



## **SUMMARY OF ANNUAL FOIA REPORTS FOR FISCAL YEAR 2014**

Every 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) 2014, there were one-hundred agencies subject to the FOIA.<sup>2</sup>

As in past years, in addition to preparing this summary OIP has uploaded all of the data from agencies' FY 2014 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>

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<sup>1</sup> See [5 U.S.C. § 552\(e\)\(1\) \(2012\)](#)

<sup>2</sup> The Privacy and Civil Liberties Oversight Board began reporting as an independent agency in FY 2014.

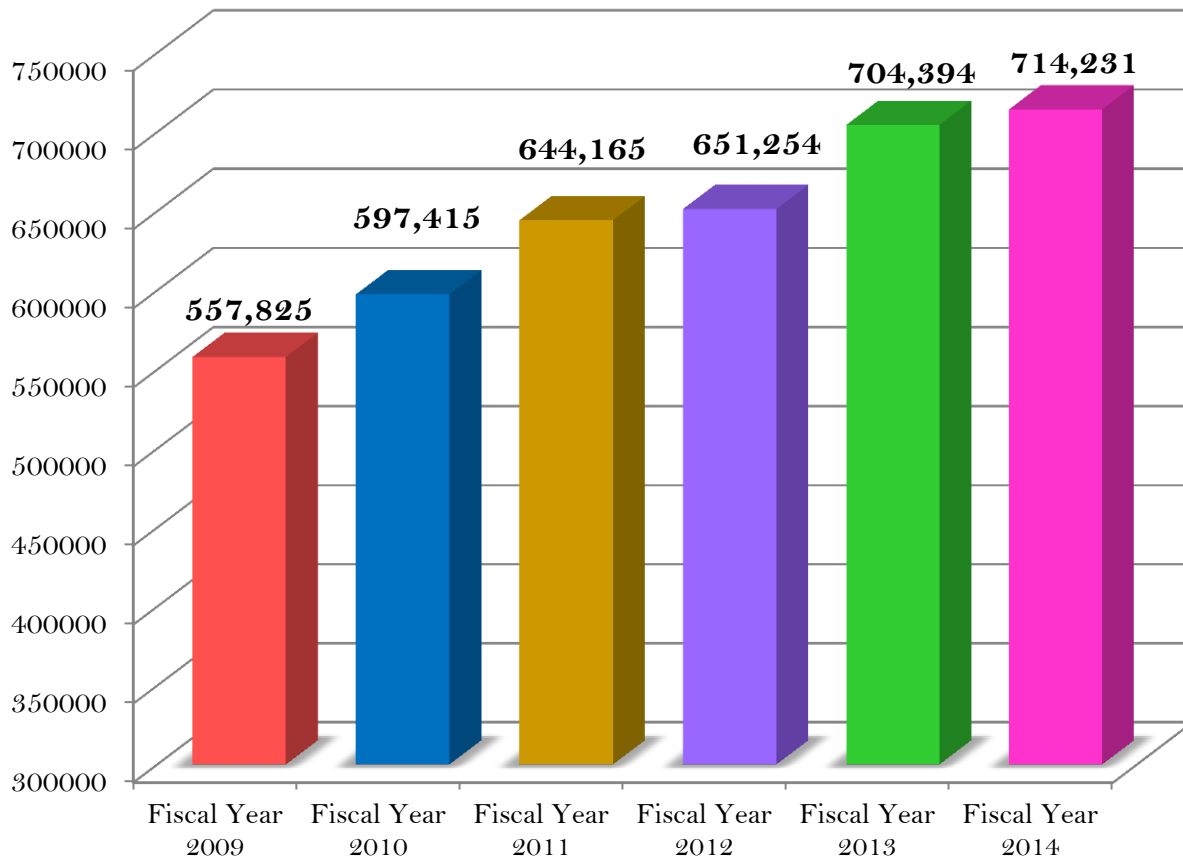
<sup>3</sup> The source of the statistics in this summary and the data on [FOIA.gov](http://FOIA.gov) is the Annual FOIA Reports published by the agencies each fiscal year. For any historic data that is not on [FOIA.gov](http://FOIA.gov), OIP has compiled the various statistics directly from agencies' 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 2014, the federal government overall received 714,231 FOIA requests, continuing a four year trend of surpassing the record high number of requests received during a fiscal year. The additional 9,837 requests received is a 1.4% increase from the previous record high number of requests received (704,394) during FY 2013.

### **Total Number of Requests Received**



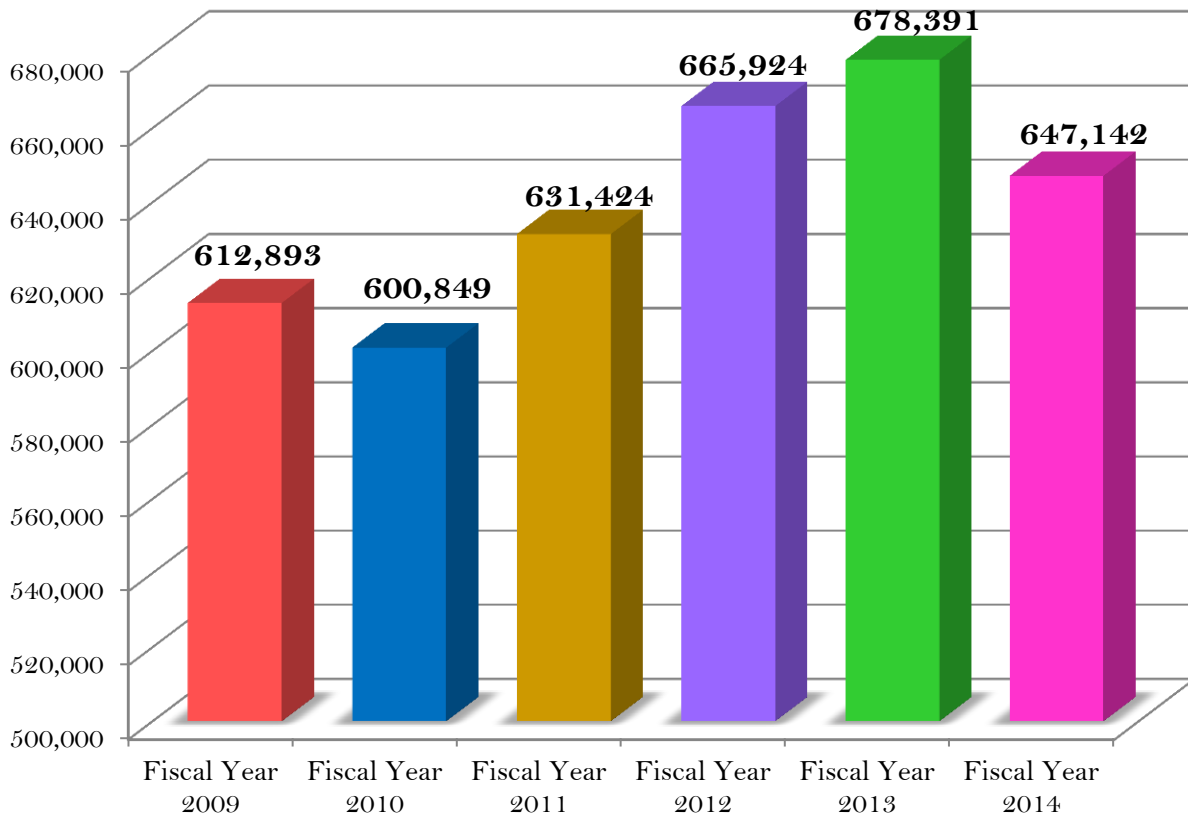
For the sixth consecutive year, the Department of Homeland Security (DHS) received the most requests with 291,242. This is a 26% increase in the total number of requests received by DHS from FY 2013's 231,534. Notably, the volume of requests received by DHS over the past two fiscal years has increased by over 52%, and since Fiscal Year 2010 it has increased by over 65%. The Departments of Justice (DOJ), Defense (DOD), Health and Human Services (HHS), and Veterans Affairs (VA) received the second through fifth most requests during the fiscal year with 64,488, 61,055, 44,283, and 28,009, respectively. Combined, these five agencies received 489,077 requests, which accounts for over 68% of all requests received across the government during the fiscal year. Of the remaining federal agencies, only the Social Security Administration (SSA) and the National Archives and

Records Administration (NARA) received more than 20,000 requests with 26,889 and 22,237, respectively. Twenty-two agencies received between 1,000 and 20,000 requests during FY 2014, with another twenty-seven receiving between 100 and 850 requests. Forty-four agencies received less than 100 requests.

