

The Secretary's Annual Freedom of Information Act Report Fiscal Year 2010



**Regulatory Information Management Services
Office of Management**

**A Report to the
Attorney General of the United States
for the period
October 1, 2009 – September 30, 2010**

U.S. Department of Education
FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2010

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U.S. Department of Education

I. BASIC INFORMATION REGARDING REPORT

1. The person to contact with questions about this report is:
Angela Arrington, Director, Regulatory Information Management Services
Office of Management
United States Department of Education
400 Maryland Ave, SW, LBJ 2W220
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 2W220
Washington, D.C. 20202-4536
(202) 401-8365

FOIA Public Liaisons

Elise Cook
Maria-Teresa Cueva
Linda Darby
Bennie Jessup
Melvin Rogers
Christie Swafford
Robert Wehausen

FOIA Appeals Coordinator: Maria-Teresa Cueva **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 FY2010, 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
 - OCFO-FSS Financial Systems Services
- 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)
 - OCR Boston Office (Region I)
 - OCR New York Office (Region II)
 - OCR Philadelphia Office (Region III)
 - OCR Atlanta Office (Region IV)
 - OCR Chicago Office (Region V)
 - OCR Dallas Office (Region VI)
 - OCR Kansas City Office (Region VII)
 - OCR Denver Office (Region VIII)
 - OCR San Francisco Office (Region IX)
 - OCR Seattle Office (Region X)
 - OCR District of Columbia Office (Metro Region XI)
 - 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-RIMS Regulatory Information 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 entirety under one or more of the FOIA exemptions or because of a procedural reason such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

- k. **Multi-track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first-in/first-out basis. 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 Request** – 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)	Business proposal documents not incorporated in contracts.	<u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004)	FSA	3
5 U.S.C. 574 (Alternative Dispute Resolution Act)	Communications relating to proceedings	n/a	OCR: 1 OCR-Chicago: 1	2

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 2010	Number of Requests Received in FY 2010	Number of Requests Processed in FY 2010	Pending End of FY 2010
ED Headquarters Offices	FSA	68	234	263	39
	IES	2	53	48	7
	IES – NAGB	5	2	7	0
	OCFO	4	7	6	5
	OCFO - CAM	6	41	45	2
	OCFO – FSS	1	1	1	1
	OCIO	2	6	3	5
	OCO	1	3	0	4
	OCR	4	87	84	7
	OELA	3	8	6	5
	OESE	24	57	77	4
	OGC	8	3	1	10
	OIG	6	46	50	2
	OII	19	45	53	11
	OLCA	5	0	4	1
	OM	3	14	14	3
	OM-RIMS	93	386	342	137
	OPE	18	105	105	18
	OPEPD	10	27	22	15
	OS	9	7	3	13
	OSDFS	13	102	64	51
	OSERS	8	38	34	12
	OUS	0	3	0	3
OVAE	1	7	7	1	
OCR Field Office	Boston	14	97	71	40
	New York	23	146	152	17
	Philadelphia	19	45	58	6
	Atlanta	12	58	63	7
	Chicago	5	103	106	2
	Dallas	4	110	109	5
	Kansas City	9	33	31	11
	Denver	4	41	43	2
	San Francisco	3	55	58	0
	Seattle	3	63	66	0
	District of Columbia	10	40	44	6
	Cleveland	0	41	37	4
ED Totals		419	2,114	2,077	456

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	127	29	7	37	1	18	2	8	22	0	12	0	263
	IES	8	24	0	7	0	6	1	1	0	0	1	0	48
	IES – NAGB	4	2	0	0	0	1	0	0	0	0	0	0	7
	OCFO	5	0	0	0	0	1	0	0	0	0	0	0	6
	OCFO – CAM	19	18	1	2	0	2	1	0	1	0	1	0	45
	OCFO – FSS	0	0	0	0	0	1	0	0	0	0	0	0	1
	OCIO	2	1	0	0	0	0	0	0	0	0	0	0	3
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	16	49	0	3	0	3	0	1	6	1	5	0	84
	OELA	0	2	0	2	0	1	1	0	0	0	0	0	6
	OESE	6	52	0	14	2	2	0	0	1	0	0	0	77
	OGC	0	1	0	0	0	0	0	0	0	0	0	0	1
	OIG	1	15	20	8	1	1	1	0	1	0	2	0	50
	OII	22	14	0	7	1	4	3	0	1	0	1	0	53
	OLCA	2	2	0	0	0	0	0	0	0	0	0	0	4
	OM	5	2	1	2	0	0	0	0	1	3	0	0	14
	OM – RIMS	74	77	0	32	4	8	33	6	79	18	11	0	342
	OPE	37	48	1	9	0	4	3	1	1	1	0	0	105
	OPEPD	1	16	0	4	0	0	0	0	1	0	0	0	22
	OS	3	0	0	0	0	0	0	0	0	0	0	0	3
OSDFS	2	28	0	4	0	19	9	2	0	0	0	0	64	
OSERS	13	17	0	2	0	0	2	0	0	0	0	0	34	
OUS	0	0	0	0	0	0	0	0	0	0	0	0	0	
OVAE	1	1	0	2	0	1	0	0	0	1	1	0	7	
OCR Field Offices	Boston	28	39	0	0	0	1	0	3	0	0	0	0	71
	New York	104	25	4	5	0	6	0	0	3	0	5	0	152
	Philadelphia	7	46	0	0	0	3	0	0	1	0	1	0	58
	Atlanta	34	14	9	3	0	3	0	0	0	0	0	0	63
	Chicago	61	30	1	5	0	6	1	0	1	0	1	0	106
	Dallas	28	53	9	1	0	9	0	0	7	1	1	0	109
	Kansas City	14	10	2	0	0	5	0	0	0	0	0	0	31
	Denver	9	17	7	3	0	3	0	0	1	0	3	0	43
	San Francisco	23	29	2	3	0	1	0	0	0	0	0	0	58
	Seattle	19	40	2	5	0	0	0	0	0	0	0	0	66
	District of Columbia	10	32	0	0	0	2	0	0	0	0	0	0	44
Cleveland	15	7	5	2	0	5	0	0	2	0	1	0	37	
ED TOTAL	700	740	71	162	9	116	57	22	129	25	46	0	2077	

