



## **SUMMARY OF ANNUAL FOIA REPORTS FOR FISCAL YEAR 2013**

Each year, the Office of Information Policy (OIP) compiles a summary of the information contained in the Annual FOIA Reports that are prepared by each of the federal agencies subject to the FOIA. The Annual FOIA Reports contain detailed statistics on agencies' FOIA activities, including the number of FOIA requests and appeals received, processed, and pending. These reports are required to be submitted to the Attorney General each year by no later than February 1st.<sup>1</sup> For Fiscal Year (FY) 2013, there were ninety-nine agencies subject to the FOIA.<sup>2</sup>

In addition to preparing this summary, OIP has uploaded all of the data from agencies' FY 2013 Annual FOIA Reports to [FOIA.gov](http://FOIA.gov) where it can easily be viewed online, compared with data from previous fiscal years, as well as across different agencies, and downloaded in an open (CSV) format. The purpose of this summary is to provide an overall picture of FOIA activities across the government. [FOIA.gov](http://FOIA.gov) allows OIP to do this with statistics that were not readily available in past years.<sup>3</sup>

---

<sup>1</sup> See [5 U.S.C. § 552\(e\)\(1\) \(2006 & Supp. IV 2010\)](#)

<sup>2</sup> The Consumer Financial Protection Bureau began reporting as an independent agency in FY 2013, while the Special Inspector General for Iraq Reconstruction ceased operations.

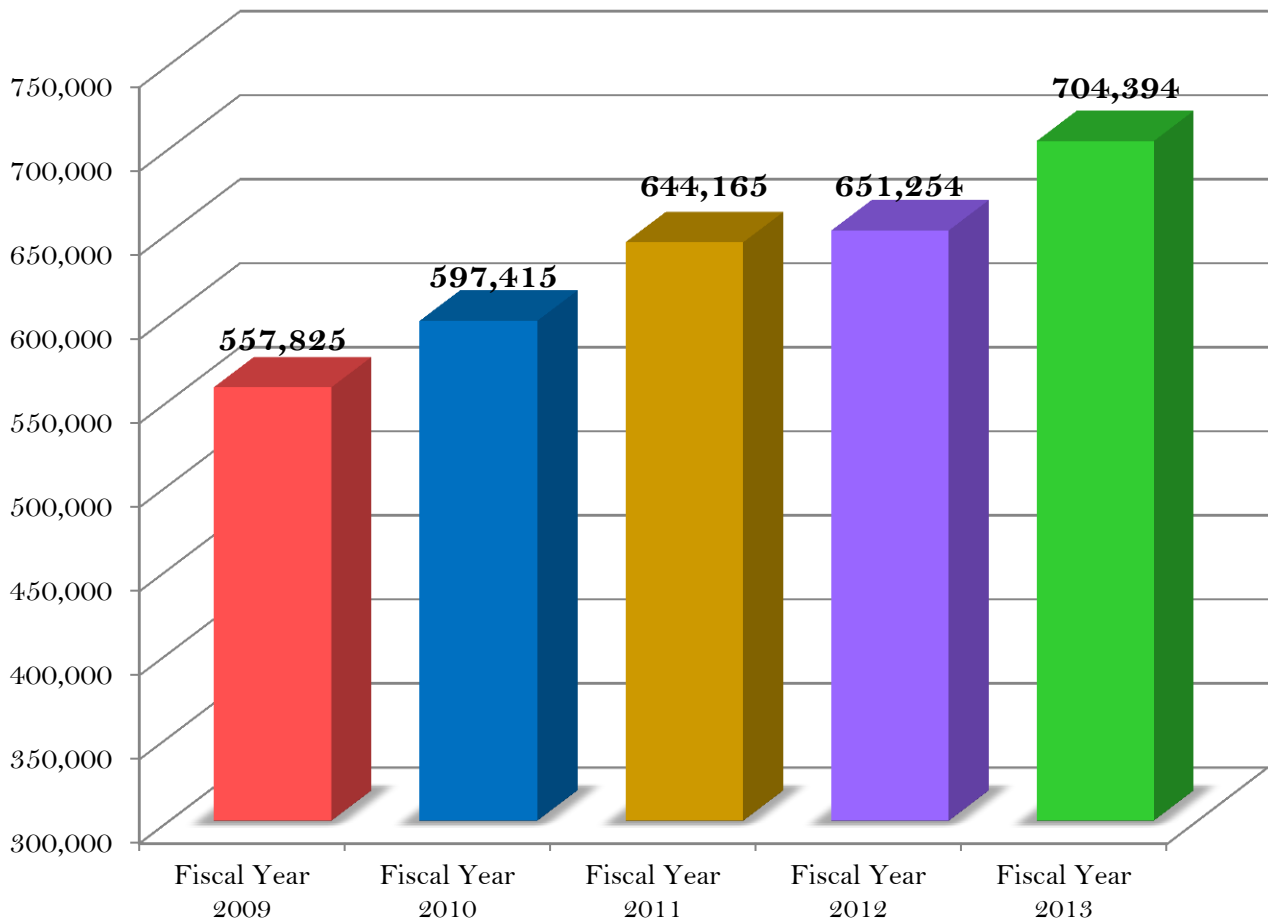
<sup>3</sup> For any historic data that is not [FOIA.gov](http://FOIA.gov), OIP has compiled the various statistics directly from agencies' published Annual FOIA Reports, as well as from previous Annual FOIA Report Summaries, in order to make comparisons and illustrate different data trends over time. Agencies' published Annual FOIA Reports going back to FY 1998 and OIP's Summaries of the Annual FOIA Reports are all available on the [Reports](#) page of [OIP's website](#).

## FOIA REQUESTS

### Number of Requests Received

In FY 2013, the federal government overall received 704,394 FOIA requests, continuing a three year trend of surpassing the record high number of requests received during a fiscal year. The additional 53,140 requests received is an over 8% increase from the previous record high number of requests received (651,254) during a fiscal year set in FY 2012.

### Total Number of Requests Received



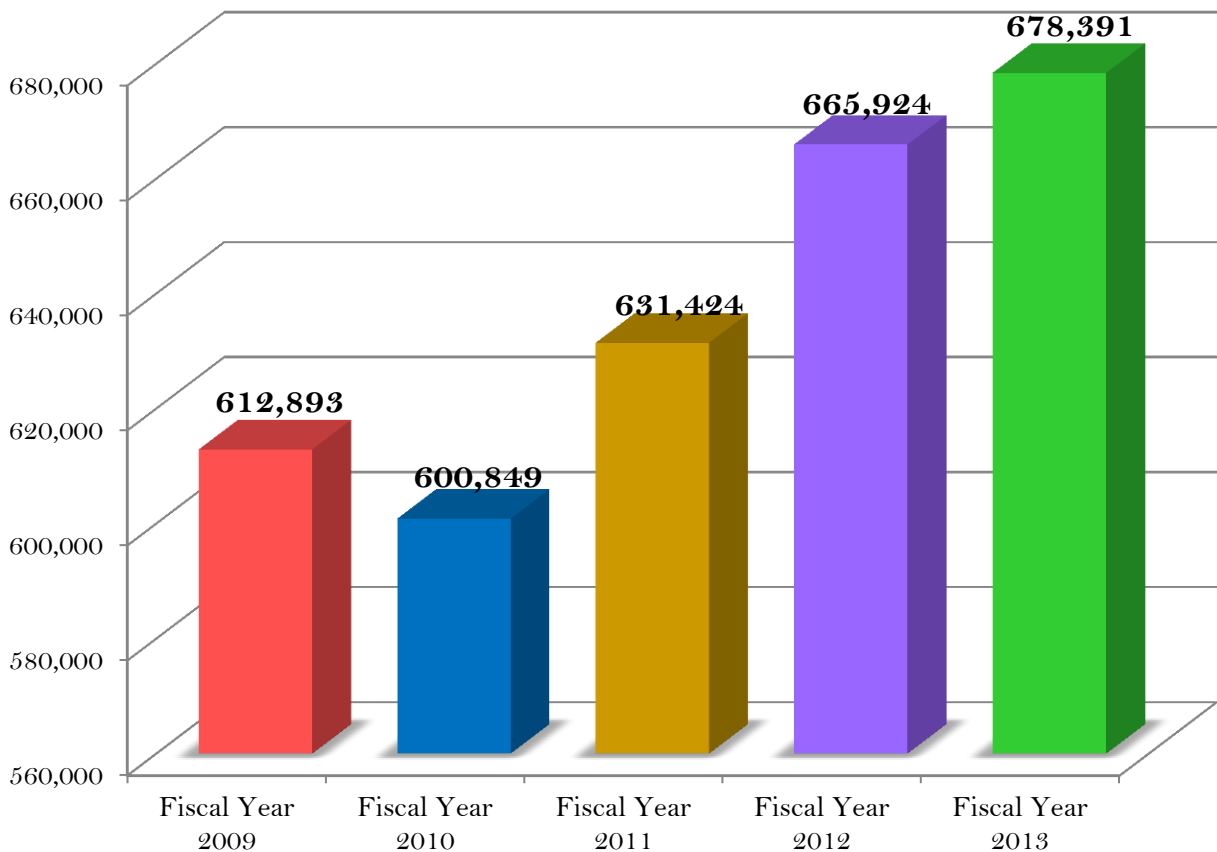
For the fifth consecutive year, the Department of Homeland Security (DHS) received the most requests with 231,534. This is a 21% increase in the total number of requests received by DHS from FY 2012's 190,589 and the first time that DHS has received over 200,000 requests. The Departments of Justice (DOJ), Defense (DOD), and Health and Human Services (HHS), and the Social Security Administration (SSA) received the second through fifth most requests during the fiscal year with 70,081, 68,014, 66,916, and 39,159, respectively. Combined, these five agencies received 475,704 requests accounting for over

67% of all requests received across the government during the fiscal year. This is also the second consecutive year that these five agencies received the most requests. Of the remaining federal agencies, as in FY 2012, only the Departments of Veterans Affairs (VA) and Agriculture (USDA) received more than 20,000 requests with 25,647 and 22,580, respectively. Twenty-two agencies received between 1,000 and 19,000 requests during FY 2013, with another twenty-seven receiving between 100 and 900 requests.