*Number of Requests Processed*

The one-hundred agencies subject to the FOIA in FY 2014 collectively processed 647,142 requests, which is 31,249 less than in the prior fiscal year.<sup>4</sup> As the number of incoming FOIA requests continued to increase this past fiscal year agencies also faced a multitude of additional challenges as they worked to process requests during these tough fiscal times. Notably, FY 2014 began with a three week government shutdown during which requests could not be processed. Considering the number of request processed in FY 2014, this three week span could have potentially accounted for over 32,000 additional requests being processed, which would have kept processing numbers on par with the previous fiscal year.

### Total Number of Requests Processed



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<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 2014 also processed the most requests: DHS (238,031), DOJ (63,026), DOD (59,321), HHS (42,293), and VA (27,982). Collectively these five agencies processed 430,653 requests, representing over 66% of the requests processed by the government in FY 2014. Of the remaining ninety-five agencies, ten -- SSA, NARA, the Department of Agriculture (USDA), the Department of State (State), the Equal Employment Opportunity Commission, the Department of Labor (Labor), the Securities and Exchange Commission, the Department of the Treasury (Treasury), the Department of Transportation (DOT), and the Environmental Protection Agency (EPA) -- processed between 10,000 and 25,000 requests. An additional fourteen agencies processed between 1,000 and 9,000 requests, with seventy-one agencies processing between six and 815 requests. Overall, eleven agencies processed eighteen or fewer requests during FY 2014.

### *Disposition of Requests*

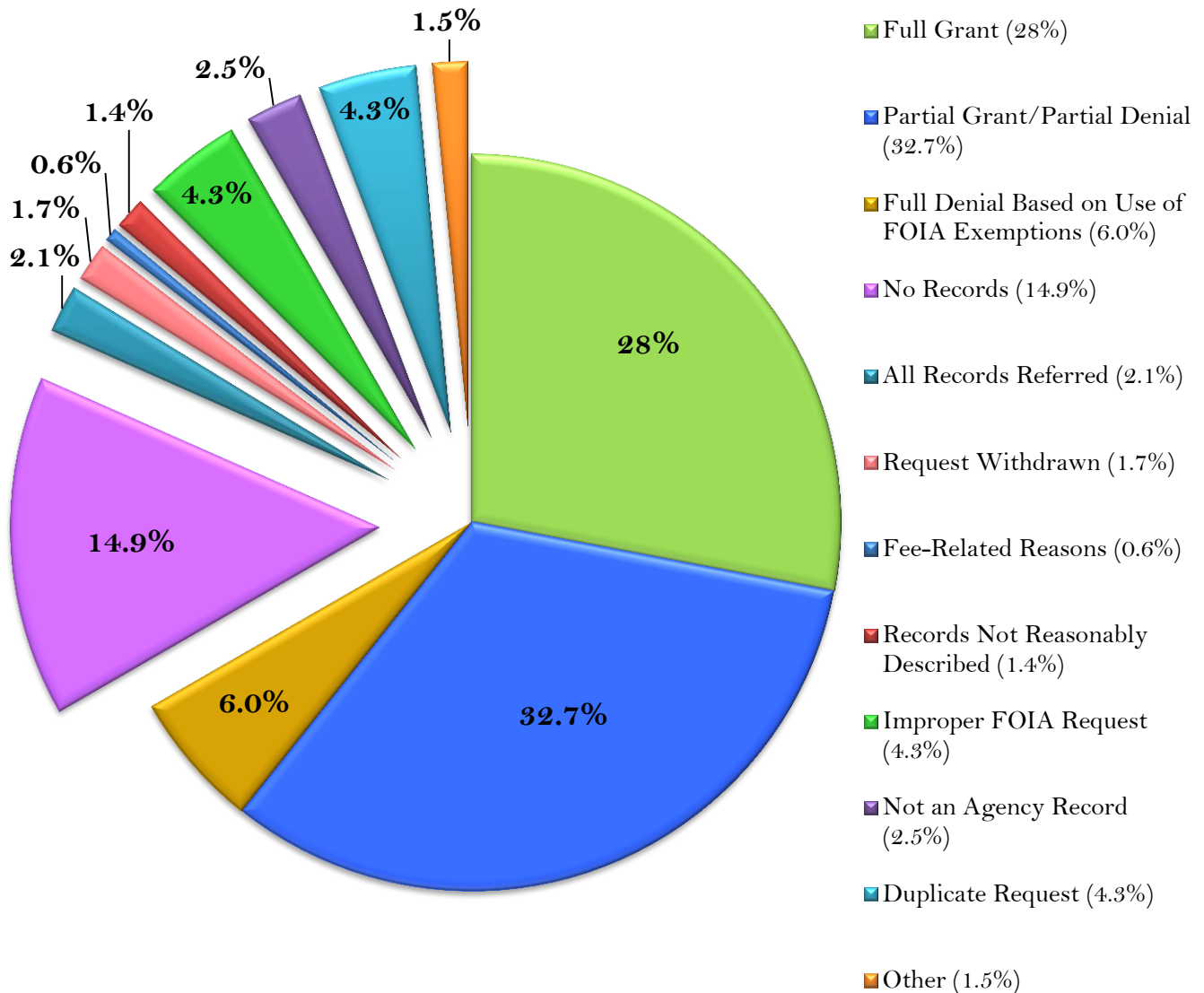
Pursuant to the [2008 guidance on the content of agency Annual FOIA Reports](#), DOJ instructed agencies to include in their reports a complete breakdown of the disposition of each request processed. All requests processed by an agency fall into two overarching categories:

- 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 2014 the government processed 647,142 requests, and of those, 431,558 (66.7%) requests fell into the first category and were reviewed by agency FOIA professionals to determine if information could be disclosed. 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 2014, 215,584 or 33.3% were closed for procedural or administrative reasons. This includes requests where no records were located, which accounted for 14.9% of all processed requests. Less than 2% 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.

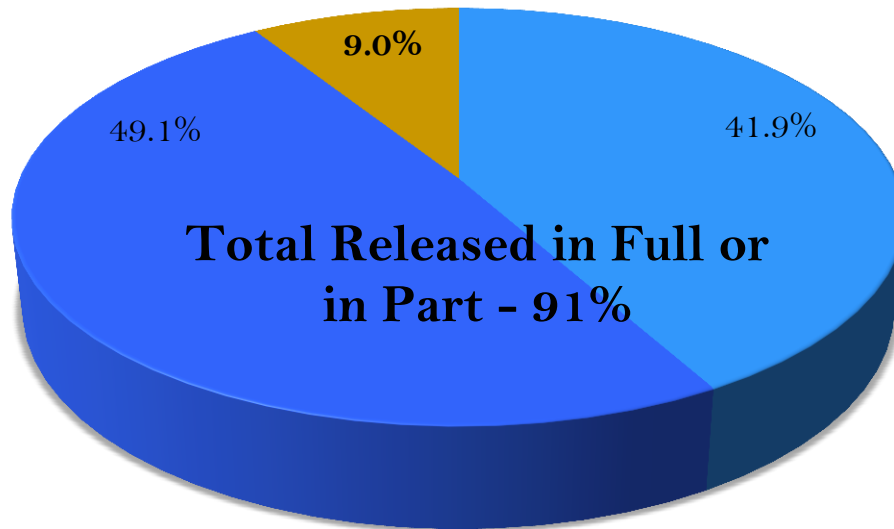
## Disposition of All Processed FOIA Requests



### Release Rate

As noted above, 431,558 requests processed were reviewed for disclosure determinations in FY 2014. Of those, agencies released requested records in full for 41.9% (180,977) of requests processed for disclosure. Agencies released requested records in part for 49.1% (211,907) of requests processed for disclosure. Agencies denied access in full based on FOIA exemptions in only 9% (38,840) of cases processed for disclosure. This marks the sixth year in a row that the number of responses to FOIA requests providing a release of information either in full or in part exceeded 91% of the requests processed for a disclosure determination.

