction fees 636.
 - (c) Non-possession of records 1,839.
 - (d) Referral to other agencies or other DOJ components 505.
 - (e) Requester's refusal to comply with other requirements 1,191.
 - (f) Requests withdrawn 332.
 - (g) Duplicate requests 1,049.
 - (h) FOIA not applicable to request NA.
 - (i) Other (specify). 1/ 570.

Total (e) thru (i) only 3,142.

Total (a) thru (i) 6,334.

7. Total unprocessed requests on hand as of December 31 6,946.
Total items 3 thru 7 15,445. 2/
8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	<u>407</u>
Exemption (2)	<u>518</u>
Exemption (3)	<u>142</u>
Exemption (4)	<u>4</u>
Exemption (5)	<u>53</u>
Exemption (6)	<u>1,168</u>
Exemption (7)(A)	<u>235</u>
Exemption (7)(B)	<u>2</u>
Exemption (7)(C)	<u>2,076</u>
Exemption (7)(D)	<u>1,013</u>
Exemption (7)(E)	<u>211</u>
Exemption (7)(F)	<u>11</u>

Total 5,840

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

<u>Statutory citation</u> 4/	<u>Number of times invoked</u> 5/
Rule 6(e), FRCP	96
18 USC § 2510 ET SEQ	11
50 USC § 403(d)(3)	26
26 USC § 6103	9

Total 142

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. Last Name first, first name, middle initial please.

<u>Name</u>	<u>Title</u>	<u>Number of instances</u>
O'Brien, J. Kevin	FOIPA Section Chief, FBIHQ	1,147

The Special Agent in Charge (SAC) of each field office is responsible for the initial denial of requests processed by that office. [See Attachment] 938

Total 2,085 6/

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

[Attachment A - Question 9]

<u>Office</u>	<u>Period</u>	<u>Name of SAC</u>	<u>Number of FOIA Denials</u>
Albany, NY		O'Connor, John J.	20
Albuquerque, NM	1/1 - 6/9 6/10 - 12/31	Nelson, James W. Perez, Bernardo M.	1 2
Anchorage, AK		Schulte Jr., Joseph P.	0
Atlanta, GA		Hinshaw, William L.	41
Baltimore, MD	1/1 - 5/12 5/13 - 12/31	Corless, Joseph V. Gillham, Bobby R.	4 4
Birmingham, AL		Whitaker, Allen P.	4
Boston, MA		Hughes, Thomas A.	43
Buffalo, NY	1/1 - 11/5 11/6 - 12/31	Langford, G. Robert Coyle, Thomas J.	8 3
Charlotte, NC		Daly, Paul V.	23
Chicago, IL		Dilbeck, Delbert N.	55
Cincinnati, OH		Tolen, Allen K.	6
Cleveland, OH		Brannon, William D.	9
Columbia, SC		Harley Jr., John C.	16
Dallas, TX	1/1 - 5/12 5/13 - 12/31	Gillham, Bobby R. Revell, Oliver B.	4 10
Denver, CO		Pence, Robert L.	11
Detroit, MI		Helterhoff, Hal N.	33
El Paso, TX		Schwein, Richard D.	14
Honolulu, HI		Freeman, Jim R.	2
Houston, TX		Duffin, Andrew J.	26
Indianapolis, IN		Alford, Wayne R.	36
Jackson, MS	1/1 - 8/25 8/26 - 12/31	Taylor, Wayne R. Jackson, Joseph J.	4 4

Jacksonville, FL	1/1 - 5/12 5/13 - 12/31	Cagnassola Jr. James Corless, Joseph V.	1 3
Kansas City, MO		Esposito, James C.	6
Knoxville, TN		Baugh Jr., William E.	6
Las Vegas, NV		Weller, James P.	8
Little Rock, AR		Pettus, Don K.	8
Los Angeles, CA	1/1 - 9/2 9/3 - 12/31	Lawler, Lawrence G. Parsons, Charlie J.	22 13
Louisville, KY		O'Connor, Terry T.	12
Memphis, TN		Fallin, William D.	1
Miami, FL		Gavin, William A.	32
Milwaukee, WI		Harding, Toby M.	11
Minneapolis, MN	1/1 - 9/23 9/24 - 12/31	Jamar, Jeffrey J. O'Hara, Nicholas, V.	17 1
Mobile, AL		Archer, Charles W.	3
Newark, NJ		Penrith, Gary L.	26
New Haven, CT		Ahlerich, Milt	2
New Orleans, LA		Swensen, Richard S.	24
New York, NY		Fox, James M. (Assistant Director in Charge)	109
Norfolk, VA		Crocker, Jr., W. Lane	2
Oklahoma City, OK		Ricks, Bob A.	16
Omaha, NE		Lontor, Charles	10
Philadelphia, PA		Gilbert, Wayne R.	14
Phoenix, AZ		Ahearn, James F.	15
Pittsburgh, PA		Reutter, Bob C.	9
Portland, OR		Coulson, Danny O.	10
Richmond, VA		Satkowski, Robert M.	7
Sacramento, CA		Ball, Douglas A.	16