*Number of Requests Processed*

The ninety-nine agencies subject to the FOIA in FY 2013 collectively processed 678,391 requests, which is 12,467 more than in the prior fiscal year or an increase of nearly 2%. This marks the fourth straight year of increases in the number of requests processed across the government.<sup>4</sup>

### Total Number of Requests Processed



<sup>4</sup> In accordance with the [2008 Guidelines for Agency Preparation of Annual FOIA Reports](#), in order to provide a clear report of agency FOIA activities, beginning in Fiscal Year 2009 agencies were instructed not to include Privacy Act requests in their Annual FOIA Reports unless the FOIA was utilized in any way to process the request.

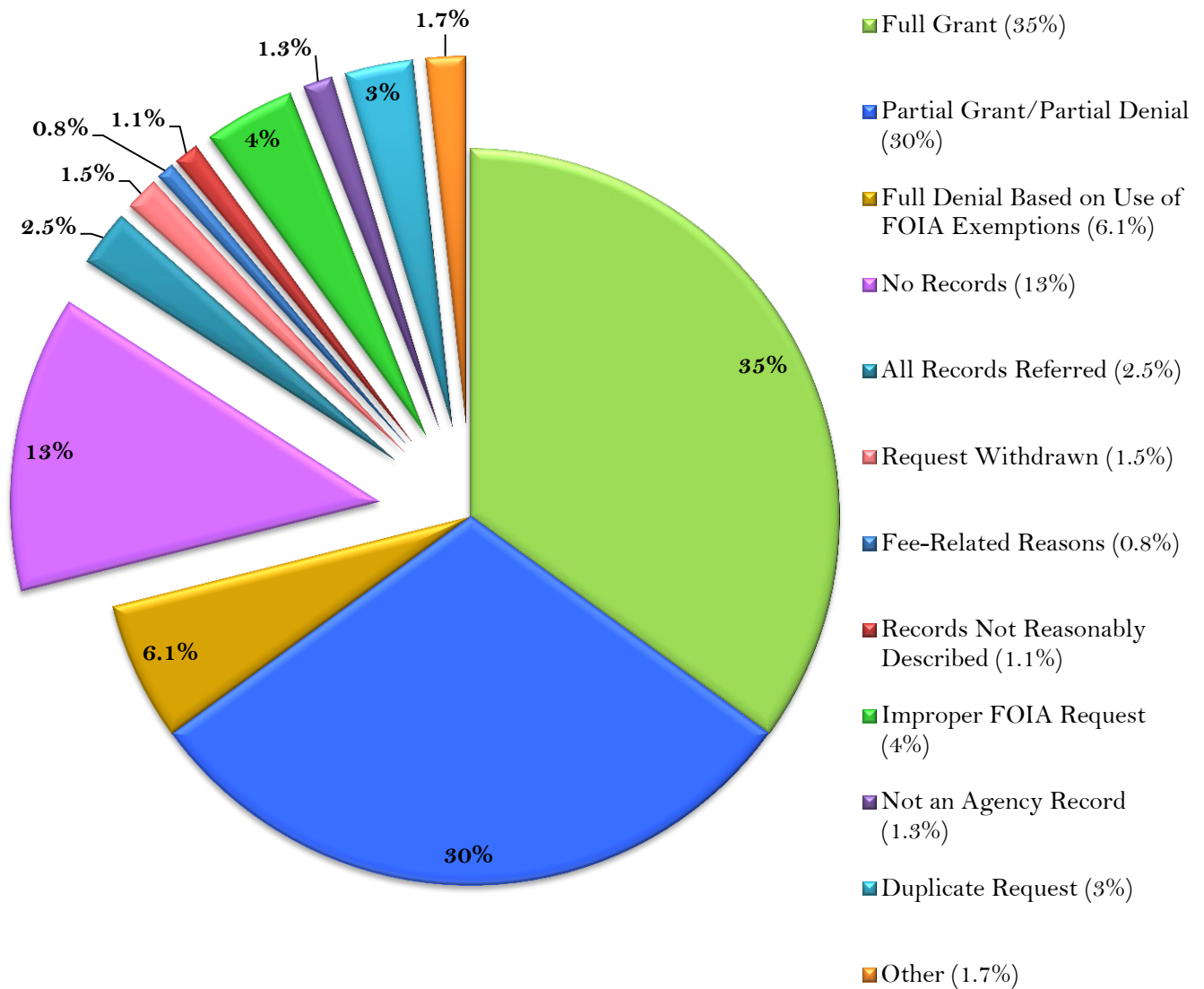
The five agencies that received the most requests in FY 2013 also processed the most requests: DHS (204,332), DOJ (68,241), DOD (67,679), HHS (67,125), and SSA (39,455). Collectively these five agencies processed 446,832 requests, representing over 65% of the requests processed by the government in FY 2013. Of the remaining ninety-four agencies, ten -- VA, USDA, the Department of State (State), the Department of Labor (Labor), the Equal Employment Opportunity Commission (EEOC), the Department of the Treasury (Treasury), the National Archives and Records Administration (NARA), the Office of Personnel Management (OPM), the Securities and Exchange Commission (SEC), and the Department of Transportation (DOT) -- processed between 10,000 and 26,500 requests. An additional fourteen agencies processed between 1,300 and 9,150 requests, with sixty-nine agencies processing between three and 883 requests. Overall, thirteen agencies processed nineteen or fewer requests during FY 2013.

### *Disposition of Requests*

Pursuant to the [2008 guidance on the content of agency Annual FOIA Reports](#), DOJ instructed agencies to include in their reports a complete breakdown of the disposition of each request processed. All requests processed by an agency fall into two overarching categories: 1) requests that are closed after being substantively processed with decisions made to release or withhold information based upon the FOIA's exemptions, and 2) requests that are closed for administrative or procedural reasons, such as when no records are located or when all the responsive records are referred to another agency for handling. In FY 2013 the government processed 678,391 requests, and of those, 482,357 (71.1%) requests fell into the first category and were reviewed by agency FOIA professionals to determine if information could be disclosed. This represents a 3.7% increase from the 464,985 requests processed for exemption applicability in FY 2012. It is important to note that it is only in response to these requests that agencies are in a position to determine whether to release or withhold information and so they form the universe of requests used to calculate the "release rate" discussed below.

As shown in the chart below, of the remaining requests processed by agencies during FY 2013, 196,034 or 29.9% were closed for administrative reasons. This includes requests where no records were located, which accounted for 13% of all processed requests. Less than 1.5% of all requests processed were withdrawn by the requester, and less than 1% of requests were closed for fee related reasons, such as when a requester declined to pay estimated fees that were assessed under the FOIA's fee provisions.

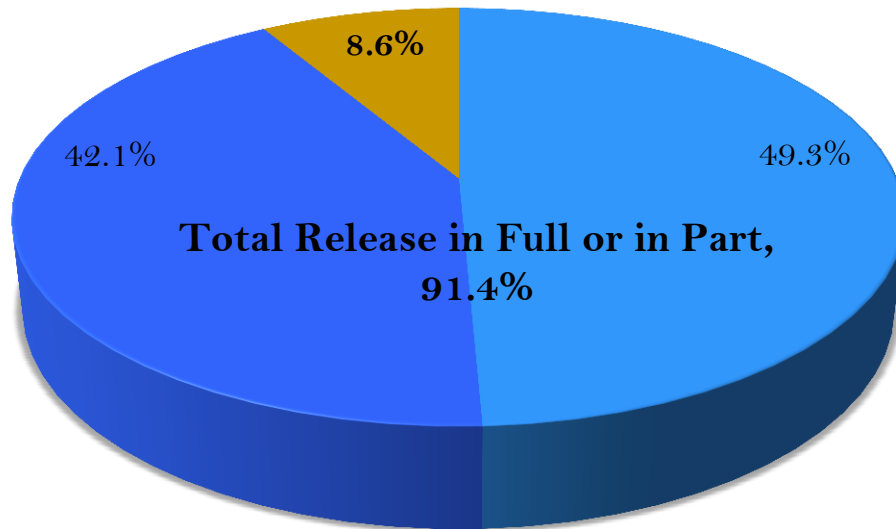
## Disposition of All Processed FOIA Requests



### Release Rate

As noted above, 482,357 requests were reviewed for disclosure determinations in FY 2013, and of those just over 49% (237,682) resulted in a full release of records. Over 91% (440,977) of requests resulted in the release of either some or all of the requested records. Only 8.6% of these requests resulted in a full denial of information based on the use of a FOIA exemption.

