



U.S. DEPARTMENT OF STATE

FREEDOM OF INFORMATION ACT

ANNUAL REPORT

FISCAL YEAR 2013

I. BASIC INFORMATION REGARDING REPORT

1. Questions about this report may be addressed to:

Sheryl L. 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 of this report 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: Office of Information Programs and Services, A/GIS/IPS, SA-2, Department of State, Washington, D.C. 20522-8100; **or**
 - by fax to (202) 261-8579; **or**
 - on-line at our website: <http://www.foia.state.gov>

FOIA 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 seeking access to information pertaining to an individual should include the individual's complete name, date and place of birth, and citizenship status (if known). A request for records about oneself must include verification of identity. A request for records about an individual other than the requester should include a properly executed authorization from the subject individual or evidence of the individual's death, as appropriate, in order to gain the greatest access to those records. More information about verification of identity and proper authorization is found on our web site. 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. Guidance regarding fees and fee waiver requests is also available on our web site.

If mailing or faxing a FOIA request, the envelope or subject line of the fax coversheet should be clearly labeled: "Freedom of Information Act Request." It is important that all requests include a

valid daytime telephone number, e-mail address, or both, where we can reach the requester to discuss the request as necessary.

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 and on our website at <http://www.foia.state.gov>. The Department is unable to process requests that do not contain enough information to permit the Department to locate the requested records or that otherwise do not comply with Department regulations.

Whenever possible, we will contact the requester by telephone or e-mail 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 ask 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 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 file an administrative appeal. For more information about 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:

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 e-mail as follows:

U.S. Department of State
Office of Inspector General
Office of General Counsel
Washington, DC 20522-0308
ATTN: FOIA Officer

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 U.S. foreign relations. Records are maintained throughout the world at posts, missions, and consulates, as well as domestically. The Department 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 records holdings, including sensitive and classified records, we use the full range of exemptions when making a release determination. 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.
3. The Department's FOIA regulations are 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 on our website at <http://www.foia.state.gov>.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-Specific and Basic 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.
 - c. **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.
 - d. **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.
 - e. **Backlog** – the number of perfected 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, which may include ten additional working days if unusual circumstances

existed.

- f. **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.
- g. **Consultation** – the procedure whereby the agency responding to a FOIA request forwards information to another agency for review because the other agency has an interest in the information. When the agency in receipt of the consultation completes its review, it advises the agency that initiated the consultation of its release determination. The initiating agency will then respond to the FOIA requester.
- h. **Exemption 3 Statute** – a federal statute that specifically exempts information from disclosure, which an agency relies on to withhold information under Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3), in response to a request. Many Exemption 3 statutes contain non-discretionary prohibitions against disclosure, such as the Immigration and Nationality Act.
- i. **FOIA Request** – an information access request processed under the Freedom of Information Act by the federal agency in receipt of the request. FOIA requests may seek access to records concerning another person (i.e., a “third-party” request), an organization, or a particular topic of interest. FOIA requests also include requests made by individuals seeking records concerning themselves (i.e., “first-party” requests) when those individuals are not subject to the Privacy Act of 1974 (i.e., individuals who are neither U.S. citizens nor lawful permanent residents). Federal agencies process first-party requests submitted by U.S. citizens and lawful permanent residents under both the FOIA and the Privacy Act in order to provide the greatest degree of access to the requested information. 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).
- j. **Full Grant** – an agency decision to disclose in full all records located in response to a FOIA request.
- k. **Full Denial** – an agency decision not to disclose any records in response to a FOIA request because the records are exempt in their entirety under one or more of FOIA’s nine exemptions, or because of a procedural reason, such as when no records could be located.
- l. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- m. **Multi-Track Processing** – a system in which requests are placed in different processing tracks on the basis of the complexity of the search and/or review of the responsive

material. For example, requests placed in the simple request track are anticipated to require relatively minimal search time to locate responsive records, which will result in a small amount of material to review. The complex request track contains requests that require multiple searches that are anticipated to locate more voluminous responsive records for review. Requests granted expedited processing are placed in a separate queue. 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.
- n. **Partial Grant/Partial Denial** – an agency decision to withhold exempt information appearing in a portion or portions of the responsive records in response to a FOIA request, or to otherwise deny a portion of the request for a procedural reason.
 - o. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
 - p. **Perfect Request** – a request for records which reasonably describes the requested information and is made in accordance with the agency’s published regulations.
 - q. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
 - r. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
 - s. **Referral** – the procedure whereby the agency responding to a FOIA request forwards information that originated with another agency to that agency for its review. When the originating agency completes its review of the referred information, it responds directly to the FOIA requester.
 - t. **Time Limits** – the time period contained in the FOIA within which an agency must respond to a FOIA request (ordinarily twenty working days from the date of receipt of a perfected FOIA request).

