

**U.S. Department of Energy
1998 Annual Report**

I. Basic Information Regarding Report

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B. The World Wide Web address to obtain an electronic copy of the Freedom of Information Act (FOIA) report is www.hr.doe.gov/es/foia.htm. The report can then be accessed by clicking **FOIA Annual Reports**.

C. A paper copy of the report can be obtained at the Freedom of Information Public Reading Room located in the Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, or by submitting a request to the FOIA/Privacy Act Division. The reading room hours are from 9:00 a.m. to 4:00 p.m. daily.

II How to Make a FOIA Request.

The Department of Energy FOIA Home Page links to the FOIA Reference Guide, which provides instructions on how to make a FOIA request. The FOIA Home Page address is www.hr.doe.gov/es/foia.htm and the guide can be accessed by clicking **Reference Guide**.

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- B. The response time to complete action on FOIA cases ranges from 2 days to 2 years based on the complexity of the request, the need to conduct a classification review of documents that are identified as responsive, or the need to consult and coordinate with other federal agencies on the review of documents.
- C. A requester may not be granted records that are requested because (1) an assurance to pay fees incurred to process a request was not provided; (2) the request does not reasonably describe the records sought; or (3) the information requested is exempt from disclosure and a foreseeable harm has been identified in accordance with the Attorney General's Memorandum for Heads of Departments and Agencies regarding the Freedom of Information Act, October 4, 1993, to permit withholding of the information.

III **Definitions of Terms and Acronyms Used in the Report.**

- B. Agency-specific acronyms or other terms are as follows:

DOE – Department of Energy

Access Team - FOIA Office personnel that assist with FOIA related issues.

Field Office - DOE offices that are not located in the Washington metropolitan area.

- C. 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 FOIA.
3. **Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.
4. **Processed Request or Appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

5. ***Multi-track processing*** -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. ***Expedited processing*** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. ***Simple request*** -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) 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 FOIA 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 exempted under one or more of FOIA exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. ***Time limits*** -- the time period in the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a FOIA request).
13. ***Exemption 3 statute*** -- separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
14. ***Median number*** -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

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

IV Exemption 3 Statutes

1. List of Exemption 3 statutes invoked by agency during current fiscal year.

Federal Property and Administrative Services Act of 1949, as amended, at 41 U.S.C. 253(b)(m), prohibits the release or disclosure of a technical, management, or cost proposal submitted by a contractor in response to the requirements of a solicitation for a competitive proposal.

Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.*, prohibits the disclosure of information concerning Department programs that is classified as Restricted Data and Formerly Restricted Data.

2. There were no court challenges to the agency's determinations to invoke Exemption 3.

V Initial FOIA/PA Access Requests

- A. Number of initial requests.

1. Number of requests pending as of the end of the preceding fiscal year. 770
2. Number of requests received during current fiscal year. 2,288
3. Number of requests processed during current fiscal year. 2,314
4. Number of request pending as of end of current fiscal year. 741

- B. Disposition of initial requests.

1. Number of total grants. 1183
2. Number of partial grants. 355
3. Number of denials. 149
4. Number of dismissals. 24
 - a. number of times each FOIA exemption used (counting each exemption once per request)

Exemption Invoked

Number of Times Invoked

b1	27
b2	2
b3	140
b4	209
b5	82
b6	153
b7(A)	9
b7(B)	0
b7(C)	41
b7(D)	2
b7(E)	0
b7(F)	0
b8	0
b9	0

Other reasons:

a. no records	224
b. referrals	217
c. request withdrawn	159
d. fee-related reasons	3
e. records not reasonably described	0
f. not a proper FOIA request for some other reason	0
g. not an agency record	5
h. duplicate request	11
I. Other (Specify)	0