## Disposition of Fiscal Year 2013 Requests for Exemption Applicability



■ Release in Full (49.3%) ■ Release in Part (42.1%) ■ Denied in Full Based on FOIA Exemptions (8.6%)

Sixty-seven agencies, including ten of the fifteen departments -- DOT, Department of Energy (DOE), USDA, DHS, Department of the Interior (Interior), Department of Housing and Urban Development (HUD), Treasury, DOJ, Department of Education (Education), and Department of Commerce (DOC) -- released records in full or in part in response to over 90% of the requests that they processed for exemption applicability. Another sixteen agencies, including DOD, HHS, and Labor, made either a full or partial release of information in response to 80% of such requests. Notably, thirty agencies, including USDA, HHS, and DOJ, released records in full with no information withheld in response to over 70% of requests processed for exemption applicability. Eleven additional agencies, including DOT, DOE, HUD, and Interior, released records in full in response to over 60% of these requests.

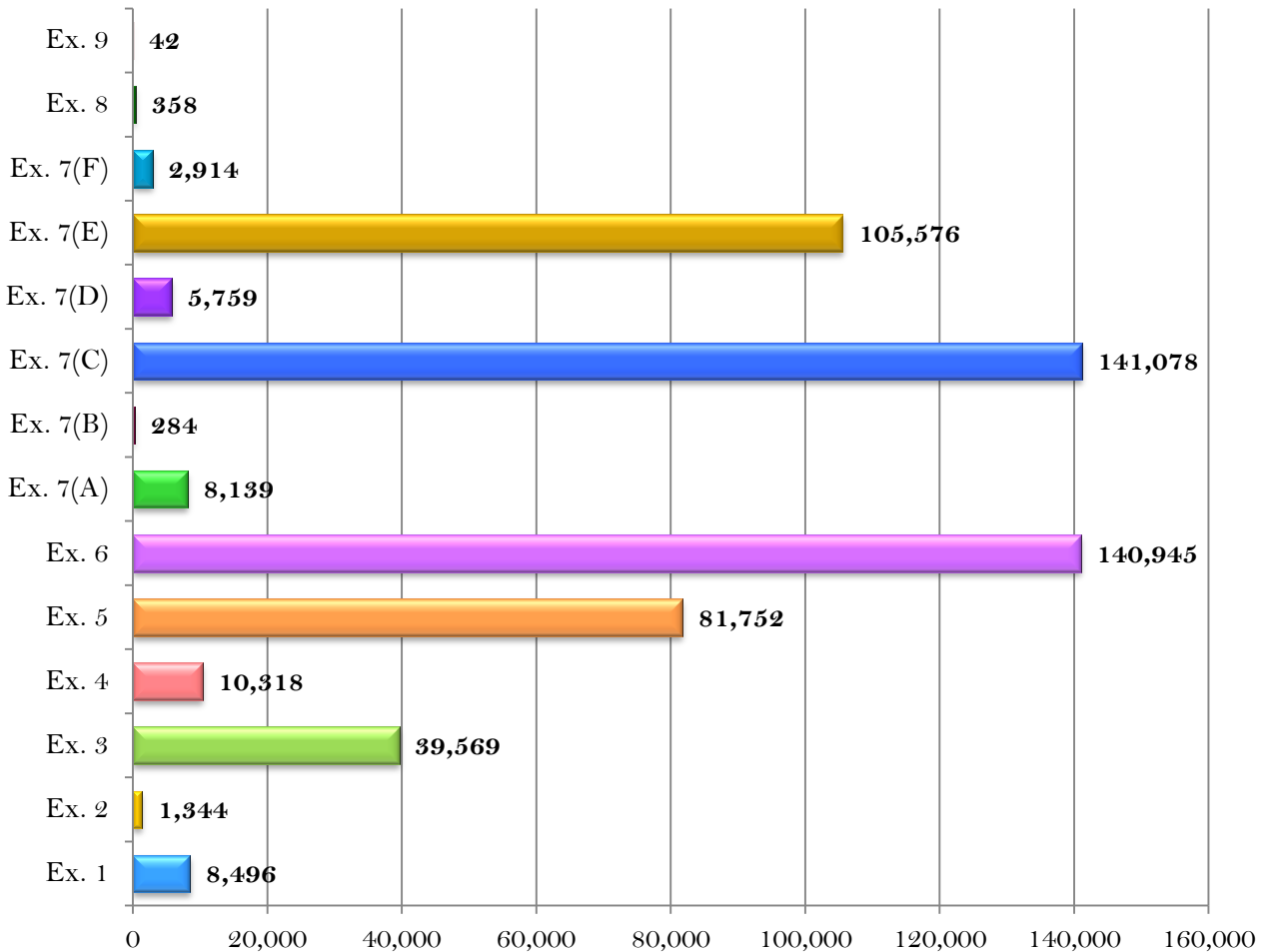
Four agencies -- the Office of National Drug Control Policy, the Selective Service System, the National Capital Planning Commission, and the Farm Credit System Insurance Corporation -- released records in full in response to 100% of the requests that they processed for exemption applicability. Another twenty agencies were able to release records in full or in part to 100% of such requests.

### Use of Exemptions

As a part of his 2009 [FOIA Guidelines](#), the Attorney General noted that “the disclosure obligation under the FOIA is not absolute.” The statute includes nine exemptions from disclosure that protect important interests such as national security, personal privacy, and certain law enforcement interests.

As has been the case for many years, the most cited FOIA exemptions used in FY 2013 were the FOIA's privacy exemptions -- Exemptions 7(C) (141,078 citations) and 6 (140,945 citations). For the third fiscal year in a row, Exemption 7(E), which protects law enforcement techniques, procedures, and guidelines, was the third most cited exemption with 105,576 citations. Exemption 5, which protects inter- or intra-agency privileged material was the fourth most cited exemption with 81,752 citations.

### Government-Wide Exemption Totals



The least cited FOIA exemption in FY 2013 was Exemption 9 (42 citations), which is used to protect geological and geophysical information concerning wells. Eight agencies -- Interior, DOD, DOJ, USDA, NARA, the Federal Energy Regulatory Commission, the Environmental Protection Agency (EPA), and VA -- asserted Exemption 9 in their processing of requests during FY 2013. With 284 citations, Exemption 7(B), which concerns information that would deprive a person of a right to a fair trial or an impartial adjudication, was the second least cited exemption in FY 2013. Exemption 8 (358

citations), which concerns information on the supervision of financial institutions, was the third least cited exemption in FY 2013.

Overall, the number of times exemptions were cited by agencies increased by 4.4% from 523,390 citations in FY 2012 to 546,574 citations in FY 2013. Of course, exemption use will fluctuate from year to year depending on the types of records that are requested and the numbers of requests that are processed. As noted above, the government overall processed a record high number of requests in FY 2013. Further, when examining this data it is important to keep in mind that the number of times an agency uses exemptions in responding to a request does not correspond with the volume of information withheld.<sup>5</sup> When comparing each exemption separately, the government collectively reported a decrease in citing Exemptions 2, 4, 7(B), 7(D), 7(F), and 8.

Exemption 3 incorporates into the FOIA the nondisclosure provisions of other statutes passed by Congress. As an aid for agencies in properly applying this exemption as well as to aid requesters in understanding the scope of the material covered, for the last three years OIP has posted a [chart](#) of all the Exemption 3 statutes agencies reported citing in their Annual FOIA Reports. Additionally, in an effort to make this information even more useful and accessible, OIP has also posted these charts in both portable document (PDF) and open (CSV) formats. OIP has once again posted the chart of all the Exemption 3 statutes that were cited during FY 2013 on the [FOIA Resources](#) page of its website.