## Disposition of Fiscal Year 2014 Requests Based on Exemption Applicability



■ Released in Full (41.9%) ■ Released in Part (49.1%) ■ Denied in Full Based on FOIA Exemptions (9%)

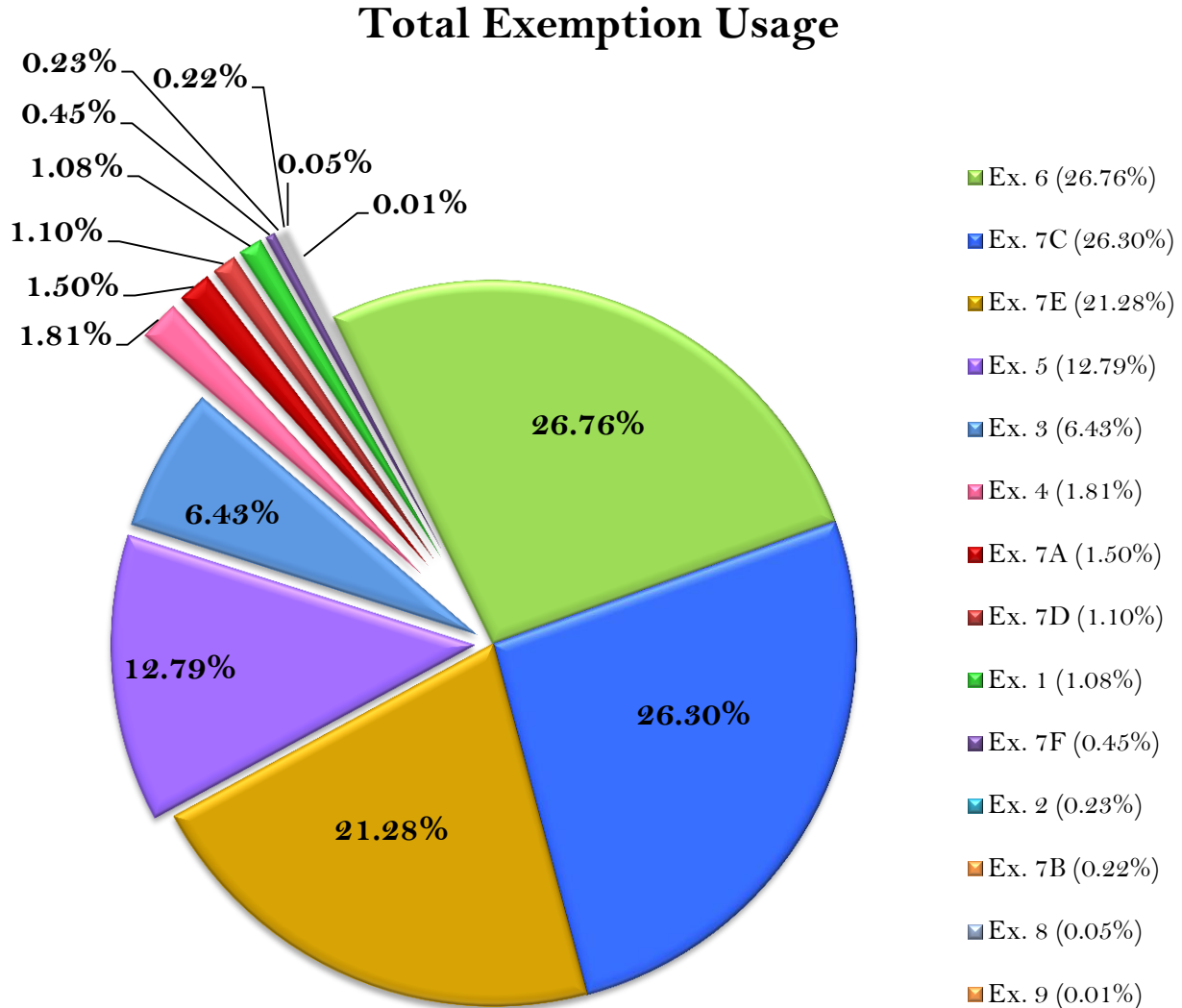
Seventy-six agencies, including nine of the fifteen departments -- DOT, USDA, Department of Energy (DOE), DHS, Treasury, Department of the Interior (Interior), DOJ, DOD, and Department of Housing and Urban Development (HUD) -- released records in full or in part in response to 90% or more of the requests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

Three agencies -- the Federal Mine Safety and Health Review Commission, the Inter-American Foundation, and the National Capital Planning Commission (NCPC), -- released records in full in response to 100% of the requests that they processed for exemption applicability. In total, thirty-one 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](#), Attorney General Holder 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 FOIA's privacy exemptions, Exemption 6 (26.76%) and 7(C) (26.3%), were the most cited FOIA exemptions used in FY 2014. Over half of the government's use of exemptions were to protect individual personal privacy. Exemption 7(E) (21.28%), which protects law enforcement techniques, procedures, and guidelines, made up the third largest portion of exemptions cited by the government. Exemption 5, which protects inter- or intra-agency privileged material comprised of only 12.79% of the number of times exemptions were cited in FY 2014.



The least cited FOIA exemption in FY 2014 was Exemption 9 (0.01%), which is used to protect geological and geophysical information concerning wells. Five agencies -- Interior, USDA, DOD, EPA, and the Federal Energy Regulatory Commission -- asserted



Exemption 9 in their processing of requests during FY 2014. Exemption 8 (0.05%) which concerns information on the supervision of financial institutions, was the second least cited exemption in FY 2014. Exemption 7(B) (0.22%), which concerns information that would deprive a person of a right to a fair trial or an impartial adjudication, was the third least cited exemption in FY 2014.

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. 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 1, 2, 3, 4, 5, 7(F), 8, and 9. Notably, the government's use of Exemptions 1 and 5 decreased significantly by 29.1% and 13.1%, respectively.

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 past few 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 will once again post the chart of all the Exemption 3 statutes that were cited during FY 2014 on the [FOIA Resources](#) page of its website.

### *Backlogged Requests*

The total number of backlogged requests across the government at the end of FY 2014 was 159,741, which is a 67.16% increase from the 95,564 requests that were reported as backlogged at the end of FY 2013.<sup>6</sup>

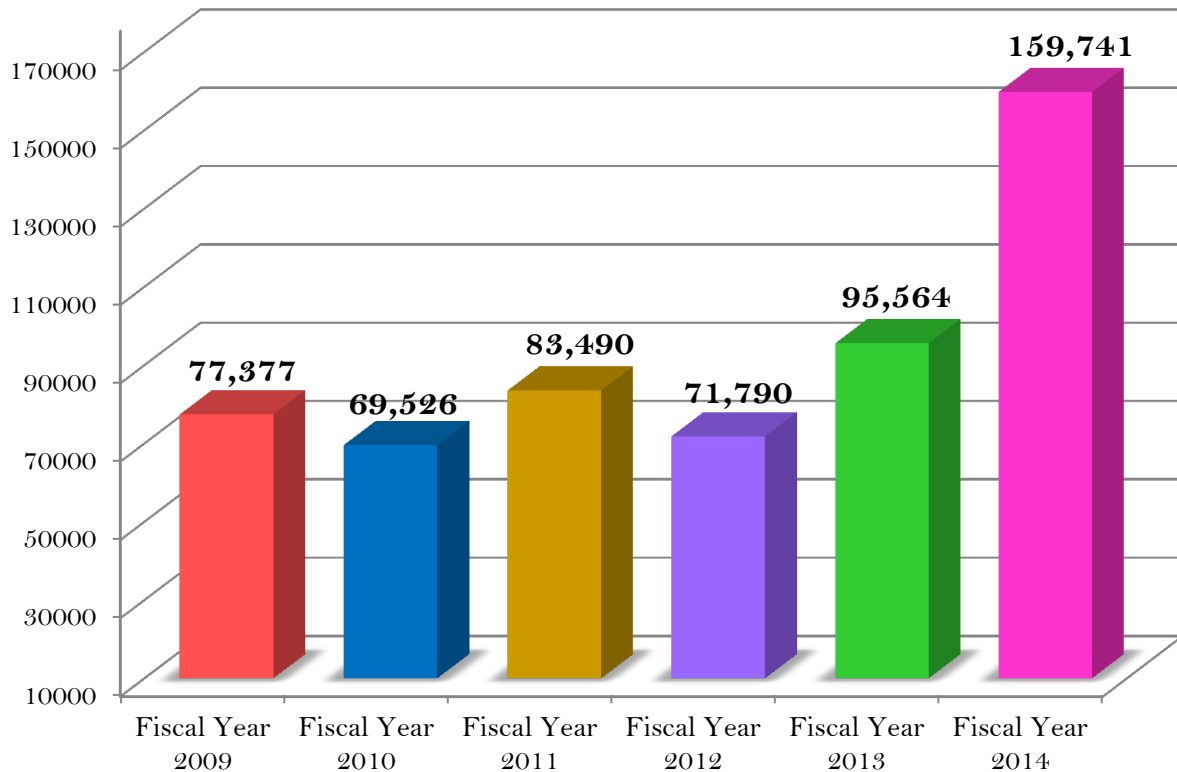
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<sup>5</sup> For example, it is sometimes necessary for agencies to use multiple exemptions to protect various interests connected to one piece of information that appears in the responsive records. In such a case, even though the agency might be releasing 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.