St. Louis, MO	1/1 - 6/9 6/10 -12/31	Binney, David Nelson, James W.	1 4
Salt Lake City, UT		Glenn, Eugene F.	18
San Antonio, TX	1/1 - 9/23 9/24 - 12/31	Wilson, Michael D. Jamar, Jeffrey J.	18 1
San Diego, CA		Johnson, Joseph C.	15
San Francisco, CA		Held, Richard W.	44
San Juan, PR	1/1 - 10/15 10/16 - 12/31	Philip, Paul R. Opfer, Robert J.	1 1
Seattle, WA		Gore, William D.	24
Springfield, IL		Wright, Robert P.	5
Tampa, FL		McCreight, Allen H.	3
Washington (D.C.) Metropolitan	1/1 - 7/29 7/30 - 12/31	Duhadway, Thomas E. Bryant, Robert M.	9 7
		TOTAL	----- 938

Attachment B
DOJ Component Federal Bureau of
Investigation

Privacy Act
Annual Statistical Report
(PA/AS Report)
Calendar Year 91

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 4,511.
 2. Number of additional requests received during the current calendar year 9,613.
- Total requests 14,124

Disposition of Requests:

3. Total number of determinations to provide all the records 276
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 2,521.
5. Total number of determinations not to provide any of the records 410.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 158.
 - (b) Requester's refusal to pay search or reproduction fees 129.
 - (c) Non-possession of records 4,238.
 - (d) Referral to other agencies or other DOJ components 525.
 - (e) Requester's refusal to comply with other requirements 733.
 - (f) Requests withdrawn 70.
 - (g) Duplicate requests 29.
 - (h) Privacy Act not applicable to request. NA.
 - (i) Other (specify). 1/ 396.

Total (e) thru (i) only 1,228.

Total (a) thru (i) 6,278.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 4,639.

Total items 3. thru 7. 14,124 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>11</u>
(b) Exemption 552a(j)(2)	<u>2,418</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>109</u>
Exemption (2)	<u>622</u>
Exemption (3)	<u>0</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>91</u>
Exemption (6)	<u>127</u>
Exemption (7)	<u>0</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>560</u>
Exemption (2)	<u>1,046</u>
Exemption (3)	<u>226</u>
Exemption (4)	<u>3</u>
Exemption (5)	<u>105</u>
Exemption (6)	<u>349</u>

2/ The total of items numbered 3. thru 6. plus item 7., i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	<u>294</u>
Exemption (7)(B)	5
Exemption (7)(C)	<u>2,616</u>
Exemption (7)(D)	<u>1,801</u>
Exemption (7)(E)	553
Exemption (7)(F)	<u>98</u>

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

<u>Statutory</u> <u>citation</u> <u>4/</u>	<u>Pursuant to Exemp-</u> <u>tion 552a(k)(4)</u> <u>5/</u>	<u>Pursuant to</u> <u>Exemption</u> <u>552(b)(3)</u> <u>5/</u>	<u>Number</u> <u>of times</u> <u>invoked</u>
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See Attachment

- 9. Total number of requests for amendments to records 36.
- 10. Total number of determinations to amend the records 7.
- 11. Total number of determinations to amend the records in part
(This is also considered a partial denial) 21.
- 12. Total number of determinations not to amend the records 8.
- 13. Reasons for each denial and partial denial of requests to amend records: 6/

<u>Reason</u>	<u>Number of times</u>
Record exempt by (j)(k) of the Privacy Act and not subject to the Correction/Amendment under Title 28, CFR 16.96	29
Requestor failed to sufficiently justify Correction/Amendment	

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

[Attachment B - Question 8f]

<u>Statutory</u> <u>Citation 4/</u>	<u>Pursuant to Exemption</u> <u>552a(k)(4) 5/</u>	<u>Pursuant to Exemption</u> <u>552(b)(3) 5/</u>	<u>Number of</u> <u>times invoked</u>
--	--	---	--

NA

Rule 6(e), FRCP		175	
18 USC § 2510 ET SEQ		28	
28 USC § 534		2	
50 USC § 402 and 403(d)(3)		31	
PL 86-36, § 6(a)		1	
8 USC § 1202(f)		1	
18 USC § 5038		3	
18 USC § 3123(d)		2	
26 USC § 6103		2	

ADMINISTRATIVE WORKHOURS, COSTS, AND FEES
COLLECTED/ASSESSED; FREEDOM OF INFORMATION
(FOI)/PRIVACY ACT (PA) REQUESTS
CALENDAR YEAR 1991

Costs will be reported below in two categories, e.e., FOI/PA requests processing costs, and other PA costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA request, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA.

