Freedom of Information Act

Annual Report

FY 2014

BROADCASTING BOARD OF GOVERNORS

TABLE OF CONTENTS

I. BASIC INFORMATION REGARDING THE REPORT 3

II. MAKING A FOIA REQUEST 3

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS 4

IV. EXEMPTION 3 STATUTES 7

V. FOIA REQUESTS 7

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS 9

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS 13

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER 17

IX. FOIA PERSONNEL AND COSTS 18

X. FEES COLLECTED FOR PROCESSING REQUESTS 18

XI. FOIA REGULATIONS 18

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS 19

BROADCASTING BOARD OF GOVERNORS
Freedom of Information Act Annual Report

Fiscal Year 2014

I. BASIC INFORMATION REGARDING THE REPORT

1. For questions about this Report contact:

   Andrew T. Krog
   FOIA Officer
   Broadcasting Board of Governors
   Cohen Bldg., Suite 3349
   330 Independence Avenue, S.W.
   Washington, DC 20237

2. This report may be obtained through the Internet at:

   http://www.bbg.gov/about-the-agency/research-reports/foia-annual-reports/

3. This report may also be obtained by making a request to the address listed above.

II. MAKING A FOIA REQUEST

1. All FOIA requests to the BBG are processed by a centralized FOIA office, and individual agency components do not directly receive or respond to FOIA requests.

2. Upon receiving a proper written request, all federal agencies (including the BBG) are required by the FOIA to provide records responsive to that request, except for those documents that are protected from disclosure by the FOIA's nine exemptions and three exclusions or otherwise not required to be provided under the FOIA (e.g. a requester's failure to pay chargeable fees). The most common reasons why some requests are not granted by the BBG are because requesters seek information protected by the following FOIA exemptions:

Exemption (b)(3):	Protects information that is prohibited from disclosure by another federal law.
Exemption (b)(5):	Protects certain inter- and intra-agency memoranda, including those setting forth internal recommendations from staff and those that contain attorney work product.

Exemptions (b)(6) and (b)(7)(C):	Protects information concerning other individuals that, if released, would constitute an invasion of their personal privacy.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. The following acronyms or terms are used in this Report:

   a. BBG - Broadcasting Board of Governors
   b. FOIA - Freedom of Information Act (5 U.S.C. § 552)
   c. FY - Fiscal Year
   d. FY14 – Fiscal Year 2014 (1 October 2013 – 30 September 2014)

2. The following definitions of terms used in this Report:

   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. **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.

   e. **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.

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

   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 which require the agency to utilize 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 decision to disclose all records in full in response to a FOIA request.

i. **Full Denial –** an agency decision 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. *NOTE*: The BBG does not use a multi-track processing system; all requests are processed on a first in/first out basis. Requests granted expedited processing are given processing priority as set forth by law and regulation, but are not placed on a separate processing track.

l. **Partial Grant/Partial Denial –** in response to a FOIA request, an agency decision 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 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.

o. **Processed Request or Processed Administrative Appeal –** a request or administrative appeal for which an agency has taken final action in all respects.

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 generally apply as follows:

a. **Exemption 1**: classified national defense and foreign relations information.

b. **Exemption 2**: internal agency personnel 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

The BBG relied on the following Exemption 3 statutes during FY13:

Statute	Type of Information Withheld	Case Citation	Total Number of Times Relied upon by Agency Overall
N/A	--	--	0

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
17	138	145	10

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 Denials Based on Reasons Other than Exemptions									TOTAL
			No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	
21	14	2	99	0	0	2	2	4	0	1	0	145

(2) Disposition of FOIA Requests – "Other" Reasons for "Full Denials Based on Reasons Other than Exemptions" from Section V, B (1) Chart

Description of "Other" Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
N/A	0

(3) Disposition of FOIA Requests – 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	1	8	16	0	0	0	0	2	1	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

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
1	96	97	0

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
96	1	0	0	97

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	1	0	0	0	0	1	0	0	0

(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
94	0	0	0	1	1	0	0	0	0	0

(3) Reasons for Denial on Appeal – "Other" Reasons from Section VI, C (2) Chart

Description of "Other" Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
N/A	0

(4) Response Time for Administrative Appeals

Median Number of Days	**Average Number of Days**	**Lowest Number of Days**	**Highest Number of Days**
18	23	18	56

(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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	0	0	0	0	0	0	0	0	0	0

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

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

NON-EXPEDITED PROCESSING				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**
8	35	3	354	N/A	N/A	N/A	N/A

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

NON-EXPEDITED PROCESSING				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**
50	85	12	354	N/A	N/A	N/A	N/A

C. (1) Processed Requests – Response Time in Day Increments: Non-Expedited 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**
95	15	11	10	3	1	0	3	1	0	5	1	0	145

(2) Processed Requests – Response Time in Day Increments: Requests Granted Expedited Processing

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
0	0	0	0	0	0	0	0	0	0	0	0	0	4

D. Pending Requests – All Pending Perfected Requests

NON-EXPEDITED PROCESSING			EXPEDITED PROCESSING		
Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
10	65	130	N/A	N/A	N/A

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**
Date of Receipt of Ten Oldest Appeals	2014-09-24	2014-09-22	2014-09-17	2014-08-20	2014-07-30	2014-07-21	2014-04-15	2014-02-05	2013-10-24	2013-09-19
Number of Days Pending	6	8	13	40	60	69	165	235	336	371

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

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
0	93	8	8	91

B. Requests for Fee Waiver

Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
8	104	8	10

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"** (The sum of Columns 1 & 2)	**Processing Costs** (At initial request and appeal levels)	**Litigation-Related Costs**	**Total Costs**
0	1.25	1.25	$131,570.00	$0.00	$131,570.00

X. FEES COLLECTED FOR PROCESSING REQUESTS

Total Amount of Fees Collected	Percentage of Total Costs
$1,437.05	1.09%

XI. FOIA REGULATIONS

http://www.gpo.gov/fdsys/pkg/CFR-2009-title22-vol2/pdf/CFR-2009-title22-vol2-part503.pdf

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
7	0

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

Number of Consultations Received from Other Agencies that Were Pending at BBG 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 BBG During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending at BBG as of End of the Fiscal Year
0	0	0	0

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at BBG

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

D. (1) Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received and Processed

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**
58	138	45	145

(2) Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Backlogged

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
11	7

E. (1) Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received and Processed

NUMBER OF APPEALS RECEIVED		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**
3	96	2	97

(2) Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Backlogged

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**
0	0