

SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION (SIGIR)

FREEDOM OF INFORMATION ACT ANNUAL REPORT

FISCAL YEAR 2012

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I. BASIC INFORMATION REGARDING REPORT

A. Questions about this report may be addressed to:

Chief FOIA Officer Special Inspector General for Iraq Reconstruction 2530 Crystal Drive Arlington, VA 22202-3940

Telephone: (703) 604-0432

Email: FOIA@sigir.mil

- B. This report is available at <u>http://www.sigir.mil</u>.
- C. Paper copies may be requested by contacting the Chief FOIA Officer at the above address.

II. MAKING A FOIA REQUEST

- A. FOIA requests must be in writing. Requests may be submitted in any one of the following ways:
 - By mail to Chief FOIA Officer Special Inspector General for Iraq Reconstruction 2530 Crystal Drive Arlington, VA 22202-3940
 - 2. By fax to (703) 428-0818
 - 3. By email to foia@sigir.mil
 - 4. Online at http://www.sigir.mil/foia
- B. SIGIR strives to be transparent in all aspects of its operations. All audit and inspection reports, "lessons learned" publications, and Congressional testimonies are available at http://www.sigir.mil.
- C. The most frequent reasons for a FOIA request not to be granted are:
 - 1. The agency has no records that are responsive to the request.
 - 2. The request is denied in whole or in part in accordance with one or more exemptions as set forth in the FOIA.

III. DEFINITIONS, AND EXEMPTIONS

A. **Definitions of terms:**

- 1. Administrative Appeal: A request to an agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- 2. Average Number: The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, the average of 3, 7, and 14, the average number is 8.
- 3. **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.
- 4. **Component:** For agencies that process requests on a decentralized basis, a "component" is an entity, within the agency that processes FOIA requests. SIGIR processes requests on a centralized basis and has no component data to report.
- 5. **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.
- 6. **Exemption 3 Statute:** A separate federal statute prohibiting the disclosure of a certain type of information and authorizing it being withheld under FOIA, 5 USC 552(b)(3).
- 7. 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 which require the agency to utilize the FOIA in responding to the requester are included in this Report.
- 8. Full Grant: An agency decision to disclose all records in full in response to a FOIA request.
- 9. **Full Denial:** An agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested record or records is determined

by the agency to be exempt under one or more of the FOIA exemptions, or for some procedural reason such as no record is located in response to a FOIA request.

- 10. **Median Number:** The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- 11. **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.
 - a. **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.
 - b. **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 the records requested.
 - c. **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 the records requested.
- 12. **Partial Grant/Partial Denial:** An agency decision to disclose a record only in part in response to a FOIA request, redacting information determined to be exempt under one or more exemptions under the FOIA; or a decision to disclose some records in their entirety, but withhold others in whole or in part.
- 13. **Pending Request or Pending Administrative Appeal:** A request or administrative appeal for which an agency has not taken final action in all respects.
- 14. **Perfected Request:** A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- 15. **Processed Request or Processed Administrative Appeal:** A request or administrative appeal for which an agency has taken final action in all respects.
- 16. **Range in Number of Days:** The lowest and highest number of days to process requests or administrative appeals.
- 17. **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).
- B. Concise descriptions of the nine FOIA exemptions:

- 1. **Exemption 1:** Classified national defense and foreign relations information.
- 2. Exemption 2: Information that is related solely to the internal personnel rules and practices of an agency.
- 3. **Exemption 3:** Information that is prohibited from disclosure by another federal law.
- 4. **Exemption 4:** Trade secrets and other confidential business information.
- 5. **Exemption 5:** Inter-agency or intra-agency communications that are protected by legal privileges.
- 6. Exemption 6: Information involving matters of personal privacy.
- 7. Exemption 7: 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.
- 8. Exemption 8: information relating to the supervision of financial institutions.
- 9. Exemption 9: geological information on wells.

IV. EXEMPTION 3 STATUTES

STATUTE	TYPE OF INFORMATION WITHHELD	CASE CITATION	NUMBER OF TIMES RELIED UPON PER COMPONENT	TOTAL NUMBER OF TIMES RELIED UPON BY AGENCY
N/A	N/A	N/A	N/A	0

V.A. FOIA REQUESTS – RECEIVED, PROCESSED AND PENDING REQUESTS

AGENCY OVERALL	FISCAL YEAR 0	9	9	FISCAL YEAR 0
	REQUESTS PENDING AS OF START OF	REQUESTS RECEIVED IN FISCAL YEAR	REQUESTS PROCESSED IN FISCAL YEAR	REQUESTS PENDING AS OF END OF
	NUMBER OF	NUMBER OF	NUMBER OF	NUMBER OF