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	6	3	17	9	18	0	0	3	0	0	0	0
	IES	0	0	0	13	2	23	0	0	1	0	0	0	0
	IES – NAGB	0	0	0	1	0	1	0	0	0	0	0	0	0
	OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO – CAM	0	2	0	16	0	14	0	0	1	0	0	0	0
	OCFO – FSS	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCIO	0	0	0	0	0	1	0	0	0	0	0	0	0
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	0	1	1	1	2	11	3	1	47	1	0	0	0
	OELA	0	0	0	1	0	3	0	0	0	0	0	0	0
	OESE	0	2	0	27	0	50	0	0	1	0	0	0	0
	OGC	0	0	0	0	1	1	0	0	0	0	0	0	0
	OIG	0	2	0	4	6	16	12	0	4	0	2	0	0
	OII	0	1	0	4	1	12	0	0	0	0	0	0	0
	OLCA	0	0	0	0	0	2	0	0	0	0	0	0	0
	OM	0	0	0	0	0	0	0	0	0	0	0	0	0
	OM-RIMS	0	6	0	33	11	63	2	0	5	1	1	0	0
	OPE	0	0	0	46	6	18	0	0	0	0	0	0	0
	OPEPD	0	0	0	0	1	16	0	0	4	0	0	0	0
	OS	0	0	0	0	0	0	0	0	0	0	0	0	0
OSDFS	0	0	0	19	1	27	0	0	0	0	0	0	0	
OSERS	0	1	0	11	2	17	0	0	5	0	0	0	0	
OUS	0	0	0	0	0	0	0	0	0	0	0	0	0	
OVAE	0	0	0	1	0	1	0	0	0	0	0	0	0	
OCR Field Offices	Boston	0	0	0	0	1	6	2	0	36	0	0	0	0
	New York	0	0	0	0	2	5	4	1	17	0	0	0	0
	Philadelphia	0	0	0	0	8	1	2	1	37	1	0	0	0
	Atlanta	0	0	0	0	0	0	7	7	0	8	0	0	0
	Chicago	0	0	1	0	6	24	9	0	24	0	0	0	0
	Dallas	0	0	0	0	2	54	0	0	57	0	0	0	0
	Kansas City	0	0	0	0	3	7	2	0	9	0	0	0	0
	Denver	0	13	0	0	13	24	12	2	14	0	0	0	0
	San Francisco	0	0	0	0	8	30	7	0	29	0	0	0	0
	Seattle	0	0	0	0	2	1	11	0	41	0	0	0	0
	District of Columbia	0	0	0	0	2	13	5	0	32	0	0	0	0
	Cleveland	0	0	0	0	0	7	6	0	7	0	0	0	0
ED TOTAL		0	34	5	194	89	466	84	12	374	11	3	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 2009	Number of Appeals Received in FY 2009	Number of Appeals Processed in FY 2009	Number of Appeals Pending as of End of FY 2009
OM-RIMS	28	23	29	22

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-RIMS	4	4	3	18	29

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	3	2	0	0	2	0	0	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	4	7	0	6	0	0	0	0	1

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-RIMS	Actions completed, documents can now be released. Appeal Moot.	1	1

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

Number of Business Days			
Median	Average	Lowest	Highest
139	147	30	359

C. (5) Ten Oldest Pending Administrative Appeals

	10 th Oldest Appeal	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Appeal
Date of Receipt of Ten Oldest Appeals	10/27/ 2009	10/16/ 2009	9/24/ 2009	9/2/ 2009	9/2/ 2009	6/25/ 2009	5/29/ 2009	5/7/ 2009	5/5/ 2009	4/22/ 2009
Number of (business) Days Pending	243	250	266	282	282	331	350	366	368	377