### *Backlogged Requests*

The total number of backlogged request across the government at the end of FY 2013 was 95,564, which is about a 33% increase from the 71,790 requests that were reported as backlogged at the end of FY 2012.<sup>6</sup>

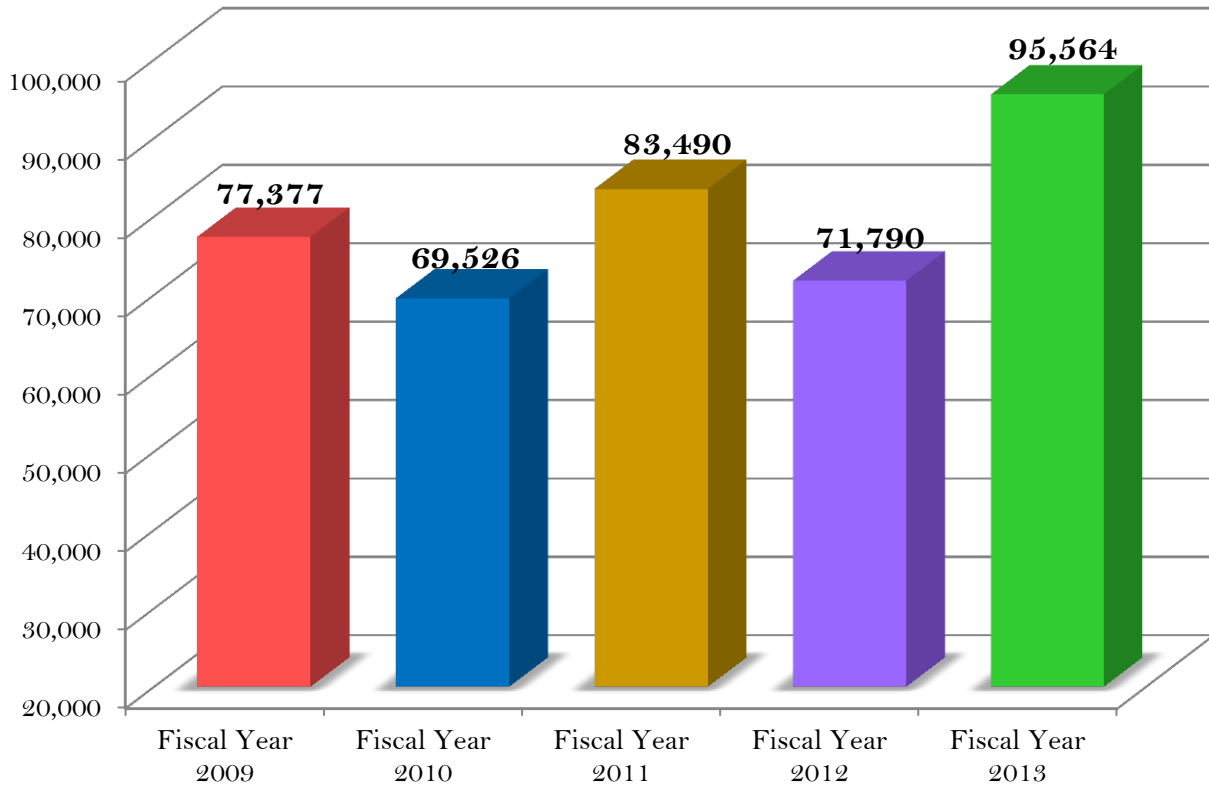
---

<sup>5</sup> For example, it is sometimes necessary for agencies to use multiple exemptions to protect various interests connected to one piece of information that appears in the responsive records. In such a case, even though the agency might be releasing hundreds of pages of records to the requester and withholding only a small portion, if that small portion was protected under multiple exemptions, the agency would have to report asserting those multiple exemptions for the request. That number of exemptions asserted would not itself reveal that it covered only the small piece of information withheld and it would not show how much information had been released. For that reason, we calculate release rates which show the percentage of requests where records are released in full, released in part, or withheld in full based upon FOIA's exemptions.

<sup>6</sup> A request is reported as "backlogged" when it has been pending at an agency longer than the statutory time period of twenty working-days, or if unusual circumstances are present, up to thirty working-days.

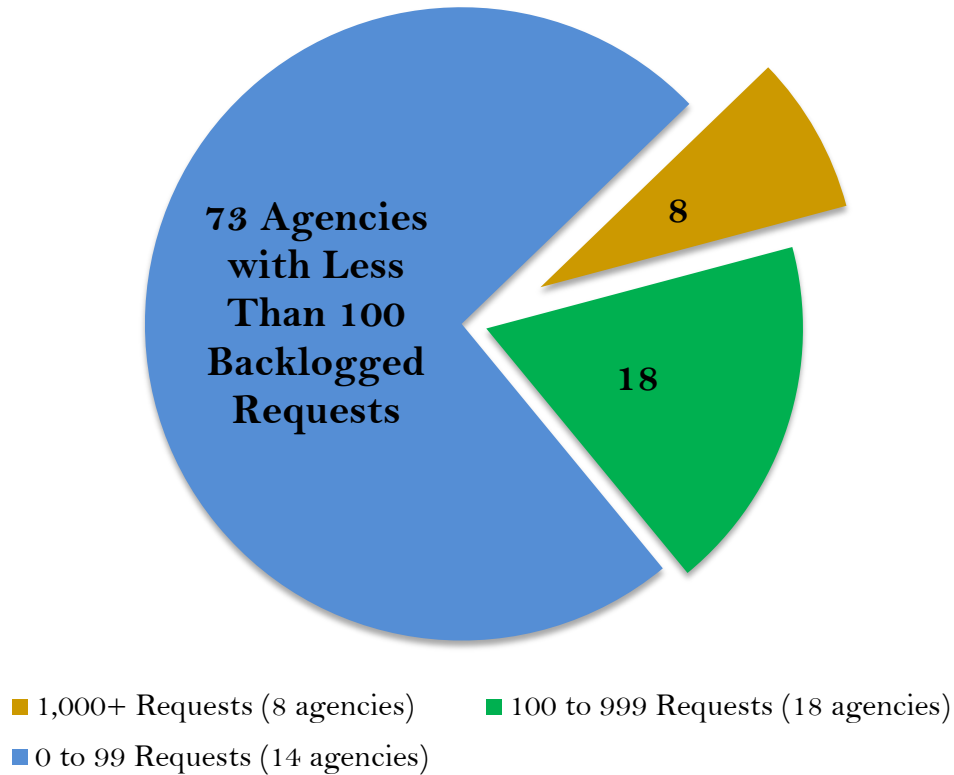


## Number of Backlogged Requests



Although the government's overall backlog of requests increased, the vast majority of agencies (seventy-three) reported low backlogs of fewer than 100 requests. Notably, fifty-nine of these agencies reported a request backlog of below twenty requests, and twenty-five reported that they did not have any backlog of requests. Moreover, a total of thirty agencies including seven departments -- State, HHS, Labor, Interior, DOE, Education, and HUD -- reported reducing their request backlogs from the numbers reported at the end of FY 2012. State (1,795 request decrease), NARA (1,010 request decrease), and HHS (641 request decrease) reported the largest reductions of backlog. Following them, the Central Intelligence Agency (CIA) and Labor reduced their request backlogs by 195 and 115 requests, respectively.

## Number of Backlogged Requests in FY 2013



DHS, which as noted above experienced a significant increase of incoming requests, reported the highest backlog of pending requests (51,761) at the end of FY 2013. Only eight agencies reported having a backlog of pending requests above 1,000 at the end of FY 2013 -- DHS, State (8,669), DOJ (6,990), NARA (6,600), DOD (6,593), HHS (5,099), EPA (1,265), and USDA (1,137). The collective backlog of pending requests at these eight agencies, 88,114, accounts for over 92% of the total pending request backlog across the entire government. Emphasizing the importance of agencies' efforts to reduce backlogs and improve timeliness, for the 2014 Chief FOIA Officer Reports OIP required those agencies that had a request backlog of over 1,000, and that did not reduce that backlog, to provide a plan for achieving backlog reduction in the year ahead. These plans and further discussion on the causes that contributed to the increase of backlogs at some agencies can be found in the 2014 agency Chief FOIA Officer Reports located on the [Reports](#) page of OIP's website.

Ten Oldest Pending Backlogged Requests

A distinct aspect of backlog reduction involves the closing of the oldest pending requests at an agency. After reviewing agencies' [2012](#) and [2013](#) Chief FOIA Officer Reports, and issuing assessments of agency progress in implementing the [Attorney General's FOIA Guidelines](#) for those years, OIP issued [two pieces](#) of agency-wide guidance that specifically call attention to the importance of agencies closing their ten oldest pending requests each year. The 2013 guidance on this topic specifically emphasizes that "all agencies should continue to make it a priority to close their ten oldest pending requests . . . each fiscal year." At the end of FY 2013, the ten oldest pending requests across the government date between 1993 and 1994, and are all pending at NARA.<sup>7</sup>

"Our sustained efforts to close these requests . . . every year is essential to reducing the age of the government's backlogs and resolving those cases that have been lingering for years."

