

The Secretary's Annual Freedom of Information Act Report

Fiscal Year 2013



**Privacy, Information, & Records Management Services
Office of Management**

**A Report to the
Attorney General of the United States
for the period**

October 1, 2012 – September 30, 2013

U.S. Department of Education – FY 2013 Annual FOIA Report

FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2013

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I. BASIC INFORMATION REGARDING REPORT

The person to contact with questions about this report is:

Gregory Smith, Director, FOIA Service Center
Privacy, Information & Records Management Services
Office of Management
United States Department of Education
400 Maryland Ave, SW, LBJ 2E305
Washington, DC 20202-4503

1. The Internet address for this report on the World Wide Web (www) is:
<http://www2.ed.gov/policy/gen/leg/foia/foiatoc.html>
3. To obtain a copy of this report in paper form contact the person identified in #1 above.

II. MAKING A FOIA REQUEST

1. Names, Addresses, and Contact Numbers for the Department of Education (ED) Freedom of Information Act (FOIA) Officers, FOIA Liaisons, and Regional FOIA Coordinators. FOIA requests should be submitted directly to the FOIA Requester Service Center or, if known, to the Regional FOIA Coordinators.

Chief FOIA Officer

Denise Carter, (202) 401-4858

FOIA Requester Service Center

U.S. Department of Education
400 Maryland Avenue, SW, LBJ 2E313
Washington, DC 20202-4503
(202) 401-8365

FOIA Public Liaisons

Elise Cook
Maria-Teresa Cueva
Linda Darby
Robert Wehausen
Christie Swafford
Arthur Caliguiran

FOIA Team Lead: James Hyler

FOIA Appeals Coordinator: Robert Wehausen

Chief Privacy Officer: Kathleen Styles

Region I: OCR Boston Office
FOIA Coordinator; McCormack Post Office & Courthouse, Boston, MA
02109; (617) 289-0013

Region II: OCR New York Office
FOIA Coordinator; 75 Park Place, New York, NY 10007; (646) 428-
3811

Region III: OCR Philadelphia Office
FOIA Coordinator; 100 Penn Square East, Philadelphia, PA 19107;
(215) 656-8557

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- Region IV: OCR Atlanta Office
FOIA Coordinator; 61 Forsyth Street, SW, Atlanta, GA 30303; (404) 562-6357
- Region V: OCR Chicago Office
FOIA Coordinator; 111 North Canal Street, Chicago, IL 60606; (312) 730-1610
- Region VI: OCR Dallas Office
FOIA Coordinator; 1999 Bryan Street, Dallas, TX 75201; (214) 661-9623
- Region VII: OCR Kansas City Office
FOIA Coordinator; 10220 N. Executive Hills Boulevard, Kansas City, MO 64153; (816) 268-0594
- Region VIII: OCR Denver Office
FOIA Coordinator; 1244 Speer Boulevard, Denver, CO 80204; (303) 844-5942
- Region IX: OCR San Francisco Office
FOIA Coordinator; 50 United Nations Plaza, San Francisco, CA 94102; (415) 486-5507
- Region X: OCR Seattle Office
FOIA Coordinator; 915 Second Avenue, Seattle, WA 98174; (206) 220-7946
- Metro Region: OCR District of Columbia Office
FOIA Coordinator; P.O. Box 14620; Washington, D.C. 20044-4620; (202) 786-0521
- Region XII: OCR Cleveland Office
FOIA Coordinator; 600 Superior Avenue East, Suite 750, Cleveland, OH 4114-2611; (216) 522-4468

2. Information on how to make a FOIA Request and on how to make a Privacy Act request is available from the ED FOIA website: <http://www.ed.gov/policy/gen/leg/foia/foiatoc.html> Responsive records are released in their entirety unless release is precluded on the basis of nine statutory exemptions, as specified in the FOIA. In general, as a regulatory agency, some investigative records or portions of records are not released. In addition, if records are part of an ongoing investigation or involved with litigation they may not be released or they may be partially released. Personally identifiable information is also not released to anyone except to the individual to whom it applies.

Certain information contained in grants and contracts is withheld such as non-federal funding amounts and sources, business proposals, and technical information that is unique to the submitter and falls within protected business information.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS:

1. Agency-specific acronyms or terms used in this Report:

- a. **The Department:** Congress established the U.S. Department of Education (ED) on May 4, 1980, in the Department of Education Organization Act (Public Law 96-88 of October 1979). Under this law, ED's mission is to: Strengthen the Federal commitment to assuring access to equal educational opportunity for every individual; Supplement and complement the efforts of states, the local school systems and other instrumentalities of the states, the private sector, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education; Encourage the increased involvement of the public, parents, and students in Federal education programs; Promote improvements in the quality and usefulness of education through Federally supported research, evaluation, and sharing of information; Improve the coordination of Federal education programs; Improve the management of Federal education activities; and, Increase the accountability of Federal education programs to the President, the Congress, and the public.
- b. **Principal Offices (POs)** – In FY2012, ED had the following program offices and/or processing designations:
 - FSA Federal Student Aid
 - IES Institute of Education Sciences
 - IES-NAGB National Assessment Governing Board
 - M Multiple Offices Assigned
 - OCFO Office of the Chief Financial Officer
 - OFCO- CAM Office Of Contracts and Acquisitions Management
 - OCIO Office of the Chief Information Officer
 - OCO Office of Communication and Outreach
 - OCR Office for Civil Rights (Headquarters)
 - Office for Civil Rights (Regional Enforcement Offices)
 - OCR-1 Boston, OCR Region I - Boston
 - OCR-2 New York, OCR Region II – New York
 - OCR-3 Philadelphia, OCR Region III - Philadelphia

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- OCR-4 Atlanta, OCR Region IV - Atlanta
- OCR-5 Chicago, OCR Region V - Chicago
- OCR-6 Dallas, OCR Region VI - Dallas
- OCR-7 Kansas City, OCR Region VII - Kansas City
- OCR-8 Denver, OCR Region VIII - Denver
- OCR-9 San Francisco, OCR Region IX – San Francisco
- OCR-10 Seattle, OCR Region X - Seattle
- OCR-Metro D.C., OCR District of Columbia Office
- OCR-12 Cleveland, OCR Region XII – Cleveland

- ODS Office of the Deputy Secretary
- OELA Office of English Language Acquisition
- OESE Office of Elementary and Secondary Education
- OGC Office of the General Counsel
- OIG Office of Inspector General
- OII Office of Innovation and Improvement
- OLCA Office of Legislation and Congressional Affairs
- OM Office of Management
 - OM-PIRMS Privacy Information & Records Management Services
- OPE Office of Postsecondary Education
- OPEPD Office of Planning, Evaluation, and Policy Development
- OS Office of the Secretary
- OSDFS Office of Safe and Drug-Free Schools
- OSERS Office of Special Education and Rehabilitative Services
- OUS Office of the Under Secretary
- OVAE Office of Vocational and Adult Education

