The Secretary's Annual Freedom of Information Act Report
Fiscal Year 2011

Privacy, Information,& Records Management Services
Office of Management

A Report to the
Attorney General of the United States
for the period
October 1, 2010 – September 30, 2011

U.S. Department of Education
FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2011

TABLE OF CONTENTS

U.S. Department of Education

I. BASIC INFORMATION REGARDING REPORT

1. The person to contact with questions about this report is:
   Gregory Smith, FOIA Service Center Privacy, Information & Records
   Management Services
   Office of Management
   United States Department of Education
   400 Maryland Ave, SW, LBJ 2E305
   Washington, DC 20202-4536

2. The Internet address for this report on the World Wide Web (www) is:
   http://www2.ed.gov/policy/gen/leg/foia/foiatoc.html

3. To obtain a copy of this report in paper form contact the person identified in #1 above.

II. MAKING A FOIA REQUEST

1. Names, Addresses, and Contact Numbers for ED FOIA Officers, FOIA Liaisons, and
   Regional FOIA Coordinators. FOIA requests should be submitted directly to the FOIA
   Requester Service Center or, if known, to the Regional FOIA Coordinators.

Chief FOIA Officer
Winona H. Varnon, (202) 401-1583

FOIA Requester Service Center
U.S. Department of Education
400 Maryland Avenue, SW, Rm 2E313
Washington, D.C. 20202-4536
(202) 401-8365

FOIA Public Liaisons
Elise Cook
Maria-Teresa Cueva
Linda Darby
Bennie Jessup
Christie Swafford
Robert Wehausen

FOIA Appeals Coordinator: Robert Wehausen **Privacy Act Officer:** Angela Arrington

Region I: OCR Boston Office
   FOIA Coordinator; McCormack Post Office & Courthouse, Boston, MA 02109; (617) 289-0013
Region II: OCR New York Office
   FOIA Coordinator; 75 Park Place, New York, NY 10007; (646) 428-3811
Region III: OCR Philadelphia Office
   FOIA Coordinator; 100 Penn Square East, Philadelphia, PA 19107; (215) 656-8557
Region IV: OCR Atlanta Office
   FOIA Coordinator; 61 Forsyth Street, SW, Atlanta, GA 30303; (404) 562-6357
Region V: OCR Chicago Office
   FOIA Coordinator; 111 North Canal Street, Chicago, IL 60606; (312) 730-1610

Region VI: OCR Dallas Office
FOIA Coordinator; 1999 Bryan Street, Dallas, TX 75201; (214) 661-9623
Region VII: OCR Kansas City Office
FOIA Coordinator; 10220 N. Executive Hills Boulevard, Kansas City, MO 64153; (816) 268-0594
Region VIII: OCR Denver Office
FOIA Coordinator; 1244 Speer Boulevard, Denver, CO 80204; (303) 844-5942
Region IX: OCR San Francisco Office
FOIA Coordinator; 50 United Nations Plaza, San Francisco, CA 94102; (415) 486-5507
Region X: OCR Seattle Office
FOIA Coordinator; 915 Second Avenue, Seattle, WA 98174; (206) 220-7946
Metro Region: OCR District of Columbia Office
FOIA Coordinator; P.O. Box 14620; Washington, D.C. 20044-4620; (202) 786-0521
Region XII: OCR Cleveland Office
FOIA Coordinator; 600 Superior Avenue East, Suite 750, Cleveland, OH 4114-2611; (216) 522-4468

2. Information on how to make a FOIA Request and on how to make a Privacy Act request is available from the ED FOIA website: http://www.ed.gov/policy/gen/leg/foia/foiatoc.html Responsive records are released in their entirety unless release is precluded on the basis of nine statutory exemptions, as specified in the FOIA. In general, as a regulatory agency, some investigative records or portions of records are not released. In addition, if records are part of an ongoing investigation or involved with litigation they may not be released or they may be partially released. Personally identifiable information is also not released to anyone except to the individual to whom it applies. Certain information contained in grants and contracts is withheld such as non-federal funding amounts and sources, business proposals, and technical information that is unique to the submitter and falls within protected business information.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS:

1. Agency-specific acronyms or terms used in this Report:

    a. **The Department:** Congress established the U.S. Department of Education (ED) on May 4, 1980, in the Department of Education Organization Act (Public Law 96-88 of October 1979). Under this law, ED's mission is to: Strengthen the Federal commitment to assuring access to equal educational opportunity for every individual; Supplement and complement the efforts of states, the local school systems and other instrumentalities of the states, the private sector, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education; Encourage the increased involvement of the public, parents, and students in Federal education programs; Promote improvements in the quality and usefulness of education through Federally supported research, evaluation, and sharing of information; Improve the coordination of Federal education programs; Improve the management of Federal education activities; and, Increase the accountability of Federal education programs to the President, the Congress, and the public.

    b. **Principal Offices (POs)** – In FY2011, ED had the following program offices and/or processing designations:
    - FSA   Federal Student Aid
    - IES   Institute of Education Sciences

- ▪ IES-NAGB National Assessment Governing Board
- OCFO   Office of the Chief Financial Officer
  - ▪ OCFO-CAM Contracts and Acquisitions Management
- OCIO   Office of the Chief Information Officer
- OCO   Office of Communications and Outreach
- OCR   Office for Civil Rights (Headquarters)
  - ▪ Office for Civil Rights (Regional Enforcement Offices)
    - o OCR Boston Office (Region I)
    - o OCR New York Office (Region II)
    - o OCR Philadelphia Office (Region III)
    - o OCR Atlanta Office (Region IV)
    - o OCR Chicago Office (Region V)
    - o OCR Dallas Office (Region VI)
    - o OCR Kansas City Office (Region VII)
    - o OCR Denver Office (Region VIII)
    - o OCR San Francisco Office (Region IX)
    - o OCR Seattle Office (Region X)
    - o OCR District of Columbia Office (Metro Region XI)
    - o OCR Cleveland Officer (Region XII)
- ODS   Office of the Deputy Secretary
- OELA   Office of English Language Acquisition, Language Enhancement, and Academic Achievements for Limited English Proficient Students
- OESE   Office of Elementary and Secondary Education
- OGC   Office of the General Counsel
- OIG   Office of Inspector General
- OII   Office of Innovation and Improvement
- OLCA   Office of Legislation and Congressional Affairs
- OM   Office of Management
  - ▪ OM-PIRMS Privacy Information & Records Management Services
- OPE   Office of Postsecondary Education
- OPEPD   Office of Planning, Evaluation, and Policy Development
- OS   Office of the Secretary
- OSDFS   Office of Safe and Drug-Free Schools
- OSERS   Office of Special Education and Rehabilitative Services
- OUS   Office of the Under Secretary
- OVAE   Office of Vocational and Adult Education

c. **Calendar Day** – Every day shown on a calendar. A 24-hour period beginning at 12:01 a.m. and ending at 12:00 p.m. midnight.

d. **Fees** – an agency will charge processing fees based on how the documents will be used and not on the category of the FOIA requester. All fees allowed will be charged to the first requester, when there are multiple requesters for the same documents, and, unless waived, all subsequent requesters will be charged duplication and special services fees only. If a fee is not allowed by statute or regulation to be charged to the first requester, the fee cannot be passed on to the next subsequent requester.

e. **First-In-First-Out (FIFO) Processing Policy** – an agency will process requests in the order in which requests are received consistent with a multi-track processing system and reasonable allocation of processing resources available for each track and the FOIA program of the agency.

f. **FOIA/PA Request** – a FOIA request is generally a request or 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.)

g. **Glomar Response** – a glomar response neither confirms nor denies the existence or non-existence of responsive records to a request in order to protect law enforcement, privacy, or other appropriate interests.