*OIP Guidance for Further Improvement*  
August 13, 2013

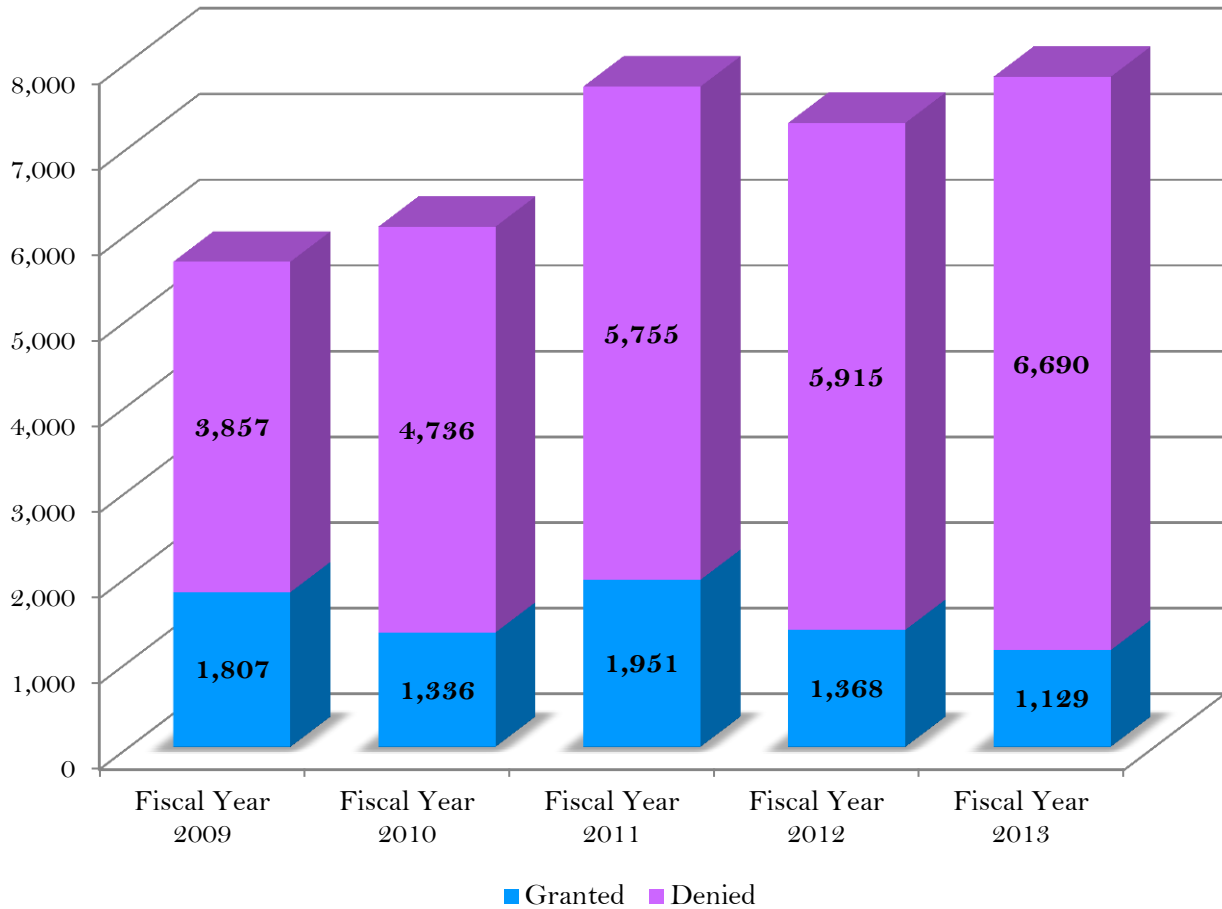
Requests for Expedited Processing

In FY 2013, the government overall made a decision to grant or deny 7,819 requests for expedited processing. This is a nearly 7% increase from the total number of expedited processing determinations made during FY 2012 (7,313), and a nearly 1.5% increase from the previous high in FY 2011 (7,706).

---

<sup>7</sup> The oldest pending requests are calculated by the number of days the requests have been pending.

## Requests for Expedited Processing



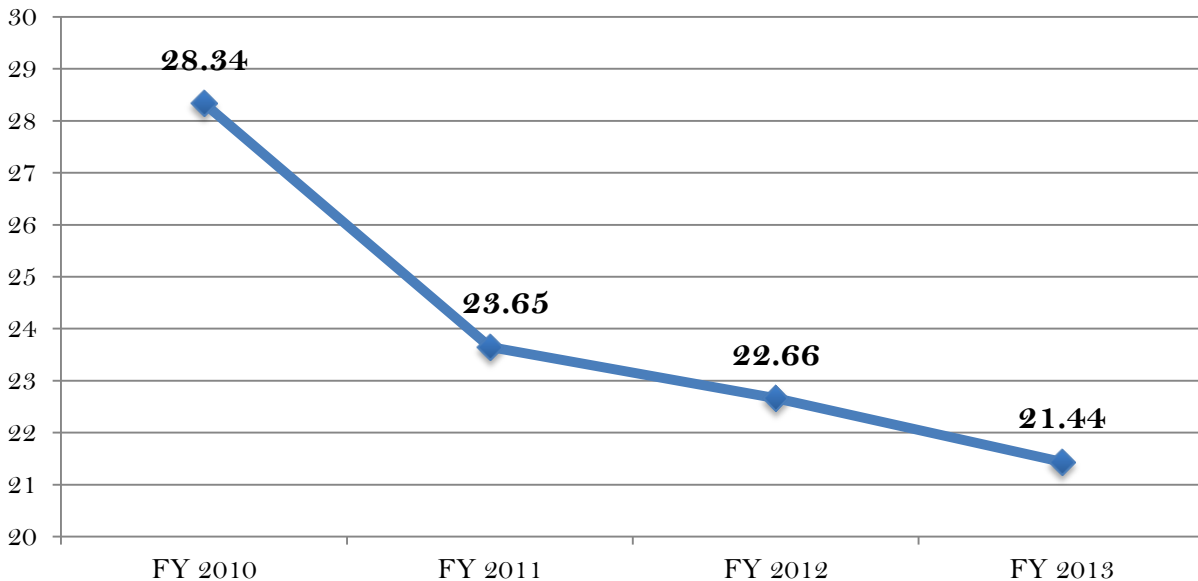
In making these determinations, agencies overall granted 1,129 requests for expedited processing, which is a 19% decrease from the 1,398 requests for expedited processing granted in FY 2012. During FY 2013, agencies collectively denied 6,690 requests for expedited processing, which is a 13% increase from the 5,915 denials reported at the end of FY 2012.

Across the government, agencies averaged 11.53 days to adjudicate requests for expedited process, a decrease of just over 4% from the average of 12.03 days reported in FY 2012. Sixty-six of the ninety-nine agencies reported adjudicating requests for expedited processing during FY 2013, and of those, fifty-one reported that they were able to adjudicate these requests within an average of ten calendar days or less. In total, agencies adjudicated nearly 84% (6,539) of all requests for expedited processing made during FY 2013 within ten calendar days.

Average Processing Time for Simple Requests

The average processing times for simple track requests for agencies that reported data in this field in their FY 2013 Annual FOIA Report was 21.44 days. This is an improvement of just over 5% from the average of 22.66 days that was reported in FY 2012 and the fourth straight year that the average processing time decreased. Sixty-one agencies including seven departments -- Interior, DOC, DOD, USDA, Treasury, VA, and HUD -- reported processing their simple track requests within an average of twenty days or less. Sixteen agencies, including Labor, DOJ, DOE, DOT, Education, and HHS, reported processing these requests between an average of 20.06 days and twenty-nine days. A total of nineteen agencies reported an average processing time for simple track requests that was above 29.77 days.

**Average Processing Time for Simple Track Requests (in days)**



Notably, after reporting the highest average processing time for simple track requests in FY 2012, the U.S. Agency for International Development (USAID) made dramatic strides towards improving this number in FY 2013, reducing its average processing time by 54% from 163.02 days to 74.88 days. The Administrative Conference of the United States (1.2 days), the Selective Service System (two days), Interior (three days), and the U.S. Commission on Civil Rights (three days) reported the lowest average processing times for simple requests.

Because of the strong correlation between the type of request that is made and the ability of the agency to respond to that request more quickly, in 2012 OIP established a milestone for agencies that addresses whether the agency overall responded to requests in its simple track within an average of twenty working days or less. Agencies were once again

required to report on this metric in their 2014 Chief FOIA Officer Reports, and they will be scored on their success in this area in OIP's upcoming 2014 Assessment of Agency Progress in Implementing the President's FOIA Memorandum and the Attorney General's FOIA Guidelines.

#### *Average Processing Time for Complex Requests*

The average processing time for complex track requests for agencies that reported data in this field in their Annual FOIA Report was 123.17 days. This is an increase of 40.82 days from the average processing time reported in FY 2012. Across the government, for the second consecutive year, NARA (718 days) reported the highest average processing time for complex track requests. Notably, however, this is a nearly 22% reduction from the average processing time NARA reported for these requests in FY 2012. The Federal Mine Safety and Health Review Commission (8.9 days) reported the lowest average processing times for complex track requests. A total of seven agencies reported processing their complex track requests in an average of twenty working days or less. Another eleven agencies, including Treasury, HUD, and Labor processed their complex track requests between an average of 22.34 days and thirty days. Thirty-two agencies, including ten departments -- VA, Interior, USDA, Education, DOT, DOC, DHS, DOD, HHS, and DOJ -- processed their complex track requests between an average of 31.07 days and 115.81 days.

#### *Average Processing Time for Expedited Requests*

Due to the nature of expedited track requests, which can either be simple or complex in their scope, comparisons of average processing times are necessarily imperfect. For those agencies that reported data for this field, however, the average processing time for expedited requests in FY 2013 was 91.03 days. This is an increase of over 50 days from the average of 40.2 days reported for FY 2012. Twenty-two agencies, including HUD, DOD, and USDA, reported processing their expedited requests within an average of twenty days or less. Only one other agency, the Pension Benefit Guaranty Corporation (29 days) reported processing their expedited requests under an average of thirty days. Of the forty-nine agencies that reported data in this field for FY 2013, all but eleven processed such requests within an average of less than 100 days.