- c. **Calendar Day** – Every day shown on a calendar. A 24-hour period beginning at 12:01 a.m. and ending at 12:00 p.m. midnight.
- d. **Fees** – an agency will charge processing fees based on how the documents will be used and not on the category of the FOIA requester. All fees allowed will be charged to the first requester, when there are multiple requesters for the same documents, and, unless waived, all subsequent requesters will be charged duplication and special services fees only. If a fee is not allowed by statute or regulation to be charged to the first requester, the fee cannot be passed on to the next subsequent requester.
- e. **First-In-First-Out (FIFO) Processing Policy** – an agency will process requests in the order in which requests are received consistent with a multi-track processing system and reasonable allocation of processing resources available for each track and the FOIA program of the agency.
- f. **FOIA/PA Request** – a FOIA request is generally a request or access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
- g. **Glomar Response** – a Glomar response neither confirms nor denies the existence or non-existence of responsive records to a request in order to protect law enforcement, privacy, or other appropriate interests.
- h. **Initial Denial Authority** – agency official who is delegated the authority to make release determinations of documents and information contained in documents requested under the FOIA on behalf of the agency.
- i. **Initial Request** – a request to a federal agency for access to records under the Freedom of Information Act.
- j. **Perjury Statement** – a signed (notarization is not required) statement executed under the penalty of law, usually associated with a request for the personal records of the requester, attesting that they are the individual who they say they are.
- k. **Proper Request** – a request that fits the definition of a FOIA request: reasonably describes the agency records being sought and cites a willingness to pay assessable fees or justifies the granting of a fee waiver. Proper requests do not use federal government resources in making the request – federal government requests for agency documents for official purposes are not FOIA requests.

- l. Reasonably Described** – a request is reasonably described if it enables a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort. An appeal is reasonably described if it adequately describes the action taken by the agency regarding the request and the basis on why the action is not in compliance with the statute or agency regulation.
- m. Referral** – transferring a FOIA request and/or document(s) that are under another agency’s purview to another entity for processing. This also includes redirecting a requester to the appropriate agency instead of referring the request.
- n. Release** – an agency decision to disclose all records in full in response to a FOIA request. This sometimes is referred to as a “grant.”
- o. Remanded** – a request that is returned to the initial denial authority for reconsideration of their release determination and further processing.
- p. Request Disposition** – an agency determination to take one of four actions on requests for records:

 - i. Responsive records are released in full.
 - ii. Responsive records are released in part because some of the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions.
 - iii. Responsive records are denied in full because all of the information in the requested records is determined by the agency to be exempt under one or more of the FOIA exemptions.
 - iv. Determined by the agency not to process for other procedural reasons:

 - (1) No Records – After a thorough search of agency records, no records were found to be responsive to the FOIA request or within the scope of the FOIA request.
 - (2) Duplicate Request – The request is a duplicate of a previously submitted request by the same requester or organization represented by the requester.
 - (3) Fee Related – Request is not processed because there were fee issues. For example, the requester was not willing to pay assessable FOIA processing fees or the requester had delinquent fees from previous FOIA requests.
 - (4) Request Withdrawn – Requester withdraws their request.

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- (5) Not Reasonably Described – sufficient information has not been provided for a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort.
- (6) Not a Proper Request – the requester is asking questions posing as a FOIA request or a response would require the agency to create a record.
- (7) Not an Agency Record – Documents requested in a FOIA request that are not maintained, or possibly originated, by the Department or its components.
- (8) Referred to an Appropriate Agency – request for records that are not held by a Department agency and are more likely the documents of some other federal agency other than the Department.

q. **Working Days** – days except Saturdays, Sundays, and federally recognized public holidays.

2. Basic Terms Used in This Report and in FOIA Training:

- 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, bureau, center, or directorate, within the agency that processes FOIA requests. The FOIA now 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 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 that require the agency to use the FOIA in responding to the requester are included in this report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this report.)
- h. **Full Grant** – an agency determination to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency determination 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. The tracks are:
 - 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 records requested; and
 - 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 records requested.
- l. **Partial Grant / Partial Denial** – in response to a FOIA request, an agency determination 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. **Perfect Request** – a request for records that 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** – action on the request or the appeal in all respects has been completed.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **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. 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

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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; and
- i. **Exemption 9:** geological information on wells.

IV. EXEMPTION 3 STATUTES

Statute	Type of Information	Case Citation	Number of Times Relied Upon per Component	Total Number of Times Relied upon by Agency
41 U.S.C. § 4702(b)	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	<u>Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA, No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 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).</u>	FSA: 6	6
44 U.S.C. 3541	Security controls over information resources supporting Federal operations and systems	n/a	FSA: 8	8

V. INITIAL FOIA/PA ACCESS REQUESTS:

A. Received, Processed, and Pending FOIA/PA Requests:

Component Offices		Number of Requests Pending as of Start of FY 2013	Number of Requests Received in F Y 2013	Number of Requests Processed in FY 2013	Pending End of FY 2013
ED Headquarters Offices	FSA	55	240	234	61
	IES	2	51	46	7
	IES – NAGB	0	1	1	0
	OCFO	3	1	4	0
	M	50	187	182	55
	OCFO - CAM	10	44	48	6
	OCIO	0	8	7	1
	OCO	1	1	2	0
	OCR	7	93	89	11
	ODS	0	10	8	2
	OELA	0	0	0	0
	OESE	13	91	102	2
	OGC	1	3	3	1
	OIG	5	71	73	3
	OII	4	26	29	1
	OLCA	1	6	6	1
	OM	7	59	61	5
	OM-PIRMS	25	296	294	27
	OPE	15	85	89	11
	OPEPD	1	5	5	1
	OS	18	17	11	24
	OSDFS	0	0	0	0
OSERS	1	82	83	1	
OUS	1	1	1	1	
OVAE	0	2	2	0	
OCR Field Office	Boston	19	115	131	3
	New York	41	149	139	51
	Philadelphia	2	94	90	6
	Atlanta	17	59	58	18
	Chicago	5	153	152	6
	Dallas	8	106	107	7
	Kansas City	9	29	26	12
	Denver	2	34	35	1
	San Francisco	3	89	91	1
	Seattle	4	86	88	2
	District of Columbia	15	90	93	12
	Cleveland	4	31	31	4
ED Totals		349	2,415	2,421	343