V.B.(1) DISPOSITION OF FOIA REQUESTS – ALL PROCESSED REQUESTS

	NUMBER OF FULL GRANTS	NUMBER OF PARTIAL GRANTS/ PARTIAL DENIALS	NUMBER OF FULL DENIALS BASED ON EXEMPTIONS		NUMBER	OF FULL DEN	IALS BASE	D ON REASON	S OTHER TH	IAN EXEM	APTIONS		
					ALL RECORDS REFERRED TO ANOTHER COMPONENT OR AGENCY	REQUEST WITHDRAWN	FEE- RELATED REASON	RECORDS NOT REASON- ABLY DESCRIBED	IMPROPER FOIA REQUEST FOR OTHER REASON	AGENCY		OTHER *EXPLAIN IN CHART BELOW	TOTAL
AGENCY OVERALL	3	3	0	2	0	0	0	1	0	0	0	0	9

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

	DESCRIPTION OF "OTHER" REASONS FOR DENIALS FROM CHART B (1) & NUMBER OF TIMES THOSE REASONS WERE RELIED UPON	TOTAL
AGENCY OVERALL	N/A	0

V.B.(3)	DISPOSITION OF FOIA REQUESTS -	- NUMBER OF TIMES EXEMPTIONS APPLIED
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	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
AGENCY OVERALL	0	0	0	0	1	0	0	0	2	0	1	0	0	0

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

	NUMBER OF APPEALS PENDING AS OF START OF FISCAL YEAR	NUMBER OF APPEALS RECEIVED IN FISCAL YEAR	NUMBER OF APPEALS PROCESSED IN FISCAL YEAR	NUMBER OF APPEALS PENDING AS OF END OF FISCAL YEAR
AGENCY OVERALL	0	1	1	0

VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS – ALL PROCESSED APPEALS

	NUMBER AFFIRMED ON APPEAL	NUMBER PARTIALLY AFFIRMED & PARTIALLY REVERSED/REMANDED ON APPEAL	NUMBER COMPLETELY REVERSED/REMANDED ON APPEAL	NUMBER OF APPEALS CLOSED FOR OTHER REASONS	TOTAL
AGENCY OVERALL	0	1	0	0	1

VI.C.(1) REASONS FOR DENIAL ON APPEAL – NUMBER OF TIMES EXEMPTIONS APP
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	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
AGENCY OVERALL	0	0	0	0	0	0	0	0	1	0	0	0	0	0

VI.C.(2) REASONS FOR DENIAL ON APPEAL – REASONS OTHER THAN EXEMPTIONS

	NO	RECORDS	REQUEST	FEE-	RECORDS	IMPROPER	NOT	DUPLICATE	REQUEST IN	APPEAL BASED	OTHER
	RECORDS	REFERRED	WITH	RELATED	NOT	REQUEST	AGENCY	REQUEST OR	LITIGATION	SOLELY ON	*EXPLAIN
		AT INITIAL	DRAWN	REASON	REASONABLY	FOR OTHER	RECORD	APPEAL		DENIAL OF	IN CHART
		REQUEST			DESCRIBED	REASONS				REQUEST FOR	BELOW
		LEVEL								EXPEDITED	
										PROCESSING	
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0

VI.C. (3) REASONS FOR DENIAL ON APPEAL – "OTHER" REASONS

AGENCY OVERALL	RELIED UPON N/A	0
	DESCRIPTION OF "OTHER" REASONS FOR DENIAL ON APPEAL FROM CHART C (2) & NUMBER OF TIMES THOSE REASONS WERE	TOTAL

VI.C.(4) RESPONSE TIME FOR ADMINISTRATIVE APPEALS

	MEDIAN NUMBER	AVERAGE	LOWEST	HIGHEST
	OF DAYS	NUMBER OF	NUMBER OF	NUMBER OF
		DAYS	DAYS	DAYS
AGENCY OVERALL	11	11	11	11

VI.C.(5) TEN OLDEST PENDING ADMINISTRATIVE APPEALS

	DATE OF RECEIPT OF 10 TH OLDEST APPEAL AND NUMBER OF DAYS PENDING	9th	8th	7th	6th	5th	4th	3rd	2nd	DATE OF RECEIPT OF OLDEST APPEAL AND NUMBER OF DAYS PENDING
AGENCY OVERALL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

VII.A FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

		SIMPLE			COMPLEX			EXPEDITED PROCESSING				
	MEDIAN NUMBER OF DAYS	AVERAGE NUMBER OF DAYS	LOWEST NUMBER OF DAYS	HIGHEST NUMBER OF DAYS	. –	AVERAGE NUMBER OF DAYS	LOWEST NUMBER OF DAYS	HIGHEST NUMBER OF DAYS	MEDIAN NUMBER OF DAYS	AVERAGE NUMBER OF DAYS	LOWEST NUMBER OF DAYS	HIGHEST NUMBER OF DAYS
AGENCY OVERALL*	12	12	1	20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

VII.B PROCESSED REQUESTS – RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

		SIMPLE			COMPLEX				EXPEDITED PROCESSING			
	MEDIAN NUMBER OF DAYS	AVERAGE NUMBER OF DAYS	LOWEST NUMBER OF DAYS	HIGHEST NUMBER OF DAYS	MEDIAN NUMBER OF DAYS	AVERAGE NUMBER OF DAYS	LOWEST NUMBER OF DAYS	HIGHEST NUMBER OF DAYS	MEDIAN NUMBER OF DAYS	AVERAGE NUMBER OF DAYS	LOWEST NUMBER OF DAYS	HIGHEST NUMBER OF DAYS
AGENCY OVERALL	14	12	1	20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