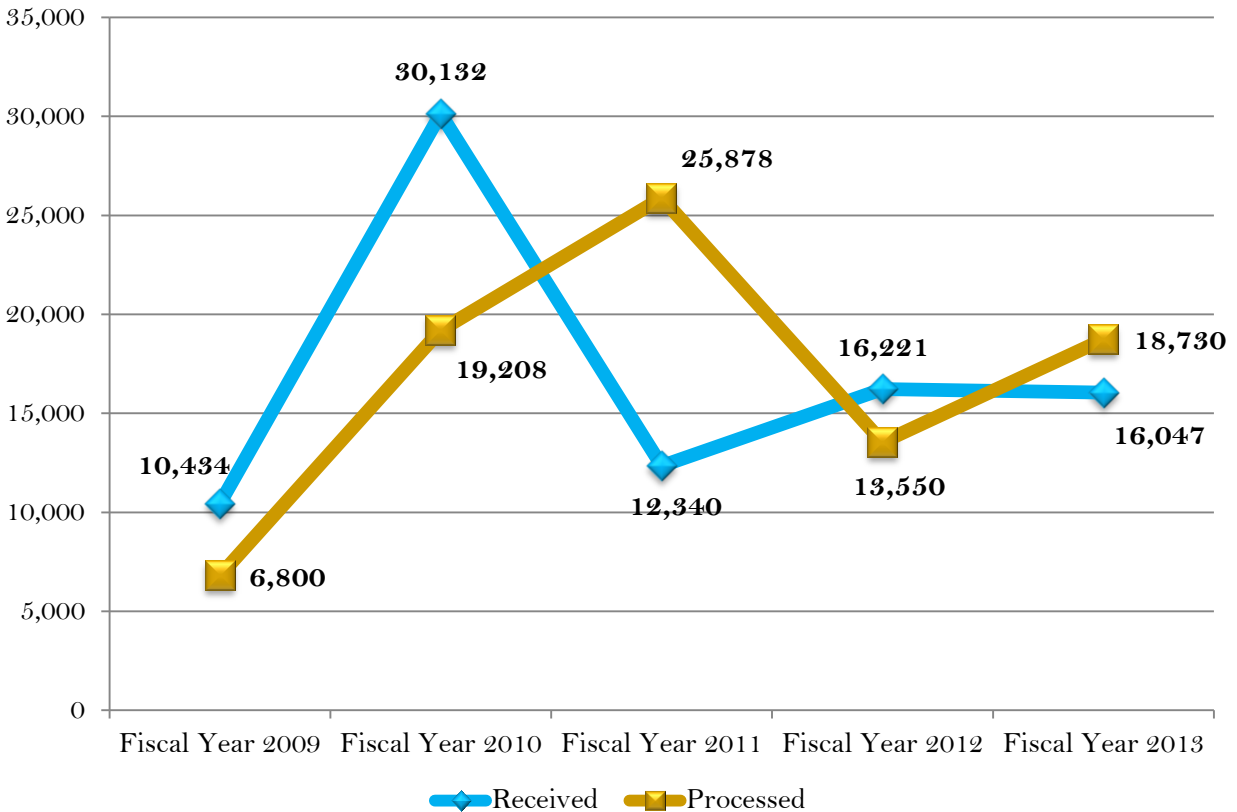
### **CONSULTATIONS ON FOIA REQUESTS**

#### *Consultations Received, Processed, and Pending*

During FY 2013, forty-seven of the ninety-nine agencies subject to the FOIA received documents on consultation from another agency. Agencies in receipt of such consultations are asked to provide their views on the disclosability of records that are being processed by another agency. A total of 16,047 consultations were received by agencies in FY 2013, a slight decrease (about 1%) from the total received in FY 2012 (16,221). For the fourth consecutive year, State received the most consultations across the government with 11,012, an increase of sixty-six consultations from the 10,946 it received in FY 2012. For the second year in a row, DOD (1,993) and CIA (1,005) received the second and third most consultations across the government, and along with State, were the only agencies to receive more than 1,000 consultations during the fiscal year. Collectively, these three agencies

accounted for 87% of all consultations received by the government in FY 2013 (14,010). Only four other agencies -- DOJ (725), DHS (318), DOE (264), and Treasury (232) -- received more than 100 consultations during FY 2013. Together, these seven agencies received 97% of all consultations across the government. Notably, thirty-four agencies received twenty or fewer consultations during the fiscal year.

## Consultations



During FY 2013, agencies collectively processed 18,730 consultations, which is a 38% increase from the 13,550 consultations processed in FY 2012. As with the number of consultations received, State processed the most consultations during the fiscal year. The 13,810 consultations processed by State amounts to nearly 74% of the total number of consultations processed by the entire government in FY 2013. After State, DOD (1,952) and CIA (1,138) were the only two agencies to process more than 1,000 consultations. Together, these three agencies processed 90% of all consultations across the government. As with the number of consultations received, DOJ (641), DOE (257), DHS (248), and Treasury (215) are the only other agencies to have processed more than 100 consultations in FY 2013. These seven agencies together processed 97% of all the consultations processed by the government. Out of these seven agencies, State and CIA were able to process more consultations than they received, thereby reducing their overall backlog of pending consultations. Notably, twenty-one of the forty-seven agencies that received consultations in FY2013 were able to process all of their incoming consultations.

Twenty-five agencies reported ending FY 2013 with at least one pending consultation. However, as a result of the significant efforts by State and CIA to increase their processing of consultations, the overall number of pending consultations for the government decreased by over 43% from 6,150 to 3,497. As with the last two fiscal years, State (1,702) and DOD (1,057) reported having the highest number of pending consultations at the end of the fiscal year. These two agencies together accounted for over 78% of all pending consultations at the end of FY 2013. Of the remaining twenty-three agencies, only four -- CIA (215), DOJ (183), DOE (114), and DHS (114) -- had more than 100 consultations pending at the end of the fiscal year. Treasury (45) is the only other agency that had more than twenty consultations pending at the end of the fiscal year, with the remaining eighteen agencies reporting having between one and seventeen.

### *Ten Oldest Pending Consultations*

OIP issued [guidance](#) in 2012 stressing the importance of agencies closing their ten oldest consultations, and calling on agencies to "assess the steps needed to respond on any pending consultations, identify any barriers to doing so, and devise strategies that will allow for the consultations to be finished prior to the close of the fiscal year." The [guidance](#) also called attention to the fact that "[i]f those agencies in receipt of consultations from other agencies can commit to closing their ten oldest pending consultations each year, that in turn will facilitate the closing of the oldest requests themselves." The full guidance article, which also addresses the importance of agencies closing their ten oldest requests each year, is available on [OIP's website](#).

Thirteen of the twenty-five agencies that had pending consultations at the end of FY 2013, including Interior, Labor, and DOC, reported that their oldest pending consultation was dated during calendar year 2013. Another two agencies, DOT and the Board of Governors of the Federal Reserve System, reported that their oldest pending consultation was dated in calendar year 2012. Across the government, the ten oldest pending consultations at the end of FY 2013 were dated between 2004 and 2006, which is a marked improvement from the range reported at the end of FY 2012. The government's overall ten oldest pending consultations at the end of FY 2013 are dated between 2004 and 2007 and are all pending at DOD and CIA. In addition to the consultations reported by these agencies, State is the only other agency to report a pending consultation dated prior to 2009.

## **ADMINISTRATIVE APPEALS**

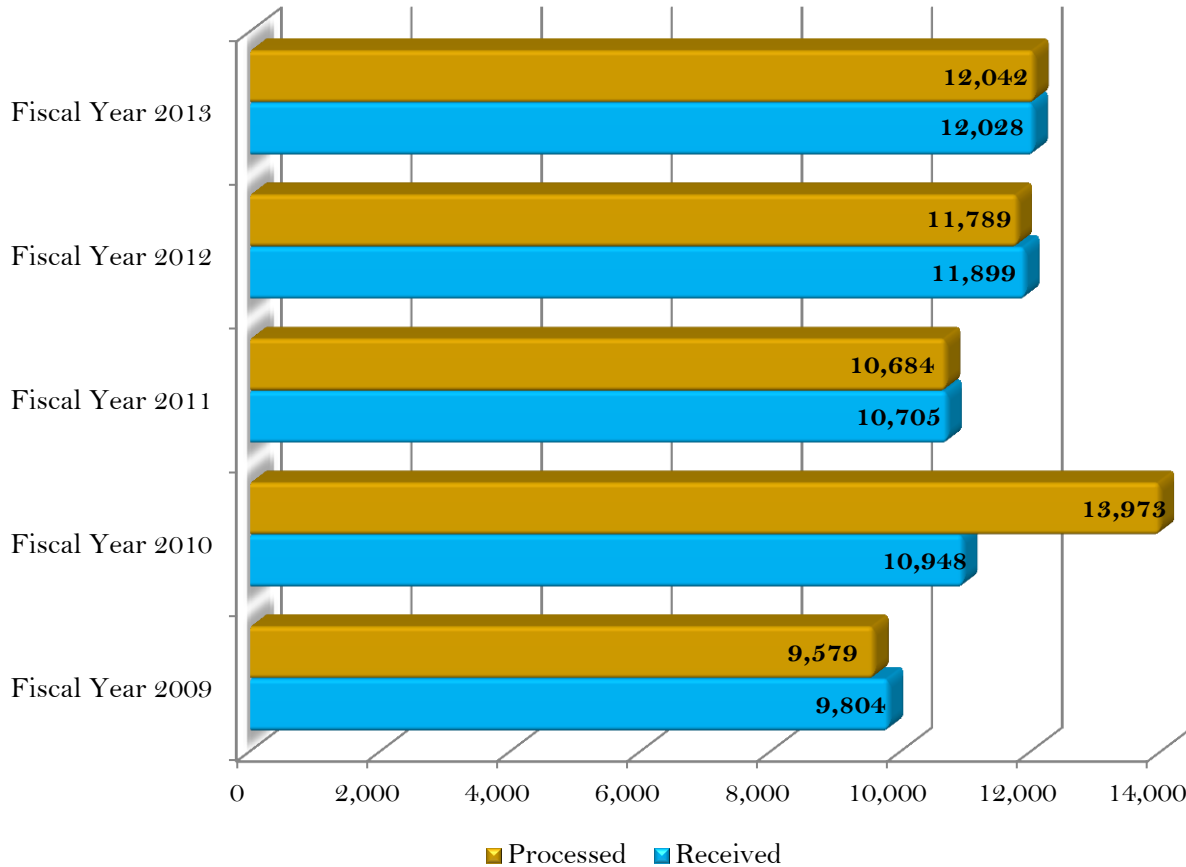
### *Number of Administrative Appeals Received and Processed*