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	59	98	1	393	28	60	3	344	n/a	n/a	n/a	n/a
	IES	32	43	4	152	29	31	4	84	n/a	n/a	n/a	n/a
	IES – NAGB	328	294	96	365	53	53	53	53	n/a	n/a	n/a	n/a
	OCFO	161	192	109	355	409	409	409	409	n/a	n/a	n/a	n/a
	OCFO – CAM	61	75	2	235	51	70	15	193	n/a	n/a	n/a	n/a
	OCFO – FSS	n/a	n/a	n/a	n/a	382	382	382	382	n/a	n/a	n/a	n/a
	OCIO	92	98	78	123	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCR	33	39	1	158	24	28	1	119	n/a	n/a	n/a	n/a
	OELA	33	55	2	20	165	165	165	165	n/a	n/a	n/a	n/a
	OESE	75	91	1	376	44	106	10	395	n/a	n/a	n/a	n/a
	OGC	83	83	83	83	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OIG	14	30	2	124	20	37	3	147	n/a	n/a	n/a	n/a
	OII	42	78	3	375	28	89	1	387	n/a	n/a	n/a	n/a
	OLCA	107	123	67	211	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OM	48	51	4	152	33	32	25	39	n/a	n/a	n/a	n/a
	OM-RIMS	41	66	1	422	21	41	3	268	314	314	314	314
	OPE	68	78	7	303	50	52	5	228	n/a	n/a	n/a	n/a
	OPEPD	113	132	1	302	51	88	33	357	n/a	n/a	n/a	n/a
	OS	213	213	213	213	127	127	42	211	n/a	n/a	n/a	n/a
OSDFS	59	73	4	239	15	36	4	92	n/a	n/a	n/a	n/a	
OSERS	37	70	12	357	47	47	3	95	n/a	n/a	n/a	n/a	
OUS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
OVAE	49	46	1	87	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
OCR Field Offices	Boston	29	35	1	131	75	89	4	187	n/a	n/a	n/a	n/a
	New York	23	36	1	286	20	61	18	144	n/a	n/a	n/a	n/a
	Philadelphia	44	65	3	211	51	51	51	51	n/a	n/a	n/a	n/a
	Atlanta	23	33	3	357	36	118	13	389	n/a	n/a	n/a	n/a
	Chicago	20	19	1	52	22	22	22	22	n/a	n/a	n/a	n/a
	Dallas	19	18	7	25	21	24	3	102	1	1	1	1
	Kansas City	40	41	5	104	18	18	17	18	n/a	n/a	n/a	n/a
	Denver	17	18	1	74	25	29	22	39	23	23	23	23
	San Francisco	3	4	1	15	13	15	2	34	n/a	n/a	n/a	n/a
	Seattle	4	6	1	22	10	12	1	30	n/a	n/a	n/a	n/a
	District of Columbia	16	41	1	192	32	64	10	159	n/a	n/a	n/a	n/a
	Cleveland	22	23	2	59	n/a	n/a	n/a	n	n/a	n/a	n/a	n/a
ED Totals	30	57	1	422	23	45	1	409	23	113	1	314	

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	61	106	2	379	30	54	4	343	n/a	n/a	n/a	n/a
	IES	38	48	4	152	34	38	12	84	n/a	n/a	n/a	n/a
	IES – NAGB	342	333	275	371	53	53	53	53	n/a	n/a	n/a	n/a
	OCFO	140	186	109	355	409	409	409	409	n/a	n/a	n/a	n/a
	OCFO – CAM	67	84	24	235	57	77	29	193	n/a	n/a	n/a	n/a
	OCFO – FSS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCIO	92	98	78	123	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCR	33	40	1	158	28	33	1	119	n/a	n/a	n/a	n/a
	OELA	117	117	33	200	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OESE	70	83	5	376	67	118	10	395	n/a	n/a	n/a	n/a
	OGC	83	83	83	83	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OIG	54	53	2	124	20	20	19	21	n/a	n/a	n/a	n/a
	OII	52	66	4	330	22	71	1	373	n/a	n/a	n/a	n/a
	OLCA	107	123	67	211	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OM	66	60	44	75	32	32	25	39	n/a	n/a	n/a	n/a
	OM-RIMS	65	94	1	422	50	63	5	268	314	314	314	314
	OPE	68	79	14	303	36	48	5	189	n/a	n/a	n/a	n/a
	OPEPD	132	154	44	302	51	55	33	124	n/a	n/a	n/a	n/a
	OS	213	213	213	213	127	127	42	211	n/a	n/a	n/a	n/a
OSDFS	84	107	18	239	91	91	90	92	n/a	n/a	n/a	n/a	
OSERS	39	74	12	357	55	53	3	95	n/a	n/a	n/a	n/a	
OUS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
OVAE	41	41	49	33	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
OCR Field Offices	Boston	28	34	1	13	75	89	4	187	n/a	n/a	n/a	n/a
	New York	24	39	3	286	81	81	18	144	n/a	n/a	n/a	n/a
	Philadelphia	44	60	3	211	51	51	51	51	n/a	n/a	n/a	n/a
	Atlanta	26	34	3	35	36	118	13	389	n/a	n/a	n/a	n/a
	Chicago	20	20	1	52	22	22	22	22	n/a	n/a	n/a	n/a
	Dallas	19	18	9	25	22	25	3	72	56	56	56	56
	Kansas City	45	43	5	104	17	17	17	17	n/a	n/a	n/a	n/a
	Denver	21	21	1	74	25	25	25	25	23	23	23	23
	San Francisco	3	4	1	15	13	15	2	34	n/a	n/a	n/a	n/a
	Seattle	4	6	1	22	10	11	1	30	n/a	n/a	n/a	n/a
	District of Columbia	16	41	1	19	38	72	10	159	n/a	n/a	n/a	n/a
Cleveland	22	24	2	59	61	61	26	96	n/a	n/a	n/a	n/a	
ED Totals	31	57	1	422	24	44	1	409	23	113	1	314	