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B. Disposition of FOIA/PA Requests – All Processed Requests:

Component Offices		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 Returned to Another Agency	Request Withdrawn	Fee-Related Reason	Reasonably	Improper for Other Reason	Not Agency Record	Duplicate Request	Other *Explain below			
ED Headquarters Offices	FSA	90	66	3	36	1	22	1	5	6	3	1	0	234	
	IES	5	20	0	5	15	1	0	0	0	0	2	0	46	
	IES – NAGB	0	1	0	0	0	0	0	0	0	0	0	0	1	
	M	50	72	3	35	5	12	0	2	0	0	3	0	182	
	OCFO	2	0	0	2	0	0	0	0	0	0	0	0	4	
	OCFO – CAM	10	32	0	4	0	2	0	0	0	0	0	0	48	
	OCIO	2	3	1	0	0	1	0	0	0	0	0	0	7	
	OCO	2	0	0	0	0	0	0	0	0	0	0	0	2	
	OCR	19	54	1	11	0	2	0	1	0	0	1	0	89	
	ODS	4	2	0	0	0	2	0	0	0	0	0	0	8	
	OELA	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OESE	25	65	0	6	0	5	0	0	0	1	0	0	102	
	OGC	0	1	0	2	0	0	0	0	0	0	0	0	3	
	OIG	11	34	14	3	0	2	0	1	0	0	0	0	70	
	OII	6	16	0	3	0	2	0	1	0	0	1	0	29	
	OLCA	4	1	0	1	0	0	0	0	0	0	0	0	6	
	OM	18	28	1	5	4	2	3	0	0	0	0	0	61	
	OM-PIRMS	19	197	0	12	19	3	0	37	0	2	5	0	294	
	OPE	13	61	1	8	1	5	0	0	0	0	0	0	89	
	OPEPD	4	0	0	1	0	0	0	0	0	0	0	0	5	
OS	1	2	0	2	0	6	0	0	0	0	0	0	11		
OSDFS	0	0	0	0	0	0	0	0	0	0	0	0	0		
OSERS	8	42	0	7	0	24	1	0	0	0	1	0	83		
OUS	0	1	0	0	0	0	0	0	0	0	0	0	1		
OVAE	1	1	0	0	0	0	0	0	0	0	0	0	2		
OCR Field Offices	Boston	12	97	12	6	0	2	0	2	0	0	0	0	131	
	New York	45	56	11	3	5	12	0	0	0	0	7	0	139	
	Philadelphia	24	55	1	6	0	4	0	0	0	0	0	0	90	
	Atlanta	14	20	12	2	7	1	0	0	0	0	2	0	58	
	Chicago	93	40	9	5	1	4	0	0	0	0	0	0	152	
	Dallas	26	51	17	1	0	5	2	3	0	0	2	0	107	
	Kansas City	7	11	8	0	0	0	0	0	0	0	0	0	26	
	Denver	1	15	14	0	0	5	0	0	0	0	0	0	35	
	San Francisco	21	50	14	0	0	5	0	1	0	0	0	0	91	
	Seattle	16	61	0	8	0	1	0	2	0	0	0	0	88	
	District of Columbia	9	59	17	2	0	6	0	0	0	0	0	0	93	
	Cleveland	11	8	6	1	0	2	2	1	0	0	0	0	31	
ED TOTAL		573	1,222	145	185	58	138	9	56	6	6	23	0	2,421	

Some of the dispositions of the requests were described as "Other" / One of the other categories provided (No Records, Fee Related, etc.). Those requests were included in the corresponding column provided. The "Other" column here only reflects Glomar Responses.

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

Component	Description of "Other" Reasons for Denials from Chart B (1)	Number of Times "Other Reason Was Relied Upon	Component Total
Agency Overall			0

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C. Disposition of FOIA/PA Requests – Number of Times Exemptions Applied:

Component Offices		Exemption												
		1	2	3	4	5	6	7a	7b	7c	7d	7e	7f	8/9
ED Headquarters Offices	FSA	0	0	14	19	15	39	0	0	4	0	12	0	0
	IES	0	0	0	10	9	19	0	0	0	0	0	0	0
	IES – NAGB	0	0	0	1	1	1	0	0	0	0	0	0	0
	M	0	0	0	18	26	58	4	0	11	0	3	0	0
	OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCFO – CAM	0	0	0	27	3	17	0	0	0	0	1	0	0
	OCIO	0	0	0	1	0	1	0	0	0	0	0	0	0
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0
	OCR	0	0	0	1	6	13	5	0	45	0	0	0	0
	ODS	0	0	0	0	0	2	0	0	0	0	0	0	0
	OELA	0	0	0	0	0	0	0	0	0	0	0	0	0
	OESE	0	0	0	18	5	63	0	0	0	0	1	0	0
	OGC	0	0	0	0	1	1	0	0	0	0	1	0	0
	OIG	0	0	0	1	7	9	8	0	4	5	16	0	0
	OII	0	0	0	10	1	15	0	0	0	0	0	0	0
	OLCA	0	0	0	0	0	1	0	0	0	0	0	0	0
	OM	0	0	0	2	1	28	0	0	1	0	0	0	0
	OM-PIRMS	0	0	0	13	7	24	2	0	8	0	0	0	0
	OPE	0	1	0	55	3	39	0	0	1	0	0	0	0
	OPEPD	0	0	0	0	0	0	0	0	0	0	0	0	0
	OS	0	0	0	0	2	2	0	0	0	0	0	0	0
OSDFS	0	0	0	0	0	0	0	0	0	0	0	0	0	
OSERS	0	0	0	35	2	39	0	0	1	0	0	0	0	
OUS	0	0	0	1	0	1	0	0	0	0	0	0	0	
OVAE	0	0	0	0	0	1	0	0	0	0	0	0	0	
OCR Field Offices	Boston	0	0	0	0	11	8	13	0	79	0	0	0	
	New York	0	0	0	1	0	2	19	4	32	0	1	0	
	Philadelphia	0	0	0	0	3	0	3	0	45	0	0	0	
	Atlanta	0	0	0	0	6	4	4	0	2	0	0	0	
	Chicago	0	0	0	0	7	1	11	0	0	1	0	0	
	Dallas	0	0	0	1	1	2	9	0	6	0	0	0	
	Kansas City	0	0	0	0	3	1	9	0	6	0	0	0	
	Denver	0	4	0	0	7	17	12	0	6	0	0	0	
	San Francisco	0	0	0	0	7	63	18	0	63	0	0	0	
	Seattle	0	0	0	0	6	0	17	0	60	0	0	0	
	District of Columbia	0	0	0	1	3	2	17	0	47	0	0	0	
	Cleveland	0	0	0	0	0	0	7	0	5	0	1	0	
	ED TOTAL		0	5	14	215	143	473	158	4	426	6	36	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA/PA REQUESTS:

A. Received, Processed, and Pending Administrative Appeals

Component	Number of Appeals Pending at Start of FY 2013	Number of Appeals Received in FY 2013	Number of Appeals Processed in FY 2013	Number of Appeals Pending as of End of FY 2013
OM-PIRMS	32	43	20	55

B. Disposition of Administrative Appeals – All Processed Appeals

Component	Number of (initial determinations) Affirmed on Appeal	Number of (initial determinations) Partially Affirmed & Partially Reversed/Remanded on Appeal	Number of (initial determinations) Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
OM-PIRMS	10	4	2	4	20

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
0	0	0	0	6	2	0	0	1	1	1	0	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
0	0	4	0	0	0	0	0	0	0	0

C. (3) “Other” Reasons for Denial on Appeal – N/A

Component	Description of “Other” Reason for Denial on Appeal from Chart C(2)	Number of Times “Other” Relied Upon	Component Total
OM-PIRMS	N/A	0	0

C. (4) Response Time for (closed) Administrative Appeals

Number of Business Days			
Median	Average	Lowest	Highest
141.50	156.14	<1	976.00

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	2011-01-12	2011-01-11	2010-12-15	2010-11-26	2010-11-17	2010-10-28	2010-02-02	2009-11-17	2009-05-09	2009-05-07
Number of (business) Days Pending	683	684	701	714	720	745	920	1004	1104	1106

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VII. FOIA/PA Requests: Response Time for Processed and Pending Requests

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

Component Offices	SIMPLE – Number of Business Days				COMPLEX – Number of Business Days				EXPEDITED – Number of Business Days				
	Media n	Average	Lowest	Highest	Media n	Average	Lowest	Highest	Media n	Average	Lowest	Highest	
ED Headquarters Offices	FSA	53	51.69	1	207	55.5	72.17	<1	273	104	104	104	104
	IES	9.5	9	1	48	20	21.68	<1	60	N/A	N/A	N/A	N/A
	IES – NAGB	N/A	N/A	N/A	N/A	60	60	60	60	N/A	N/A	N/A	N/A
	OCFO	N/A	N/A	N/A	N/A	64	65	49	83	N/A	N/A	N/A	N/A
	M	20	27.17	1	178	64	95.36	5	817	N/A	N/A	N/A	N/A
	OCFO – CAM	16.5	15.5	6	70	50.75	67.51	4	373	N/A	N/A	N/A	N/A
	OCIO	31	31	27	35	22	17.4	5	27	N/A	N/A	N/A	N/A
	OCO	20	15	20	20	119	119	119	119	N/A	N/A	N/A	N/A
	OCR	40.5	28.72	2	70	28	36.2	3	211	N/A	N/A	N/A	N/A
	ODS	19	29	5	63	24	31.6	16	76	N/A	N/A	N/A	N/A
	OELA	14	21.27	1	78	39	49.68	3	366	N/A	N/A	N/A	N/A
	OESE	56	56	56	56	17.5	17.5	13	22	N/A	N/A	N/A	N/A
	OGC	12	20.61	<1	208	22	38.71	2	173	N/A	N/A	N/A	N/A
	OIG	45	39	1	71	23	41.62	3	324	N/A	N/A	N/A	N/A
	OII	13	31.67	3	187	25	44.04	7	211	N/A	N/A	N/A	N/A
	OLCA	1	9.37	<1	279	6	45.75	<1	745	N/A	N/A	N/A	N/A
	OM	19	28.78	7	97	27	37.09	3	187	N/A	N/A	N/A	N/A
	OM-PIRMS	17	13.75	13	20	60	60	60	60	N/A	N/A	N/A	N/A
	OPE	13	8	13	13	458	411.6	40	771	N/A	N/A	N/A	N/A
	OPEPD	9	14.24	4	79	27	38	1	114	N/A	N/A	N/A	N/A
OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	312	312	312	312	
OSDFS	N/A	N/A	N/A	N/A	31	31	17	45	N/A	N/A	N/A	N/A	
OSERS	19	29	5	63	24	31.6	16	76	N/A	N/A	N/A	N/A	
OUS	14	21.27	1	78	39	49.68	3	366	N/A	N/A	N/A	N/A	
OVAE	56	56	56	56	17.5	17.5	13	22	N/A	N/A	N/A	N/A	
OCR Field Offices	Boston	11	12.57	<1	66	26	57.41	1	223	N/A	N/A	N/A	N/A
	New York	22.5	42.45	<1	354	74	84.06	12	371	N/A	N/A	N/A	N/A
	Philadelphia	4.5	6.49	<1	30	20	49.22	6	261	1	1.33	<1	4
	Atlanta	32	54.44	<1	263	66	89.74	12	283	N/A	N/A	N/A	N/A
	Chicago	16	13.96	<1	23	20	17.57	2	27	N/A	N/A	N/A	N/A
	Dallas	16	16.16	2	62	19	20.95	<1	97	N/A	N/A	N/A	N/A
	Kansas City	71.5	101.27	1	423	25	58.33	23	127	N/A	N/A	N/A	N/A
	Denver	7	8.77	<1	44	7	9	3	19	N/A	N/A	N/A	N/A
	San Francisco	3	4.76	<1	23	9	11.39	1	29	N/A	N/A	N/A	N/A
	Seattle	2.5	4.33	<1	14	11	10.76	<1	27	N/A	N/A	N/A	N/A
	District of Columbia	19.5	25.19	<1	183	46	86.69	4	372	N/A	N/A	N/A	N/A
	Cleveland	38	34.2	1	69	26	38.38	1	105	N/A	N/A	N/A	N/A
ED Totals	12	25.51	<1	423	28	54.15	<1	817	4	84	<1	312	