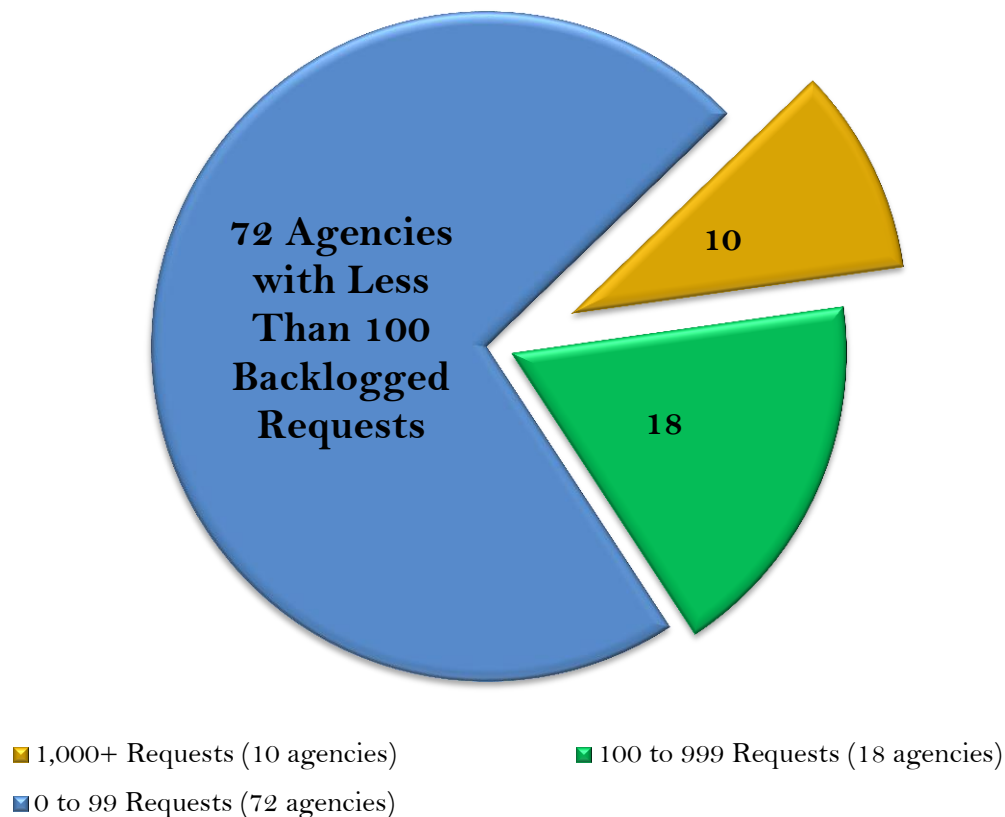


## Number of Backlogged Requests



Although the government's overall backlog of requests increased, the vast majority of agencies (seventy-two) reported low backlogs of fewer than 100 requests. Notably, fifty-nine agencies reported a request backlog of below twenty requests, and twenty-nine reported that they did not have any backlog of requests. Moreover, a total of twenty-eight agencies including three departments -- DOE, Labor, and HUD -- reported reducing their request backlogs from the numbers reported at the end of FY 2013. DOE (ninety-seven request decrease), Labor (fifty-nine request decrease), and the Nuclear Regulatory Commission (fifty-six request decrease) reported the largest reductions of backlog. Following them, HUD, and both the National Indian Gaming Commission and the Central Intelligence Agency (CIA) reduced their request backlogs by twenty-nine and twenty requests, respectively.

## Number of Backlogged Requests in FY 2014



DHS, which as noted above experienced a significant increase of incoming requests, reported the highest backlog of requests (103,480) at the end of FY 2014. The next highest backlogs were significantly lower: State (10,045), NARA (9,361), DOJ (8,938), DOD (8,444), and HHS (7,195). The collective backlog of pending requests at these six agencies (147,463) 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. For the 2015 Chief FOIA Officer Reports, OIP followed-up this effort by asking those agencies that were required to provide plans in 2014 to report on the progress made in implementing those plans. Agencies that did not achieve backlog reduction and that continued to have a backlog of over 1,000 requests at the end of FY 2014 were also directed to provide a plan for backlog reduction in their 2015 Chief FOIA Officer Reports. These plans and further discussion on the causes that contributed to the increase of backlogs at some agencies can be found in the 2014 and 2015 agency Chief FOIA Officer Reports located on the [Reports](#) page of OIP's website.

### *Ten Oldest Pending 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, OIP issued [agency-wide guidance](#) that called attention to the importance of agencies closing their ten oldest pending requests each year. Every year OIP also scores agencies on their efforts to close their ten oldest pending requests in the Department's annual assessment of agencies implementation of the Attorney General's FOIA Guidelines. At the end of FY 2014, the ten oldest pending requests across the government dated between 1993 and 1995, and were all pending at NARA.<sup>7</sup> Further, twenty-three agencies had less than ten pending requests. Eighteen agencies reported having no pending requests at the end of FY 2014; therefore, these eighteen agencies did not have any ten oldest pending requests to report. An additional twelve agencies had requests that were pending for thirty days or less at the end of FY 2014.

“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

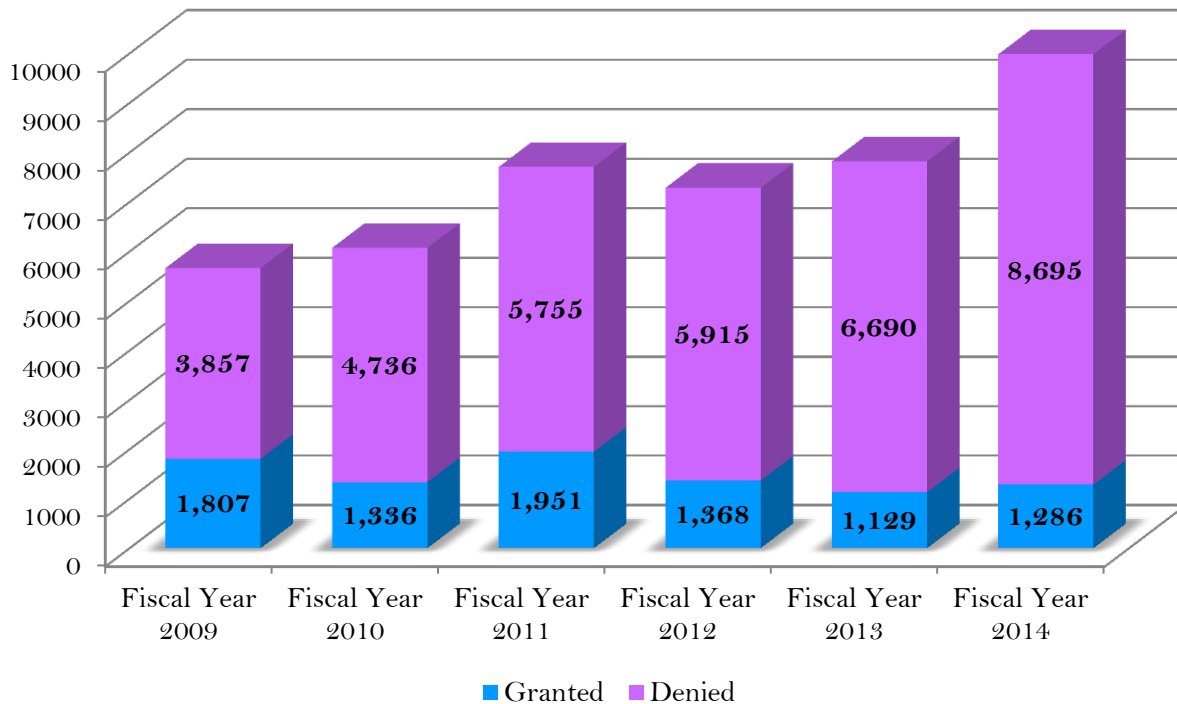
### *Requests for Expedited Processing*

In FY 2014, the government overall made a decision to grant or deny 9,981 requests for expedited processing. This is a 27.7% increase from the total number of expedited processing determinations made during FY 2013 (7,819), and a 29.5% increase from the previous high in FY 2011 (7,706).