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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	35	37	28	17	14	9	10	4	3	2	22	13	0	194
	IES	9	7	6	2	1	1	1	1	0	0	0	0	0	28
	IES – NAGB	0	0	0	0	1	0	0	0	0	0	1	4	0	6
	OCFO	0	0	0	0	0	2	0	0	1	0	1	1	0	5
	OCFO – CAM	3	8	5	7	2	2	2	1	1	0	2	0	0	33
	OCFO – FSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCIO	0	0	0	1	1	0	1	0	0	0	0	0	0	3
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	12	21	11	2	3	0	1	1	0	0	0	0	0	51
	OELA	2	2	0	0	0	0	0	0	0	0	1	0	0	5
	OESE	12	8	3	13	6	4	3	4	2	2	6	1	0	64
	OGC	0	0	0	0	1	0	0	0	0	0	0	0	0	1
	OIG	28	6	4	0	2	3	1	0	0	0	0	0	0	44
	OII	13	7	4	7	0	2	0	0	1	1	2	3	0	40
	OLCA	0	0	0	1	1	1	0	0	0	0	1	0	0	4
	OM	3	1	3	3	0	0	0	1	0	0	0	0	0	11
	OM-RIMS	93	42	38	25	19	10	16	4	4	3	17	3	1	275
	OPE	7	12	10	15	8	5	3	4	1	0	2	1	0	68
	OPEPD	1	0	3	0	2	1	1	0	1	1	2	1	0	13
	OS	0	0	0	0	0	0	0	0	0	0	1	0	0	1
OSDFS	14	7	9	5	9	1	4	1	1	3	3	0	0	57	
OSERS	5	9	4	3	0	0	2	0	0	0	0	2	0	25	
OUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
OVAE	2	1	1	2	1	0	0	0	0	0	0	0	0	7	
OCR Field Offices	Boston	22	20	15	3	2	1	2	0	0	0	0	0	0	65
	New York	71	42	15	5	4	4	2	2	1	1	3	0	0	150
	Philadelphia	10	13	9	6	8	2	2	1	1	3	2	0	0	57
	Atlanta	26	23	5	2	1	0	1	0	0	0	0	1	0	59
	Chicago	59	44	2	0	0	0	0	0	0	0	0	0	0	105
	Dallas	14	11	0	0	0	0	0	0	0	0	0	0	0	25
	Kansas City	8	6	10	3	2	0	0	0	0	0	0	0	0	29
	Denver	22	16	0	0	0	0	0	0	0	0	0	0	0	38
	San Francisco	37	0	0	0	0	0	0	0	0	0	0	0	0	37
	Seattle	20	1	0	0	0	0	0	0	0	0	0	0	0	21
	District of Columbia	22	4	2	4	0	2	0	2	1	1	0	0	0	38
	Cleveland	9	22	3	0	0	0	0	0	0	0	0	0	0	34
ED Totals		559	370	190	126	88	50	52	26	18	18	65	30	1	1593

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	24	19	8	9	0	0	0	0	2	0	4	3	0	69
	IES	5	11	3	0	1	0	0	0	0	0	0	0	0	20
	IES – NAGB	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	OCFO	0	0	0	0	0	0	0	0	0	0	0	0	1	1
	OCFO – CAM	1	3	3	2	0	1	1	0	0	0	1	0	0	12
	OCFO – FSS	0	0	0	0	0	0	0	0	0	0	0	0	1	1
	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	14	11	5	2	0	1	0	0	0	0	0	0	0	33
	OELA	0	0	0	0	0	0	0	0	0	1	0	0	0	1
	OESE	3	3	1	0	1	0	1	1	1	1	0	1	1	13
	OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OIG	4	1	0	0	0	0	1	0	0	0	0	0	0	6
	OII	3	7	0	0	0	0	0	0	0	0	1	0	2	13
	OLCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	OM	0	3	0	0	0	0	0	0	0	0	0	0	0	3
	OM-RIMS	21	16	12	4	5	5	0	0	0	0	0	3	0	66
	OPE	7	11	9	5	3	0	0	0	0	0	1	1	0	37
	OPEPD	0	3	4	0	0	0	1	0	0	0	0	0	1	9
	OS	0	0	1	0	0	0	0	0	0	0	0	1	0	2
OSDFS	4	1	0	0	2	0	0	0	0	0	0	0	0	7	
OSERS	3	0	3	1	2	0	0	0	0	0	0	0	0	9	
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	1	1	1	0	0	1	0	1	0	1	0	0	0	6
	New York	1	0	0	0	0	0	0	1	0	0	0	0	0	2
	Philadelphia	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	Atlanta	1	1	1	0	0	0	0	0	0	0	0	1	0	4
	Chicago	0	1	0	0	0	0	0	0	0	0	0	0	0	1
	Dallas	40	35	5	2	0	1	0	0	0	0	0	0	0	83
	Kansas City	2	0	0	0	0	0	0	0	0	0	0	0	0	2
	Denver	3	2	0	0	0	0	0	0	0	0	0	0	0	5
	San Francisco	17	4	0	0	0	0	0	0	0	0	0	0	0	21
	Seattle	39	6	0	0	0	0	0	0	0	0	0	0	0	45
	District of Columbia	2	2	0	0	0	0	1	1	0	0	0	0	0	6
Cleveland	1	1	0	0	1	0	0	0	0	0	0	0	0	3	
ED Totals		196	142	58	25	15	9	5	4	4	4	10	9	1	482