h. **Initial Denial Authority** – agency official who is delegated the authority to make release determinations of documents and information contained in documents requested under the FOIA on behalf of the agency.

i. **Initial Request** – a request to a federal agency for access to records under the Freedom of Information Act.

j. **Perjury Statement** – a signed (notarization is not required) statement executed under the penalty of law, usually associated with a request for the personal records of the requester, attesting that they are the individual who they say they are.

k. **Proper Request** – a request that fits the definition of a FOIA request: reasonably describes the agency records being sought and cites a willingness to pay assessable fees or justifies the granting of a fee waiver. Proper requests do not use federal government resources in making the request – federal government requests for agency documents for official purposes are not FOIA requests.

l. **Reasonably Described** – a request is reasonably described if it enables a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort. An appeal is reasonably described if it adequately describes the action taken by the agency regarding the request and the basis on why the action is not in compliance with the statute or agency regulation.

m. **Referral** – transferring a FOIA request and/or document(s) that are under another agency's purview to another entity for processing. This also includes redirecting a requester to the appropriate agency instead of referring the request.

n. **Release** – an agency decision to disclose all records in full in response to a FOIA request. This sometimes is referred to as a "grant."

o. **Remanded** – a request that is returned to the initial denial authority for reconsideration of their release determination and further processing.

p. **Request Disposition** – an agency determination to take one of four actions on requests for records:
   i. Responsive records are released in full.
   ii. Responsive records are released in part because some of the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions.
   iii. Responsive records are denied in full because all of the information in the requested records is determined by the agency to be exempt under one or more of the FOIA exemptions.
   iv. Determined by the agency not to process for other procedural reasons:
      (1) No Records – After a thorough search of agency records, no records were found to be responsive to the FOIA request or within the scope of the FOIA request.
      (2) Duplicate Request – The request is a duplicate of a previously submitted request by the same requester or organization represented by the requester.
      (3) Fee Related – Request is not processed because there were fee issues. For example, the requester was not willing to pay assessable FOIA processing fees or the requester had delinquent fees from previous FOIA requests.
      (4) Request Withdrawn – Requester withdraws their request.
      (5) Not Reasonably Described – sufficient information has not been provided for a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort.
      (6) Not a Proper Request – the requester is asking questions posing as a FOIA request or a response would require the agency to create a record.
      (7) Not an Agency Record – Documents requested in a FOIA request that are not maintained, or possibly originated, by the Department or its components.
      (8) Referred to an Appropriate Agency – request for records that are not held by a Department agency and are more likely the documents of some other federal agency other than the Department.

q. **Working Days** – days except Saturdays, Sundays, and Federally recognized public holidays.

2. Basic Terms Used in This Report and in FOIA Training:

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

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

c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

d. **Component** – for agencies that process requests on a decentralized basis, a component is an entity, also sometimes referred to as an office, division, bureau, center, or directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a third-party request) or concerning an organization or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., first-party requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act systems of records or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests that require the agency to use the FOIA in responding to the requester are included in this report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this report.)

h. **Full Grant** – an agency determination to disclose all records in full in response to a FOIA request.

i. **Full Denial** – an agency determination not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions or because of a procedural reason such as when no records could be located.

j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

   k. **Multi-track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first-in/first-out basis. The tracks are:

      i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

      ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of records requested.

      iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of records requested.

   l. **Partial Grant / Partial Denial** – in response to a FOIA request, an agency determination to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

   m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.

   n. **Perfected Reques**t – a request for records that reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed.

   o. **Processed Request or Processed Administrative Appeal** – action on the request or the appeal in all respects has been completed.

   p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.

   q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. The Nine FOIA Exemptions:
   a. **Exemption 1**: classified national defense and foreign relations information
   b. **Exemption 2**: internal agency rules and practices
   c. **Exemption 3**: information that is prohibited from disclosure by another federal law
   d. **Exemption 4**: trade secrets and other confidential business information
   e. **Exemption 5**: inter-agency or intra-agency communications that are protected by legal privileges
   f. **Exemption 6**: information involving matters of personal privacy

g. **Exemption 7**: records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual

h. **Exemption 8**: information relating to the supervision of financial institutions

i. **Exemption 9**: geological information on wells

IV. EXEMPTION 3 STATUTES

Statute	Type of Information	Case Citation	Number of Times Relied Upon per Component	Total Number of Times Relied upon by Agency
41 U.S.C. § 253b(m)(1)	Contractor Proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts.	Margolin v. NASA, No. 09-CV-00421-LRH-VPC, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	FSA: 8 OM-PIRMS: 3	11
5 U.S.C § 574	Communications relating to proceedings	n/a	OCR- Philadelphia : 1 OCR- Chicago: 2 OCR- Cleveland: 1	4
44 U.S.C. § 3541	Security controls over information resources supporting Federal operations and systems	n/a	FSA	1

V. INITIAL FOIA/PA ACCESS REQUESTS:

A. Received, Processed, and Pending FOIA/PA Requests:

Component Offices		Number of Requests Pending as of Start of FY 2011	Number of Requests Received in FY 2011	Number of Requests Processed in FY 2011	Pending End of FY 2011
ED Headquarters Offices	FSA	39	287	325	1
	IES	7	40	47	0
	IES – NAGB	0	3	3	0
	OCFO	5	11	10	6
	OCFO - CAM	3	48	46	5
	OCIO	5	4	9	0
	OCO	4	7	6	5
	OCR	7	99	106	0
	OELA	5	10	11	4
	OESE	4	76	80	0
	OGC	10	16	10	16
	OIG	2	58	49	11
	OII	11	43	54	0
	OLCA	1	6	1	6
	OM	3	43	35	11
	OM-PIRMS	137	199	276	60
	OPE	18	153	168	3
	OPEPD	15	13	19	9
	OS	13	71	9	75
	OSDFS	51	78	127	2
	OSERS	12	42	43	11
	OUS	3	15	5	13
	OVAE	1	11	12	0
OCR Field Office	Boston	40	158	135	63
	New York	17	150	136	31
	Philadelphia	6	71	71	6
	Atlanta	7	64	69	2
	Chicago	2	131	132	1
	Dallas	5	84	89	0
	Kansas City	11	39	41	9
	Denver	2	60	58	4
	San Francisco	0	64	62	2
	Seattle	0	117	116	1
	District of Columbia	6	88	81	13
	Cleveland	4	42	45	1
ED Totals		**456**	**2,401**	**2,486**	**371**