In FY 2013, the government overall received 12,028 appeals, which is just over 1% more than the 11,899 appeals received in FY 2012. DOJ continues to receive the highest number of appeals across the government. During FY 2013, DOJ received 3,327 appeals, which accounts for nearly 28% of all the appeals received governmentwide. For the third consecutive year, DHS (2,905) and DOD (1,111) received the second and third highest number of appeals. Collectively, these three agencies received 61% of all appeals received by the government. Fourteen agencies, including eight departments -- Labor, Treasury, HHS,



VA, State, USDA, Interior, and DOT -- received between 130 and 464 appeals during FY 2013, with another fifty-four agencies receiving between one and seventy-seven appeals. Twenty-eight agencies received no appeals during the fiscal year.

## Administrative Appeals

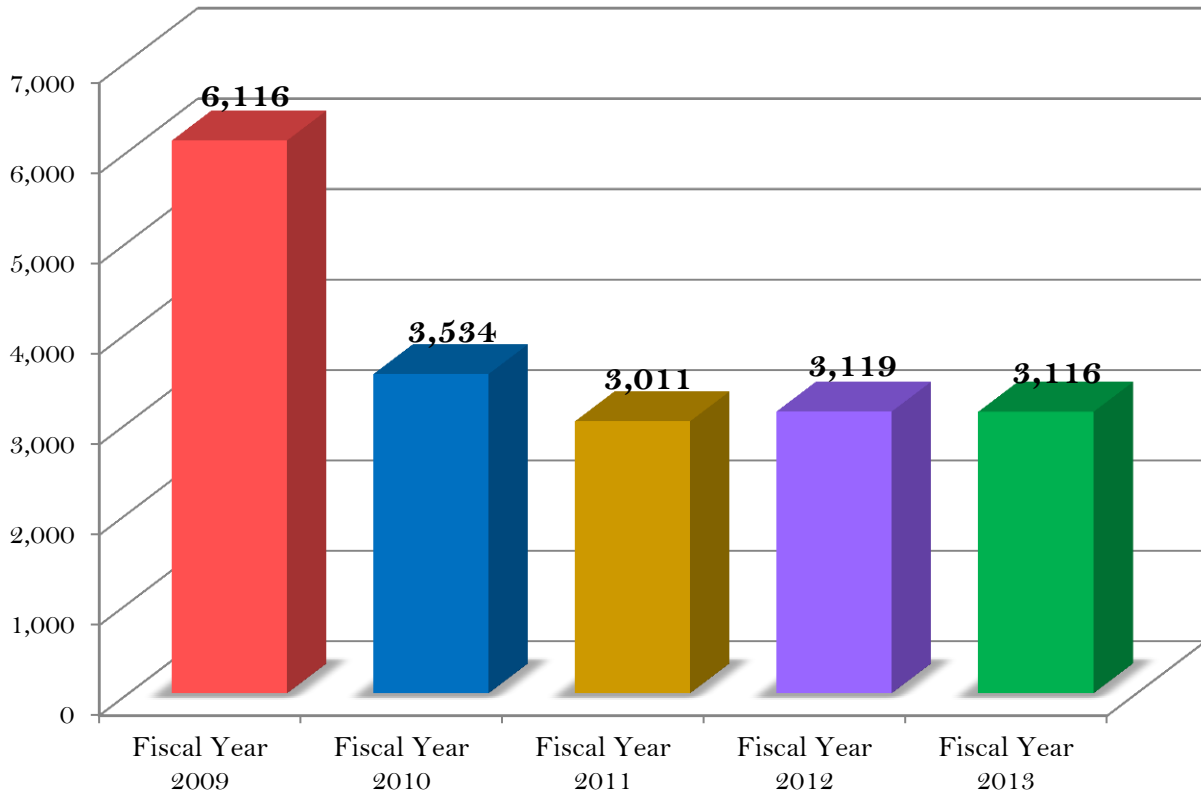


The government overall processed 12,042 appeals during FY 2013, which is an increase of just over 2% from the 11,789 processed during FY 2012. The three agencies that received the most appeals also processed the most appeals: DOJ (3,398), DHS (3,046), and DOD (1,145). These three agencies together processed 63% of the total number of appeals processed by the entire government in FY 2013. Fourteen agencies processed between 130 and 459 appeals, and another twenty-two agencies processed between twelve and eighty. Fifty-six agencies processed less than ten appeals, and of those, twenty-six processed none.

### Backlogged Administrative Appeals

The overall backlog of administrative appeals decreased slightly from 3,119 at the end of FY 2012 to 3,116 at the end of FY 2013.

## Number of Backlogged Administrative Appeals



DOD reported the highest number of backlogged appeals with 673, and was followed by DOJ (331) and HHS (322). Notably, three out of the four agencies with the highest appeal backlogs in FY 2013 -- DOD, DOJ, and State -- were able to reduce their backlogs by double digits when compared to FY 2012. Eighteen agencies overall reduced their backlog of appeals at the end of FY 2013. Fifty-nine of the ninety-nine agencies subject to the FOIA closed FY 2013 with no pending appeals in their backlog.

### Ten Oldest Pending Administrative Appeals

The oldest pending administrative appeal across the government dates to 1999 and is pending at the CIA. This is the last appeal in the government dated in the 1990s. The remaining nine oldest appeals are dated between 2002 and 2006, and are all pending at the CIA and DOD.

As noted above, fifty-nine agencies reported having no pending administrative appeals at the end of the fiscal year. Of the remaining agencies, twenty-nine had less than ten pending appeals and fourteen only had one or two appeals to list as their oldest. Twelve agencies reported that their oldest appeal had been pending for twenty days or less.

### Processing Time for Administrative Appeals

The average processing time for adjudicating appeals for those agencies that reported data in this field of their FY 2013 Annual FOIA Report is 82.79 days. This is an improvement of just over four days from the average of 86.89 days reported in FY 2012. DOJ, which processes the most appeals across the government, reported an average processing time of 80.83 days. State had the highest overall processing time for appeals with an average of 540 days, and was followed by USAID, which reported an average of 532 days. Interior reported the third highest average processing time with 416 days, but this is a significant reduction of over 54% from the average processing time (911 days) it reported in FY 2012. Seventeen agencies, including ten departments -- State, Interior, DOD, HHS, VA, Education, DOC, USDA, DHS, and DOT -- reported an average processing time for appeals above 100 days, with eight reporting an average above 200 days. Twenty-five agencies, including Treasury, reported that their average processing time for appeals in FY 2013 was twenty days or fewer.