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	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	IES	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	IES – NAGB	n/a	n/a	n/a	n/a	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	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	OCFO – CAM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	OCFO – FSS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCIO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OCR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OELA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OESE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OGC	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OIG	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OII	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OLCA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OM-RIMS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	n/a	1
	OPE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OPEPD	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	OS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
OSDFS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
OSERS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
OUS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
OVAE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
OCR Field Offices	Boston	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	New York	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	Philadelphia	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	Atlanta	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	Chicago	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	Dallas	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1
	Kansas City	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Denver	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	San Francisco	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Seattle	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	District of Columbia	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Cleveland	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ED Totals		1	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2	

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	10	209	234	29	25	43	0	0	0
	IES	0	0	0	7	18	23	0	0	0
	IES – NAGB	0	0	0	0	0	0	0	0	0
	OCFO	1	336	336	4	18	19	0	0	0
	OCFO – CAM	0	0	0	2	16	16	0	0	0
	OCFO – FSS	0	0	0	1	7	7	0	0	0
	OCIO	3	161	173	2	41	41	0	0	0
	OCO	4	219	235	0	0	0	0	0	0
	OCR	0	0	0	7	16	30	0	0	0
	OELA	1	133	133	4	33	33	0	0	0
	OESE	2	315	315	2	33	33	0	0	0
	OGC	7	340	301	3	336	272	0	0	0
	OIG	2	128	128	0	0	0	0	0	0
	OII	3	156	233	8	31	74	0	0	0
	OLCA	0	0	0	1	8	8	0	0	0
	OM	0	0	0	3	15	30	0	0	0
	OM-RIMS	25	178	203	112	31	49	0	0	0
	OPE	2	229	229	16	25	29	0	0	0
	OPEPD	8	278	268	7	50	41	0	0	0
	OS	8	258	245	5	68	131	0	0	0
OSDFS	16	148	146	35	78	70	0	0	0	
OSERS	5	222	218	7	25	43	0	0	0	
OUS	0	0	0	3	79	83	0	0	0	
OVAE	0	0	0	1	11	11	0	0	0	
OCR Regional Offices	Boston	37	94	106	3	110	176	0	0	0
	New York	14	34	43	3	22	113	0	0	0
	Philadelphia	6	37	107	0	0	0	0	0	0
	Atlanta	7	11	34	0	0	0	0	0	0
	Chicago	2	13	13	0	0	0	0	0	0
	Dallas	0	0	0	5	14	17	0	0	0
	Kansas City	10	181	203	1	308	308	0	0	0
	Denver	2	44	44	0	0	0	0	0	0
	San Francisco	0	0	0	0	0	0	0	0	0
	Seattle	0	0	0	0	0	0	0	0	0
	District of Columbia	5	78	109	1	9	9	0	0	0
	Cleveland	3	21	25	1	1	1	0	0	0
ED Totals		183	156	159	273	31	54	0	0	0

D. Pending Requests – Ten Oldest Pending Perfected Requests

Component Offices	10 th Oldest Request and number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending	
IES - NAGBED Headquarters Offices	FSA	3/12/2010 146	1/21/10 182	12/24/09 202	12/17/09 207	12/9/09 213	11/30/09 220	11/13/09 231	10/19/09 250	4/9/09 387	4/3/2009 391
	IES	0	0	0	9/22/10 8	9/17/10 11	9/14/10 14	9/7/10 19	8/25/10 28	8/19/10 32	7/19/2010 55
	IES – NAGB	0	0	0	0	0	0	0	0	0	0
	OCFO	0	0	0	0	0	9/21/10 9	9/20/10 10	8/25/10 28	8/19/10 32	6/18/2009 337
	OCFO – CAM	0	0	0	0	0	0	0	0	9/23/10 7	8/26/2010 27
	OCFO – FSS	0	0	0	0	0	0	0	0	0	9/22/2010 7
	OCIO	0	0	0	0	0	8/5/10 42	8/5/10 42	4/22/10 117	2/18/10 162	10/27/2009 244
	OCO	0	0	0	0	0	0	1/19/10 184	12/17/09 207	11/12/09 232	7/9/2009 322
	OCR	0	0	0	9/30/10 2	9/28/10 4	9/28/10 4	9/9/10 17	9/1/10 23	8/6/10 41	4/13/2010 124
	OELA	0	0	0	0	0	9/15/10 13	8/20/10 31	8/13/10 36	7/20/10 54	3/30/2010 134
	OESE	0	0	0	0	0	0	8/27/10 26	8/5/10 42	9/3/09 282	6/2/2009 349
	OGC	9/15/2010 13	2/24/10 158	12/17/09 207	7/30/09 307	6/18/09 337	6/12/09 341	5/11/09 365	5/6/09 368	5/6/09 368	12/17/2008 468
	OIG	0	0	0	0	0	0	0	0	9/23/10 7	10/16/2009 251
	OII	9/20/2010 10	9/14/10 14	9/2/10 22	8/5/10 42	7/12/10 60	6/3/10 87	3/8/10 150	2/25/10 157	5/18/09 360	3/27/2009 396
	OLCA	0	0	0	0	0	0	0	0	0	9/21/2010 8
	OM	0	0	0	0	0	0	0	9/15/10 13	9/10/10 16	7/6/2010 64
	OM-RIMS	10/2/2009 261	9/23/09 268	9/8/09 279	9/3/09 282	8/3/09 305	7/31/09 306	7/30/09 307	7/13/09 320	5/28/09 352	2/12/2009 427
	OPE	8/25/2010 28	8/20/10 31	8/17/10 34	8/6/10 41	7/28/10 48	7/19/10 55	7/6/10 64	5/26/10 93	11/18/09 228	11/13/2009 231
	OPEPD	7/9/2010 61	6/16/10 78	4/23/10 116	11/24/09 224	10/7/09 258	9/23/09 268	8/25/09 289	7/22/09 313	7/14/09 319	5/11/2009 365
	OS	4/15/2010 122	3/17/10 143	2/24/10 158	12/10/09 212	10/13/09 254	9/29/09 264	9/28/09 265	7/27/09 310	5/15/09 361	4/6/2009 390
OSDFS	3/17/2010 143	3/10/10 148	3/8/10 150	3/8/10 150	2/18/10 162	2/17/10 163	2/17/10 163	2/17/10 163	1/29/10 176	1/28/2010 177	
OSERS	8/30/2010 25	8/27/10 26	8/19/10 32	5/21/10 96	5/21/10 96	4/30/10 111	12/10/09 212	11/25/09 223	11/6/09 236	7/20/2009 315	
OUS	0	0	0	0	0	0	0	7/30/10 46	6/14/10 80	4/9/2010 126	
OVAE	0	0	0	0	0	0	0	0	0	9/16/2010 11	

