



U.S. DEPARTMENT OF STATE

FREEDOM OF INFORMATION ACT

ANNUAL REPORT

FISCAL YEAR 2012

I. BASIC INFORMATION REGARDING REPORT

1. Questions about this report may be addressed to:

Sheryl Walter
Director, Office of Information Programs and Services
A/GIS/IPS, SA-2, Room 5073
U.S. Department of State
Washington, D.C. 20522-8100

Telephone: (202) 261-8484
Fax: (202) 663-2764

2. This report is available on our web site at <http://www.foia.state.gov>.
3. Paper copies may be requested by contacting A/GIS/IPS at the above address.

II. MAKING A FREEDOM OF INFORMATION ACT (FOIA) REQUEST

1. FOIA requests to the Department must be in writing. Requests may be submitted in any of the following ways:
 - by mail to the Office of Information Programs and Services (“IPS”) at the address provided at the end of this section; **or**
 - by fax to (202) 261-8579; **or**
 - on-line at our web site: <http://www.foia.state.gov>

Requests should describe the records sought as precisely as possible and include details such as a specific topic, a time frame for the records’ creation, and (if applicable) the domestic or overseas post or office where they were created or received. The more specific the request, the more quickly it can be processed and the greater the likelihood that responsive records (if any exist) can be located and reviewed. Requests concerning individuals should include the individuals’ complete names, dates and places of birth, and citizenship status (if known). A request for records about oneself must include reasonable verification of identity (see 22 C.F.R. § 171.32). A request for records about an individual other than the requester should include a properly executed authorization from the subject individual (see 22 C.F.R. § 171.12) or evidence of the individual’s death, as appropriate, in order to gain the greatest access to those records. If such documentation cannot be provided, the request should indicate that fact. The request should also indicate the requester’s willingness to pay applicable fees or provide appropriate justification to support a fee waiver.

If mailing or faxing a request, the envelope or subject line of the fax coversheet should be clearly labeled: “Freedom of Information Act Request.” Very importantly, requests should include a valid daytime telephone number, email address, or both, where we can reach the requester to resolve any deficiencies in the request.

Requests may also be made on-line at the Department’s FOIA website (<http://www.foia.state.gov>). This site contains an electronic request form and helpful tips to assist requesters in formulating their requests.

We can only process requests that comply with our published regulations. Those regulations are available at 22 C.F.R. Part 171. A request is not perfected, for example, when it does not contain enough information to permit us to locate the requested records or when it does not conform with Department regulations regarding confirmation of identity.

Whenever possible, we will contact the requester by telephone or email to obtain whatever additional information is needed to validate a request. If we cannot reach the requester within a reasonable amount of time, we will send a letter to the requester explaining what is needed and asking the requester to resubmit the request with the additional information.

We make every attempt to promptly advise the requester of the case number assigned to the request and whether or not the records sought are under the Department's control.

If information is withheld, the requester will be notified of the approximate amount of information withheld, the basis for the withholding, and how to appeal. For more information about making a FOIA request or filing an appeal, please visit our website at <http://www.foia.state.gov>. You may also contact the Department's FOIA office by calling (202) 261-8484, or writing to the following address:

Information and Privacy Coordinator
Office of Information Programs and Services
A/GIS/IPS, SA-2
Department of State
Washington, D.C. 20522-8100

The Office of Inspector General (OIG) is a separate component within the Department of State. The OIG directly responds to requests for records that are exclusively OIG-related, such as those related to inspections, audits, or investigations.

FOIA requests for OIG records must be made in writing either by mail, fax or email as follows:

FOIA Office
U.S. Department of State
Office of Inspector General
Office of General Counsel
Washington, DC 20522-0308
ATTN: Zipora Bullard
Fax: (202) 663-0390
Phone: (202) 663-0383
E-mail: oigfoia@state.gov
Website: <http://oig.state.gov/foia/>

2. The Department of State is responsible for formulating and executing U.S. foreign policy and primarily maintains records dealing with U.S. foreign relations. The Department also maintains records of applications from U.S. citizens for U.S. passports, visa requests from non-citizens abroad, and records of its own employees, as well as other types of documents. Because of the nature and scope of the Department's record holdings, including a large

volume of classified records, we use the full range of exemptions when reviewing information for release. In implementing the Department's mission, we work closely with many other Federal agencies and international partners. For this reason, in making a release determination in response to a FOIA request the Department often must first consult with other, at times multiple, Federal agencies and foreign governments that have an interest in the records, which adds time and complexity to the FOIA process. The exemptions most often relied upon to withhold information are shown in table V.B.3. In addition, we receive a large volume of FOIA referrals from other agencies, which also contributes to the Department's FOIA processing workload.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-Specific Terms

- a. A/GIS/IPS – Bureau of Administration (A), Deputy Assistant Secretary for Global Information Services (GIS), Office of Information Programs and Services (IPS).
- b. OIG – Office of Inspector General.