	<u>FOI</u>	<u>PRIVACY</u>	<u>TOTAL FOI/PRIVACY</u>
WORKHOURS	<u>307,042</u>	<u>346,239</u>	<u>653,281</u>
Costs of Services ^{1/}	<u>5,721,800</u>	<u>6,452,243</u>	<u>12,174,043</u>
Other Costs ^{2/}	<u>1,806,884</u>	<u>2,037,550</u>	<u>3,844,434</u>
TOTAL COSTS	<u>7,528,684</u>	<u>8,489,793</u>	<u>16,018,477</u>
FEES COLLECTED	<u>14,980</u>	<u>16,893</u>	<u>31,873</u>
Fees Assessed but Uncollected	(<u>N/A</u>)	(<u>N/A</u>)	(<u>N/A</u>)

^{1/} Costs of Services are, e.g., salaries, benefits, and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

^{2/} Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying)

^{3/} This figure does not include payments to DOJ which totaled \$ 1,394,762 for CY 1991.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours 4,120
Costs of Services 42,615
Other Costs 0
Total Costs 4/ 42,615

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours _____
Costs of Services _____
Other Costs _____
Total Costs 4/ (Information not available)

Preparing Federal Register notices of new or modified record systems

Manhours 240
Costs of Services 6,010
Other Costs 0
Total Costs 4/ 6,010

Total Other PA Costs 48,625

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act system notice will be reported by this office.) However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 97%/3%, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

Attachment D

DOJ Component Federal Bureau of
Investigation

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Calendar Year 91

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 3,085
 2. Number of requests wholly or partially granted: 824
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 4. Numbers of requests for which no record was found: 1,336
- Numbers (5), (6), and (7) will be answered separately by the Office of Information and Privacy
8. Number of requests to amend records in system: 8
 9. Number of amendment requests wholly or partially granted: 5
 10. Number of amendment requests totally denied: 3

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, and 4 above, for example. Where such is the case, please indicate this with an appropriate footnote.

11. Number of amendment requests for which no record was found:

0

Numbers (12), (13), and (14) will be answered separately by the Office of information and Privacy.

15. Did you deny an individual access to his or her records in a system of records on any basis other than a Privacy Act exemption, i.e., (j) or (k)? NO If the answer is yes, describe and provide the legal justification for the denial on a separate attachment.

Numbers (16) and (17) will be answered separately by the Civil Division.

FREEDOM OF INFORMATION ACT AND PRIVACY ACT
ANNUAL STATISTICAL REPORT

CALENDAR YEAR
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Freedom of Information Act
Annual Statistical Report
(FOIA/AS Report)
Calendar Year 90

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 6,029.
 2. Number of additional requests received during the current calendar year 10,988.
- Total requests 17,017.

Disposition of Requests:

3. Total number of determinations to provide all the records 80.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 1,163.)
5. Total number of determinations not to provide any of the records 1,334.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 220.
 - (b) Requester's refusal to pay search or reproduction fees 587.
 - (c) Non-possession of records 4,045.
 - (d) Referral to other agencies or other DOJ components 287.
 - (e) Requester's refusal to comply with other requirements 1,941.
 - (f) Requests withdrawn 168.
 - (g) Duplicate requests 896.
 - (h) FOIA not applicable to request NA.
 - (i) Other (specify). 1/ 443.

Total (e) thru (i) only 3,448.

Total (a) thru (i) 8,587.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 5,853.

Total items 3 thru 7 17,017 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	<u>418</u>
Exemption (2)	<u>494</u>
Exemption (3)	<u>147</u>
Exemption (4)	<u>2</u>
Exemption (5)	<u>72</u>
Exemption (6)	<u>1,370</u>
Exemption (7)(A)	<u>225</u>
Exemption (7)(B)	<u>2</u>
Exemption (7)(C)	<u>3,826</u>
Exemption (7)(D)	<u>1,083</u>
Exemption (7)(E)	<u>188</u>
Exemption (7)(F)	<u>14</u>

Total 17,841

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

<u>Statutory citation</u> 4/	<u>Number of times invoked</u> 5/
Rule 6(e), FRCP	-100
18 USC § 2510 ET SEQ	- 15
28 USC § 534	- 8
50 USC § 403(d) (3) & \$402	- 14
26 USC § 6103	- 8
18 USC § 3123	- 1
42 USC § 2011	- 1
Total	<u>147</u>

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. Last Name first, first name, middle initial please.

<u>Name</u>	<u>Title</u>	<u>Number of instances</u>
Moschella, Emil P.	FOIPA Section Chief, FBIHQ January 1 - September 30 (Acting for Director Sessions)	880
O'Brien, J. Kevin	FOIPA Section Chief, FBIHQ October 1 - December 31	326

The Special Agent in Charge (SAC) of each field office is responsible for the initial denial of requests processed by that office. See attachment.

1291

Total 2,497 6/

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

Privacy Act
Annual Statistical Report
(PA/AS Report)
Calendar Year 90

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 5,107.
2. Number of additional requests received during the current calendar year 14,770.

Total requests 19,877.

Disposition of Requests:

3. Total number of determinations to provide all the records 312.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 2,821.
5. Total number of determinations not to provide any of the records 475.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 236.
 - (b) Requester's refusal to pay search or reproduction fees 132.
 - (c) Non-possession of records 9,755.
 - (d) Referral to other agencies or other DOJ components 489.
 - (e) Requester's refusal to comply with other requirements 690.
 - (f) Requests withdrawn 52.
 - (g) Duplicate requests 46.
 - (h) Privacy Act not applicable to request. NA.
 - (i) Other (specify). 1/ 358.

Total (e) thru (i) only 1,146.

Total (a) thru (i) 11,758.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 4,511.