2. Concise descriptions of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal personnel rules and practices of an agency
- c. **Exemption 3:** information that is specifically exempted 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 regulation or supervision of financial institutions
- i. **Exemption 9:** geological or geophysical information on wells

3. Agency Component Abbreviations

Component Abbreviation	Component Name
DoS	Department of State
OIG	Office of Inspector General

IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
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)	DoS	0	1
			OIG	1	
8 U.S.C. § 1202(f) (Immigration and Nationality Act)	Records pertaining to the issuance or refusal of visas or permits to enter the United States	<i>Medina-Hincapie v. Dep't of State</i> , 700 F.2d 737, 741-42 (D.C. Cir. 1983)	DoS	10,284	10,284
			OIG	0	
10 U.S.C. § 424	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	<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. DIA</i> , 330 F. Supp. 2d 592, 602 (E.D. Va. 2004)	DoS	10	10

			OIG	0	
22 U.S.C. § 2778(e) (Arms Export Control Act)	Certain information pertaining to export license applications	<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), amended (D.D.C. Nov. 23, 1998).	DoS	2	2
			OIG	0	
Pub. L. No. 99-93 § 505	Records regarding arbitration of claims before the Iran-United States Claims Tribunal	No	DoS	2	2
			OIG	0	
50 U.S.C. § 403g (Central Intelligence Agency Act of 1949)	Intelligence sources and methods; certain information pertaining to CIA 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), aff'd on other grounds, 541 F.3d 205 (3d Cir. 2008)	DoS	21	21
			OIG	0	
50 U.S.C. § 403-1(i)(1) (National Security Act of 1947)	Intelligence sources and methods	<i>CIA v. Sims</i> , 471 U.S. 159,167 (1985); <i>Berman v. CIA</i> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <i>Wolf v. CIA</i> , 473 F.3d 370, 378, 380 (D.C. Cir. 2007)	DoS	1	1
			OIG	0	

<p>50 U.S.C. § 402 note (National Security Agency Act of 1959)</p>	<p>Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees</p>	<p><i>ACLU v. DOJ</i>, 681 F.3d 61, 72-75 (2d Cir. 2012); <i>Elec. Priv. Info. Ctr. v. NSA</i>, 678 F.3d 926, 931 (D.C. Cir. 2012); <i>Houghton v. NSA</i>, 378 F. App'x 235, 238-39 (3d Cir. 2010) (per curiam); <i>Lahr v. NTSB</i>, 569 F.3d 964, 985 (9th (D.C. Cir. 1979); <i>Larson v. Dep't of State</i>, 565 F.3d 857, 868-69 (D.C. Cir. 2009); <i>Founding Church of Scientology v. NSA</i>, 610 F.2d 824, 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), summary affirmance granted, 354 F. App'x. 591 (2d Cir. 2009)</p>	<p>DoS</p>	<p>4</p>	<p>4</p>
			<p>OIG</p>	<p>0</p>	
<p>19 U.S.C. §§ 2605(h), 2605(i) (Convention on Cultural Property Implementation Act)</p>	<p>Certain records pertaining to Cultural Property Advisory Committee proceedings where "it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiating objectives or [certain] bargaining positions"; certain "information (including trade secrets and commercial or financial information which is</p>	<p><i>Ancient Coin Collectors Guild v. U.S. Dep't of State</i>, 641 F.3d 504, 511 (D.C. Cir. 2011) (19 U.S.C. § 2605(h)); <i>Ancient Coin Collectors Guild v. U.S. Dep't of State</i>, 866 F. Supp. 2d 28, 32 (D.D.C. 2012) (19 U.S.C. § 2605(i))</p>	<p>DoS</p>	<p>1</p>	<p>1</p>