B. Disposition of FOIA/PA Requests – All Processed Requests:

Component Offices		Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
					No Records	Referred to Another Agency	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper for Other Reason	Not Agency Record	Duplicate Request	Other *Explain below	
ED Headquarters Offices	FSA	161	62	2	51	6	17	2	8	1	3	12	0	325
	IES	11	26	1	5	1	0	0	1	0	1	1	0	47
	IES – NAGB	3	0	0	0	0	0	0	0	0	0	0	0	3
	OCFO	4	6	0	0	0	0	0	0	0	0	0	0	10
	OCFO – CAM	25	15	1	4	0	1	0	0	0	0	0	0	46
	OCIO	3	2	0	0	0	3	0	0	0	1	0	0	9
	OCO	2	0	0	1	0	3	0	0	0	0	0	0	6
	OCR	21	59	2	12	1	5	0	1	0	1	4	0	106
	OELA	1	5	0	2	1	0	1	0	0	0	1	0	11
	OESE	7	49	0	18	1	1	0	1	0	1	2	0	80
	OGC	1	4	0	1	0	1	0	0	1	1	1	0	10
	OIG	7	12	14	13	0	1	0	1	0	0	1	0	49
	OII	21	27	0	3	0	2	0	0	0	1	0	0	54
	OLCA	1	0	0	0	0	0	0	0	0	0	0	0	1
	OM	14	9	2	5	0	1	0	0	0	2	2	0	35
	OM–PIRMS	86	147	3	25	0	5	0	3	0	4	3	0	276
	OPE	31	65	3	24	6	10	2	10	9	7	1	0	168
	OPEPD	6	5	0	3	0	2	0	1	0	0	2	0	19
	OS	2	4	0	2	0	1	0	0	0	0	0	0	9
	OSDFS	27	96	0	0	0	3	0	1	0	0	0	0	127
	OSERS	10	16	0	4	0	8	2	0	0	1	2	0	43
	OUS	1	2	0	1	0	1	0	0	0	0	0	0	5
	OVAE	5	4	0	1	0	1	0	0	0	0	1	0	12
OCR Field Offices	Boston	8	105	10	4	0	4	0	0	0	0	4	0	135
	New York	79	36	8	4	0	6	0	0	0	0	3	0	136
	Philadelphia	7	53	3	2	0	2	0	0	0	1	3	0	71
	Atlanta	34	25	4	0	0	4	0	0	1	0	1	0	69
	Chicago	69	40	5	5	0	7	0	0	1	0	5	0	132
	Dallas	22	52	0	4	0	5	0	5	1	0	0	0	89
	Kansas City	10	21	0	3	0	5	0	0	0	0	2	0	41
	Denver	11	38	0	3	0	3	0	1	1	0	1	0	58
	San Francisco	23	39	0	0	0	0	0	0	0	0	0	0	62
	Seattle	22	84	0	6	0	3	0	0	0	0	1	0	116
	District of Columbia	11	47	0	3	3	0	3	4	7	0	3	0	81
	Cleveland	12	24	0	1	0	7	0	0	0	0	1	0	45
ED TOTAL		**758**	**1,179**	**58**	**210**	**19**	**112**	**10**	**37**	**22**	**24**	**57**	**0**	**2,486**

V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

This chart is not necessary because The Department of Education has no other reasons for "Full Denials."

C. Disposition of FOIA/PA Requests – Number of Times Exemptions Applied:

Component Offices		Exemption											
		1	2	3	4	5	6	7a	7b	7c	7d	7e	7f	8/9
ED Headquarters Offices	FSA	0	5	9	21	14	39	5	0	3	0	0	0	0
	IES	0	0	0	21	4	30	0	0	1	0	0	0	0
	IES – NAGB	0	0	0	2	0	1	0	0	0	0	0	0	0
	OCFO	0	0	0	2	1	2	0	0	0	0	0	0	0
	OCFO – CAM	0	0	0	12	0	13	0	0	0	0	0	0	0
	OCIO	0	1	0	0	0	0	0	0	0	0	0	0	0
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	0	0	0	0	5	28	7	1	65	0	0	0	0
	OELA	0	0	0	5	0	0	0	0	0	0	0	0	0
	OESE	0	1	0	23	2	38	0	0	0	0	0	0	0
	OGC	0	1	0	0	2	3	0	0	1	0	0	0	0
	OIG	0	1	1	1	2	10	13	0	7	1	7	0	0
	OII	0	0	0	10	0	23	0	0	0	0	0	0	0
	OLCA	0	0	0	0	0	0	0	0	0	0	0	0	0
	OM	0	0	0	0	1	9	2	0	1	0	0	0	0
	OM-PIRMS	0	7	3	32	5	55	2	0	7	0	0	0	0
	OPE	0	1	0	74	5	79	0	0	0	0	0	0	0
	OPEPD	0	0	0	0	1	9	0	0	0	0	0	0	0
	OS	0	0	0	0	0	0	0	0	0	0	0	0	0
	OSDFS	0	13	0	52	2	93	0	0	0	0	0	0	0
	OSERS	0	1	0	15	4	25	0	0	1	0	0	0	0
	OUS	0	0	0	3	4	4	0	0	0	0	0	0	0
	OVAE	0	0	0	0	0	0	0	0	0	0	0	0	0
OCR Field Offices	Boston	0	0	0	0	3	7	24	0	86	0	0	0	0
	New York	0	0	0	0	0	8	7	7	25	0	0	0	0
	Philadelphia	0	0	1	0	3	1	2	0	40	0	0	0	0
	Atlanta	0	0	0	0	6	3	2	0	2	0	0	0	0
	Chicago	0	0	1	0	9	8	18	0	7	0	0	0	0
	Dallas	0	0	0	0	1	6	5	0	7	0	0	0	0
	Kansas City	0	0	0	0	3	3	10	0	8	0	0	0	0
	Denver	0	11	0	0	23	29	7	0	2	0	0	0	0
	San Francisco	0	0	0	0	8	35	9	0	35	0	0	0	0
	Seattle	0	0	0	0	9	0	40	0	82	0	0	0	0
	District of Columbia	0	0	0	0	0	0	7	0	41	0	0	0	0
	Cleveland	0	0	1	0	2	2	9	0	10	0	0	0	0
ED TOTAL		0	42	16	273	119	563	169	8	431	1	7	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA/PA REQUESTS:

A. Received, Processed, and Pending Administrative Appeals

Component	Number of Appeals Pending at Start of FY 2011	Number of Appeals Received in FY 2011	Number of Appeals Processed in FY 2011	Number of Appeals Pending as of End of FY 2011
OM-PIRMS	22	32	15	39

B. Disposition of Administrative Appeals – All Processed Appeals

Component	Number of (initial determinations) Affirmed on Appeal	Number of (initial determinations) Partially Affirmed & Partially Reversed/Remanded on Appeal	Number of (initial determinations) Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
OM-PIRMS	3	0	5	7	15

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied.

EX 1	EX 2	EX 3	EX 4	EX 5	EX 6	EX 7(A)	EX 7(B)	EX 7(C)	EX 7(D)	EX 7(E)	EX 7(F)	EX 8	EX 9
0	0	0	0	0	0	0	0	4	0	1	0	0	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions.

No records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
3	0	2	0	0	0	0	0	0	2	0

C. (3) "Other" Reasons for Denial on Appeal – N/A

Component	Description of "Other" Reason for Denial on Appeal from Chart C(2)	Number of Times "Other" Relied Upon	Component Total
OM-PIRMS	Actions completed, documents can now be released. Appeal Moot.	0	0

C. (4) Response Time for (closed) Administrative Appeals

Number of Business Days			
Median	Average	Lowest	Highest
295	255	22	419

C. (5) Ten Oldest Pending Administrative Appeals

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
Date of Receipt of Ten Oldest Appeals	2/2/2010	12/2/2009	11/17/2009	11/9/2009	11/3/2009	10/16/2009	9/24/2009	5/29/2009	5/7/2009	5/5/2009
Number of (business) Days Pending	434	478	489	495	499	511	527	611	627	629