Total items 3. thru 7. 19,877. 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>14</u>
(b) Exemption 552a(j)(2)	<u>2,785</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>115</u>
Exemption (2)	<u>644</u>
Exemption (3)	<u>1</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>91</u>
Exemption (6)	<u>136</u>
Exemption (7)	<u>0</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>515</u>
Exemption (2)	<u>892</u>
Exemption (3)	<u>230</u>
Exemption (4)	<u>1</u>
Exemption (5)	<u>127</u>
Exemption (6)	<u>372</u>

2/ The total of items numbered 3. thru 6. plus item 7., i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	<u>319</u>
Exemption (7)(B)	<u>2</u>
Exemption (7)(C)	<u>3,005</u>
Exemption (7)(D)	<u>2,159</u>
Exemption (7)(E)	<u>471</u>
Exemption (7)(F)	<u>89</u>

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

<u>Statutory citation</u> <u>4/</u>	<u>Pursuant to Exemption 552a(k)(4)</u> <u>5/</u>	<u>Pursuant to Exemption 552(b)(3)</u> <u>5/</u>	<u>Number of times invoked</u>
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See Attachment B. Question 8.(f).

- 9. Total number of requests for amendments to records 63.
- 10. Total number of determinations to amend the records 5.
- 11. Total number of determinations to amend the records in part (This is also considered a partial denial) 32.
- 12. Total number of determinations not to amend the records 26.
- 13. Reasons for each denial and partial denial of requests to amend records: 6/

<u>Reason</u>	<u>Number of times</u>
Record exempt pursuant to subsections (j) or (k) of the Privacy Act	58
Requester failed to justify an amendment	

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial, e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

ATTACHMENT B - QUESTION 8 (f)

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

<u>Statutory citation</u> 4/	<u>Pursuant to Exemption 552a(k)(4)</u> 5/	<u>Pursuant to Exemption 552(b)(3)</u> 5/	<u>Number of times invoked</u>
Rule 6(e) of FRCP	NA	174	
18 USC §2510 ET SEQ		31	
50 USC §402 and §403(d)(3)		11	
28 USC §534		5	
PL 86-36, §6(a)		2	
8 USC §1202(f)		1	
18 USC §5038		3	
18 USC §3123(d)		3	

ADMINISTRATIVE WORKHOURS, COSTS, AND FEES
COLLECTED/ASSESSED; FREEDOM OF INFORMATION
(FOI)/PRIVACY ACT (PA) REQUESTS
CALENDAR YEAR 1990

Costs will be reported below in two categories, e.e., FOI/PA requests processing costs, and other PA costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA request, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA.

	<u>FOI (43%)</u>	<u>PRIVACY (57%)</u>	<u>TOTAL FOI/PRIVACY</u>
WORKHOURS	<u>292,043</u>	<u>387,127</u>	<u>679,170</u>
Costs of Services ^{1/}	(5,069,319)	(6,719,795)	(11,789,114)
Other Costs ^{2/}	(1,600,838)	(2,122,040)	(3,722,878)
TOTAL COSTS	\$6,670,157	\$8,841,835	\$15,511,992
FEES COLLECTED	\$ <u>15,888</u>	\$ <u>21,061</u>	\$ <u>36,949</u>
Fees Assessed but Uncollected	(<u>N/A</u>)	(<u>N/A</u>)	(<u>N/A</u>)

^{1/} Costs of Services are, e.g., salaries, benefits, and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

^{2/} Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying

^{3/} This figure does not include estimated payments to DOJ which totaled \$1,593,700 for CY 1990.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours	<u>4,013</u>
Costs of Services	<u>44,823</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 44,823</u>

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours	<u> </u>
Costs of Services	<u> </u>
Other Costs	<u> </u>
Total Costs	<u>4/ </u> Information Not Available

Preparing Federal Register notices of new or modified record systems

Manhours	<u>240</u>
Costs of Services	<u>6,010</u>
Other Costs	<u>0</u>
Total Costs	<u>4/ 6,010</u>

Total Other PA Costs 50,833

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act system notices will be reported by this office.)

However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 97%/3%, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

Attachment D

DOJ Component FBI

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Calendar Year 1990

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 4,282
 2. Number of requests wholly or partially granted: 863
 3. Number of requests totally denied: 196
 4. Numbers of requests for which no record was found: 3,053
- Numbers (5), (6), and (7) will be answered separately by the Office of Information and Privacy
8. Number of requests to amend records in system: 3
 9. Number of amendment requests wholly or partially granted: 1
 10. Number of amendment requests totally denied: 2

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, and 4 above, for example. Where such is the case, please indicate this with an appropriate footnote.

11. Number of amendment requests for which no record was found:

0

Numbers (12), (13), and (14) will be answered separately by the Office of information and Privacy.

15. Did you deny an individual access to his or her records in a system of records on any basis other than a Privacy Act exemption, i.e., (j) or (k)? No If the answer is yes, describe and provide the legal justification for the denial on a separate attachment.

Numbers (16) and (17) will be answered separately by the Civil Division.