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<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 1,286 requests for expedited processing, which is a 13.9% increase from the 1,129 requests for expedited processing granted in FY 2013. During FY 2014, agencies collectively denied 8,695 requests for expedited processing, which is a 30% increase from the 6,690 denials reported at the end of FY 2013.

Across the government, agencies averaged 16.49 days to adjudicate requests for expedited processing. Seventy of the one-hundred agencies reported adjudicating requests for expedited processing during FY 2014, and of those, fifty-two reported that they were able to adjudicate these requests within an average of ten calendar days or less. In total, agencies adjudicated 80.6% (8,044) of all requests for expedited processing made during FY 2014 within ten calendar days.

### Average Processing Time for Simple Requests

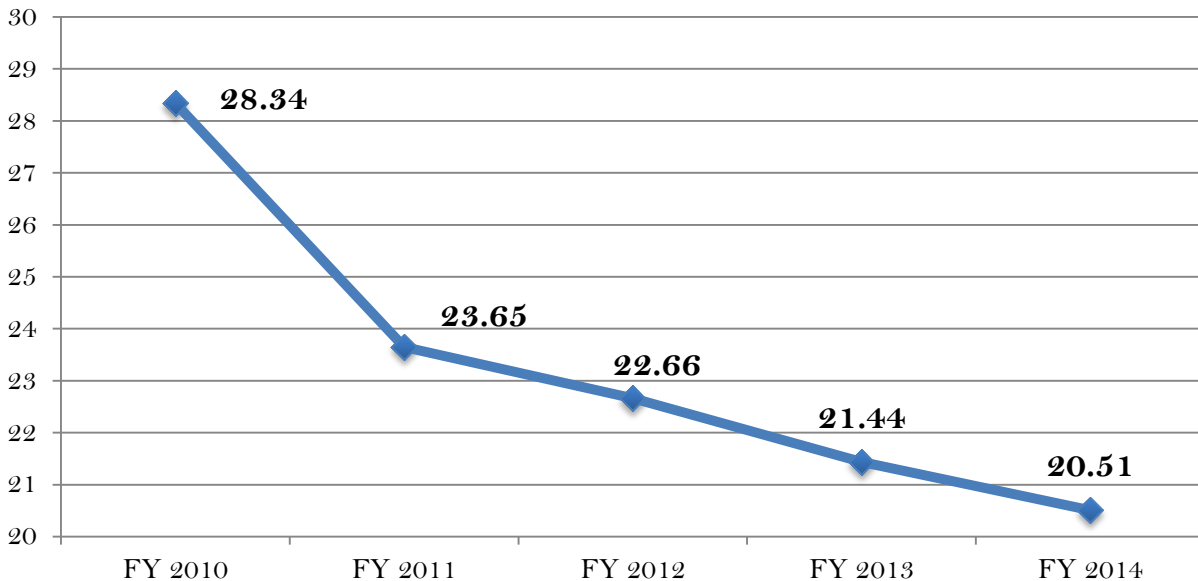
The average processing time for simple track requests for agencies that reported data in this field in their FY 2014 Annual FOIA Report was 20.51 days.<sup>8</sup> This is an improvement

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<sup>8</sup> For purposes of the Annual FOIA Report, agencies were instructed to break down their response times by three processing tracks: Simple, Complex and Expedited. Agencies that did not have multi-track processing, reported all of their non-expedited requests as either simple or complex, whichever best characterized the majority of the requests they processed that year. Similarly, agencies that had more than three tracks (including the expedited track), categorized their non-expedited requests as either simple or complex, whichever best characterized the majority of the requests they processed that year.

of over 4% from the average of 21.44 days that was reported in FY 2013 and the fifth straight year that the average processing time decreased. Sixty-one agencies, including six departments -- Interior, DOC, ED, DOD, VA, and USDA-- reported processing their simple track requests within an average of twenty days or less. Eighteen agencies, including DHS, Treasury, HUD, Labor, HHS, and DOT, reported processing these requests between an average of 20.3 days and twenty-nine days. A total of nineteen agencies reported an average processing time for simple track requests that was above twenty-nine 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. USAID further improved this number in FY 2014, reducing its average processing time by 62% from 74.88 days to 28.48 days. The Administrative Conference of the United States (one day), the Chemical Safety and Hazard Investigation Board (two days), and Office of Navajo and Hopi Indian Relocation (2.39 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 2015 Chief FOIA Officer Reports, and they will be scored on their success in this area in OIP's upcoming 2015 Assessment of Agency Progress in Implementing the President's FOIA Memorandum and the Attorney General's FOIA Guidelines.

*Average Processing Time for Complex Requests*

Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations. Complex requests necessarily take longer to process than more targeted “simple” requests. The average processing time for complex track requests for agencies that reported data in this field in their Annual FOIA Reports was 118.74 days. This is a decrease of 4.43 days from the average processing time reported in FY 2013. A total of seven agencies reported processing their complex track requests in an average of twenty working days or less. Another four agencies processed their complex track requests between an average of twenty days and thirty days. Forty-four agencies, including thirteen departments -- Treasury, Labor, VA, Interior, ED, DOT, USDA, HUD, HHS, DOC, DOD, DHS, and DOJ -- processed their complex track requests between an average of thirty-one days and 150 days.

*Average Processing Time for Expedited Requests*

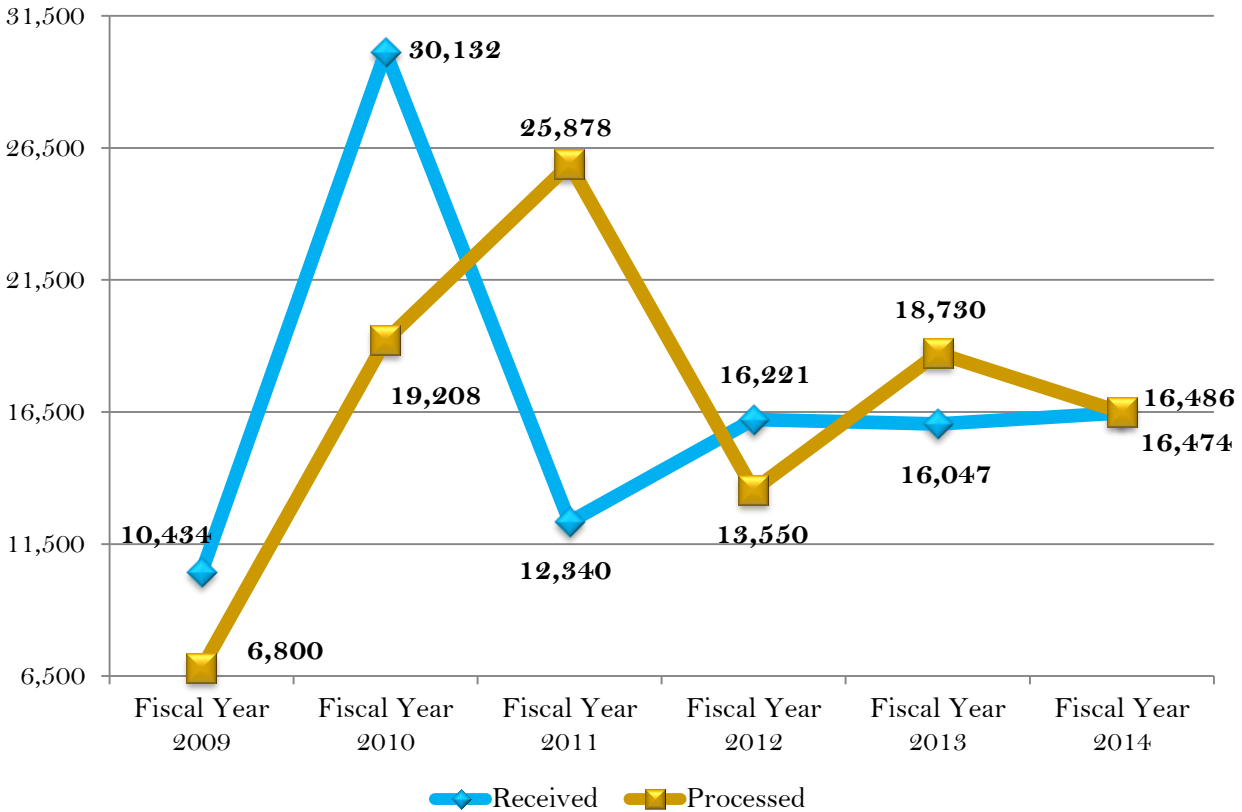
Due to the nature of expedited track requests, which can either be simple or complex in their scope, comparisons of average processing times are necessarily imperfect. For those agencies that reported data for this field, however, the average processing time for expedited requests in FY 2014 was 101.91 days. This is an increase of nearly eleven days from the average of 91.03 days reported for FY 2013. Twenty agencies, including ED and HUD, reported processing their expedited requests within an average of twenty days or less. Seven other agencies, including the Office of Personnel Management (twenty-five days), DOC (twenty-six days), Labor (26.30 days), and the National Science Foundation (twenty-eight 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 2014, all but thirteen processed such requests within an average of less than 100 days.