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OCR Regional Offices	Boston	12/31/2009 197	12/15/09 209	12/11/09 211	12/3/09 217	11/18/09 228	11/18/09 228	11/18/09 228	10/13/09 254	9/15/09 274	3/27/2009 396
	New York	8/26/2010 27	8/25/10 28	8/5/10 42	7/14/10 58	7/12/10 60	6/25/10 71	6/11/10 81	6/9/10 83	5/27/10 92	8/11/2009 299
	Philadelphia	0	0	0	0	9/17/10 11	9/10/10 16	8/25/10 28	7/28/10 48	11/20/09 226	7/14/2009 319
	Atlanta	0	0	0	9/28/10 4	9/20/10 10	9/17/10 11	9/16/10 12	9/1/10 23	8/16/10 35	3/8/2010 150
	Chicago	0	0	0	0	0	0	0	0	9/29/10 3	8/30/2010 25
	Dallas	0	0	0	0	0	9/22/10 8	9/15/10 13	9/13/10 15	8/26/10 27	8/24/2010 29
	Kansas City	4/9/2010 126	4/1/10 132	2/9/10 169	2/2/10 174	1/12/10 189	11/2/09 240	10/7/09 258	9/10/09 277	7/28/09 309	5/19/2009 359
	Denver	0	0	0	0	0	0	0	0	9/9/10 17	6/23/2010 73
	San Francisco	0	0	0	0	0	0	0	0	0	0
	Seattle	0	0	0	0	0	0	0	0	0	0
	District of Columbia	0	0	0	0	9/20/10 10	9/16/10 12	9/9/10 17	6/15/10 79	5/19/10 98	6/11/2009 342
	Cleveland	0	0	0	0	0	0	9/30/10 2	9/13/10 15	9/2/10 22	8/6/2010 41
ED Totals	5/11/2009 365	5/6/09 368	5/6/09 368	4/9/09 387	4/6/09 390	4/3/09 391	3/27/09 396	3/27/09 396	2/12/09 427	12/17/2008 468	

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	0	0	0	0
	IES	0	0	0	0	0
	IES – NAGB	0	0	0	0	0
	OCFO	0	0	0	0	0
	OCFO – CAM	0	0	0	0	0
	OCFO - FSS	0	0	0	0	0
	OCIO	0	0	0	0	0
	OCO	0	0	0	0	0
	OCR	0	0	0	0	0
	OELA	0	0	0	0	0
	OESE	0	0	0	0	0
	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 – RIMS	1	15	11	12	8
	OPE	0	0	0	0	0
	OPEPD	0	0	0	0	0
	OS	0	0	0	0	0
	OSDFS	0	0	0	0	0
	OSERS	0	0	0	0	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	0	0	0	0	0
	Atlanta	0	0	0	0	0
	Chicago	0	0	0	0	0
	Dallas	1	0	0	0	1
	Kansas City	0	0	0	0	0
	Denver	1	0	30	30	0
	San Francisco	0	0	0	0	0
	Seattle	0	1	26	26	0
	District of Columbia	0	0	0	0	0
	Cleveland	0	0	0	0	0
ED Totals		3	16	19	20	9

*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	0	0	0	0
	IES	0	0	0	0
	IES – NAGB	0	0	0	0
	OCFO	0	0	0	0
	OCFO – CAM	0	0	0	0
	OCFO - FSS	0	0	0	0
	OCIO	0	0	0	0
	OCO	0	0	0	0
	OCR	0	0	0	0
	OELA	0	0	0	0
	OESE	0	0	0	0
	OGC	0	0	0	0
	OIG	0	0	0	0
	OII	0	0	0	0
	OLCA	0	0	0	0
	OM	0	0	0	0
	OM – RIMS	63	193	7	23
	OPE	0	0	0	0
	OPEPD	0	0	0	0
	OS	0	0	0	0
	OSDFS	0	0	0	0
	OSERS	0	0	0	0
	OUS	0	0	0	0
	OVAE	0	0	0	0
OCR Field Office	Boston	0	1	9	9
	New York	0	1	0	0
	Philadelphia	0	4	0	0
	Atlanta	0	2	0	0
	Chicago	4	2	2	6
	Dallas	0	2	0	0
	Kansas City	0	0	0	0
	Denver	0	1	0	0
	San Francisco	0	2	1	1
	Seattle	1	0	9	9
	District of Columbia	0	0	0	0
	Cleveland	0	2	0	0
	ED Totals		68	210	6