	<p>privileged or confidential) submitted in confidence by the private sector to officers or employees of the United States or to the [Cultural Property Advisory] Committee"</p> <p>Certain records pertaining to Cultural Property Advisory Committee proceedings where "it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiating objectives or [certain] bargaining positions"; certain "information (including trade secrets and commercial or financial information which is privileged or confidential) submitted in confidence by the private sector to officers or employees of the United States or to the [Cultural Property Advisory] Committee"</p> <p>Certain records pertaining to Cultural Property Advisory Committee proceedings where "it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiating objectives or [certain] bargaining</p>				
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	positions"; certain "information (including trade secrets and commercial or financial information which is privileged or confidential) submitted in confidence by the private sector to officers or employees of the United States or to the [Cultural Property Advisory] Committee"				
			OIG	0	
10 U.S.C. § 130	Certain "technical data with military or space application in the possession of, or under the control of, the Department of Defense"	<i>Newport Aeronautical Sales v. Dep't of the Air Force</i> , 684 F.3d 160, 165 (D.C. Cir. 2012); <i>Chenkin v. Dep't of the Army</i> , No. 93-494, 1994 U.S. Dist. LEXIS 20907, at *8 (E.D. Pa. Jan. 14, 1994), aff'd, 61 F.3d 894 (3d Cir. 1995) (unpublished table decision)	DoS	1	1
			OIG	0	
22 U.S.C. § 4004 (Foreign Service Act)	Protects Foreign Service employee records	No	DoS	1	1
			OIG	0	

<p>41 U.S.C. § 253b(m)(1) (currently at 41 U.S.C. § 4702)</p>	<p>Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts</p>	<p><i>Sinkfield v. HUD</i>, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <i>Margolin v. NASA</i>, No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); <i>Hornbostel v. U.S. Dep't of the Interior</i>, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004)</p>	<p>DoS</p>	<p>1</p>	<p>1</p>
			<p>OIG</p>	<p>0</p>	

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

Many FOIA/Privacy Act 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 2013, the Department made substantial progress towards its commitment to transparency and openness. In July 2013 the Department launched a new FOIA website at www.foia.state.gov. The dynamic, modernized website makes already-public information easier to find, and allows the public to file FOIA requests more easily. The website features robust search functions and more detailed information and guidance on how to get access to Department records and information. New features include: (1) a "Learn" section that assists the public in determining whether the information they seek falls within the Department's mission; (2) step-by-step instructions for submitting requests, along with detailed checklists to help ensure that all the information necessary for filing a valid request is submitted and an enhanced tool for filing requests online; and (3) a Feedback Form to solicit comments to assist the Department in making refinements and/or improvements to the site. Many of these features and how they appear on the website stem from significant outreach with the requester community. By incorporating the ideas of requesters on what matters to them and developing a mutual understanding of best practices among both requesters and agencies, the Department created a model website that assists both first-time and experienced requesters.

The website's Virtual Reading Room contains over 85,000 documents already released to the public pursuant to FOIA, mandatory declassification review requests under Executive Order 13526, or other declassification reviews and covers a wide range of topics. This number includes approximately 9,000 newly-posted documents, added after the website went live, which is the largest number of State Department FOIA documents newly posted online in one fiscal year and an amount that allowed the Department to exceed one of its milestones under its Open Government Plan. The Department will continue to increase the amount of information available to the public on the FOIA website. There is also a wealth of other links to additional information resources in and outside the State Department, including a link to declassified Department records available online at the National Archives and Records Administration.

The Department's new website has attracted significant positive attention from other agencies and the FOIA requester community. The Department of Justice's Office of Information Policy recognized the Department's new website as a model for other federal agencies to use in updating their own websites. The Office of Government Information Services, the Federal FOIA Ombudsman, lauded the Department in its efforts to update the website to provide more information in a user-friendly environment and even [blogged](#) about its features. The FOIA requester community provided positive feedback to the Department regarding the wealth of information available on the website in terms of searching for and locating FOIA documents and for providing guidance on how to make a request. Since its launch in July 2013, the newly improved website has hosted an average of nearly 15,000 visitors each month and interest continues to remain high.

The Department achieved another milestone in fiscal year 2013 by reducing its FOIA request backlog by

16.8% and its FOIA appeal backlog by 22.7%, and by closing its ten oldest requests, consultations, and appeals. Additionally, the Department made over 2,500 more full or partial releases and processed over 5,700 more cases in this fiscal year compared to fiscal year 2012. These accomplishments are especially noteworthy in light of the fact that the Department reallocated FOIA processing resources to address large, complex FOIA litigation cases and to provide assistance to the Department as a whole on significant special document productions.

Agency / Component	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
DoS	11,827	18,673	21,018	9,482
OIG	8	80	79	9
AGENCY OVERALL	11,835*	18,753	21,097	9,491

* The Department of State's FOIA Annual Report for FY 2012 reported that the number of cases pending at the end of the fiscal year for State was 11,789. As a result of our data reconciliation and validation efforts, we have determined that the number should have been 11,835; that corrected number is reflected here.

** The number of cases received and processed as reported in Section V. includes consultations, based on the manner in which direct requests, referrals and consultations are tracked in the Department's case management system.