**CONSULTATIONS ON FOIA REQUESTS**

*Consultations Received, Processed, and Pending*

During FY 2014, forty-eight of the one-hundred 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 16,474 consultations were received by agencies in FY 2014, a 2.7% increase from the total received in FY 2013 (16,047). For the fifth consecutive year, State received the most consultations across the government with 11,554, an increase of 542 consultations from the 11,012 it received in FY 2013. For the third year in a row, DOD (1,991) and CIA (956) received the second and third most consultations across the government, and along with State, were the only agencies to receive more than 900 consultations during the fiscal year. Collectively, these three agencies accounted for 88% (14,501) of all consultations received by the government in FY 2014. Only four other agencies -- DOJ (716), DHS (318), DOE (212), and Treasury (200) -- received more than 100 consultations during FY 2014. Together, these seven agencies received nearly 97% of all consultations across the government. Notably, thirty-three agencies received twenty or fewer consultations during the fiscal year.

## Consultations



During FY 2014, agencies collectively processed 16,486 consultations, which is a 12% decrease from the 18,730 consultations processed in FY 2013. As with the number of consultations received, State processed the most consultations during the fiscal year. The 11,752 consultations processed by State amounts to over 71% of the total number of consultations processed by the entire government in FY 2014. After State, DOD (1,934) and CIA (966) were the only two agencies to process more than 900 consultations. Together, these three agencies processed nearly 89% of all consultations across the government. As with the number of consultations received, DOJ (695), DHS (278), DOE (200), and Treasury (146) were the only other agencies to have processed more than 100 consultations in FY 2014. These seven agencies together processed nearly 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-four of the forty-eight agencies that received consultations in FY2014 were able to process all of their incoming consultations.

Twenty-six agencies reported ending FY 2014 with at least one pending consultation. The overall number of pending consultations for the government decreased by 1.4% from 3,497 to 3,448. As with the last three fiscal years, State (1,471) and DOD (1,095) reported having the highest number of pending consultations at the end of the fiscal year. These two agencies together accounted for just over 74% of all pending consultations at the end of FY 2014. Of the remaining twenty-four agencies, only four -- CIA (205), DOJ (197), DHS (180),



and DOE (126) -- had more than 100 consultations pending at the end of the fiscal year. Treasury (ninety) and DOC (twenty-seven) are the only other agencies that had more than twenty consultations pending at the end of the fiscal year, with the remaining eighteen agencies reporting having between one and ten.

### *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." OIP continued to issue [guidance](#) on this topic and in 2014 highlighted the need for "FOIA professionals to both collect and regularly review data regarding backlogs and timeliness" and "ensure that the ten oldest requests, appeals and consultations are being systematically worked on throughout the year, tackling any roadblocks that arise, allowing sufficient time for them to be closed by year end." The full guidance article, which focuses on the improvement of agency FOIA programs, is available on [OIP's website](#).

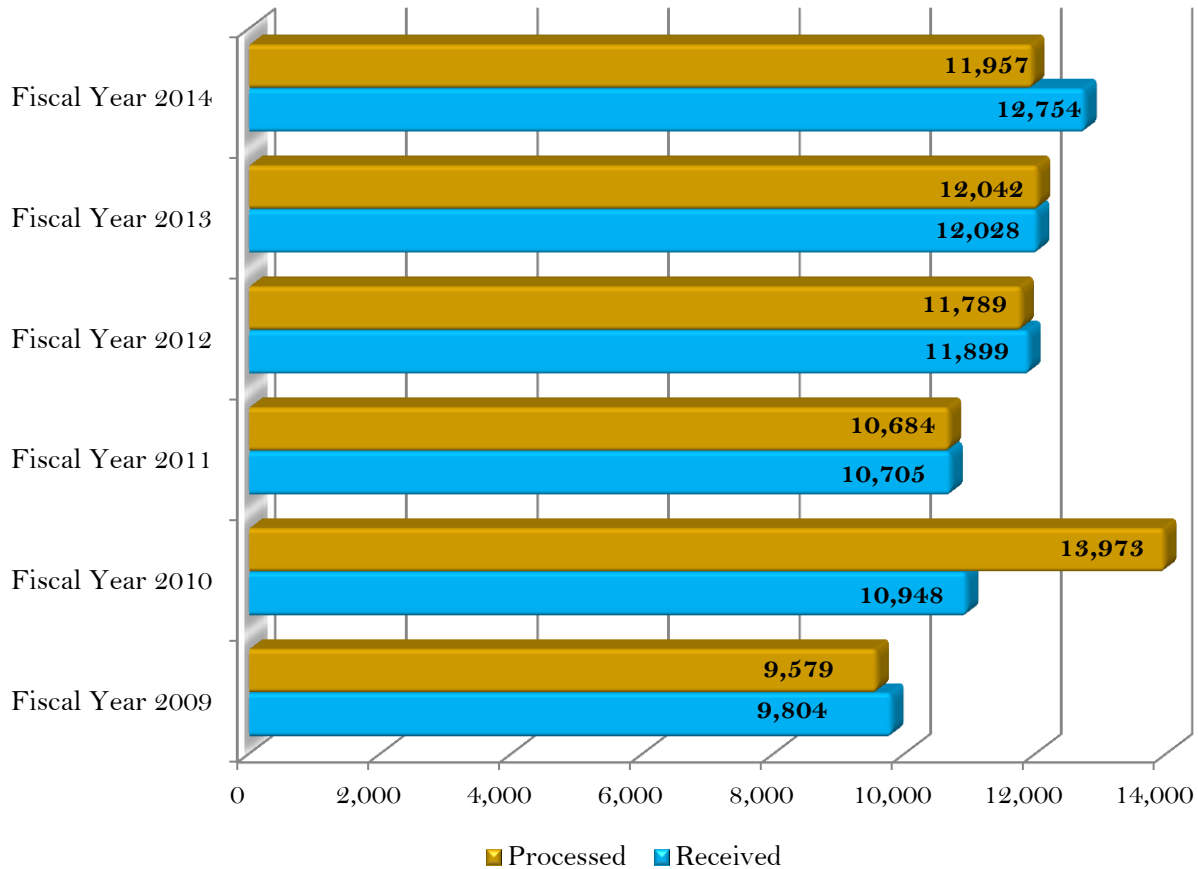
Eleven of the twenty-six agencies that had pending consultations at the end of FY 2014 reported that their oldest pending consultation was dated during calendar year 2014. Another six agencies reported that their oldest pending consultation was dated in calendar year 2013. The government's overall ten oldest pending consultations at the end of FY 2014 are dated between 2005 and 2007 and are all pending at DOD, State, and CIA.