2. Basic Terms

- 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, Post, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA 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 under the Freedom of Information Act 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 from another agency for processing and direct response to the requester (see Section V 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 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.
 - 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 the 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 the records requested.
- 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. **Referral** – the procedure whereby the agency responding to a FOIA request forwards a record that originated with another agency to the originating agency for its review. Once the originating agency in receipt of the referral finishes its review of the record, it responds directly to the FOIA requester.
- r. **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. Concise descriptions of 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

A. Exemption 3 Statutes Relied upon to Withhold Information

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
			State	OIG	
5 U.S.C. app 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General	None	State	1	1
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319	Certain records pertaining to grand jury proceedings	<i>Sussman v. USMS</i> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <i>Fund for Constitutional Gov't v. Nat'l Archives & Records Serv.</i> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <i>Durham v. U.S. Atty. Gen.</i> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <i>Cozen O'Connor v. U.S. Dep't of Treasury</i> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008)	OIG	2	2
8 U.S.C. § 1202(f)	Records pertaining to the issuance or refusal of visas to enter the U.S.	<i>Medina-Hincapie v. Dep't of State</i> , 700 F.2d 737, 741-42 (D.C. Cir. 1983)	State	5774	5774

<p>10 U.S.C. § 424</p>	<p>Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency</p>	<p><i>Physicians for Human Rights v. DOD</i>, No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011); <i>Miller v. DOJ</i> 562 F. Supp. 82, 112 (D.D.C. 2008), <i>Wickwire Gavin, P.C. v. Def. Intelligence Agency</i>, 330 F. Supp. 2d 592, 602 (E.D. Va. 2004)</p>	<p>State</p>	<p>3</p>	<p>3</p>
<p>22 U.S.C. § 2778(e)</p>	<p>Certain information pertaining to export license applications</p>	<p><i>Council for a Livable World v. U.S. Dep't of State</i>, No. 96-1807, slip op. at 11 (D.D.C. Jan. 21, 1998), <i>amended</i> (D.D.C. Nov. 23, 1998)</p>	<p>State</p>	<p>2</p>	<p>2</p>
<p>50 U.S.C. § 402 note</p>	<p>Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees</p>	<p><i>Houghton v. NSA</i>, No 09-4440, 2010 WL 1784058, at *3 (3d Cir. May 5, 2010) (per curiam); <i>Larson v. DOS</i> 565 F.3d 857, 868-69 (D.C. Cir. 2009); <i>Founding Church of Scientology v. NSA</i>, 610 F.2d 824,</p>	<p>State</p>	<p>3</p>	<p>3</p>

		827-28 (D.C. Cir 1979); <i>Roman v. NSA</i> , No. 07-CV-4502, 2009 WL 303686, at *5-6 (E.D.N.Y. Feb. 9, 2009), <i>summary affirmance granted</i> , 354 F. App'x 591 (2d Cir. 2009)			
50 U.S.C. § 403g	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: “the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency”	<i>Larson v. Dep’t of State</i> , 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); <i>Berman v. CIA</i> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <i>Makky v. Chertoff</i> , 489 F. Supp. 2d 421, 442 (D.N.J. 2007), <i>aff’d on other grounds</i> , 541 F.3d 205 (3d Cir. 2008)	State	10	10

V. INITIAL FOIA/PA ACCESS REQUESTS

A. Received, Processed and Pending FOIA Requests

Many FOIA/PA requests to the Department require searches of multiple records systems, offices and/or overseas posts. In an effort to provide more efficient responses to requests, the Department typically processes these requests incrementally. Thus, as we retrieve and review material responsive to these requests, we process it and provide responsive nonexempt records to the requester on a rolling basis rather than waiting until all searches and reviews are done. However, when we calculate how long it takes to process a request, we base the calculation on the date of the Department's completion of processing and incremental releases are not reflected in that calculation.