ATTACHMENT A - QUESTION 9

<u>OFFICE</u>	<u>PERIOD</u>	<u>NAME OF S.A.C.</u>	<u>FOIA NUMBER OF DENIALS</u>
Albany, NY	1/1-7/31	Alford, Wayne R.	7
	8/1-12/31	O'Connor, John J.	4
Albuquerque, NM		Nelson, James W.	22
Anchorage, AK		Schulte Jr., Joseph P.	1
Atlanta, GA		Hinshaw, William L.	28
Baltimore, MD		Corless, Joseph V.	19
Birmingham, AL		Whitaker, Allen P.	14
Boston, MA		Hughes, Thomas A.	46
Buffalo, NY		Langford, G. Robert	56
Charlotte, NC		Daly, Paul V.	12
Chicago, IL	1/1-6/29	McKenzie, James D.	19
	6/30-12/31	Dilbeck, Delbert N.	22
Cincinnati, OH		Tolen, Allen K.	12
Cleveland, OH		Branon, William D.	16
Columbia, SC		Verinder, Frederick B.	2
Dallas, TX		Gillham, Bobby R.	21
Denver, CO		Pence, Robert L.	13
Detroit, MI		Helterhoff, Hal N.	18
El Paso, TX		Schwein, Richard D.	13
Honolulu, HI		Freeman, Jim R.	9
Houston, TX		Duffin, Andrew J.	33
Indianapolis, IN	1/1-4/3	Ervin, William C.	3
	4/4-12/31	Alford, Wayne R.	9
Jackson, MS		Taylor, Wayne R.	3
Jacksonville, FL		Cagnassola Jr., James	10
Kansas City, MO		Storey Jr., Francis J.	3
Knoxville, TN		Baugh Jr., William E.	3
Las Vegas, NV		Weller, James P.	9
Little Rock, AR		Pettus, Don K.	7
Los Angeles, CA		Lawler, Lawrence G.	74
Louisville, KY	1/1-3/16	Dean, Lloyd E.	7
	3/17-12/31	O'Connor, Terry T.	19
Memphis, TN		Fallin, William D.	5
Miami, FL		Gavin, William A.	28
Milwaukee, WI		Harding, Toby M.	47
Minneapolis, MN		Jamar, Jeffrey J.	12
Mobile, AL		Archer, Charles W.	3
Newark, NJ	1/1-9/10	Murphy, Bernard J.	32
	9/11-12/31	Penrith, Gary L.	15
New Haven, CT	1/1-1/16	Klein, Stanley	1
	1/17-12/31	Ahlerich, Milt	15
New Orleans, LA	1/1-8/1	O'Connor, John J.	8
	8/2-12/31	Swensen, Richard S.	3
New York, NY		Fox, James M.	169
		(Assistant Director in Charge)	
Norfolk, VA		Wells, Irvin B.	15
Oklahoma City, OK		Ricks, Bob A.	7
Omaha, NE		Lontor, Charles	71

ATTACHMENT A - QUESTION 9

<u>OFFICE</u>	<u>PERIOD</u>	<u>NAME OF S.A.C.</u>	<u>FOIA NUMBER OF DENIALS</u>
Philadelphia, PA		Gilbert, Wayne R.	39
Phoenix, AZ		Ahearn, James F.	14
Pittsburgh, PA		Reutter, Bob C.	5
Portland, OR		Coulson, Danny O.	13
Richmond, VA	1/1-5/3	O'Connor, Terry T.	3
	5/4-12/31	Satkowski, Robert M.	4
Sacramento, CA		Ball, Douglas A.	20
St. Louis, MO		Binney, David	25
Salt Lake City, UT		Glenn, Eugene F.	5
San Antonio, TX		Wilson, Michael D.	6
San Diego, CA		Johnson, Joseph C.	14
San Francisco, CA		Held, Richard W.	64
San Juan, PR		Philip, Paul R.	13
Seattle, WA	1/1-11/6	Pomerantz, Steven L.	20
	11-7/12/31	Gore, William D.	4
Springfield, IL		Wright, Robert P.	24
Tampa, FL		McCreight, Allen H.	26
Washington (D.C.) Metropolitan		Duhadway, Thomas E.	27

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ANNUAL STATISTICAL REPORT

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Freedom of Information Act
Annual Statistical Report
(FOIA/AS Report)
Calendar Year 1989

Requests Count:

1. Balance of unprocessed requests brought forward on, January 1 6,400.
 2. Number of additional requests received during the current calendar year 10,419.
- Total requests 16,819.

Disposition of Requests:

3. Total number of determinations to provide all the records 120.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 1,545.)
5. Total number of determinations not to provide any of the records 1,583.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 625.
 - (b) Requester's refusal to pay search or reproduction fees 714.
 - (c) Non-possession of records 2,581.
 - (d) Referral to other agencies or other DOJ components 297.
 - (e) Requester's refusal to comply with other requirements 1,164.
 - (f) Requests withdrawn 589.
 - (g) Duplicate requests 1,018.
 - (h) FOIA not applicable to request NA.
 - (i) Other (specify). 1/ 554.

Total (e) thru (i) only 3,325.

Total (a) thru (i) 7,542.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 6,029.