## **ADMINISTRATIVE APPEALS**

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

In FY 2014, the government overall received 12,754 appeals, which is 6% more than the 12,028 appeals received in FY 2013. Breaking DOJ's longstanding trend, DHS received the highest number of appeals across the government. During FY 2014, DHS received 3,634 appeals, which accounts for over 28% of all the appeals received government-wide. DOJ (3,209) and DOD (1,059) received the second and third highest number of appeals. Collectively, these three agencies received 62% of all appeals received by the government. Fifteen agencies, including eight departments -- Labor, State, HHS, VA, Treasury, USDA, Interior, and DOT -- received between ninety and 452 appeals during FY 2014, with another sixty-two agencies receiving between one and eighty-five appeals. Twenty agencies received no appeals during the fiscal year.

## Administrative Appeals

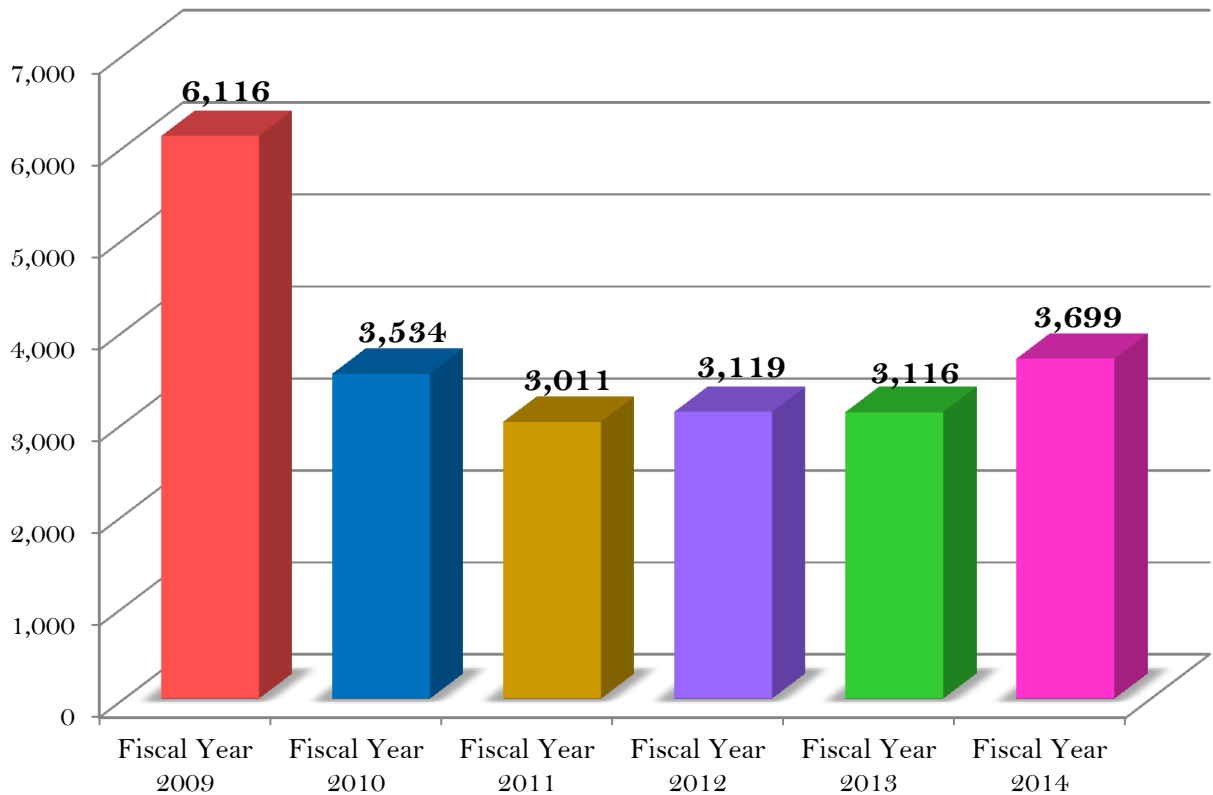


The government overall processed 11,957 appeals during FY 2014, which is a decrease of less than 1% from the 12,042 processed during FY 2013. The three agencies that received the most appeals also processed the most appeals: DHS (3,490), DOJ (3,100) and DOD (961). These three agencies together processed 63% of the total number of appeals processed by the entire government in FY 2014. Thirteen agencies processed between 120 and 432 appeals, and another twenty-eight agencies processed between ten and ninety-seven. Fifty-six agencies processed less than ten appeals, and of those, eighteen processed none.

### Backlogged Administrative Appeals

The overall backlog of administrative appeals increased from 3,116 at the end of FY 2013 to 3,699 at the end of FY 2014.

## Number of Backlogged Administrative Appeals



DOD reported the highest number of backlogged appeals with 730, and was followed by HHS (408) and Labor (316). The eight agencies with appeal backlogs above 200 in FY 2014 -- DOD, HHS, Labor, DOJ (292), VA (268), Interior (268), USDA (268), and State (235) -- represent 75% of the backlogged appeals government-wide. Sixteen agencies overall reduced their backlog of appeals at the end of FY 2014. Sixty of the one-hundred agencies subject to the FOIA closed FY 2014 with no pending appeals in their backlog.

### Ten Oldest Pending Administrative Appeals

The oldest pending administrative appeal across the government dates to 2003 and is pending at DOD. This is a marked improvement from the oldest pending appeal at the end of FY 13, which dated back to 1999. There are no longer any pending appeals dated in the 1990s. The remaining nine oldest appeals are dated between 2003 and 2006, and are all pending at the CIA and DOD.

As noted above, sixty agencies reported having no pending administrative appeals at the end of the fiscal year. Of the remaining agencies, twenty-four had less than ten pending appeals and sixteen only had one or two appeals to list as their oldest. Ten 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 2014 Annual FOIA Report is 81.35 days. This is an improvement of over one day from the average of 82.79 days reported in FY 2013. The average processing time for the agencies that processed the most appeals were 111.54 (DHS), 67.88 (DOJ), and 402 (DOD). USAID had the highest overall processing time for appeals with an average of 537 days, and was followed by the Export-Import Bank at 519.5 days and DOD at 402 days. HHS reported the fourth highest average processing time with 314 days, but this is a reduction of 10.03% from the average processing time (349 days) it reported in FY 2013. Eleven agencies, including four departments – DHS, DOC, Labor, and DOT – reported an average processing time for appeals between 100 and 199 days. An additional eleven agencies reported an average processing time above 200 days. Twenty-six agencies, including DOE, reported their average processing time for appeals in FY 2014 was twenty days or fewer.