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

Agency / Component	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	
DoS	3,462	4,269	7,439	637	313	365	28	2,091	1,516	730	130	38	21,018
OIG	6	43	6	21	0	3	0	0	0	0	0	0	79
AGENCY OVERALL	3,468	4,312	7,445	658	313	368	28	2,091	1,516	730	130	38	21,097

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

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
DoS	Closed upon filing of lawsuit	24	38
	No response from requester when contacted	14	
AGENCY OVERALL			38

V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	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
DoS	451	33	10,303	94	434	1,417	46	7	141	32	513	21	0	0
OIG	1	16	1	0	20	36	3	0	28	0	3	2	0	0
AGENCY OVERALL	452	49	10,304	94	454	1,453	49	7	169	32	516	23	0	0

**As noted in Section IV., almost all of the Department's withholdings under Exemption 3 relate to information pertaining to the issuance and refusal of a visa or permits to enter the United States that must be protected under the Immigration and Nationality Act. With this statute, the Department has no discretion to release the requested information.*

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	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
DoS	401	276	367	310
OIG	0	6	3	3
AGENCY OVERALL	401*	282	370	313

** The Department of State's FOIA Annual Report for FY 2012 reported that the number of appeals pending at the end of the fiscal year for State was 411. As a result of our data reconciliation and validation efforts, we have determined that the number should have been 401; that corrected number is reflected here.*

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

Agency / Component	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
DoS	207	84	27	49	367
OIG	1	2	0	0	3
AGENCY OVERALL	208	86	27	49	370

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	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
DoS	81	1	137	3	21	41	3	0	4	1	3	0	0	0
OIG	0	1	0	0	1	2	0	0	1	0	0	0	0	0
AGENCY OVERALL	81	2	137	3	22	43	3	0	5	1	3	0	0	0

**As noted in Section IV., almost all of the Department's withholdings under Exemption 3 relate to information pertaining to the issuance and refusal of a visa or permits to enter the United States that must be protected under the Immigration and Nationality Act. With this statute, the Department has no discretion to release the requested information.*

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

Agency / Component	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
DoS	15	0	7	0	0	0	0	0	1	0	41
OIG	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	15	0	7	0	0	0	0	0	1	0	41

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

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
DoS	Interagency Coordination	30	41
	Records referred at appeal level	2	
	Records referred deemed non-responsive	7	
	Personal Verification Missing	1	
	Appeal received before the statutory period had expired	1	
AGENCY OVERALL			41

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

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
DoS	380.00	550.00	<1	2,092.00
OIG	16.00	25.00	12.00	42.00
AGENCY OVERALL	370.00	540.00	<1	2,092.00

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

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
DoS	Date of Appeal	2009-09-14	2009-09-03	2009-08-05	2009-07-02	2009-04-29	2009-04-27	2008-11-25	2008-09-02	2007-12-28	2007-07-25
	Number of Days Pending	1055	1063	1084	1108	1154	1156	1265	1325	1503	1614
OIG	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2013-05-30	2013-04-26	2013-04-18
	Number of Days Pending	0	0	0	0	0	0	0	85	108	114
AGENCY OVERALL	Date of Appeal	2009-09-14	2009-09-03	2009-08-05	2009-07-03	2009-04-29	2009-04-27	2008-11-25	2008-09-02	2007-12-28	2007-07-25
	Number of Days Pending	1055	1063	1084	1108	1154	1156	1265	1325	1503	1614

VII.A. FOIA 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 required 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. Because the Department's search function is performed globally and many records are classified, for most contemporary records we usually do not know the number and complexity of responsive records until all searches have been completed. 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. For these reasons, 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 that require multiple consultations. For this reason, a case may continue to be tracked as "simple" but very few remain in the "simple" category at the Department when processing is completed.

Many FOIA/Privacy Act requests received by 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.

Agency / Component	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
DoS	90	106	<1	1631	373.5	532.8	<1	2070	202	405	4	1841
OIG	17	15	1	155	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	90	106	<1	1631	373.5	532.8	<1	2070	202	405	4	1841

* The majority of cases reported in the Expedited Processing category are complex cases.