Total items 3 thru 7 16,819 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemptions cited in 552(b):

Exemption (1)	<u>735</u>
Exemption (2)	<u>657</u>
Exemption (3)	<u>144</u>
Exemption (4)	<u>8</u>
Exemption (5)	<u>78</u>
Exemption (6)	<u>1,504</u>
Exemption (7)(A)	<u>421</u>
Exemption (7)(B)	<u>4</u>
Exemption (7)(C)	<u>3,279</u>
Exemption (7)(D)	<u>1,395</u>
Exemption (7)(E)	<u>238</u>
Exemption (7)(F)	<u>19</u>

Total 8,499

2/ The total of items 3. thru 6. plus item 7., i.e., processed requests plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answer given here regarding Exemption (3) should be the same as that given in 8.(b). However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(a) will be less than the total "Number of times invoked" in 8.(b). Please indicate when this is the case. Otherwise, the figures in 8.(a) and 8.(b) should be the same as to the number of times 552(b)(3) has been invoked.

(b) Statute(s) invoked pursuant to Exemption (3):

<u>Statutory citation</u> 4/	<u>Number of times invoked</u> 5/
Rule 6(e), FRCP	75
28 USC, Section 2510 et seq	15
28 USC, Section 534	15
50 USC, Section 403 (d)(3) and Section 402	18
26 USC, Section 6103	15
P.L. 86-36, Section 6	2
18 USC, Section 5038	1
8 USC, Section 1202 (f)	1
38 USC, Section 3301 (a)	2
Total	<u>144</u>

9. Name and title of each person who is responsible for the initial denial of records requested and the number of instances of participation of each. Last Name first, first name, middle initial please.

<u>Name</u>	<u>Title</u>	<u>Number of instances</u>
Moschella, Emil P.	FOIPA Section Chief, FBIHQ (Acting for Director William S. Sessions)	1,683

The Special Agent in Charge of each Field Office is responsible for the initial denial of records by that office. See attachment.

Field Total: 1,445

Total 3,128 6/

10. Attach a brief statement providing the results of any proceeding conducted pursuant to subsection (a)(4)(F), along with a report of "the disciplinary action" (See 5 U.S.C. 552(d)(4).) If there has been no such proceeding, please indicate "N.A." here NA.

4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ The total "Number of instances" should be equal to the total of items numbered 4. and 5. on page one.

Privacy Act
Annual Statistical Report
(PA/AS Report)
Calendar Year 89

Requests Count:

1. Balance of unprocessed requests brought forward on January 1 4,152.
2. Number of additional requests received during the current calendar year 13,875.

Total requests 18,027.

Disposition of Requests:

3. Total number of determinations to provide all the records 358.
4. Total number of determinations to provide part of the records. (When responding to number 8 of this report, please remember that this is also considered a partial denial) 2,717.
5. Total number of determinations not to provide any of the records 475.
6. Requests which were neither granted nor denied but were closed out for other reasons should be accounted for as follows.
 - (a) Requester's failure to adequately identify the records 715.
 - (b) Requester's refusal to pay search or reproduction fees 141.
 - (c) Non-possession of records 5,992.
 - (d) Referral to other agencies or other DOJ components 653.
 - (e) Requester's refusal to comply with other requirements 1,441.
 - (f) Requests withdrawn 70.
 - (g) Duplicate requests 37.
 - (h) Privacy Act not applicable to request. NA.
 - (i) Other (specify). 1/ 321.

Total (e) thru (i) only 1,869.

Total (a) thru (i) 9,370.

1/ The House Subcommittee on Government Information and Individual Rights requires that we specify the character of these requests.

7. Total unprocessed requests on hand as of December 31 5,107.

Total items 3. thru 7. 18,027 2/

8. Exemptions relied upon for each denial and partial denial determination.

Number of times invoked 3/

(a) Exemption 552a(d)(5)	<u>15</u>
(b) Exemption 552a(j)(2)	<u>2,604</u>
(c) Exemptions cited in 552a(k):	
Exemption (1)	<u>163</u>
Exemption (2)	<u>641</u>
Exemption (3)	<u>1</u>
Exemption (4)	<u>0</u>
Exemption (5)	<u>188</u>
Exemption (6)	<u>155</u>
Exemption (7)	<u>0</u>
(d) Exemption 552a(n)	<u>0</u>
(e) Exemptions cited in 552(b):	
Exemption (1)	<u>575</u>
Exemption (2)	<u>897</u>
Exemption (3)	<u>228</u>
Exemption (4)	<u>4</u>
Exemption (5)	<u>147</u>
Exemption (6)	<u>437</u>

2/ The total of items numbered 3. thru 6. plus item 7., i.e., processed plus unprocessed requests, should equal the "Total requests" reported near the top of page one.

3/ (1) The total "Number of times invoked" should be "consistent with" the combined total of items numbered 4. and 5. "Consistent with" should be interpreted to mean you must cite at least as many exemptions as denials; you may cite "more" exemptions than denials; but may not cite "less" exemptions than denials. (2) Generally, the answers given here regarding Exemptions 552a(k)(4) and 552(b)(3) should be the same as the answers given in 8.(f) regarding these statutes. However, when more than one statute has been cited while invoking 552(b)(3), the "Number of times invoked" for 552(b)(3) in 8.(e) will be less than the total "Number of times invoked" for 552(b)(3) in 8.(f). Please indicate when this is the case. Otherwise, the figures in 8.(e) and 8.(f) should be the same as to the number of times 552(b)(3) has been invoked.