VII. FOIA/PA Requests: Response Time for Processed and Pending Requests

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

	Component Offices	SIMPLE – Number of Business Days				COMPLEX – Number of Business Days				EXPEDITED – Number of Business Days			
		Median	Average	Lowest	Highest	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest
ED Headquarters Offices	FSA	27	38.9	0	349	95	119.89	12	613	0	0	0	0
	IES	36	36.73	2	93	71	66.69	0	123	0	0	0	0
	IES – NAGB	37	37	37	37	105	105	70	140	0	0	0	0
	OCFO	190.5	190.5	22	359	111	136.75	67	273	0	0	0	0
	OCFO – CAM	40.5	49.29	0	191	93	97.33	59	132	0	0	0	0
	OCIO	145	155	38	292	137.5	128	26	211	0	0	0	0
	OCO	86.5	86.5	26	147	340	298	41	471	0	0	0	0
	OCR	33.5	32.47	0	115	68.5	80	0	403	4	4	4	4
	OELA	38.5	100.62	0	274	171	171	87	255	0	0	0	0
	OESE	33	50.98	0	204	82	105.97	0	401	0	0	0	0
	OGC	24.5	75.75	0	254	384	318.8	9	527	0	0	0	0
	OIG	11	18.71	0	287	19.5	15.5	2	21	0	0	0	0
	OII	32	46.08	2	250	89.5	134.25	29	413	0	0	0	0
	OLCA	26	26	26	26	0	0	0	0	0	0	0	0
	OM	33.5	36.58	1	175	97	161.55	9	548	0	0	0	0
	OM-PIRMS	16	35.82	0	496	89	105.21	0	494	19	19	19	19
	OPE	37	39.34	0	287	84.5	108.9	10	498	0	0	0	0
	OPEPD	24	37	2	166	94.5	199.7	67	495	0	0	0	0
	OS	315	315	315	315	240	247.75	110	392	0	0	0	0
	OSDFS	154.5	117.76	0	314	110	112.57	37	199	0	0	0	0
	OSERS	45	88.25	1	381	102	128.82	32	482	0	0	0	0
	OUS	169	169	169	169	134.5	161.5	52	325	0	0	0	0
	OVAE	34	28.11	6	58	44	67.33	30	128	0	0	0	0
OCR Field Offices	Boston	16	18.72	0	80	77	161	27	568	0	0	0	0
	New York	3.5	20.94	0	250	49	63.82	20	151	0	0	0	0
	Philadelphia	8	10.28	0	53	28	24.38	3	35	3.5	3.5	1	6
	Atlanta	10	17.07	0	178	47	52.6	10	127	0	0	0	0
	Chicago	19	15.32	0	28	14.5	24.25	0	68	0	0	0	0
	Dallas	17	14.84	0	39	23	22.22	0	76	0	0	0	0
	Kansas City	6	21.16	0	290	75	144.5	5	386	0	0	0	0
	Denver	13	13.34	0	58	24.5	20.75	0	34	0	0	0	0
	San Francisco	5	6.42	0	18	20	20	19	21	0	0	0	0
	Seattle	7	7.24	0	17	19	18.33	16	20	0	0	0	0
	District of Columbia	11	25	0	163	46	47.5	0	136	0	0	0	0
	Cleveland	14	14.17	0	45	20	20.56	11	31	0	0	0	0
ED Totals		**18**	**30.83**	**0**	**496**	**83**	**103.24**	**0**	**613**	**4**	**6**	**0**	**19**

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Component Offices		SIMPLE – Number of Business Days				COMPLEX – Number of Business Days				EXPEDITED – Number of Business Days			
		Median	Average	Lowest	Highest	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest
ED Headquarters Offices	FSA	28	37.74	0	296	98	120.21	12	613	0	0	0	0
	IES	35	36.15	2	93	72	70.27	22	114	0	0	0	0
	IES – NAGB	37	37	37	37	105	105	70	140	0	0	0	0
	OCFO	190.5	190.5	22	359	111	136	67	273	0	0	0	0
	OCFO – CAM	41	49.37	20	191	95	98.29	59	132	0	0	0	0
	OCIO	41.5	41.5	38	45	88	108.33	26	211	0	0	0	0
	OCO	147	147	147	147	41	41	41	41	0	0	0	0
	OCR	34.5	33.82	3	71	68	71.06	0	159	4	4	4	4
	OELA	114.5	132.25	26	274	255	255	255	255	0	0	0	0
	OESE	35.5	61.7	0	204	85	118.89	34	401	0	0	0	0
	OGC	38	38	38	38	392	434.33	384	527	0	0	0	0
	OIG	16	14.69	1	38	20	20	19	21	0	0	0	0
	OII	35	49.28	2	250	81	94.43	29	347	0	0	0	0
	OLCA	26	26	26	26	0	0	0	0	0	0	0	0
	OM	34	32.27	5	70	111	180.71	23	548	0	0	0	0
	OM-PIRMS	31	49.04	0	496	89	104.25	0	494	0	0	0	0
	OPE	39	42.14	5	287	81.5	108.46	10	498	0	0	0	0
	OPEPD	22.5	37.38	2	166	86	90.83	67	127	0	0	0	0
	OS	315	315	315	315	250.5	250.5	110	391	0	0	0	0
	OSDFS	168	134.73	39	314	108	113.47	57	199	0	0	0	0
	OSERS	45	86.25	14	381	109	139.11	39	482	0	0	0	0
	OUS	169	169	169	169	58	107	52	211	0	0	0	0
	OVAE	12	16.2	6	40	44	67.33	30	128	0	0	0	0
OCR Field Offices	Boston	16	19.47	0	80	77	161	27	568	0	0	0	0
	New York	4.5	23.62	0	250	54	71.33	24	151	0	0	0	0
	Philadelphia	10.5	10.42	0	39	28	23.5	3	30	3.5	3.5	1	6
	Atlanta	11	19.48	0	178	47	52.6	10	127	0	0	0	0
	Chicago	19	16.23	0	28	22	32.33	7	68	0	0	0	0
	Dallas	17	15.23	0	39	23	26.23	13	76	0	0	0	0
	Kansas City	5.5	14.35	0	61	194	196	10	386	0	0	0	0
	Denver	14	14.47	0	58	26	27.67	23	34	0	0	0	0
	San Francisco	5	6.52	0	18	20	20	19	21	0	0	0	0
	Seattle	7	7.46	0	17	19	18.33	16	20	0	0	0	0
	District of Columbia	16	26.97	1	159	43	47.31	17	136	0	0	0	0
	Cleveland	14	14.5	0	45	20	21.86	19	31	0	0	0	0
ED Totals		**19**	**32.32**	**0**	**496**	**84**	**100.74**	**0**	**613**	**2.5**	**2.75**	**0**	**6**

C. Processed Requests – Response Time in (Business) Day Increments: **Simple Requests**

	Component Offices	1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+	TOTAL
ED Headquarters Offices	FSA	68	81	47	10	1	0	0	2	1	1	7	1	0	19
	IES	5	12	10	3	1	0	0	0	0	0	0	0	0	1
	IES – NAGB	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO	0	1	0	0	0	0	0	0	0	0	0	1	0	1
	OCFO – CAM	3	12	11	1	0	0	0	1	0	1	0	0	0	1
	OCIO	0	2	1	0	0	0	0	0	0	0	2	0	0	3
	OCO	0	1	0	0	0	0	0	1	0	0	0	0	0	4
	OCR	16	31	15	2	0	1	0	0	0	0	0	0	0	3
	OELA	2	3	1	0	0	0	0	0	0	1	2	0	0	1
	OESE	11	21	5	5	0	0	2	0	2	0	2	0	0	9
	OGC	3	1	0	0	0	0	0	0	0	1	0	0	0	5
	OIG	40	3	1	0	0	0	0	0	0	0	1	0	0	39
	OII	7	13	12	2	0	0	0	0	2	0	2	0	0	6
	OLCA	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	OM	7	10	4	2	0	0	0	0	1	0	0	0	0	5
	OM-PIRMS	57	18	11	2	0	2	3	1	5	0	5	4	1	56
	OPE	24	42	41	7	0	0	1	0	0	0	1	0	0	4
	OPEPD	3	4	1	0	0	0	0	0	1	0	0	0	0	4
	OS	0	0	0	0	0	0	0	0	0	0	0	1	0	3
	OSDFS	4	6	14	6	0	0	0	1	13	12	1	1	0	22
	OSERS	4	5	4	2	1	0	0	0	0	2	2	1	0	4
	OUS	0	0	0	0	0	0	0	0	1	0	0	0	0	0
	OVAE	4	3	2	0	0	0	0	0	0	0	0	0	0	1
OCR Field Offices	Boston	88	26	11	5	0	0	0	0	0	0	0	0	0	123
	New York	65	28	10	6	4	1	4	2	2	1	2	0	0	119
	Philadelphia	51	4	2	1	0	0	0	0	0	1	2	0	0	54
	Atlanta	39	17	1	0	0	1	0	0	1	0	0	0	0	54
	Chicago	114	14	0	0	0	0	0	0	0	0	0	0	0	125
	Dallas	51	5	0	0	1	0	0	0	0	0	0	0	0	25
	Kansas City	17	5	4	3	1	0	1	0	0	0	3	1	0	33
	Denver	39	10	3	1	0	0	0	0	0	0	0	0	0	48
	San Francisco	59	0	0	0	0	0	0	0	0	0	0	0	0	25
	Seattle	113	0	0	0	0	0	0	0	0	0	0	0	0	20
	District of Columbia	35	7	1	0	2	0	2	1	1	0	0	0	0	21
	Cleveland	33	2	1	0	0	0	0	0	0	0	0	0	0	27
ED Totals		**962**	**389**	**213**	**58**	**11**	**5**	**13**	**9**	**30**	**19**	**33**	**10**	**1**	**1,753**