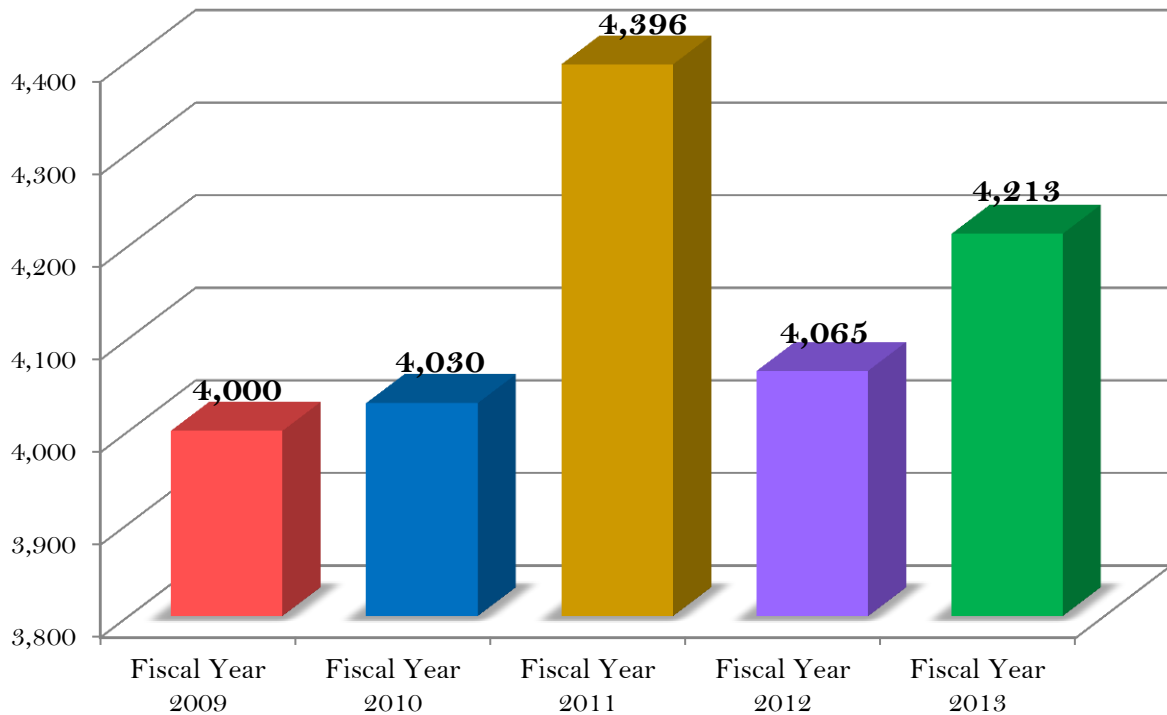
## **STAFFING LEVELS**

During FY 2013, 4,213 “full-time FOIA staff” were devoted to the administration of the FOIA throughout the government.<sup>8</sup> This is a 3.6% increase from the 4,065 “full-time FOIA staff” reported in FY 2012, but is still below the five year high of 4,396 reported in FY 2011. While reporting the highest number of “full-time FOIA staff” in FY 2013, for the second year in a row DOD reported a reduction in staff from 719 “full-time FOIA staff” in FY 2012 to 698 at the end of FY 2013. Breaking a two year trend, DOJ (501) moved from reporting the second highest number of “full-time FOIA staff” to the third highest, coming in after DHS which reported 603 “full-time FOIA staff.” DOD, DHS, and DOJ were the only agencies in FY 2013 to report a total “full-time FOIA staff” above 500. USDA (338) and HHS (299) were the only other agencies to have reported over 200 “full-time FOIA staff.” VA (174), State (157), Labor (154), Interior (136), Treasury (132), and EPA (114) were the only other agencies to have reported over 100 “full-time FOIA staff.” Notably, these eleven agencies combined account for over 78% of the “full-time FOIA staff” reported by the government at the end of FY 2013.

---

<sup>8</sup> This includes both full-time FOIA professionals and the cumulative percentages of the time spent on FOIA by personnel who work on FOIA as a part of their duties.

## Number of "Full-Time FOIA Staff" Across the Government

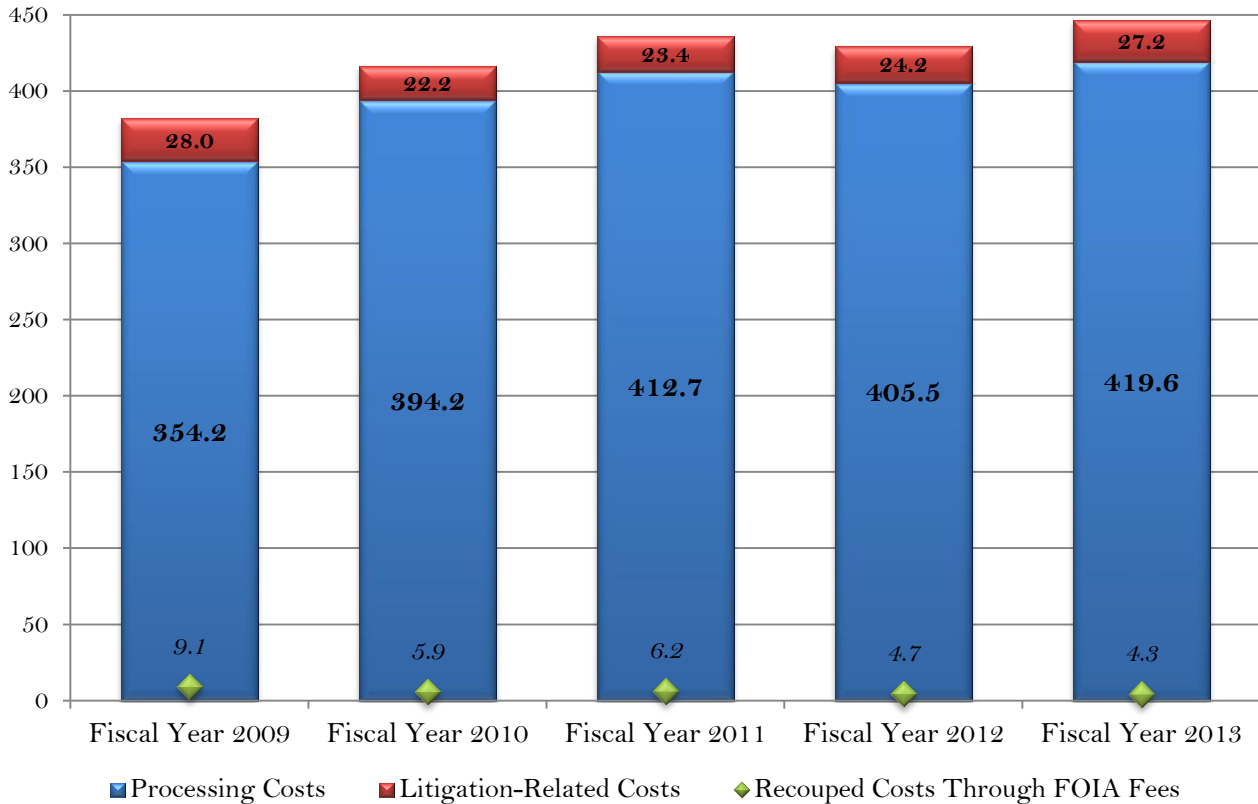


A total of twenty-nine agencies reported having less than one “full-time FOIA staff” at the end of FY 2013. When adding together all of the “full-time FOIA staff” reported by these agencies, it is the equivalent of just over eight staff members. As is FY 2012, forty-four agencies had between one and nineteen “full-time FOIA staff” at the end of FY 2013. The remaining fifteen agencies reported a range between twenty-one and ninety-seven “full-time FOIA staff.”

### COSTS

The total estimated cost of all FOIA related activities across the government during FY 2013 was \$446,792,333.69. This is a 4% increase, or just over \$17 million more, than was spent by agencies in FY 2012. For the third year in a row, over 93% (\$419,610,391.49) of the total costs was attributed to the processing of requests and appeals by agencies. Slightly over 6% was reported to have been spent on litigation-related activities. By the end of the fiscal year, agencies reported collecting a total of \$4,343,704.58 in FOIA fees, which amounts to just less than 1% of the total costs related to the government’s FOIA activities.

## Approximate Cost of All FOIA Related Activities (in millions of dollars)



Continuing a four year trend, DOD reported incurring the highest total costs (over \$83 million) across the government for FOIA-related activities. While this is an increase of about \$7 million for DOD from the amount reported in FY 2012, it is still over \$10 million less than the nearly \$94 million DOD reported in FY 2011. DOJ (\$64.7 million), HHS (\$51.6 million), and DHS (\$45 million) reported the second, third, and fourth highest costs in FY 2013, and along with DOD, these are the only agencies to have spent over \$20 million on FOIA-related activities in FY 2013. Together these agencies account for nearly 55% of all FOIA-related costs incurred by the government during FY 2013. Only nine other agencies – VA (\$17.9 million), State (\$17.6 million), Treasury (\$17.4 million), EPA (\$17.1 million), Labor (\$12.9 million), CIA (\$12.7 million), Interior (\$12 million), DOE (\$11.1 million), and DOT (\$11.1 million) -- reported spending more than \$10 million. Sixty-seven agencies reported spending less than one million dollars on FOIA-related activities during the fiscal year, with thirty-eight of those agencies spending less than \$100,000.

Notably, sixty agencies reported having no expenditures for litigation related activities during FY 2013, with another eleven spending between \$670 and \$10,000. Nine agencies reported spending between \$11,500 and \$91,742, and another fourteen reported spending between \$100,000 and \$884,000. DOJ, DOD, DHS, HHS, and CIA all reported spending over a million dollars on litigation related activities.

## **CONCLUSION**

During FY 2013 many agencies faced difficult challenges from a tough fiscal climate and an ever increasing demand of FOIA requests. With another year of record high numbers of incoming requests, agencies overall responded to this demand by processing a record high 678,391 requests. The government overall also continued to maintain a high release rate of over 91% and it improved its average processing times for simple track requests. While a number of agencies were able to reduce their request backlogs, the record high number of incoming requests received in FY 2013 resulted in an increase of the government's overall backlog. Nevertheless, as the Annual FOIA Report data indicates, despite challenging times, agencies overall showed improvement in several areas. With these achievements in mind, there is much work to be done for the remaining part of this fiscal year to ensure that progress continues to be made. Agencies with high backlogs of FOIA requests should continue to focus on efforts to reduce those backlogs. Further, agencies should also continue to focus on reducing the age of their backlogs by closing the ten oldest pending requests and consultations that were reported in their FY 2013 Annual FOIA Reports.