Exemption (7)(A)	348
Exemption (7)(B)	2
Exemption (7)(C)	2,858
Exemption (7)(D)	1,985
Exemption (7)(E)	458
Exemption (7)(F)	124

(f) Statute(s) invoked pursuant to Exemption 552a(k)(4) or 552(b)(3):

Rule 6(e) of FRCP	<u>Statutory citation 4/</u>	<u>Pursuant to Exemption 552a(k)(4) 5/</u>	<u>Pursuant to Exemption 552(b)(3) 5/</u>	<u>Number of times invoked</u>
2000	Section 2510 et seq	NA	149	149
2000	Section 403 and Section 403(d)(3)		35	35
2000	Section 534		12	12
2000	Section 6103		6	6
1880	Section 3123(d)		2	2
1880	Section 5038		4	4
3880	Section 3301(a)		1	1

9. Total number of requests for amendments to records 52.
10. Total number of determinations to amend the records 3.
11. Total number of determinations to amend the records in part (This is also considered a partial denial) 24.
12. Total number of determinations not to amend the records 25.
13. Reasons for each denial and partial denial of requests to amend records: 6/.

<u>Reason</u>	<u>Number of times</u>
---------------	------------------------

Records exempt under subsections (j) and (k) of the Privacy Act.
 Requester failed to justify correction/amendment.

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4/ If the statute cannot be found in the United States Code because it is an authorization act or an appropriation act, or because it is new, attach a copy of the Public Law.

5/ Supra note 3, item (2).

6/ List by category the reasons for the denial or partial denial, e.g., "Record exempt by Section (k)(2) of the Privacy Act . . ."; "Record not subject to correction under 28 CFR § 16.51 . . ."; "Requester failed to sufficiently justify the correction or amendment . . .", etc. In addition, indicate the number of times the reason for denial or partial denial was cited. (Note: Specific exemptions are not appropriate for denying "correction" of records.)

ADMINISTRATIVE WORKHOURS, COSTS, AND FEES
COLLECTED/ASSESSED; FREEDOM OF INFORMATION
(FOI)/PRIVACY ACT (PA) REQUESTS
CALENDAR YEAR 1989

Costs will be reported below in two categories, e.e., FOI/PA requests processing costs, and other PA costs.

FOI/PA REQUESTS PROCESSING COSTS:

Costs should be allocated between the two statutes based upon the number of requests identified by the component as PA requests versus FOIA requests. Regardless of the Act(s) cited by the requester, PA requests should be identified as an individual's request for records relating to himself or as a third party's request for records relating to an individual on that individual's behalf; FOIA requests should be identified as those requests for all other agency documents. Example of cost allocation: If 30% of the total requests are PA request, attribute 30% of the costs of FOI/PA processing to the PA and 70% to the FOIA. Depending on the volume of requests received, you may arrive at a reasonable estimate by conducting a total survey or a sampling of a typical period. Exclude payments/reimbursements made to the Office of Privacy and Information Appeals (OPIA) for work done by that office. This information will be reported by OPIA.

	<u>FOI (45%)</u>	<u>PRIVACY (55%)</u>	<u>TOTAL FOI/PRIVACY</u>
WORKHOURS	<u>306,274</u>	<u>374,334</u>	<u>680,608</u>
Costs of Services ^{1/}	<u>(4,991,067)</u>	<u>(6,100,192)</u>	<u>(11,091,259)</u>
Other Costs ^{2/}	<u>(1,576,126)</u>	<u>(1,926,377)</u>	<u>(3,502,503)</u>
TOTAL COSTS	<u>\$6,567,193</u>	<u>\$8,026,569</u>	<u>\$14,593,762</u>
FEES COLLECTED	<u>\$ 16,553</u>	<u>\$ 20,231</u>	<u>\$ 36,784</u>
Fees Assessed but Uncollected	<u>(N/A)</u>	<u>(N/A)</u>	<u>(N/A)</u>

^{1/} Costs of Services are, e.g., salaries, benefits, and related overhead. Include an estimate of costs for personnel who devote only a part of their time on requests as well as for personnel assigned full time to processing FOIA requests.

^{2/} Other costs include, e.g., equipment and duplication costs (including the cost of obtaining and operating additional copying

^{3/} This figure does not include estimated payments to DOJ which totaled \$1,488,618 for CY 1989.

OTHER PA COSTS:

Privacy Act:

Processing PA requests to amend or correct records 3/

Manhours	<u>4,006</u>
Costs of Services	<u>41,888</u>
Other Costs	0
Total Costs	<u>4/ 41,888</u>

Accounting for dissemination of records (required by Section (c) of the PA)

Manhours	_____
Costs of Services	_____
Other Costs	_____
Total Costs	<u>4/ Information not available.</u>

Preparing Federal Register notices of new or modified record systems

Manhours	<u>230</u>
Costs of Services	_____
Other Costs	_____
Total Costs	<u>4/ 4,500</u>

Total Other PA Costs 46,388

machines); fees and travel to attend training programs; and purchases of books and subscriptions such as Access Reports. (Federal Register publication costs for Privacy Act system notices will be reported by this office.)

However, include by separate attachment any costs incurred that were not directly related to FOI/PA processing, such as contracts to perform agency work which otherwise would be done by agency personnel who have been diverted to FOI/PA work, and costs due to losses in performing proprietary functions such as buying, selling, leasing or licensing use of agency property, including agency-owned technology which would otherwise be made available under the user charge statute, etc.