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B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Component Offices	SIMPLE – Number of Business Days				COMPLEX – Number of Business Days				EXPEDITED – Number of Business Days				
	Media n	Average	Lowest	Highest	Media n	Average	Lowest	Highest	Media n	Average	Lowest	Highest	
ED Headquarters Offices	FSA	57.5	69.08	2	207	64.5	75.85	<1	243	N/A	N/A	N/A	N/A
	IES	15	22.33	4	48	23	27.76	2	60	N/A	N/A	N/A	N/A
	IES – NAGB	N/A	N/A	N/A	N/A	60	60	60	60	N/A	N/A	N/A	N/A
	M	48	60.5	4	178	79.5	111.25	8	817	N/A	N/A	N/A	N/A
	OCFO	N/A	N/A	N/A	N/A	61	61	49	73	N/A	N/A	N/A	N/A
	OCFO – CAM	17	17	12	70	47.75	66.69	4	373	N/A	N/A	N/A	N/A
	OCIO	N/A	N/A	N/A	N/A	23.5	20.5	8	27	N/A	N/A	N/A	N/A
	OCO	20	20	20	20	119	119	119	119	N/A	N/A	N/A	N/A
	OCR	37	33.42	2	70	29	36.65	6	211	N/A	N/A	N/A	N/A
	ODS	41	41	19	63	25	35.5	16	76	N/A	N/A	N/A	N/A
	OELA	14	21.25	1	78	40.5	51.9	3	366	N/A	N/A	N/A	N/A
	OESE	56	56	56	56	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	OGC	18	23.07	1	200	26	48.62	8	173	N/A	N/A	N/A	N/A
	OIG	71	71	71	71	25	47.33	3	324	N/A	N/A	N/A	N/A
	OII	N/A	N/A	N/A	N/A	74	66.4	29	118	N/A	N/A	N/A	N/A
	OLCA	14	69.33	7	187	27	46.05	7	211	N/A	N/A	N/A	N/A
	OM	38	85.36	13	279	44	88.98	<1	745	N/A	N/A	N/A	N/A
	OM-PIRMS	16.5	21.94	7	60	27.5	37.34	3	187	N/A	N/A	N/A	N/A
	OPE	17	16.67	13	20	60	60	60	60	N/A	N/A	N/A	N/A
	OPEPD	N/A	N/A	N/A	N/A	622	499.67	106	771	N/A	N/A	N/A	N/A
OS	23.5	32.5	12	79	28.5	40.84	1	114	N/A	N/A	N/A	N/A	
OSDFS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	312	312	312	312	
OSERS	N/A	N/A	N/A	N/A	31	31	17	45	N/A	N/A	N/A	N/A	
OUS	41	41	19	63	25	35.5	16	76	N/A	N/A	N/A	N/A	
OVAE	14	21.25	1	78	40.5	51.9	3	366	N/A	N/A	N/A	N/A	
OCR Field Offices	Boston	12	13.14	<1	66	25.5	49.58	1	199	N/A	N/A	N/A	N/A
	New York	18	33.45	<1	314	49	82.3	14	371	N/A	N/A	N/A	N/A
	Philadelphia	5	6.99	<1	30	20.5	53.38	6	261	<1	1.33	<1	4
	Atlanta	62.5	69.36	<1	263	58.5	106.5	22	283	N/A	N/A	N/A	N/A
	Chicago	16	14.9	<1	23	20	19.83	15	27	N/A	N/A	N/A	N/A
	Dallas	16	15.52	3	44	20	21.79	7	97	N/A	N/A	N/A	N/A
	Kansas City	71.5	145.75	1	423	127	127	127	127	N/A	N/A	N/A	N/A
	Denver	9.5	11.17	3	19	7	9	3	19	N/A	N/A	N/A	N/A
	San Francisco	3	4.58	<1	23	11	12.09	1	29	N/A	N/A	N/A	N/A
	Seattle	6	8	0	26	14	13.8	3	53	0	0	0	0
	District of Columbia	14	21.2	2	98	82	177.16	28	325	0	0	0	0
	Cleveland	17.5	17.45	1	29	25	66.75	18	199	0	0	0	0
ED Totals	15	28.27	<1	423	31	58.48	<1	817	2	79	<1	312	

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C. Processed Requests – Response Time in (Business) Day Increments: **Simple Requests**

Component Offices		1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+	TOTAL
ED Headquarters Offices	FSA	15	10	16	12	4	4	5	3	0	0	2	0	0	71
	IES	3	0	1	0	0	0	0	0	0	0	0	0	0	4
	M	20	3	4	3	2	2	1	0	1	0	0	0	0	36
	OCFO – CAM	10	0	0	1	2	0	0	0	0	0	0	0	0	13
	OCIO	0	2	0	0	0	0	0	0	0	0	0	0	0	2
	OCO	1	0	0	0	0	0	0	0	0	0	0	0	0	1
	OCR	7	2	7	2	0	1	0	0	0	0	0	0	0	18
	ODS	2	0	0	1	0	0	0	0	0	0	0	0	0	3
	OESE	23	3	1	3	0	0	0	0	0	0	0	0	0	30
	OGC	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	OIG	41	5	0	1	0	0	0	0	0	1	1	0	0	49
	OII	1	0	1	1	0	0	0	0	0	0	0	0	0	3
	OM	4	1	0	0	0	0	0	0	0	1	0	0	0	6
	OM-PIRMS	153	6	3	2	1	0	0	0	0	2	1	0	0	168
	OPE	15	2	5	0	1	0	0	0	0	0	0	0	0	23
	OPEPD	4	0	0	0	0	0	0	0	0	0	0	0	0	4
	OS	1	0	0	0	0	0	0	0	0	0	0	0	0	1
	OSERS	28	5	4	1	0	0	0	0	0	0	0	0	0	38
OCR Field Offices	Boston	93	3	2	2	0	0	0	0	0	0	0	0	0	100
	New York	36	12	17	8	5	0	2	0	0	2	4	3	0	89
	Philadelphia	57	1	0	0	0	0	0	0	0	0	0	0	0	58
	Atlanta	12	5	1	8	2	2	2	1	1	0	1	0	0	35
	Chicago	128	6	0	0	0	0	0	0	0	0	0	0	0	134
	Dallas	27	2	1	1	0	0	0	0	0	0	0	0	0	31
	Kansas City	6	2	0	4	1	0	0	0	2	1	2	3	1	22
	Denver	26	0	1	0	0	0	0	0	0	0	0	0	0	27
	San Francisco	38	1	0	0	0	0	0	0	0	0	0	0	0	39
	Seattle	16	0	0	0	0	0	0	0	0	0	0	0	0	16
	District of Columbia	25	18	4	4	0	0	0	0	0	0	0	0	0	51
	Cleveland	2	1	1	1	0	0	0	0	0	0	0	0	0	5
ED Totals		854	91	71	56	16	8	10	4	4	8	11	6	1	1,140

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C. Processed Requests – Response Time in (Business) Day Increments: **Complex Requests**