In fiscal year 2012, the Department faced unique challenges in processing FOIA cases in large part due to its transition to a new FOIA case management system. The new system required FOIA analysts and reviewers to learn and use new work flow procedures, which took time away from case processing during that learning period. Moreover, as is the case in many IT systems transitions in which large amounts of information are migrated, validating migrated data for accuracy was and continues to be a time-consuming yet critically important process to which we devoted significant FOIA processing resources in fiscal year 2012 on top of our large and growing FOIA caseload. The Department is committed to ensuring the highest level of data integrity throughout its FOIA program and will continue its data integrity validation efforts in fiscal year 2013 and beyond. We also continue to seek to identify ways to reduce the time required to properly process and release records as appropriate. Also affecting the number of requests processed was the impact on our business process workflow of (1) a necessary and significant building renovation project that required the relocation of case analysts and reviewers to temporary workspaces on a rolling basis and (2) re-allocation of case analysts, reviewers and shared IT support from the regular FOIA process to meet litigation deadlines. The Department is committed to finding ways to increase the number of FOIA requests processed annually .

	Column 1	Column 2	Column 3	Column 4
	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
State	8,608	18,478	15,304	11,782
OIG	3	43	39	7
AGENCY OVERALL	8,611*	18,521	15,343**	11,789

* The Department of State's FOIA Annual Report for FY 2011 reported that the number of cases pending at the end of the fiscal year for State was 8,715. As a result of our data reconciliation

and validation efforts, we have determined that the number should have been 8,611; that corrected number is reflected here.

** The number of requests processed in Fiscal Year 2012 is a decrease from the 26,835 requests processed in Fiscal Year 2011. The Department attributes this result to the unique factors described above, including the implementation of a new FOIA case processing system, which required learning new work flow procedures and data validation efforts that included identifying and resolving data migration issues as well as the impact of a building renovation and resource re-allocation for litigation support.

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							Other *Explain in chart below	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		
State	2,308	2,801	4,101	1,041	198	157	50	509	3,016	989	125	9	15,304
OIG	5	20	2	12	0	0	0	0	0	0	0	0	39
AGENCY OVERALL	2,313	2,821	4,103	1,053	198	157	50	509	3,016	989	125	9	15,343

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

Component	Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
State	Cases closed and went directly to litigation.	9
OIG	N/A	0

B. (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
State	202	22	5,787	37	209	475	23	4	65	8	268	9	0	0
OIG	1	0	2	0	4	5	0	0	16	0	1	0	0	0
AGENCY OVERALL	203	22	5,789	37	213	480	23	4	81	8	269	9	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

The chart below is segregated as follows:

Row 1 – appeals of denials of information based on exemption or other reason. All of the Department’s appeals in this category are processed through its Appeals Review Panel; therefore, in this case this statistic includes appeals for the Office of Inspector General.

Row 2 – appeals of denial of requests for expedited processing.

Row 3 – appeals of denial of requests for fee waivers.

Column 1		Column 2	Column 3	Column 4
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
Exemptions	327	192	118	401
Expedites	2	16	8	10
Fee Waivers	0	4	4	0
Agency Overall	329	212	130	411

B. Disposition of Administrative Appeals – All Processed Appeals

The chart below is segregated as follows:

Row 1 – appeals of denials of information based on exemption or other reason. All of the Department’s appeals in this category are processed through its Appeals Review Panel; therefore, in this case this statistic includes appeals for the Office of Inspector General.

Row 2 – appeals of denial of requests for expedited processing.

Row 3 – appeals of denial of requests for fee waivers.

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
Exemptions	54	52	10	2	118
Expedites	7	0	1	0	8
Fee Waivers	0	0	4	0	4
Agency Overall	61	52	15	2	130

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
56	0	42	2	13	29	2	0	8	3	5	2	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
6	0	0	0	0	0	0	0	0	0	3

C. (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
Multiple reasons	1
All documents sent for concurrence* or records transferred to another agency	2

*Appeals in which the only action pending is other agency consultation.

C. (4) Response Time for Administrative Appeals

Median Number of Days		Average Number of Days	Lowest Number of Days	Highest Number of Days
337.86		524.06	73	1942
Expedites	20.3	24.3	7	52
Fee Waivers	35.3	44.9	<1*	109
Agency Overall	303	472	<1	1,942

* Case opened and closed the same day.

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	8-14-07	8-14-07	8-14-07	8-14-07	8-14-07	8-14-07	8-14-07	8-14-07	8-14-07	1-17-07
Number of Days Pending	1,331	1,331	1,331	1,331	1,331	1,331	1,331	1,331	1,331	1,480

* These appeals all relate to a single topic and are subject to an inter-agency review process.