C.

Processed Requests – Response Time in (Business) Day Increments: **Complex Requests**

	Component Offices	1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+	TOTAL
ED Headquarters Offices	FSA	4	8	12	12	17	19	10	8	2	2	7	0	5	106
	IES	2	1	3	4	4	1	1	0	0	0	0	0	0	16
	IES – NAGB	0	0	0	1	0	0	1	0	0	0	0	0	0	2
	OCFO	0	0	0	3	1	0	1	0	0	1	2	0	0	8
	OCFO – CAM	0	1	0	3	8	2	3	0	0	0	0	0	0	17
	OCIO	0	1	0	0	1	0	0	0	0	1	1	0	0	4
	OCO	0	0	1	0	0	0	0	0	0	0	1	0	2	4
	OCR	1	8	7	8	5	2	7	1	0	0	0	0	1	40
	OELA	0	0	0	0	1	0	0	0	0	0	1	0	0	2
	OESE	1	1	0	10	11	2	2	0	2	0	1	1	1	32
	OGC	1	0	0	0	0	0	0	0	0	0	1	2	1	5
	OIG	3	1	0	0	0	0	0	0	0	0	0	0	0	4
	OII	0	3	2	1	4	2	1	0	0	0	0	1	2	16
	OLCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OM	1	1	1	0	3	1	0	0	0	0	2	1	1	11
	OM-PIRMS	9	18	20	20	39	19	11	3	8	1	8	2	7	165
	OPE	1	4	5	14	9	4	6	2	3	1	1	0	2	52
	OPEPD	0	0	0	3	3	0	1	0	0	0	0	1	2	10
	OS	0	0	0	0	0	1	1	0	2	0	0	4	0	8
	OSDFS	0	1	4	9	14	16	8	6	7	4	0	0	0	69
	OSERS	0	2	2	4	3	3	1	4	0	0	2	0	1	22
	OUS	0	0	2	0	0	0	0	0	0	0	1	1	0	4
	OVAE	0	1	1	0	0	0	1	0	0	0	0	0	0	3
OCR Field Offices	Boston	0	2	0	1	0	1	0	0	0	0	0	0	1	5
	New York	1	2	4	1	1	0	1	1	0	0	0	0	0	11
	Philadelphia	2	6	0	0	0	0	0	0	0	0	0	0	0	8
	Atlanta	2	2	2	2	1	0	1	0	0	0	0	0	0	10
	Chicago	2	1	0	1	0	0	0	0	0	0	0	0	0	4
	Dallas	14	15	2	1	0	0	0	0	0	0	0	0	0	32
	Kansas City	2	0	0	2	0	0	0	0	0	0	0	2	0	6
	Denver	1	3	0	0	0	0	0	0	0	0	0	0	0	4
	San Francisco	2	1	0	0	0	0	0	0	0	0	0	0	0	3
	Seattle	3	0	0	0	0	0	0	0	0	0	0	0	0	3
	District of Columbia	3	10	9	8	1	0	1	0	0	0	0	0	0	32
	Cleveland	5	4	0	0	0	0	0	0	0	0	0	0	0	9
ED Totals		**60**	**97**	**77**	**108**	**126**	**73**	**58**	**25**	**24**	**10**	**28**	**15**	**26**	**727**

C. Processed Requests – Response Time in (Business) Day Increments: **Requests Granted Expedited Processing**

Component Offices		1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+	TOTAL
ED Headquarters Offices	FSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	IES	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	IES – NAGB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO – CAM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
	OELA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OESE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OII	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OLCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OM-PIRMS	2	0	0	0	0	0	0	0	0	0	0	0	0	2
	OPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OPEPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OSDFS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OSERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OVAE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCR Field Offices	Boston	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	New York	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Philadelphia	2	0	0	0	0	0	0	0	0	0	0	0	0	2
	Atlanta	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Chicago	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Dallas	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Kansas City	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Denver	1	0	0	0	0	0	0	0	0	0	0	0	0	1
	San Francisco	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Seattle	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	District of Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Cleveland	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ED Totals		**6**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**6**

D. Pending Requests – All Pending Perfected Requests

Component Offices		SIMPLE			COMPLEX			EXPEDITED		
		Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
ED Headquarters Offices	FSA	0	15	15	1	16	43	0	0	0
	IES	0	0	0	0	34	64	0	0	0
	IES – NAGB	0	0	0	0	0	0	0	0	0
	OCFO	1	0	0	5	55	60	0	0	0
	OCFO – CAM	1	0	0	4	114	119	0	0	0
	OCIO	0	0	0	0	0	0	0	0	0
	OCO	0	480	486	5	200	157	0	0	0
	OCR	0	0	0	0	13	32	0	0	0
	OELA	0	0	0	4	20	80	0	0	0
	OESE	0	139	139	0	31	58	0	0	0
	OGC	2	477	477	14	162	211	0	0	0
	OIG	2	5	5	9	108	90	0	0	0
	OII	0	0	0	0	42	45	0	0	0
	OLCA	0	0	0	5	36	57	1	93	93
	OM	1	24	24	10	73	89	0	0	0
	OM-PIRMS	16	180	176	45	47	76	0	0	0
	OPE	2	53	53	1	16	59	0	0	0
	OPEPD	1	533	533	8	216	230	0	0	0
	OS	23	499	473	52	115	117	0	0	0
	OSDFS	0	0	0	2	85	77	0	0	0
	OSERS	0	0	0	11	17	27	0	0	0
	OUS	0	0	0	13	270	232	0	0	0
	OVAE	0	0	0	0	0	0	0	0	0
OCR Regional Offices	Boston	27	28	94	36	117	121	0	0	0
	New York	14	74	92	17	41	110	0	0	0
	Philadelphia	3	12	9	3	12	55	0	0	0
	Atlanta	1	0	5	1	8	8	0	0	0
	Chicago	1	2	5	0	0	0	0	0	0
	Dallas	0	17	17	0	2	3	0	0	0
	Kansas City	2	11	10	7	2	3	0	0	0
	Denver	4	10	8	0	0	0	0	0	0
	San Francisco	2	6	5	0	24	24	0	0	0
	Seattle	0	0	0	1	5	5	0	0	0
	District of Columbia	0	216	215	13	33	47	0	0	0
	Cleveland	0	0	0	0	0	0	0	0	0
ED Totals		103	40	149	267	51	87	1	93	93

