



America's Partner for Equal Justice

FY 2005 Annual Freedom of Information Act Report of the Legal Services Corporation

The Legal Services Corporation (“LSC” or “Corporation”) was established as a private, non-membership, non-profit corporation by the Legal Services Corporation Act, Pub. L. 93-355 (1974), as amended, 42 U.S.C. §2996 *et seq.* Section 2996(g) of Title 42 provides that the Corporation is subject to the requirements of the Freedom of Information Act (“FOIA”), 5 U.S.C. §552. This report is submitted pursuant to FOIA and relates to the Corporation’s FOIA activities for the period from October 1, 2004 through September 30, 2005. See 5 U.S.C. §552 as amended. This report conforms to the “content outline” format set out in the Summer 1997 “Guidelines for Agency Preparation and Submission of Annual FOIA reports,” published by the Office of Information and Privacy of the U.S. Department of Justice.

Legal Services Corporation



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I. Basic Information

- A. Following are the persons available to discuss this report:

Patricia D. Batie

Manager of Board Operations & FOIA Officer
Office of Legal Affairs
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522
Telephone: (202) 295-1500

or

Victor M. Fortuno

Vice President for Legal Affairs

- B. This report may be found in LSC's **Freedom of Information Act** section of the Legal Services Corporation's web site at <http://www.lsc.gov/foia2/reports.php>, and directly at <http://www.lsc.gov/foia2/pdfs/epr/foia2005.pdf>.
- C. A copy of this report may be obtained in paper form by submitting a written request for "LSC's FY 2005 Annual FOIA Report" to:

Patricia D. Batie

Manager of Board Operations & FOIA Officer
Office of Legal Affairs
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522

II. How to File a FOIA Request

LSC's FOIA Handbook provides a brief overview of the history and purpose of FOIA, and explains how to submit a FOIA request for LSC records. The handbook may be found at <http://www.lsc.gov/foia2/handbook.php>.

- A. Following are the LSC officials who receive FOIA requests.

Patricia D. Batie

Manager of Board Operations & FOIA Officer
Office of Legal Affairs
Legal Services Corporation
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Telephone: (202) 295-1500

- B. The response time for FOIA requests ranged from zero to 280 days.

- C. Certain requests were denied in whole or in part because the material requested was either statutorily exempt from disclosure or the records requested were not in the possession of the Legal Services Corporation.

III. Definitions of Basic Terms and Acronyms

- A. Agency-specific acronyms or other terms:
 - 1. *LSC* -- as noted above, refers to the Legal Services Corporation.
- B. Basic terms, expressed in common terminology
 - 1. *FOIA 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, including Privacy Act requests.
 - 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 appeal in all respects.
 - 5. *Multi-track Processing* -- a system in which simple requests requiring relatively minimal review are placed in one track for processing while more voluminous and/or complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis (Note 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 that warrant 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 the 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 the 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 of the information in the requested records is determined by the agency to be exempt under one or more FOIA exemptions, or for some procedural reason, such as when 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 days from 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 number of a series of numbers.
16. ***Average number*** -- the number obtained by dividing the sum of a series of numbers by the quantity of numbers in the group.
17. ***Day*** -- refers to calendar days, including weekends and holidays.

IV. Exemption 3 Statutes

- A. LSC has not relied on Exemption 3 during the course of the current fiscal year.

V. Initial FOIA/PA Access Requests

- A. Numbers of Initial Requests:
 1. Number of requests pending as of preceding fiscal year end: 62
 2. Number of requests received during current fiscal year: 55
 3. Number of requests processed during current fiscal year: 38
 4. Number of requests pending as of current fiscal year end: 79

B. Disposition of Initial Requests:

1. Number of total grants: 8
2. Number of partial grants: 6
3. Number of denials: 0
 - a. Number of times each FOIA exemption was used:
 - (1) Exemption 1: 0
 - (2) Exemption 2: 0
 - (3) Exemption 3: 0
 - (4) Exemption 4: 3
 - (5) Exemption 5: 1
 - (6) Exemption 6: 3
 - (7) Exemption 7(A): 0
 - (8) Exemption 7(B): 0
 - (9) Exemption 7(C): 0
 - (10) Exemption 7(D): 0
 - (11) Exemption 7(E): 0
 - (12) Exemption 7(F): 0
 - (13) Exemption 8: 0
 - (14) Exemption 9: 0
4. Other reasons for nondisclosure: 24
 - a. No records: 9
 - b. Referrals: 0
 - c. Request withdrawn: 6
 - d. Fee-related reason: 0
 - e. Records not reasonably described: 0
 - f. Not a proper FOIA request for some other reason: 9
 - g. Not an agency record: 0
 - h. Duplicate request: 0
 - i. Other:

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of Appeals:

1. Number of appeals received: 2
2. Number of appeals processed: 2

B. Disposition of Appeals

1. Number completely upheld: 1
2. Number partially reversed: 1
3. Number completely reversed: 0

a. Number of times each FOIA exemption was used:

- (1) Exemption 1: 0
- (2) Exemption 2: 0
- (3) Exemption 3: 0
- (4) Exemption 4: 1
- (5) Exemption 5: 1
- (6) Exemption 6: 1
- (7) Exemption 7(A): 0
- (8) Exemption 7(B): 0
- (9) Exemption 7(C): 0
- (10) Exemption 7(D): 0
- (11) Exemption 7(E): 0
- (12) Exemption 7(F): 0
- (13) Exemption 8: 0
- (14) Exemption 9: 0

4. Other reasons for nondisclosure: 0

- a.** No records: 0
- b.** Referrals: 0
- c.** Request withdrawn: 0
- d.** Fee-related reason: 0
- e.** Records not reasonably described: 0
- f.** Not a proper FOIA request for some other reason: 0
- g.** Not an agency record: 0
- h.** Duplicate request: 0
- i.** Other: 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the current fiscal year:

1. Simple requests:

- a.** number of requests processed: 25
- b.** median number of days to process: 145

2. Complex requests

- a.** number of requests processed: 12
- b.** median number of days to process: 45

3. Requests accorded expedited processing

- a.** number of requests processed: 1
- b.** median number of days to process: 15

B. Status of Pending Requests

1. Number of requests pending as of current fiscal year end: 79

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

❖ 223 days.

VIII. Comparison with Previous Fiscal Year

A. Comparison of number of requests received:

❖ 55 in FY04 vs. 55 in FY05, a 0% increase.

B. Comparison of number of requests processed:

❖ 25 in FY04 vs. 28 in FY05, a 11% increase.

C. Comparison of median number of days requests were pending as of the end of the fiscal year:

❖ 84 days in FY04 vs. 223 days in FY05, a 165% increase.

D. Other statistics significant to agency:

❖ The one (1) request received for expedited treatment was granted.

IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel: 0

2. Number of personnel with part-time or occasional FOIA duties:
0.07 work-years

3. Total number of personnel: 0.07 work-years

B. Total costs

1. FOIA processing (including appeals): \$10,000

2. Litigation-related activities (estimated): \$0

3. Total costs: \$10,000

X. Fees

A. Total amount of fees collected by agency for processing requests: \$274.00

B. Percentage of total costs: 2.74%

XI. FOIA Regulations (Including Fee Schedule)

LSC's FOIA Regulation and Fee Schedule may be found at the following links.

- FOIA Regulation [45 C.F.R. Part 1602]:
[http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr\(2005\).pdf](http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr(2005).pdf)
- FOIA Fee Schedule (See Section 1602.13 Fees)
[http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr\(2005\).pdf](http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr(2005).pdf)