



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

Washington, D.C. 20503

LEGAL COUNSEL

FREEDOM OF INFORMATION ACT ANNUAL REPORT

Fiscal Year 2006

In case of questions concerning the annual FOIA Report, or to obtain a copy, please contact:

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General Counsel
750 17th Street, N.W. Room 518
Washington, D.C. 20503
(202) 395-6709

How to Make a FOIA Request:

A request made under the FOIA must be submitted in writing, by mail or fax, to the following address:

Office of Legal Counsel
Attn: General Counsel
750 17th Street, N.W.
Washington, D.C. 20503
Phone: (202) 395-6622
Fax: (202) 395-5543

Definition

1. FOIA/PA request -- a Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. 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, if any, are included in this report.)
2. Initial Request -- a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. 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 in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multitrack processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multitrack processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more FOIA exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records that adequately describes the records sought, that has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. 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.
17. Day -- working day.

Exemption 3 Statutes

No exemptions 3 statutes have been used by the Office of Legal Counsel during the past fiscal year.

Initial FOIA/PA Access Requests:

All access requests, whether first-party or third-party are included.

A. Numbers of initial requests.

- Number of request pending as of end of preceding fiscal year 8
- Number of request received during current fiscal year 60
- Number of request process during current fiscal year 68
- Number of request pending as of end of current fiscal year 0

B. Disposition of initial requests.

- Number of total grants: 19
- Number of partial grants: 3
- Number of denials: 4

a. number of times each FOIA exemption used (counting each exemption once per request)

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

(12)	Exemption 7(F):	0
(13)	Exemption 8:	0
(14)	Exemption 9:	0
Other reasons for nondisclosure (total):		42
a.	No records	38
b.	Referrals	1
c.	Request withdrawn	0
d.	Fee-related reason	0
e.	Records not reasonably described	2
f.	Not a proper FOIA request for some other reason	0
g.	Not an agency record	1
h.	Duplicate request	0
i.	Other	0

Appeals of Initials Denials of FOIA/PA Requests

Again, all access requests, whether first-party or third-party, are included

A.	Numbers of appeals	
	• Number of appeals received during fiscal year	0
	• Number of appeals processed during fiscal year	0
B.	Disposition of appeals	
	• Number completely upheld:	0
	• Number partially reversed:	0
	• Number completely reversed:	0
a.	number of times each FOIA exemption used (counting each exemption once per appeal)	
(1)	Exemption 1:	0

(2)	Exemption 2:	0
(3)	Exemption 3:	0
(4)	Exemption 4:	0
(5)	Exemption 5:	0
(6)	Exemption 6:	0
(7)	Exemption 7:	0
(8)	Exemption 8:	0
(9)	Exemption 9:	0

Other reasons for appeal

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

Compliance with Time Limits/Status of Pending Requests:

Requests are counted from the time at which a request is "perfected."

A. Median processing time for requests processed during the year.

1.	Number of requests processed:	67
2.	Median number of days to process:	20

B. We received one request for expedited processing and granted one request for expedited processing. The expedited request was processed in one day.

C. Status of pending requests.

- | | | |
|----|--|---|
| 1. | Number of requests pending as of end of current fiscal year | 0 |
| | Median number of days that such request were pending as of that date | 0 |

Costs/FOIA Staffing:

A. Staffing levels

- | | | |
|----|--|----|
| 1. | Number of full-time FOIA personnel: | 0 |
| 2. | Number of personnel with part-time or occasional FOIA duties
(in total work years) | .2 |
| 3. | Total number of personnel (in work-years) | .2 |

Note: The employees performing the search of records in each division varies depending upon the type and scope of search being conducted. Therefore, we have only included the personnel performing the review in the FOIA Office.

- B. Total cost (including staff and all resources). \$20,000

Search and review time/fees are tracked when the requester is to incur processing fees. Search and review time is not tracked if charges are to be waived.

Litigation fees are not tracked.

Fees:

- A. Total amount of fees collected by agency for processing requests: 0
- C. Percentage of total costs 0

(NOTE: Search and review time is not tracked if charges are to be waived.)

Report on FOIA Executive Order Implementation

- A. Description of supplementation/modification of agency improvement plan (if applicable) None**
- B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.**

The Chief of Staff has authorized each of the component heads to include FOIA responsibilities in the position description and performance review of the individual who is responsible for searching for records in response to a FOIA Request.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable) None

D. Additional narrative statement regarding other executive order-related activities (optional) None

E. Concise descriptions of FOIA exemptions.

Exemption 2used 1

This exemption, exempts from mandatory disclosure records that are “related solely to the internal personnel rules and practices of an agency.

Exemption 5.....used 2

This exemption protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.”

Exemption 6.....used 1

This exemption permits the government to withhold all information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.”

Exemption 7(A).....used 1

This exemption authorizes the withholding of “records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings.”

F. Additional statistics:

1. Time range of request pending, by date of request (or, where applicable, by date of referral from another agency) None

2. Time range of consultations pending with other agencies, by date of initial interagency communication. None