D. Pending Requests – Ten Oldest Pending Perfected Requests

Component Offices		10th Oldest Request and number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
IES - NAGBED Headquarters Offices	FSA	7/1/11 66	6/16/11 77	5/12/11 102	5/11/11 103	4/8/11 126	3/1/11 154	2/28/11 155	1/25/11 179	12/6/10 215	11/29/10 220
	IES	N/A	N/A	N/A	N/A	N/A	N/A	9/14/11 13	8/9/11 39	8/5/11 41	1/18/11 184
	IES – NAGB	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	OCFO	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/14/11 13	7/14/11 57	4/25/11 115
	OCFO – CAM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7/12/11 59
	OCIO	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	OCO	8/15/11 35	8/9/11 39	12/28/10 199	11/22/10 225	11/16/10 229	9/21/10 269	2/3/10 433	1/19/10 444	9/8/09 539	7/9/09 582
	OCR	N/A	N/A	N/A	N/A	9/29/11 2	9/26/11 5	9/16/11 11	9/6/11 19	8/18/11 32	3/25/11 136
	OELA	N/A	N/A	N/A	N/A	N/A	N/A	9/29/11 2	8/30/11 24	8/30/11 24	8/20/11 291
	OESE	N/A	N/A	N/A	9/20/11 9	9/15/11 12	9/7/11 18	7/26/11 49	7/13/11 58	3/14/11 145	12/6/10 215
	OGC	4/29/11 111	4/18/11 120	3/30/11 133	2/15/11 164	12/1/10 218	11/2/10 239	11/1/10 240	2/24/10 418	7/30/09 567	12/17/08 728
	OIG	N/A	N/A	N/A	9/23/11 6	9/9/11 16	6/16/11 77	5/11/11 103	4/21/11 117	4/19/11 119	4/13/11 123
	OII	N/A	N/A	N/A	N/A	N/A	9/15/11 12	9/2/11 21	8/3/11 43	7/28/11 47	4/26/11 114
	OLCA	N/A	N/A	N/A	N/A	N/A	9/15/11 12	9/15/11 12	7/6/11 63	5/23/11 95	3/1/11 154
	OM	8/15/11 35	7/28/11 47	7/11/11 60	6/16/11 77	5/31/11 89	5/4/11 108	4/14/11 122	2/14/11 165	1/31/11 175	8/24/10 289
	OM-PIRMS	1/24/11 180	1/20/11 182	1/6/11 192	1/4/11 194	12/13/10 210	10/18/10 250	9/16/10 272	9/15/10 273	8/30/10 285	6/14/10 340
	OPE	8/31/11 23	8/24/11 28	8/23/11 29	8/22/11 30	5/10/11 104	5/5/11 107	2/23/11 158	12/8/10 213	11/29/10 220	8/6/10 301
	OPEPD	N/A	N/A	N/A	N/A	N/A	N/A	1/20/11 182	11/22/10 225	8/5/10 302	8/25/09 549
	OS	8/13/10 296	3/17/10 403	2/24/10 418	2/4/10 432	12/10/09 472	10/13/09 514	9/29/09 524	9/28/09 525	7/31/09 566	7/27/09 570
	OSDFS	N/A	N/A	N/A	N/A	N/A	N/A	9/20/11 9	8/10/11 38	3/30/11 133	3/29/11 134
	OSERS	9/1/11 22	8/30/11 24	8/30/11 24	8/30/11 24	8/30/11 24	8/30/11 24	8/30/11 274	8/15/11 35	7/21/11 52	4/18/11 120
	OUS	N/A	N/A	N/A	N/A	9/9/11 16	5/11/11 103	10/13/10 253	7/30/10 306	4/28/10 373	4/9/10 386
	OVAE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

D. Pending Requests – Ten Oldest Pending Perfected Requests (Continued)

Component Offices		10th Oldest Request and number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
OCR Regional Offices	Boston	4/18/11 120	3/22/11 139	3/7/11 150	2/1/11 174	1/26/11 178	5/6/10 367	4/30/10 371	12/15/09 469	11/18/09 488	11/18/09 488
	New York	6/2/11 87	3/22/11 139	3/7/11 150	2/23/11 174	1/13/11 178	1/10/11 367	1/5/11 371	11/5/10 469	7/12/10 488	8/11/09 488
	Philadelphia	N/A	N/A	N/A	N/A	9/20/11 9	9/13/11 14	9/12/11 15	9/12/11 15	9/8/11 17	12/21/10 204
	Atlanta	N/A	N/A	N/A	N/A	9/23/11 6	9/22/11 7	9/22/11 7	9/16/11 11	9/7/11 18	8/31/11 23
	Chicago	N/A	9/30/11 1	9/29/11 2	9/28/11 3	9/28/11 3	9/28/11 3	9/23/11 6	9/20/11 9	9/19/11 10	9/6/11 19
	Dallas	N/A	N/A	N/A	N/A	9/27/11 4	9/26/11 5	9/20/11 9	9/13/11 14	9/13/11 14	9/7/11 18
	Kansas City	N/A	N/A	N/A	N/A	N/A	9/26/11 5	9/21/11 8	9/16/11 11	9/16/11 11	9/1/11 22
	Denver	N/A	N/A	N/A	N/A	N/A	N/A	9/29/11 2	9/14/11 13	9/8/11 17	8/29/11 25
	San Francisco	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/28/11 3	9/19/11 10	8/23/11 29
	Seattle	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/23/11
	District of Columbia	8/24/11 28	8/16/11 34	8/2/11 44	7/28/11 47	6/2/11 87	4/18/11 120	4/11/11 125	3/3/11 152	1/5/11 193	10/27/10 243
	Cleveland	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ED Totals		**9/8/09 539**	**8/25/09 549**	**8/11/09 559**	**8/3/09 565**	**7/31/09 566**	**7/30/09 567**	**7/27/09 570**	**7/9/09 582**	**6/2/09 609**	**12/17/08 728**

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing*

	Component Offices	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
ED Headquarters Offices	FSA	0	1	3	3	1
	IES	0	0	0	0	0
	IES – NAGB	0	0	0	0	0
	OCFO	0	1	0	0	1
	OCFO – CAM	0	0	0	0	0
	OCIO	0	0	0	0	0
	OCO	0	0	0	0	0
	OCR	1	0	4	4	1
	OELA	0	0	0	0	0
	OESE	0	1	0	0	1
	OGC	0	0	0	0	0
	OIG	0	0	0	0	0
	OII	0	0	0	0	0
	OLCA	0	0	0	0	0
	OM	0	0	0	0	0
	OM – PIRMS	2	5	3	3	5
	OPE	0	0	0	0	0
	OPEPD	0	0	0	0	0
	OS	0	0	0	0	0
	OSDFS	0	1	14	14	0
	OSERS	0	1	11	11	0
	OUS	0	0	0	0	0
	OVAE	0	0	0	0	0
OCR Field Office	Boston	0	0	0	0	0
	New York	0	0	0	0	0
	Philadelphia	2	0	0.5	0	2
	Atlanta	0	1	29	29	0
	Chicago	0	0	0	0	0
	Dallas	0	0	0	0	0
	Kansas City	0	0	0	0	0
	Denver	1	0	0	0	1
	San Francisco	0	0	0	0	0
	Seattle	0	0	0	0	0
	District of Columbia	0	0	0	0	0
	Cleveland	0	0	0	0	0
ED Totals		**6**	**11**	**3**	**5**	**13**

*The Department of Education has a centralized processing program for all Headquarters programs. The OM-RIMS Office adjudicates requests for expedited processing and issues determination letters.