VII.C.(1) PROCESSED REQUESTS – RESPONSE TIME IN DAY INCREMENTS

		SIMPLE REQUESTS												
	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL
AGENCY OVERALL	9	0	0	0	0	0	0	0	0	0	0	0	0	9

VII.C.(2) PROCESSED REQUESTS – RESPONSE TIME IN DAY INCREMENTS

	COMPLEX REQUESTS													
	1-20 DAYS	21-40 DAYS	41-60 DAYS	61-80 DAYS	81-100 DAYS	101-120 DAYS	121-140 DAYS	141-160 DAYS	161-180 DAYS	181-200 DAYS	201-300 DAYS	301-400 DAYS	401+ DAYS	TOTAL
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VII.C.(3) PROCESSED REQUESTS – RESPONSE TIME IN DAY INCREMENTS

		REQUESTS GRANTED EXPEDITED PROCESSING												
	1-20 Days	21-40 Days						141-160 Days				301-400 Days	401+ Days	TOTAL
AGENCY OVERALL	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0									0				

VII.D. PENDING REQUESTS – ALL PENDING PERFECTED REQUESTS

		SIMPLE		COMPLEX			EXPEDITED PROCESSING			
	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	
AGENCY OVERALL	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	

VII.E. PENDING REQUESTS – TEN OLDEST PENDING PERFECTED REQUESTS

	10TH OLDEST REQUEST AND NUMBER OF DAYS PENDING	9th	8th	7th	6th	5th	4th	3rd	2nd	OLDEST REQUEST AND NUMBER OF DAYS PENDING
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

	NUMBER GRANTED	NUMBER DENIED	MEDIAN NUMBER OF DAYS TO ADJUDICATE	AVERAGE NUMBER OF DAYS TO ADJUDICATE	NUMBER ADJUDICATED WITHIN TEN CALENDAR DAYS
AGENCY OVERALL	0	0	N/A	N/A	N/A

VIII.B. REQUESTS FOR FEE WAIVER

	NUMBER	NUMBER	MEDIAN	AVERAGE
	GRANTED	DENIED	NUMBER OF	NUMBER OF
			DAYS TO	DAYS TO
			ADJUDICATE	ADJUDICATE
AGENCY OVERALL	0	0	N/A	N/A

IX. FOIA PERSONNEL AND COSTS

		PERSONNEL	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
AGENCY OVERALL	0	.05	.05	\$5000.00	\$0.00	\$5000.00

X. FEES COLLECTED FOR PROCESSING REQUESTS

	COLLECTED (in dollars)	COSTS
AGENCY OVERALL	\$0.00	0.00%

XI. FOIA REGULATIONS

SIGIR's Freedom of Information Act Policy, which provides guidance regarding administration of the FOIA Program within the agency, can be found at:

www.sigir.mil/files/foia/foia-policy.pdf#view=fit

XII.A. BACKLOGS, CONSULTATIONS, AND COMPARISONS

	NUMBER OF BACKLOGGED REQUESTS AS OF END OF FISCAL YEAR	NUMBER OF BACKLOGGED APPEALS AS OF END OF FISCAL YEAR
AGENCY OVERALL	0	0

XII.B. CONSULTATIONS ON FOIA REQUESTS – RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

	NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PENDING AT SIGIR AS OF START OF THE FISCAL YEAR	NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES DURING THE FISCAL YEAR	NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PROCESSED BY SIGIR DURING THE FISCAL YEAR	NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PENDING AT SIGIR AS OF END OF THE FISCAL YEAR
AGENCY OVERALL	0	0	0	0

XII.C. CONSULTATIONS ON FOIA REQUESTS – TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT SIGIR

	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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

XII.D.(1) COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT – REQUESTS RECEIVED, PROCESSED, AND BACKLOGGED

	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED		
	NUMBER RECEIVED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	NUMBER RECEIVED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	NUMBER PROCESSED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	NUMBER PROCESSED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	
AGENCY OVERALL	14	9	14	9	

XII.D.(2) COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT – BACKLOGGED REQUESTS

	NUMBER OF BACKLOGGED REQUESTS AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	NUMBER OF BACKLOGGED REQUESTS AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT
AGENCY OVERALL	0	0

XII.E.(1) COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT – APPEALS RECEIVED AND PROCESSED

	NUMBER OF APPEALS R	ECEIVED	NUMBER OF APPEALS PROCESSED		
	NUMBER RECEIVED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	NUMBER RECEIVED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	NUMBER PROCESSED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	NUMBER PROCESSED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	
AGENCY OVERALL	0	1	0	1	

XII.E.(2) COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT – BACKLOGGED APPEALS

	NUMBER OF BACKLOGGED APPEALS AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	NUMBER OF BACKLOGGED APPEALS AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT
AGENCY OVERALL	0	0