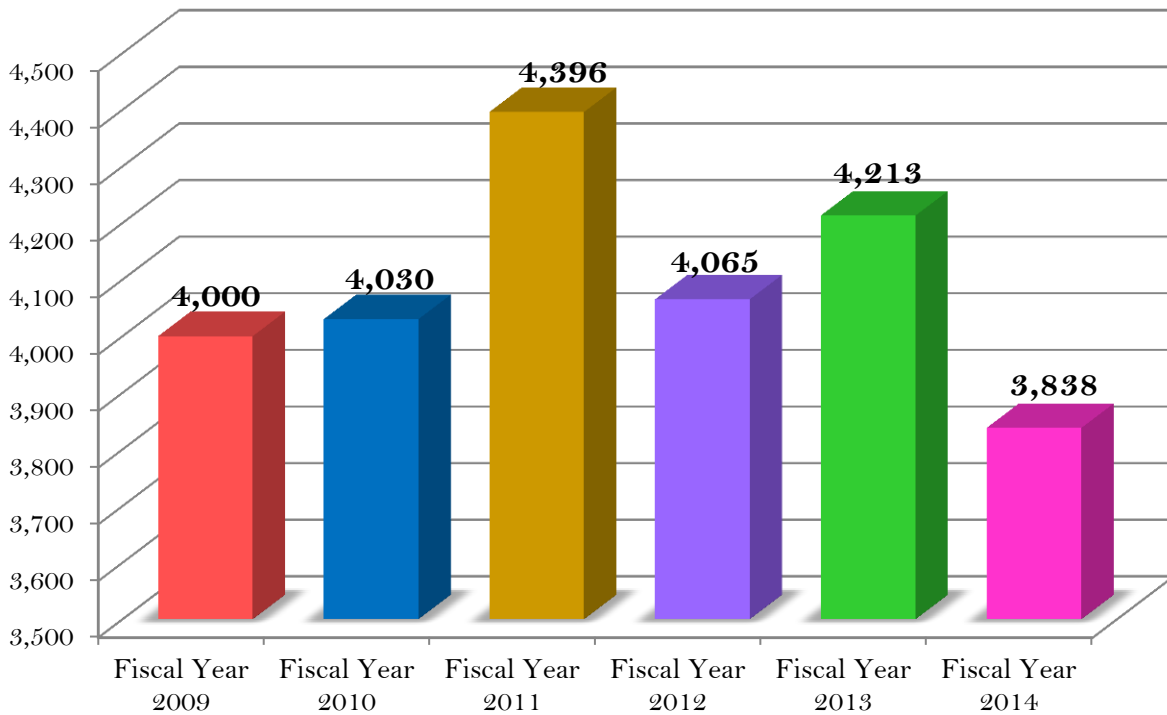
### **STAFFING LEVELS**

During FY 2014, 3,838 “full-time FOIA staff” were devoted to the administration of the FOIA throughout the government.<sup>9</sup> Notably, this figure is the lowest reported staffing level in the last six fiscal years. This is a 8.9% decrease from the 4,213 “full-time FOIA staff” reported in FY 2013, and 12.7% below the six year high of 4,396 reported in FY 2011. For the fourth year in a row DOD reported the highest number of “full-time FOIA staff,” increasing from 698 “full-time FOIA staff” in FY 2013 to 754 during FY 2014. DOJ (470) moved from reporting the third highest number of “full-time FOIA staff” to the second highest, followed by DHS which reported 459 “full-time FOIA staff.” DOD, DOJ, and DHS were the only agencies in FY 2014 to report a total “full-time FOIA staff” above 400. HHS (283) was the only other agency to report over 200 “full-time FOIA staff.” VA (198) USDA (167), Labor (162), Treasury (151), State (127), and Interior (122) were the only other agencies to report over 100 “full-time FOIA staff.” Notably, these ten agencies combined account for over 75% of the “full-time FOIA staff” reported by the government at the end of FY 2014.

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<sup>9</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

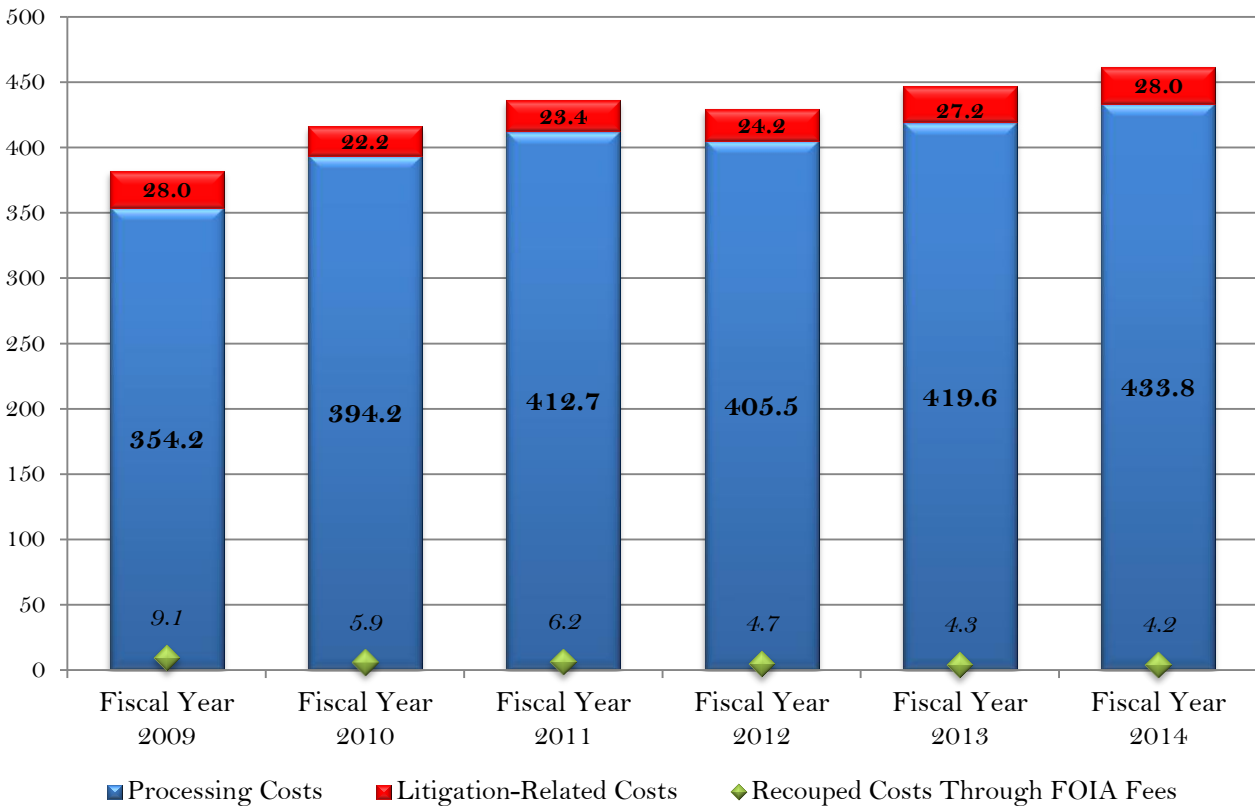


A total of twenty-eight agencies reported having less than one “full-time FOIA staff” at the end of FY 2014. When adding together all of the “full-time FOIA staff” reported by these agencies, it is the equivalent of under ten staff members. Forty-eight agencies had between one and nineteen “full-time FOIA staff” at the end of FY 2014. The remaining fourteen agencies reported a range between twenty-one and ninety-six “full-time FOIA staff.”

## COSTS

The total estimated cost of all FOIA related activities across the government during FY 2014 was \$461,823,532.88, which is a 3.4% increase from FY 2013. For the fourth year in a row, nearly 94% (\$433,822,158.24) of the total costs was attributed to the processing of requests and appeals by agencies. Roughly 6% was reported to have been spent on litigation-related activities. By the end of the fiscal year, agencies reported collecting a total of \$4,210,247.76 in FOIA fees, which amounts to 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 five year trend, DOD reported incurring the highest total costs (over \$83 million) across the government for FOIA-related activities. DOJ (\$68.1 million), DHS (\$51.7 million), and HHS (\$49 million) reported the second, third, and fourth highest costs in FY 2014, and along with DOD and Treasury (\$20 million), are the only agencies to have spent over \$20 million on FOIA-related activities in FY 2014. Together these agencies account for nearly 59% of all FOIA-related costs incurred by the government during FY 2014. Only nine other agencies -- Labor (\$18.3 million), State (\$18.3 million), VA (\$14.3 million), CIA (\$13 million), DOT (\$12.7 million), Interior (\$11.7 million), EPA (\$11.4 million), DOC (\$10.5 million), and DOE (\$10.5 million) -- reported spending more than \$10 million. Sixty-eight agencies reported spending less than one million dollars on FOIA-related activities during the fiscal year, with forty of those agencies spending less than \$100,000.

Notably, sixty-one agencies reported having no expenditures for litigation related activities during FY 2014, with another four spending between \$1,400 and \$5,000. Fifteen agencies reported spending between \$11,000 and \$67,000 and another fourteen reported spending between \$145,000 and \$875,000. DOJ, DOD, DHS, CIA, State, and HHS all reported spending over a million dollars on litigation related activities.

## **CONCLUSION**

In addition to the continued rise of incoming requests, agency FOIA offices faced many challenges during this past fiscal year including less staffing, tight fiscal times, and a three week government shutdown during which requests continued to come in when there was no staff available to process them. Managing these challenges, the government overall was able to process 647,142 requests while continuing to maintain a high release rate of over 91% for the sixth year in a row. The government overall also improved its average processing times for simple and complex track requests. While a number of agencies were able to reduce their request backlogs, the record high number of incoming requests received in FY 2014 coupled with unique challenges like the three week shutdown resulted in an increase of the government's overall backlog. Nevertheless, as this year's Annual FOIA Report data indicates, agencies overall showed improvement in several other areas. With these achievements in mind, there is work to be done in FY 2015 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 2014 Annual FOIA Reports.