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

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

The Department uses two processing tracks for distinguishing simple requests from more complex ones. Requests are placed in processing tracks based on the degree of effort required to complete them, such as the number of searches or location of the records, the volume of responsive records, the complexity of the search and review needed, the sensitivity of the records, and the need for consultation in the review. Because the Department’s search function is decentralized, for certain bureaus and for most contemporary records, we usually do not know the number and complexity of responsive records until all searches have been returned. Similarly, until we have had the opportunity to review the records we do not know the extent of consultation with other offices, agencies or governments that is necessary. Thus, requests can move between tracks. For example, a seemingly simple new case can become complex when searches come back with voluminous amounts of material or particularly sensitive records. Given the nature of the Department’s records documenting U.S. foreign policy and foreign affairs, many of which are classified, and the global reach of the Department’s locations where records may be housed, a very small number of requests fall into the “simple” category at the Department.

Many FOIA/PA requests to the Department require searches of multiple records systems, offices and/or overseas posts. In an effort to provide the fastest and most efficient responses to requests, the Department typically processes these requests incrementally. Thus, as we retrieve and review material responsive to these requests, we process it and provide responsive nonexempt records to the requester on a rolling basis rather than waiting until all searches and reviews are done. These incremental releases are not reflected in the charts below; the number of days reflects the time at which all searches and reviews for a particular request were completed.

	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
State	66.43	88.51	<1	1,589	450	559.9	<1	3,035	921.43	760.44	46	1,559
OIG**	6	9.49	1	75	0	0	0	0	0	0	0	0
AGENCY OVERALL	66	88	<1	1,589	450	559.9	<1	3,035	921.43	760.44	46	1,559

*This category refers to expedited processing granted to Complex cases.

**OIG reported no Complex or Expedited Requests.

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
State	68.57	96.75	10	1,589	464.3	579	16	3,035	921.43	733	46	1,559
OIG**	11	13.19	1	75	0	0	0	0	0	0	0	0
AGENCY OVERALL	68	96	1	1,589	464.3	579	16	3,035	921.43	733	46	1,559

* This category refers to expedited processing granted to Complex cases.

**OIG reported no Complex or Expedited Requests.

C. 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
State	11	138	1,521	2,939	424	176	164	112	44	30	118	60	102	5,839
OIG	29	7	2	1	0	0	0	0	0	0	0	0	0	39
AGENCY OVERALL	40	145	1,523	2,940	424	176	164	112	44	30	118	60	102	5,878

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
State	8	22	16	30	28	69	54	59	57	49	327	225	1,109	2,053
OIG*	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	8	22	16	30	28	69	54	59	57	49	327	225	1,109	2,053

*OIG reported no Complex Requests.

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
State	0	0	1	0	1	0	0	0	0	1	0	0	6	9
OIG**	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	1	0	1	0	0	0	0	1	0	0	6	9

* This category refers to expedited processing granted to Complex cases.

**OIG reported no Requests Granted Expedited Processing.

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
State	2,441	39.3	165.6	7,127	285.7	505.8	20	147.9	428.65
OIG**	7	3	5.14	0	0	0	0	0	0
AGENCY OVERALL	2,448	39	165	7,127	285.7	505.8	20	147.9	428.65

* This category refers to expedited processing granted to Complex cases.

**OIG reported no pending Complex Requests and no pending Expedited Requests.

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
State	Date 8/24/05	8/17/05	8/17/05	8/15/05	8/15/05	8/15/05	7/20/05	7/14/05	7/13/05	5/20/05
	Number of Days 1,853	1,858	1,858	1,860	1,860	1,860	1,878	1,882	1,883	1,922
OIG	Date	N/A	N/A	9/28/12	9/26/12	9/26/12	9/26/12	9/25/12	9/20/12	9/10/12
	Number of Days	0	0	1	3	3	3	4	7	15

Agency Overall	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
	Date 8/24/05	8/17/05	8/17/05	8/15/05	8/15/05	8/15/05	7/20/05	7/14/05	7/13/05	5/20/05
	Number of Days 1,853	1,858	1,858	1,860	1,860	1,860	1,878	1,882	1,883	1,922

*At the Department, the oldest requests generally are still pending due to several factors: (1) the number of searches required; (2) the need for multiple consultations with other agencies or governments; (3) the need to coordinate a response with multiple agencies or governments; (4) the need to search in offices located overseas; (5) the volume of responsive material to be reviewed; and (6) the need to review classified material.

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
State	16	205	20	27.12	75
OIG*	0	0	0	0	0
AGENCY OVERALL	16	205	20	27.12	75

*OIG reported no Requests for Expedited Processing.