VI. Appeals of Initial Denials of FOIA/PA Request

A. Numbers of appeals.

1. Number of appeals received during fiscal year 111
2. Number of appeals processed during fiscal year 115

B. Disposition of appeals.

1. Number completely upheld 51
2. Number partially reversed 36
3. Number completely reversed. 4
4. Number of dismissals 24

a. Number of times each FOIA exemption used

(1)	Exemption 1	<u>2</u>
(2)	Exemption 2	<u>0</u>
(3)	Exemption 3	<u>8</u>
(4)	Exemption 4	<u>8</u>
(5)	Exemption 5	<u>18</u>
(6)	Exemption 6	<u>12</u>
(7)	Exemption 7(A)	<u>0</u>
(8)	Exemption 7(B)	<u>0</u>
(9)	Exemption 7(C)	<u>5</u>
(10)	Exemption 7(D)	<u>0</u>
(11)	Exemption 7(E)	<u>0</u>
(12)	Exemption 7(F)	<u>0</u>
(13)	Exemption 8	<u>0</u>
(14)	Exemption 9	<u>0</u>

Other reasons for nondisclosure

1.	No records	<u>16</u>
2.	Referrals	<u>0</u>
3.	Request withdrawn	<u>0</u>
4.	Fee-related reason	<u>1</u>
5.	Records not reasonably described	<u>0</u>
6.	Not a proper FOIA request for some other reason	<u>0</u>
7.	Not an agency record	<u>11</u>
8.	Duplicate request	<u>0</u>
9.	Other (specify) -	
	Exemption 7 (threshold)	<u>2</u>
	Search adequate	<u>27</u>
	Glomar response	<u>1</u>
	Appeal moot, not ripe or beyond jurisdiction	<u>24</u>

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year. 184.1

1. Simple requests (if multiple tracks used).

- a. Number of requests processed 0
- b. Median number of days to process 0

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

- a. Number of requests processed 2,361
- b. Median number of days to process 184.1

3. Requests accorded expedited processing.

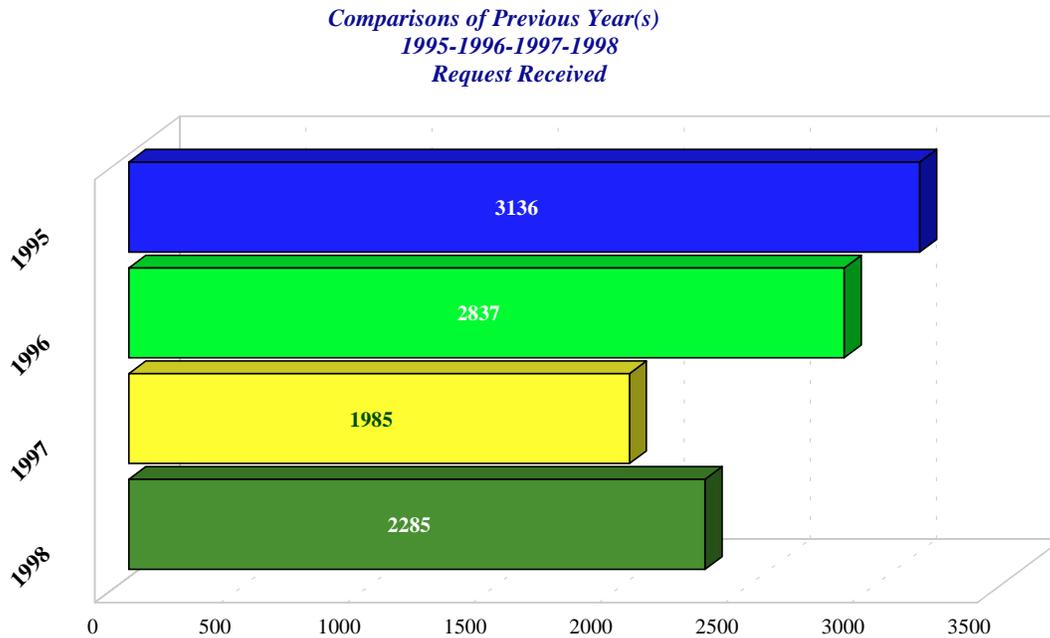
- a. Number of request processed 0
- b. Median number of days to process 0

B. Status of pending requests.

- 1. Number of requests pending as of end of current fiscal year 741
- 2. Median number of days that such requests were pending as of that date 24