B. Requests for Fee Waiver*

Component Offices		Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
ED Headquarters Offices	FSA	8	3	0	0
	IES	0	1	6	6
	IES – NAGB	0	0	0	0
	OCFO	1	1	8.5	8
	OCFO – CAM	1	0	8	8
	OCIO	0	1	4	4
	OCO	0	0	0	0
	OCR	0	1	0	0
	OELA	0	0	0	0
	OESE	2	1	0	1
	OGC	0	0	0	0
	OIG	0	0	0	0
	OII	2	1	4	2
	OLCA	0	0	0	0
	OM	2	1	6	6
	OM – PIRMS	11	5	1.5	5
	OPE	0	1	5	5
	OPEPD	0	1	15	15
	OS	0	0	0	0
	OSDFS	2	11	5	5
	OSERS	1	4	3	4
	OUS	0	0	0	0
	OVAE	0	0	0	0
OCR Field Office	Boston	0	1	0	0
	New York	0	0	0	0
	Philadelphia	0	0	0	0
	Atlanta	0	0	0	0
	Chicago	0	1	0	0
	Dallas	0	0	0	0
	Kansas City	1	0	0	0
	Denver	0	0	0	0
	San Francisco	0	0	0	0
	Seattle	0	0	0	0
	District of Columbia	0	0	0	0
	Cleveland	0	1	0	0
ED Totals		**38**	**37**	**2**	**4**

*The Department of Education has a centralized processing program for all Headquarters programs. The OM-RIMS Office adjudicates requests for fee waivers and issues determination letters.

IX. FOIA PERSONNEL AND COSTS

Component Offices		A. PERSONNEL			B. COSTS		
		Number of Full-Time FOIA Employees	Number of Equivalent Full-Time FOIA Employees	Total Number of Full-Time FOIA Staff	Processing Costs	Litigation-Related Costs	Total Costs (plus 16% of salary rate)
FOIA Processing License		N/A	N/A	N/A	$86,588.00	$0.00	$86,588.00
ED Headquarters Programs	FSA	1.42	0.95	2.37	$180,352.00	$0.00	$180,352.00
	IES	0	0.43	0.43	$26,150.00	$0.00	$26,150.00
	IES – NAGB	0	0.01	0.01	$820.00	$0.00	$820.00
	OCFO	0	0.24	0.24	$13,250.00	$0.00	$13,250.00
	OCFO – CAM	0	0.72	0.72	$54,823.00	$0.00	$54,823.00
	OCIO	0	0.19	0.19	$10,285.00	$0.00	$10,285.00
	OCO	0	0.02	0.02	$1,825.00	$0.00	$1,825.00
	OCR	0	2.1	2.1	$159,612.00	$0.00	$159,612.00
	OELA	0	0.01	0.01	$820.00	$0.00	$820.00
	OESE	0	0.13	0.13	$7,850.00	$0.00	$7,850.00
	OGC	0	1	1	$115,280.00	$199,175.00	$314,455.00
	OIG	1	0.03	1.03	$121,280.00	$0.00	$121,280.00
	OII	0	0.44	0.44	$27,150.00	$0.00	$27,150.00
	OLCA	0	0.01	0.01	$780.00	$0.00	$780.00
	OM	0	0.15	0.15	$9,530.00	$0.00	$9,530.00
	OM – PIRMS	10.4	0	10.4	$960,793.00	$72,317.00	$1,033,110.00
	OPE	0	0.2	0.2	$12,185.00	$0.00	$12,185.00
	OPEPD	0	0.2	0.2	$12,170.00	$0.00	$12,170.00
	OS	0	0.09	0.09	$5,980.00	$0.00	$5,980.00
	OSDFS	0	0.05	0.05	$4,825.00	$0.00	$4,825.00
	OSERS	0	0.72	0.72	$54,320.00	$0.00	$54,320.00
	OUS	0	0.2	0.2	$12,055.00	$0.00	$12,055.00
	OVAE	0	0.01	0.01	$872.00	$0.00	$872.00
OCR Regional Offices	Boston	0	1.25	1.25	$107,500.00	$0.00	$107,500.00
	New York	0	0.04	0.04	$4,250.00	$0.00	$4,250.00
	Philadelphia	0	0.19	0.19	$10,580.00	$0.00	$10,580.00
	Atlanta	0	0.26	0.26	$15,230.00	$0.00	$15,230.00
	Chicago	0	1.92	1.92	$158,954.00	$0.00	$158,954.00
	Dallas	0	0.21	0.21	$12,358.00	$0.00	$12,358.00
	Kansas City	0	0.23	0.23	$13,210.00	$0.00	$13,210.00
	Denver	0	0.33	0.33	$19,580.00	$0.00	$19,580.00
	San Francisco	0	0.2	0.2	$12,045.00	$0.00	$12,045.00
	Seattle	0	0.21	0.21	$13,799.74	$0.00	$13,799.74
	District of Columbia	0	0.18	0.18	$10,280.00	$0.00	$10,280.00
	Cleveland	0	0.11	0.11	$6,859.00	$0.00	$6,859.00
ED Totals		**12.82**	**13.03**	**25.85**	**$2,264,240.74**	**$271,492.00**	**$2,535,732.74**

X. FEES COLLECTED FOR PROCESSING REQUESTS*

Component Offices		Total Amount of Fees Collected	Percentage of Total Costs
ED Headquarters Offices	FSA	$1,509.64	0.84%
	IES	$67.81	0.26%
	IES – NAGB	$0.00	0.00%
	OCFO	$0.00	0.00%
	OCFO – CAM	$192.84	0.35%
	OCIO	$0.00	0.00%
	OCO	$0.00	0.00%
	OCR	$0.00	0.00%
	OELA	$0.00	0.00%
	OESE	$38.11	0.49%
	OGC	$0.00	0.00%
	OIG	$0.00	0.00%
	OII	$0.00	0.00%
	OLCA	$0.00	0.00%
	OM	$0.00	0.00%
	OM – PIRMS	$551.51	0.06%
	OPE	$283.17	2.32%
	OPEPD	$0.00	0.00%
	OS	$0.00	0.00%
	OSDFS	$58.33	1.21%
	OSERS	$137.05	0.25%
	OUS	$0.00	0.00%
	OVAE	$19.49	2.24%
OCR Field Office	Boston	$6.30	0.01%
	New York	$18.01	0.42%
	Philadelphia	$237.60	2.25%
	Atlanta	$39.60	0.26%
	Chicago	$596.80	0.38%
	Dallas	$65.80	0.53%
	Kansas City	$18.80	0.14%
	Denver	$0.00	0.00%
	San Francisco	$0.00	0.00%
	Seattle	$0.00	0.00%
	District of Columbia	$0.00	0.00%
	Cleveland	$0.00	0.00%
ED Totals		**3,840.86**	**0.18%**

**The Department of Education has a centralized fee collection process. The fees collected are reflected for each program and OCR Field Office that generated the fee.

XI. FOIA REGULATIONS

The Department of Education FOIA Implementing Regulation is codified at 34 CFR Part 5 and can be found at: http://www.ed.gov/policy/gen/leg/foia/foiatoc.html.

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS
A. Backlogs of FOIA/PA Requests and Administrative Appeals

	Component Offices	Number of Backlogged* **Requests** as of End of FY 2011	Number of Backlogged* **Appeals** as of End of FY 2011
ED Headquarters Offices	FSA	1	0
	IES	0	0
	IES – NAGB	0	0
	OCFO	1	0
	OCFO – CAM	1	0
	OCIO	0	0
	OCO	0	0
	OCR	0	0
	OELA	0	0
	OESE	0	0
	OGC	14	0
	OIG	4	0
	OII	0	0
	OLCA	6	0
	OM	1	0
	OM – RIMS	60	39
	OPE	1	0
	OPEPD	9	0
	OS	41	0
	OSDFS	2	0
	OSERS	11	0
	OUS	13	0
	OVAE	0	0
OCR Field Office	Boston	32	0
	New York	19	0
	Philadelphia	6	0
	Atlanta	2	0
	Chicago	1	0
	Dallas	0	0
	Kansas City	9	0
	Denver	4	0
	San Francisco	2	0
	Seattle	1	0
	District of Columbia	13	0
	Cleveland	1	0
ED Totals		**255**	**39**

*Backlogged requests are requests (or appeals) pending greater than 20 days, the number of which may not be the same as the number of requests (or appeals) carried over from the previous year.