Component Offices		1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+	TOTAL
ED Headquarters Offices	FSA	24	35	26	24	16	10	5	7	5	3	7	0	0	162
	IES	24	10	7	0	0	0	0	0	0	1	0	0	0	42
	IES – NAGB	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	M	16	27	27	14	17	14	9	4	2	2	8	2	4	146
	OCFO	0	0	2	1	1	0	0	0	0	0	0	0	0	4
	OCFO – CAM	8	7	6	3	2	3	2	1	0	2	0	1	0	35
	OCIO	2	3	0	0	0	0	0	0	0	0	0	0	0	5
	OCO	0	0	0	0	0	1	0	0	0	0	0	0	0	1
	OCR	24	24	11	5	5	1	0	0	0	0	1	0	0	71
	ODS	2	2	0	1	0	0	0	0	0	0	0	0	0	5
	OESE	14	24	19	2	6	3	1	2	0	0	0	1	0	72
	OGC	1	1	0	0	0	0	0	0	0	0	0	0	0	2
	OIG	9	8	0	2	4	0	0	0	1	0	0	0	0	24
	OII	10	9	2	3	1	0	0	0	0	0	0	1	0	26
	OLCA	1	2	0	2	0	1	0	0	0	0	0	0	0	6
	OM	18	23	3	1	5	0	0	2	0	1	2	0	0	55
	OM-PIRMS	79	12	4	6	2	7	2	3	2	3	5	0	1	126
	OPE	18	31	8	3	3	1	0	1	0	1	0	0	0	66
	OPEPD	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	OS	0	1	0	0	0	2	0	0	0	0	0	0	7	10
OSERS	14	19	2	2	6	2	0	0	0	0	0	0	0	45	
OVAE	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
OCR Field Offices	Boston	9	9	3	0	2	0	1	3	0	1	1	0	0	29
	New York	2	9	6	3	7	2	0	0	4	0	1	1	0	35
	Philadelphia	5	2	0	1	0	0	0	0	0	0	1	0	0	9
	Atlanta	1	5	3	2	4	1	0	0	0	0	3	0	0	19
	Chicago	10	4	0	0	0	0	0	0	0	0	0	0	0	14
	Dallas	49	22	3	1	1	0	0	0	0	0	0	0	0	76
	Kansas City	0	2	0	0	0	0	1	0	0	0	0	0	0	3
	Denver	4	0	0	0	0	0	0	0	0	0	0	0	0	4
	San Francisco	45	4	0	0	0	0	0	0	0	0	0	0	0	49
	Seattle	69	1	0	0	0	0	0	0	0	0	0	0	0	70
	District of Columbia	7	9	3	3	3	0	2	2	2	0	3	1	0	35
	Cleveland	6	12	3	1	2	2	0	0	0	0	0	0	0	26
ED Totals		472	317	141	80	87	50	23	25	16	14	32	7	12	1,276

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C. Processed Requests – Response Time in (Business) Day Increments: **Requests Granted Expedited Processing**

Component Offices		1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+	TOTAL	
ED Headquarters Offices	FSA	0	0	0	0	0	1	0	0	0	0	0	0	0	1	
	IES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	IES – NAGB	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	M	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OCFO – CAM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OCO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OCR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	M	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
	OELA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OESE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OII	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OLCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OM-PIRMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OPEPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	OS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
OSDFS	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
OSERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
OUS	0	0	0	0	0	0	0	0	0	0	0	0	1	1		
OVAE	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
OCR Field Offices	Boston	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	New York	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Philadelphia	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
	Atlanta	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Chicago	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Dallas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Kansas City	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Denver	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	San Francisco	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Seattle	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	District of Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Cleveland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ED Totals		0	3	0	0	0	1	0	0	0	0	0	0	1	5	

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D. Pending Requests – All Pending Perfected Requests

Component Offices		SIMPLE			COMPLEX			EXPEDITED		
		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
ED Headquarters Offices	FSA	4	137	149	57	45	52	0	N/A	N/A
	IES	0	0	0	7	12	15	0	N/A	N/A
	IES – NAGB	0	0	0	0	0	0	0	0	0
	M	1	0	0	54	0	0	0	0	0
	OCFO	2	43	43	0	0	0	0	0	0
	OCFO – CAM	0	N/A	N/A	6	44	54.25	0	N/A	N/A
	OCIO	0	N/A	N/A	1	40	40	0	N/A	N/A
	OCO	0	N/A	N/A	0	56	56	0	N/A	N/A
	OCR	0	N/A	N/A	10	58	114	1	437	437
	ODS	0	N/A	N/A	2	87.5	80	0	N/A	N/A
	OELA	0	0	0	0	0	0	0	0	0
	OESE	0	N/A	N/A	2	4	4	0	N/A	N/A
	OGC	0	0	0	1	0	0	0	0	0
	OIG	0	N/A	N/A	3	33	24	0	N/A	N/A
	OII	0	N/A	N/A	1	7	7	0	N/A	N/A
	OLCA	0	N/A	N/A	1	58.5	58	0	N/A	N/A
	OM	0	N/A	N/A	5	10.5	12	0	N/A	N/A
	OM-PIRMS	5	211.5	211	22	27.5	128	0	N/A	N/A
	OPE	0	N/A	N/A	11	41.5	40	0	N/A	N/A
	OPEPD	0	0	0	1	0	0	0	0	0
	OS	2	212	212	24	118	178	0	N/A	N/A
	OSDFS	0	0	0	0	0	0	0	0	0
	OSERS	0	0	0	0	0	0	0	0	0
OUS	0	N/A	N/A	1	109	109	0	N/A	N/A	
OVAE	0	0	0	0	0	0	0	0	0	
OCR Regional Offices	Boston	3	3	6	0	9	9	0	N/A	N/A
	New York	30	21	75	21	47	84	0	N/A	N/A
	Philadelphia	4	12	9	2	240	240	0	N/A	N/A
	Atlanta	12	35.5	61	6	62	69	0	N/A	N/A
	Chicago	5	8	13	1	9	9	0	N/A	N/A
	Dallas	3	8	7	4	14	13	0	N/A	N/A
	Kansas City	4	27	50	8	71.5	97	0	N/A	N/A
	Denver	0	N/A	N/A	1	21	21	0	N/A	N/A
	San Francisco	0	N/A	N/A	1	14	16	0	N/A	N/A
	Seattle	0	N/A	N/A	2	2.5	2	0	N/A	N/A
	District of Columbia	6	56.5	74	6	11	73	0	N/A	N/A
	Cleveland	0	N/A	N/A	4	29.5	27	0	N/A	N/A
ED Totals		77	21	67	265	47	88	1	437	437

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E. Pending Requests – Ten Oldest Pending Perfected Requests