*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	N/A	86,588
ED Headquarters Programs	FSA	1.42	0.95	2.37	175,063	3,972	207,681
	IES	0	0.43	0.43	44,685	0	51,835
	IES – NAGB	0	0.01	0.01	1,368	0	1,587
	OCFO	0	0.24	0.24	22,793	0	26,440
	OCFO – CAM	0	0.72	0.72	64,103	0	74,359
	OCFO – FSS	0	0	0	0	0	0
	OCIO	0	0.19	0.19	26,649	0	30,913
	OCO	0	0.02	0.02	1,597	0	1,853
	OCR	0	2.1	2.1	171,529	0	198,974
	OELA	0	0.01	0.01	799	0	927
	OESE	0	0.13	0.13	15,580	0	18,073
	OGC	0	1	1	126,251	54,978	210,226
	OIG	1	0.03	1.03	109,849	0	127,425
	OII	0	0.44	0.44	39,524	0	45,848
	OLCA	0	0.01	0.01	799	0	927
	OM	0	0.15	0.15	17,361	0	20,139
	OM – RIMS	10.4	0	10.4	929,820	71,227	1,161,215
	OPE	0	0.2	0.2	9,972	0	11,568
	OPEPD	0	0.2	0.2	9,972	0	11,568
	OS	0	0.09	0.09	12,491	0	14,490
	OSDFS	0	0.05	0.05	5,261	0	6,103
	OSERS	0	0.72	0.72	48,050	0	55,738
	OUS	0	0.2	0.2	12,493	0	14,492
OVAE	0	0.01	0.01	1,078	0	1,250	
OCR Regional Offices	Boston	0	1.25	1.25	106,564	0	123,614
	New York	0	0.04	0.04	4,208	0	4,881
	Philadelphia	0	0.19	0.19	17,480	0	20,277
	Atlanta	0	0.26	0.26	17,324	0	20,096
	Chicago	0	1.92	1.92	182,633	1,375	242,451
	Dallas	0	0.21	0.21	22,894	0	26,557
	Kansas City	0	0.23	0.23	26618	0	30,877
	Denver	0	0.33	0.33	31,595	0	36,650
	San Francisco	0	0.2	0.2	16,726	0	19,402
	Seattle	0	0.21	0.21	19,701	0	22,853
	District of Columbia	0	0.18	0.18	15,982	2,073	20,944
	Cleveland	0	0.11	0.11	9,160	0	10,626
ED Totals		12.82	13.03	25.85	\$2,317,972	\$133,625	\$2,959,447

X. FEES COLLECTED FOR PROCESSING REQUESTS*

Component Offices		Total Amount of Fees Collected	Percentage of Total Costs
ED Headquarters Offices	FSA	567	0.27%
	IES	2,568	4.95%
	IES – NAGB	0	0.00%
	OCFO	0	0.00%
	OCFO – CAM	1,298	1.75%
	OCFO – FSS	0	0.00%
	OCIO	0	0.00%
	OCO	0	0.00%
	OCR	867	0.44%
	OELA	0	0.00%
	OESE	148	0.82%
	OGC	0	0.00%
	OIG	0	0.00%
	OII	0	0.00%
	OLCA	0	0.00%
	OM	0	0.00%
	OM – RIMS	321	0.03%
	OPE	180	1.56%
	OPEPD	0	0.00%
	OS	0	0.00%
	OSDFS	72	1.18%
OSERS	1,896	3.40%	
OUS	0	0.00%	
OVAE	0	0.00%	
OCR Field Office	Boston	0	0.00%
	New York	28	0.57%
	Philadelphia	117	0.58%
	Atlanta	94	0.47%
	Chicago	129	0.05%
	Dallas	80	0.30%
	Kansas City	118	0.38%
	Denver	188	0.51%
	San Francisco	18	0.09%
	Seattle	0	0.00%
	District of Columbia	0	0.00%
	Cleveland	0	0.00%
	ED Totals		\$8,689

**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 2010	Number of Backlogged* Appeals as of End of FY 2010
ED Headquarters Offices	FSA	26	0
	IES	3	0
	IES – NAGB	0	0
	OCFO	3	0
	OCFO – CAM	1	0
	OCFO – FSS	0	0
	OCIO	5	0
	OCO	4	0
	OCR	3	0
	OELA	4	0
	OESE	4	0
	OGC	9	0
	OIG	1	0
	OII	8	0
	OLCA	0	0
	OM	1	0
	OM – RIMS	95	20
	OPE	11	0
	OPEPD	13	0
	OS	13	0
	OSDFS	48	0
	OSERS	10	0
	OUS	3	0
OVAE	0	0	
OCR Field Office	Boston	37	0
	New York	12	0
	Philadelphia	4	0
	Atlanta	3	0
	Chicago	1	0
	Dallas	2	0
	Kansas City	11	0
	Denver	1	0
	San Francisco	0	0
	Seattle	0	0
	District of Columbia	3	0
	Cleveland	2	0
	ED Totals		341

*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 2010	Number of Consultations Received from Other Agencies During FY 2010	Number of Consultations Received from Other Agencies that Were Processed by The Department of Education During FY 2010	Number of Consultations Received from Other Agencies that Were Pending at The Department of Education as of End of FY 2010
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