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were **Pending** The Department of Education as of Start of FY 2011	Number of Consultations Received from Other Agencies **During** FY 2011	Number of Consultations Received from Other Agencies that Were **Processed** by The Department of Education During FY 2011	Number of Consultations Received from Other Agencies that Were **Pending** at The Department of Education as of End of FY 2011
Agency Overall	0	0	0	0

C. Consultation on FOIA/PA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at The Department of Education

	10th Oldest Consultation and number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
Agency Overall	0	0	0	0	0	0	0	0	0	0

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

	Component Offices	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
		During FY 2010 from Last Year's Annual Report	During FY 2011 from Current Annual Report	During FY 2010 from Last Year's Annual Report	During FY 2011 from Current Annual Report
ED Headquarters Programs	FSA	234	287	263	325
	IES	53	40	48	47
	IES – NAGB	2	3	7	3
	OCFO	8	11	7	10
	OCFO – CAM	41	48	45	46
	OCIO	6	4	3	9
	OCO	3	7	0	6
	OCR	87	99	84	106
	OELA	8	10	6	11
	OESE	57	76	77	80
	OGC	3	16	1	10
	OIG	46	58	50	49
	OII	45	43	53	54
	OLCA	0	6	4	1
	OM	14	43	14	35
	OM – RIMS	386	199	342	276
	OPE	105	153	105	168
	OPEPD	27	13	22	19
	OS	7	71	3	9
	OSDFS	102	78	64	127
	OSERS	38	42	34	43
	OUS	3	15	0	5
	OVAE	7	11	7	12
OCR Regional Offices	Boston	97	158	71	135
	New York	146	150	152	136
	Philadelphia	45	71	58	71
	Atlanta	58	64	63	69
	Chicago	103	131	106	132
	Dallas	110	84	109	89
	Kansas City	33	39	31	41
	Denver	41	60	43	58
	San Francisco	55	64	58	62
	Seattle	63	117	66	116
	District of Columbia	40	88	44	81
	Cleveland	41	42	37	45
ED Totals		**2,114**	**2,401**	**2,077**	**2,486**

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

	Component Offices	Number of Backlogged Requests as of End of FY 2010 from Previous Annual Report	Number of Backlogged Requests as of End of FY 2011 from Current Annual Report
ED Headquarters Programs	FSA	26	1
	IES	3	0
	IES – NAGB	0	0
	OCFO	3	1
	OCFO – CAM	1	1
	OCIO	5	0
	OCO	4	0
	OCR	3	0
	OELA	4	0
	OESE	4	0
	OGC	9	14
	OIG	1	4
	OII	8	0
	OLCA	0	6
	OM	1	1
	OM – RIMS	95	60
	OPE	11	1
	OPEPD	13	9
	OS	13	41
	OSDFS	48	2
	OSERS	10	11
	OUS	3	13
	OVAE	0	0
OCR Regional Offices	Boston	37	32
	New York	12	19
	Philadelphia	4	6
	Atlanta	3	2
	Chicago	1	1
	Dallas	2	0
	Kansas City	11	9
	Denver	1	4
	San Francisco	0	2
	Seattle	0	1
	District of Columbia	3	13
	Cleveland	2	1
ED Totals		**341**	**255**

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

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During FY 2010 from Last Year's Annual Report	Number Received During FY 2011 from Current Annual Report	Number Processed During FY 2010 from Last Year's Annual Report	Number Processed During FY 2011 from Current Annual Report
OM – RIMS	23	32	29	15

	Number of Backlogged Appeals as of End of FY 2010 from Previous Annual Report	Number of Backlogged* Appeals as of End of FY 2011 from Current Annual Report
OM – RIMS	20	39

*Backlogged appeals are appeals pending greater than 20 days, the number of which may not be the same as the number of appeals carried over from the previous year.

F. Discussion of Other Department of Education FOIA Activities

The Office of Management (OM) advises the public and U.S. Department of Education (ED) employees regarding FOIA requests and ED information available to the public. As the lead organization for ED's FOIA Program, OM provides training for ED officials and guidance and support to the FOIA Coordinators and FOIA Review Officers in the Department's Principal Offices and 12 regional and field offices.

Requests via email to: EDFOIAManager@ed.gov
Requests via fax to: (202) 401-0920
Requests via mail to:

> U.S. Department of Education
> Office of Management
> Regulatory Information Management Services
> 400 Maryland Avenue, SW, LBJ 2W220
> Washington, DC 20202-4536
> **ATTN:** FOIA Public Liaison

FOIA Requester Service Center
(202) 401-8365

Chief FOIA Officer
Winona H. Varnon
Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for

Management
Principal Deputy Assistant Secretary for Management

FOIA Director
(202) 401-8365
Gregory Smith

FOIA Public Liaisons   **FOIA Appeals**   **Privacy Act Requests**
(202) 401-8365   (202) 401-8365   (202) 401-8365
Elise Cook   Robert Wehausen   Maria-Teresa Cueva
Maria-Teresa Cueva
Linda Darby
Bennie Jessup
Robert Wehausen
Christie Swafford

The Department of Education's FOIA Service Center (FSC)

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness. The Department and the FOIA Service Center (FSC), in addition to publicizing the presumption of openness within the FOIA processing cadre of 8 full time and 10.5 full-time-equivalent staff, took many steps in FY 2011 to ensure a presumption of openness was applied to all decisions involving the FOIA by:

1) Implemented a process for proactive (in advance of a FOIA request) and discretionary (using a no-foreseeable-harm determination threshold) release of records. Annually, the Department receives more than 700 requests for contracts, grant applications, and information about federally funded programs. The FSC staff is working with several program offices; such as the Office of Postsecondary Education (OPE) and the Office of English Language Acquisition (OELA) to identify and post these types of documents in the FOIA e-Reading Room.
2) Provided e-Reading Room visitors access to common FOIA requested documents and also hyperlinks directly to program offices to make it easier for the public to locate the most recent copy of the document they are seeking without needing to submit a FOIA request. A challenge for 2012 is to make document attachments Section 508 compliant.
3) Developing a FOIA Training Curriculum with modules focused on the various groups of employees and their specific responsibility for administering the FOIA. The first module in the series provides basic information about the FOIA to new employees upon entry, and to all Department employees, electronically, on an annual basis.
4) Streamlining the Intake Process to quickly identify, process, and close requests within the first 20 workdays after receipt. This includes working with requesters to quickly help them perfect their request by providing additional information regarding the scope of their request as well as resolving fee issues and special handling, and then assigning their request to the appropriate program offices. The FSC also has implemented new

procedures and emphasis to rapidly review and complete cases once they have been returned to the FSC by the program.

Processing Improvements

1) The Department's Business Transformation Team (BTT) conducted a study of the agency's FOIA processes. The BTT conducted 3 agency-wide workshops with 40 participants with the purpose of leveraging current "best practices" with recommendations for improvement in communication and technology. Participants agreed to 23 program improvements that have proven successful in better processing of cases and responsiveness to FOIA requesters.

Training and Outreach

1) The FOIA Service Center staff conducted monthly Quality Assurance (QA) meetings with the agency principal offices to share information, increase cooperation and to conduct training.

2) The FOIA Service Center also conducted desk-side training and marketed training and frequently asked information to FOIA coordinators throughout the agency.