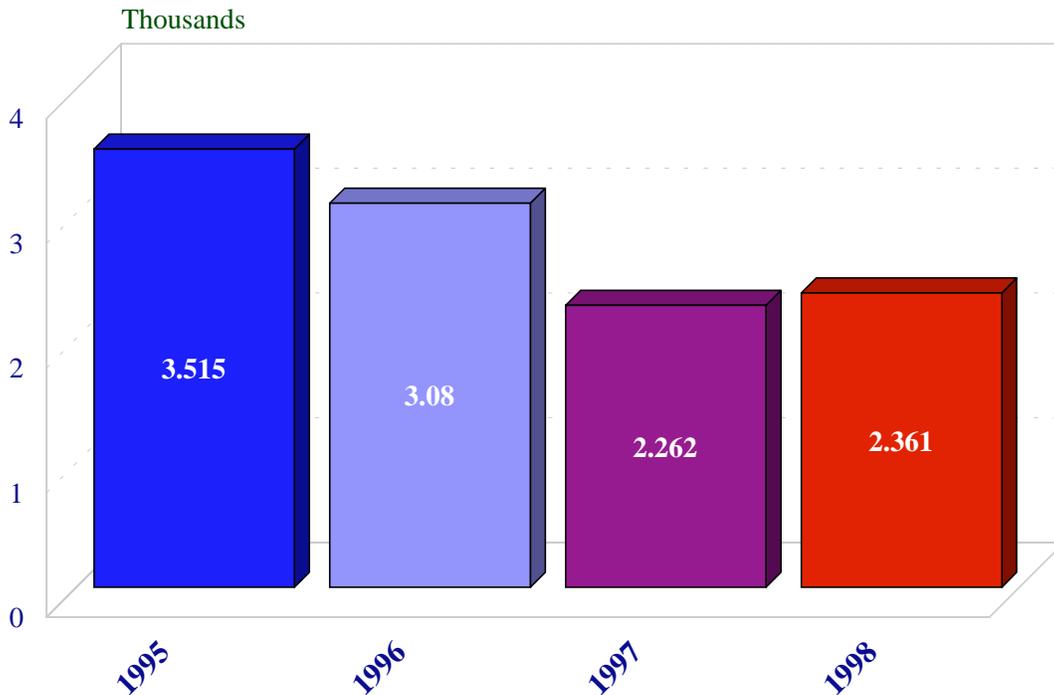
VIII Comparisons with Previous Year(s)

A. Comparison of numbers of requests received.



B. Comparison of numbers of requests processed.

*Comparisons of Previous Year(s)
1995-1996-1997-1998
Request Received*



C. Optional

D. Optional

E. The Headquarters FOIA office of the Department met its goal of reducing the FOIA backlog by 15% during FY 98. The FOIA office was able to satisfy this goal by 1) improving case management through the initiation of a weekly case and activity report for analysts; 2) using Access Teams to provide assistance to program offices that process the FOIA requests; and 3) adding two additional program offices to the centralized FOIA program. A FOIA training conference also was convened during the fiscal year that provided training and information to FOIA contacts, Field FOIA officers, and field and Headquarters staff that process requests for information. In addition, interaction between the Headquarters and field FOIA personnel was improved with monthly conference calls held to share information and discuss issues affecting the FOIA program, and the submission to Headquarters of a monthly case and activity report by each field office.

the Another effort initiated to improve the FOIA program was the enhancement of FOIA Home Page to provide more information electronically to assist the public to obtain information or records directly through the world wide web, and to permit for the submission of an electronic request for information.

IX. Costs/FOIA Staffing

A. Staffing levels.

1.	Number of full-time FOIA personnel	<u>27</u>
2.	Number of personnel with part-time or occasional FOIA duties (in total work-years)	<u>15</u>
3.	Total number of personnel (in work-years)	<u>42</u>

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

1.	FOIA processing (including appeals)	<u>\$4,369,353.20</u>
2.	Litigation-related activities (estimated)	<u>0</u>
3.	Total costs	<u>\$4,369,353.20</u>

X. Fees

A. Total amount of fees collected by agency for processing requests \$6,413.64

B. Percentage of total costs 1%

XI. FOIA Regulations (Including Fee Schedule)

To obtain the Department of Energy FOIA regulation, go to www.hr.doe.gov/es/foia.htm and click on **Federal Register US Codes and CFR**.