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
State	58	54	1.43	10.47
OIG*	0	0	0	0
AGENCY OVERALL	58	54	1.43	10.47

*OIG reported no Requests for Fee Waiver.

IX. FOIA PERSONNEL AND COSTS

The Department revised its method of calculating estimated costs for this reporting period based on DOJ guidance. Therefore, estimated salaries of civil service personnel have now been included. Also reflected are estimated costs associated with contractor and WAE (while actually employed) employee expenses.

	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
State	83.14	70.19*	153.33	\$16,225,882*	\$964,757**	\$17,190,639
OIG	1	.5	1.5	\$241,701	0	\$241,701
AGENCY OVERALL	84.14	70.69	154.83	\$16,467,583	\$964,757	\$17,432,340

*This year’s personnel and budget costs include personnel costs for the new FOIA electronic case tracking system at the Department.

**Litigation costs include overtime costs.

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
State	\$11,556.92	0.07%
OIG	0	0
AGENCY OVERALL	\$11,556.92	.07%

XI. FOIA REGULATIONS

The Department's FOIA regulations have been codified at 22 C.F.R. Part 171. The Department is in the process of updating these regulations. These regulations are available through the Government Printing Office's (GPO) website at <http://www.gpoaccess.gov/cfr/index.html> or from links at our website at <http://www.foia.state.gov> or directly in the FOIA Reading Room at <http://www.state.gov/m/a/ips/c22790.htm>.

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
State	10,464	352
OIG	0	0
AGENCY OVERALL	10,464	352

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

	Column 1	Column 2	Column 3	Column 4
	Number of Consultations Received from Other Agencies that Were Pending at Department of State 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 Department of State During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending at Department of State as of End of the Fiscal Year
State	1,869**	10,946	8,363	4,452
OIG	0	0	0	0
AGENCY OVERALL	1,869**	10,946	8,363	4,452

* The Department’s case management system tracks FOIA requests filed directly with the Department, those that were referred by another agency for consultation, and those that were referred from another agency for processing and direct response by the Department to the requester. The FOIA case management system does not separately track consultations and referrals. The Department is adding this function to its case tracking system so that future reports may provide separate data for consultations and referrals.

**As reported in the Department of State’s FOIA Annual Report FY 2011, the number of consultations pending at the end of the fiscal year was 1,867. Based on our data validation efforts this number is correctly reported as 1,869.

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at the Department of State

	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
State	Date 5/21/2007	4/23/2007	4/9/2007	4/2/07	3/23/07	3/16/07	3/6/07	2/2/07	1/11/07	12/19/06
	Number of Days 1,400	1,420	1,430	1,435	1,442	1,447	1,454	1,477	1,492	1,509
OIG	Date	N/A								
	Number of Days 0	0	0	0	0	0	0	0	0	0

	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	Date 5/21/2007	4/23/2007	4/9/2007	4/2/07	3/23/07	3/16/07	3/6/07	2/2/07	1/11/07	12/19/06
	Number of Days 1,400	1,420	1,430	1,435	1,442	1,447	1,454	1,477	1,492	1,509

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

	Column 1	Column 2	Column 3	Column 4
	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
State	14,262	18,478	26,802	15,304
OIG	36	43	34	39
AGENCY OVERALL	14,298	18,521	26,836	15,343

	Number of Backlogged Requests as of End of Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of Fiscal Year from Current Annual Report
State	8,078	10,464
OIG	0	0
AGENCY OVERALL	8,078	10,464*

* Of the 18,478 requests received in fiscal year 2012, the increase in the number of pending requests can in part be attributed to an increase in the number of referrals from U.S. Citizenship and Immigration Service (rising from a low of 430 per month to approximately 1,200 per month). The Department also attributes the increase in the number of pending requests to several

other factors, including an overall increase in the number of requests received and the impact on our FOIA business process due to implementation of a new case processing system; a significant building renovation project and reallocation of resources from the regular FOIA process to meet litigation deadlines. The Department is committed to finding ways to decrease its backlog and increase the number of requests processed annually.

- E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged. All of the Department’s appeals in this category are processed through the Appeals Review Panel; therefore, this statistic does include appeals for the Office of Inspector General.

	Column 1	Column 2	Column 3	Column 4
	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	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
Exemptions	323	192	364	118
Expedites	18	16	16	8
Fee Waivers	0	4	0	4
AGENCY OVERALL	341	212	380	130

	Number of Backlogged Appeals Requests as of End of Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of Fiscal Year from Current Annual Report
State	294	352
AGENCY OVERALL	294	352