Component Offices	10 th Oldest Request and number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending	
IES - NAGBED Headquarters Offices	FSA	5/8/13 99	4/30/13 104	4/22/13 110	4/17/13 114	3/14/13 137	3/14/13 137	2/27/13 150	1/16/13 177	9/25/13 253	8/6/12 288
	IES	N/A	N/A	N/A	N/A	9/24/13 4	9/18/13 8	9/12/13 12	9/12/13 12	9/9/13 15	7/29/13 41
	IES – NAGB	N/A	N/A								
	M	N/A	N/A								
	OCFO	N/A	N/A								
	OCFO – CAM	N/A	N/A	N/A	N/A	9/20/13 32	9/13/13 11	7/18/13 50	5/31/13 82	4/23/13 109	4/10/13 174
	OCIO	N/A	7/29/13 41								
	OCO	N/A	7/3/13 77								
	OCR	9/9/13 15	8/28/13 21	8/9/13 34	7/3/13 58	6/25/13 65	4/25/13 108	4/19/13 112	12/10/12 201	1/5/12 437	3/25/11 633
	ODS	N/A	N/A	N/A	N/A	N/A	N/A	8/27/13 23	6/25/13 65	4/23/13 110	4/5/13 122
	OELA	N/A	N/A								
	OESE	N/A	9/24/13 4								
	OGC	N/A	8/23/13 26								
	OIG	N/A	9/24/13 4	8/6/13 36	9/24/13 4						
	OII	N/A	9/19/13 7								
	OLCA	N/A	7/22/13 48	6/19/13 69							
	OM	N/A	N/A	N/A	N/A	N/A	N/A	9/24/13 4	9/17/13 9	9/12/13 12	8/23/13 25
	OM-PIRMS	7/3/13 61	5/20/13 89	5/1/13 109	2/26/13 149	12/27/12 190	8/27/12 274	8/11/11 536	10/18/10 734	7/6/10 810	8/3/09 1031
	OPE	9/20/13 6	9/18/13 8	9/5/13 17	8/8/13 35	7/22/13 48	7/16/13 52	7/3/13 59	6/5/13 80	5/28/13 82	5/20/13 89
	OPEPD	N/A	1/7/13 187								
OS	3/5/13 142	8/17/12 287	6/14/12 323	6/8/12 327	6/6/12 329	5/17/12 341	4/5/12 374	3/26/12 380	11/9/11 472	1/3/11 681	
OSDFS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
OSERS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
OUS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4/25/13 108	
OVAE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

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E. Pending Requests – Ten Oldest Pending Perfected Requests (Continued)

Component Offices		10 th Oldest Request and number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending
OCR Regional Offices	Boston	N/A	N/A	N/A	N/A	9/25/13 3	9/25/13 3	9/17/13 9	9/13/13 11	9/10/13 14	8/23/13 44
	New York	3/29/13 127	3/25/13 131	1/30/13 168	10/24/12 234	9/25/12 252	6/11/12 328	4/12/12 369	3/27/12 372	3/2/1/12 384	12/7/11 404
	Philadelphia	N/A	N/A	N/A	N/A	9/30/13 0	9/25/13 5	9/12/13 12	9/12/13 12	9/10/13 14	11/04/2011 477
	Atlanta	6/18/13 72	6/17/13 73	6/17/13 74	5/23/13 88	4/29/13 104	4/26/13 107	2/28/13 148	2/25/13 151	2/8/13 162	5/31/12 291
	Chicago	N/A	N/A	N/A	N/A	9/23/13 4	9/20/13 6	9/18/13 8	9/19/13 9	9/6/13 16	8/12/13 34
	Dallas	N/A	N/A	N/A	9/27/13 1	9/24/13 4	9/18/13 8	9/16/13 10	9/16/13 10	9/24/13 18	8/26/13 24
	Kansas City	8/23/13 40	7/23/13 48	7/9/13 58	7/9/13 58	7/9/13 62	5/5/13 95	4/24/13 1099	2/19/13 153	12/17/12 195	7/19/12 301
	Denver	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8/29/13 21
	San Francisco	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/18/13 8	9/10/13 14	8/21/13 27
	Seattle	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/30/13 0	9/23/13 5
	District of Columbia	9/17/13 9	9/11/13 13	8/12/13 33	8/2/13 40	7/25/13 46	7/18/13 51	7/2/13 62	6/14/13 74	1/17/13 171	4/6/12 373
	Cleveland	N/A	N/A	N/A	N/A	N/A	N/A	9/27/13 1	8/19/13 28	8/15/13 31	7/10/12 50
ED Totals	12/09/1 1 454	12/9/1 1 460	11/08/1 1 475	11/02/1 1 480	8/11/1 1 536	3/18/11 681	10/18/1 0 734	7/20/10 823	7/6/10 852	7/24/09 1073	

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing*

Component Offices		Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
ED Headquarters Offices	FSA	1	1	6.5	6.5	2
	IES	0	0	0	0	0
	IES – NAGB	0	0	0	0	0
	M	0	0	0	0	0
	OCFO	0	0	0	0	0
	OCFO – CAM	0	0	0	0	0
	OCIO	0	0	0	0	0
	OCO	0	1	6	6	1
	OCR	0	0	0	0	0
	ODS	0	0	0	0	0
	OELA	0	0	0	0	0
	OESE	0	0	0	0	0
	OGC	0	0	0	0	0
	OIG	0	0	0	0	0
	OII	0	0	0	0	0
	OLCA	0	0	0	0	0
	OM	0	0	0	0	0
	OM – PIRMS	0	0	0	0	0
	OPE	0	0	0	0	0
	OPEPD	0	0	0	0	0
	OS	0	0	0	0	0
	OSDFS	0	0	0	0	0
	OSERS	0	0	0	0	0
	OUS	0	0	0	0	0
OVAE	0	0	0	0	0	
OCR Field Office	Boston	0	0	0	0	0
	New York	0	0	0	0	0
	Philadelphia	3	0	0	0	3
	Atlanta	0	0	0	0	0
	Chicago	0	0	0	0	0
	Dallas	0	0	0	0	0
	Kansas City	0	0	0	0	0
	Denver	0	1	29	29	0
	San Francisco	0	0	0	0	0
	Seattle	0	0	0	0	0
	District of Columbia	0	0	0	0	0
	Cleveland	0	0	0	0	0
ED Totals		4	3	6.5	6.86	6

*The Department of Education has a centralized processing program for all Headquarters programs. The OM-PIRMS Office adjudicates requests for expedited processing and issues determination letters.