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

Agency / Component	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
DoS	122.8	129	6	1631	424	596	<1	2070	223	496	41	1841
OIG	11	22.1	1	155	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	122	129	1	1631	424	596	<1	2070	223	496	41	1841

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
DoS	1,101	1,000	1,961	2,157	1,290	1,640	1,495	1,040	371	261	1,037	156	135	13,644
OIG	52	22	2	1	1	0	1	0	0	0	0	0	0	79
AGENCY OVERALL	1,153	1,022	1,963	2,158	1,291	1,640	1,496	1,040	371	261	1,037	156	135	13,723

VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
DoS	30	50	39	38	47	73	83	109	86	91	484	376	1,315	2,821
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	30	50	39	38	47	73	83	109	86	91	484	376	1,315	2,821

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
DoS	1	0	1	0	0	2	0	1	1	2	3	1	4	16
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	1	0	1	0	0	2	0	1	1	2	3	1	4	16

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	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
DoS	1358	150.7	318.9	7444	285.7	517.7	11	171	526
OIG	9	10	23	0	N/A	N/A	0	N/A	N/A
AGENCY OVERALL	1367	150	318	7444	285.7	517.7	11	171	526

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

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
DoS	Date of Receipt	2006-02-09	2006-01-27	2006-01-24	2006-01-19	2006-01-03	2005-12-21	2005-11-30	2005-11-02	2005-10-31	2005-10-19
	Number of Days Pending	1994	2003	2005	2009	2020	2029	2044	2064	2066	2074
OIG	Date of Receipt	N/A	2013-09-27	2013-09-27	2013-09-24	2013-09-24	2013-09-11	2013-07-01	2013-06-11	2013-06-11	2013-03-26
	Number of Days Pending	0	1	1	4	4	13	63	77	77	131
AGENCY OVERALL	Date of Receipt	2006-02-09	2006-01-27	2006-01-24	2006-01-19	2006-01-03	2005-12-21	2005-11-30	2005-11-02	2005-10-31	2005-10-19
	Number of Days Pending	1994	2003	2005	2009	2020	2029	2044	2064	2066	2074

**At the Department, the oldest requests generally are still pending due to the existence of one or more of these 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.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
DoS	12	332	5	6	297
OIG	0	0	N/A	N/A	N/A
AGENCY OVERALL	12	332	5	6	297

VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
DoS	219	187	1.43	21.56
OIG	0	0	N/A	N/A
AGENCY OVERALL	219	185	1.43	21.56

IX. FOIA PERSONNEL AND COSTS

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
DoS	82.15	73.77	155.92	\$16,508,165.00	\$883,923.70	\$17,392,088.70
OIG	1	0.5	1.5	\$238,140.15	\$0.00	\$238,140.15
AGENCY OVERALL	83.15	74.27	157.42	\$16,746,305.15	\$883,923.70	\$17,630,228.85

• The "Equivalent Full-Time FOIA Employees" include When Actually Employed (WAE) former Foreign Service Officers who perform document review and students who work part-time throughout the year to process FOIA requests.

X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
DoS	\$6,743.32	0.04%
OIG	\$0.00	0.00%
AGENCY OVERALL	\$6,743.32	0.04%

XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
DoS	8,665	272
OIG	4	0
AGENCY OVERALL	8,669	272

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

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
DoS	4,500	11,012	13,810	1,702
OIG	0	0	0	0
AGENCY OVERALL	4,500**	11,012	13,810	1,702

* The Department's case management system tracks FOIA requests filed directly with the Department, those that were received from another agency for consultation, and those that were referred from another agency for processing and direct response by the Department to the requester. This chart groups referrals and consultations together.

**As reported in the Department of State's FOIA Annual Report FY 2012, the number of consultations pending at the end of the fiscal year was 4,452. As a result of our data reconciliation and validation efforts we have determined that the number reported here (4,500) is correct.

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
DoS	Date	2008-06-30	2008-06-11	2008-05-23	2008-04-16	2007-10-24	2007-08-29	2007-08-16	2007-08-06	2007-07-23	2007-06-18
	Number of Days	1370	1384	1398	1424	1549	1589	1599	1606	1616	1641
OIG	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date	2008-06-30	2008-06-11	2008-05-23	2008-04-16	2007-10-24	2007-08-29	2007-08-16	2007-08-06	2007-07-23	2007-06-18
	Number of Days	1370	1384	1398	1424	1549	1589	1599	1606	1616	1641

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

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <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
DoS	18,478	18,673	15,304	21,018
OIG	43	80	39	79
AGENCY OVERALL	18,521	18,753	15,343	21,097

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

Agency / Component	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
DoS	10,464	8,665
OIG	0	4
AGENCY OVERALL	10,464	8,669

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

Agency / Component	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
DoS	212	276	130	367
OIG	0	6	0	3
AGENCY OVERALL	212	282	130	370

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

Agency / Component	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
DoS	352	272
OIG	0	0
AGENCY OVERALL	352	272