3/ For purposes of dividing costs between requests for records and requests for correction of records, the Department has arbitrarily attributed 97%/3%, respectively. If your experience reflects a different division of costs, please report costs which accurately reflect your experience.

4/ See notes 1 and 2 for cost categories.

Attachment D

DOJ Component FBI

Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Calendar Year 1989

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 3,998
 2. Number of requests wholly or partially granted: 1,063
 3. Number of requests totally denied: 206
 4. Numbers of requests for which no record was found: 1,761
- Numbers (5), (6), and (7) will be answered separately by the Office of Information and Privacy
8. Number of requests to amend records in system: 2
 9. Number of amendment requests wholly or partially granted: 1
 10. Number of amendment requests totally denied: 1

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, and 4 above, for example. Where such is the case, please indicate this with an appropriate footnote.

11. Number of amendment requests for which no record was found:
0

Numbers (12), (13), and (14) will be answered separately by the Office of information and Privacy.

15. Did you deny an individual access to his or her records in a system of records on any basis other than a Privacy Act exemption, i.e., (j) or (k)? No If the answer is yes, describe and provide the legal justification for the denial on a separate attachment.

Numbers (16) and (17) will be answered separately by the Civil Division.

Matching Programs (See definition of a matching program in OMB's revised Matching Guidelines (54 FR 25818, dated June 19, 1989).)

As Matching Agency:

How many matching programs did you participate in as a "matching" agency during the year? None If you participated in more than one, provide the following information for each matching program on a separate attachment:

When was the match initiated (month and year)? _____

What was the name of the system of records from which records were disclosed to the matching agency in order to conduct the match, and what was the purpose for the match? _____

Name of Source participant: _____

On what date(s) were any matching reports required by the Matching Guidelines published in the Federal Register and provided to OMB and the Congress? _____

As Source Agency:

How many matching programs did you participate in as a "source agency" during the year? None If you participated in more than one, provide the following information for each matching program on a separate attachment:

When was the match initiated (month and year)? _____

What was the name of the system of records from which records were disclosed to the matching agency in order to conduct the match, and what was the purpose for the match? _____

Name of Matching participant: _____

Provide the Federal Register publication date for the routine which permits release of records to the matching agency?

For each new matching program initiated during the calendar year covered by this report, you must also attach a completed "Agency Computer Checklist" indicating whether you participated as a source or as a matching agency. A copy of the checklist is attached. (Please refer to the Justice Management Division's earlier memorandum to you on this subject dated June 4, 1984.)

Debt Collection Act of 1982 (P.L. 97-365); see OMB guidelines (48 FR 15556, April 11, 1983)

Have you published (b)(12) notices in the Federal Register? If so, on what date? _____

Have you published any additional routine uses for debt collection purposes? If so, on what date? _____

Item 9. Field Office FOIA Denials

<u>Name</u>	<u>Title</u>	<u>Number of Denials</u>
Alford, Wayne R.	SAC, Albany	35
Nelson, James W.	SAC, Albuquerque	15
Lontor, Charles	SAC, Anchorage	1
Kennedy, Weldon L.	SAC, Atlanta	44
Corless, Joseph V.	SAC, Baltimore	7
Whitaker, Allen P.	SAC, Birmingham	8
Ahearn, James F.	SAC, Boston	47
Langford, G. Robert	SAC, Buffalo	195
Harding, Toby M.	ASAC, Butte	13
Daly, Paul V.	SAC, Charlotte	9
McKenzie, James D.	SAC, Chicago	44
Dinan, Terence D.	SAC, Cincinnati	28
Branon, William D.	SAC, Cleveland	81
Verinder, Frederick B.	SAC, Columbia	4
Gillham, Bobby R.	SAC, Dallas	18
Pence, Robert L.	SAC, Denver	13
Helterhoff, Hal N.	SAC, Detroit	56
Schwein, Richard D.	SAC, El Paso	6
Glenn, Eugene F.	SAC, Honolulu	13
Duffin, Andrew J.	SAC, Houston	31
Ervin, William C.	SAC, Indianapolis	11
Taylor, Wayne R.	SAC, Jackson	8
Cagnassola, James, Jr.	SAC, Jacksonville	2
Storey, Francis J., Jr.	SAC, Kansas City	78
Baugh, William E., Jr.	SAC, Knoxville	7
Weller, James P.	SAC, Las Vegas	12
Pettus, Don K.	SAC, Little Rock	8
Lawler, Lawrence G.	SAC, Los Angeles	74
Dean, Lloyd E.	SAC, Louisville	3
Fallin, William D.	SAC, Memphis	6
Gavin, William A.	SAC, Miami	44
Nelson, Lawrence J.	SAC, Milwaukee	18
Jamar, Jeffrey J.	SAC, Minneapolis	6
McGinley, John C.	SAC, Newark	30
Klein, Stanley	SAC, New Haven	22
O'Connor, John J.	SAC, New Orleans	14
Fox, James M.	Asst. Director, New York	142
Wells, Irvin B., III	SAC, Norfolk	6
Hoverson, Ronald A.	SAC, Oklahoma City	3
O'Hara, Nicholas V.	SAC, Omaha	17