	10 th Oldest Consultation and number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	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 2009 from Last Year's Annual Report	During FY 2010 from Current Annual Report	During FY 2009 from Last Year's Annual Report	During FY 2010 from Current Annual Report
ED Headquarters Programs	FSA	358	234	347	263
	IES	38	53	37	48
	IES – NAGB	5	2	0	7
	OCFO	10	7	7	6
	OCFO – CAM	50	41	70	45
	OCFO - FSS	1	1	6	1
	OCIO	6	6	4	3
	OCO	2	3	4	0
	OCR	81	87	78	84
	OELA	7	8	12	6
	OESE	96	57	85	77
	OGC	19	3	18	1
	OIG	30	46	26	50
	OII	48	45	35	53
	OLCA	10	0	6	4
	OM	36	14	33	14
	OM – RIMS	302	386	255	342
	OPE	82	105	85	105
	OPEPD	32	27	30	22
	OS	15	7	15	3
	OSDFS	58	102	78	64
OSERS	54	38	58	34	
OUS	3	3	4	0	
OVAE	7	7	7	7	
OCR Regional Offices	Boston	140	97	130	71
	New York	144	146	151	152
	Philadelphia	64	45	67	58
	Atlanta	86	58	83	63
	Chicago	89	103	86	106
	Dallas	105	110	104	109
	Kansas City	40	33	36	31
	Denver	57	41	53	43
	San Francisco	50	55	47	58
	Seattle	77	63	74	66
	District of Columbia	77	40	73	44
	Cleveland	28	41	28	37
ED Totals		2,307	2,114	2,232	2,077

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 2009 from Previous Annual Report	Number of Backlogged Requests as of End of FY 2010 from Current Annual Report
ED Headquarters Programs	FSA	49	26
	IES	1	3
	IES – NAGB	5	0
	OCFO	4	3
	OCFO – CAM	5	1
	OCFO – FSS	1	0
	OCIO	2	5
	OCO	1	4
	OCR	3	3
	OELA	3	4
	OESE	18	4
	OGC	8	9
	OIG	2	1
	OII	16	8
	OLCA	5	0
	OM	3	1
	OM – RIMS	63	95
	OPE	16	11
	OPEPD	9	13
	OS	7	13
OSDFS	13	48	
OSERS	5	10	
OUS	0	3	
OVAE	1	0	
OCR Regional Offices	Boston	8	37
	New York	15	12
	Philadelphia	10	4
	Atlanta	9	3
	Chicago	1	1
	Dallas	2	2
	Kansas City	5	11
	Denver	0	1
	San Francisco	0	0
	Seattle	0	0
	District of Columbia	8	3
	Cleveland	0	2
	ED Totals		298

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 2009 from Last Year's Annual Report	Number Received During FY 2010 from Current Annual Report	Number Processed During FY 2009 from Last Year's Annual Report	Number Processed During FY 2010 from Current Annual Report
OM – RIMS	46	23	55	29

	Number of Backlogged Appeals as of End of FY 2009 from Previous Annual Report	Number of Backlogged* Appeals as of End of FY 2010 from Current Annual Report
OM – RIMS	28	20

*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 Freedom of Information Act Service Center

The Open Government Directive

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 ___ full time and ___ full-time-equivalent staff, took many steps in FY 2010 to ensure a presumption of openness was applied to all decisions involving the FOIA by:

- 1) Implementing 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) Providing 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.
- 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.

Proactive Disclosures

- 1) Worked closely with the Office of Elementary and Secondary Education on the 36 submissions (35 states and the District of Columbia) for Race To The Top grants that were redacted and uploaded to the website (<http://www2.ed.gov/programs/racetothetop/phase2-applications/index.html>). The total number of pages posted in anticipation of received FOIA requests was 10,157 pages. The FOIA Electronic Reading Room on the web also has been linked to the 36 applications to make it easier for requesters to locate the documents.
- 2) Worked with the Institute of Education Sciences to process the 20 Statewide Longitudinal Data Systems (SLDS) grants that were redacted and uploaded to the SLDS website (<http://nces.ed.gov/programs/slds/stateinfo.asp>) and the documents were also linked to the FOIA Electronic Reading Room on the web.

Processing Improvements

- 1) The FOIA Service Center implemented the testing phase of the latest version of the web-based electronic FOIA processing system, FOIAXpress, and anticipates completing testing and rolling out the upgraded version in the fourth quarter.
- 2) The Department finalized and published in the Federal Register new regulations for implementing and carrying out the FOIA program. In addition to reflecting changes required by the FOIA Amendments of 1987, the Electronic FOIA Act of 1996, and the OPEN Government Act of 2007; the new regulations also incorporated the President's January 21, 2009, Memorandum of FOIA and the Attorney General's FOIA Guidance memorandum of March 19, 2009. The new regulations became effective on July 14, 2010.

Training and Outreach

- 1) The FOIA Service Center staff contracted with the USDA graduate school to create a 1-day FOIA training seminar for Department program FOIA Coordinators and their supervisors. The training seminar was conducted on September 7, 2010, for more than 55 employees in attendance and broadcast out (through the Department's MediaSite system) to the FOIA staff at 12 regional offices across the country. The topics included elements of a request, fees, response times, appeals, and each of the exemptions. Based on participation by attendees and the return of course evaluation forms by 60% of attendees; the course was well received and all of the respondents felt that the topics selected and presented met all of their expectations and training needs. The training seminar has been archived for future viewing on ED's MediaSite - <http://mediasite.ed.gov>