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B. Requests for Fee Waiver*

Component Offices		Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
ED Headquarters Offices	FSA	12	13	5	26.3
	IES	0	5	4	4.2
	M	36	19	5	45.63
	OCFO	1	0	7	7
	OCFO – CAM	0	1	5	5
	OCIO	1	0	8	8
	OCR	4	9	6	21.64
	ODS	1	1	1.5	1.5
	OESE	1	8	4	10.33
	OGC	1	0	2	2
	OIG	5	0	1	9.8
	OII	0	1	0	0
	OLCA	3	0	74	74.33
	OM	1	3	4	4.25
	OM – PIRMS	8	5	2	2.64
	OPE	1	9	5.5	19.25
	OPEPD	0	1	17	17
	OS	2	1	13	45
OSERS	7	4	2	2.64	
OCR Field Office	Boston	0	1	8	8
	New York	2	0	3	3
	Philadelphia	1	3	3	2.75
	Atlanta	1	1	4.5	4.5
	Chicago	2	2	10.5	10.75
	Dallas	0	3	4	5
	Denver	2	2	3.5	6.75
	San Francisco	3	1	6.5	9
	Seattle	7	1	10	21.64
	District of Columbia	7	1	10	21.88
	Cleveland	4	4	1	22.62
ED Totals		101	117	4	21.42

*The Department of Education has a centralized processing program for all Headquarters programs. The OM-PIRMS Office adjudicates requests for fee waivers and issues determination letters.

IX. FOIA PERSONNEL AND COSTS

Component Offices	A. PERSONNEL			B. 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	
FOIA Processing License	N/A	N/A	N/A	N/A	N/A	N/A	
ED Headquarters Programs	FSA	3	0.65	3.65	\$490,225.00	\$0.00	\$490,225.00
	IES	0	0.2	0.2	\$4,000.00	\$0.00	\$4,000.00
	IES – NAGB	0	0	0	\$0.00	\$0.00	\$0.00
	M	0	0	0	\$0.00	0.00	\$0.00
	OCFO	0	0.25	0.25	\$16,109.75	\$0.00	\$16,109.75
	OCFO – CAM	0	0.35	0.35	\$22,553.65	\$0.00	\$22,553.65
	OCIO	0	0.5	0.5	\$32,219.50	\$0.00	\$32,219.50
	OCO	0	0.35	0.35	\$0.00	\$0.00	\$0.00
	OCR	0	1.5	1.5	\$133,549.50	\$0.00	\$133,549.50
	ODS	0	0.1	0.1	\$7,487.20	\$0.00	\$7,487.20
	OELA	0	0	0	\$0.00	\$0.00	\$0.00
	OESE	0	2.8	2.8	\$336,168.23	\$0.00	\$336,168.23
	OGC	0	1.5	1.5	\$37,320.00	\$138,831.00	\$176,151.00
	OIG	1	0	1	\$89,846.00	\$0.00	\$89,846.00
	OII	0	0.45	0.45	\$26,669.13	\$0.00	\$26,669.13
	OLCA	0	0	0	\$0.00	\$0.00	\$0.00
	OM	0	0.65	0.65	\$73,593.35	\$0.00	\$73,593.35
	OM – PIRMS	9	0	9	\$911,062.00	\$0.00	\$911,062.00
	OPE	0	0.2	0.2	\$17,969.20	\$0.00	\$17,969.20
	OPEPD	0	1	1	\$32,304.00	\$0.00	\$32,304.00
	OS	0	0.26	0.26	\$48,213.70	\$0.00	\$48,213.70
OSDFS	0	0	0	\$0.00	\$0.00	\$0.00	
OSERS	0	2	2	\$54,857.55	\$0.00	\$54,857.55	
OUS	0	0.05	0.05	\$269.77	\$0.00	\$269.77	
OVAE	0	0.1	0.1	\$12,744.00	\$0.00	\$12,744.00	
OCR Regional Offices	Boston	0	1.19	1.19	\$91,342.80	\$0.00	\$91,342.80
	New York	0	1.66	1.66	\$186,402.00	\$0.00	\$186,402.00
	Philadelphia	0	0.7	0.7	\$51,425.70	\$0.00	\$51,425.70
	Atlanta	0	2.45	2.45	\$190,091.15	\$0.00	\$190,091.15
	Chicago	0	3	3	\$198,775.20	\$0.00	\$198,775.20
	Dallas	0	1	1	\$22,882.00	\$0.00	\$22,882.00
	Kansas City	0	0.78	0.78	\$86,176.41	\$0.00	\$86,176.41
	Denver	0	2.4	2.4	\$1,192.82	\$0.00	\$1,192.82
	San Francisco	0	0.5	0.5	\$42,427.50	\$0.00	\$42,427.50
	Seattle	0	0.31	0.31	\$87,359.00	\$0.00	\$87,359.00
	District of Columbia	0	4	4	\$87,350.00	\$0.00	\$87,350.00
	Cleveland	0	0.1	0.1	\$6,549.69	\$0.00	\$6,549.69
ED Totals	13	31	44	\$3,399,135.80	\$138,831.00	\$3,537,966.80	

X. FEES COLLECTED FOR PROCESSING REQUESTS*

Component Offices		Total Amount of Fees Collected	Percentage of Total Costs
ED Headquarters Offices	FSA	\$2,740.25	0.56%
	IES	\$383.97	9.60%
	IES – NAGB	\$0.00	0.00%
	M	\$0.00	0.00%
	OCFO	\$0.00	0.00%
	OCFO – CAM	\$1,271.31	5.64%
	OCIO	\$0.00	0.00%
	OCO	\$0.00	0.00%
	OCR	\$1,141.13	0.85%
	ODS	\$0.00	0.00%
	OELA	\$0.00	0.00%
	OESE	\$198.31	0.06%
	OGC	\$0.00	0.00%
	OIG	\$0.00	0.00%
	OII	\$1,234.74	4.63%
	OLCA	\$0.00	0.00%
	OM	\$1,323.27	1.80%
	OM – PIRMS	\$0.00	0.00%
	OPE	\$1,433.85	7.98%
	OPEPD	\$0.00	0.00%
	OS	\$0.00	0.00%
	OSDFS	\$0.00	0.00%
	OSERS	\$1,010.05	1.84%
	OUS	\$0.00	0.00%
OVAE	\$0.00	0.00%	
OCR Field Office	Boston	\$0.00	0.00%
	New York	\$0.00	0.00%
	Philadelphia	\$0.00	0.00%
	Atlanta	\$46.35	0.02%
	Chicago	\$0.00	0.00%
	Dallas	\$0.00	0.00%
	Kansas City	\$0.00	0.00%
	Denver	\$0.00	0.00%
	San Francisco	\$0.00	0.00%
	Seattle	\$25.30	0.03%
	District of Columbia	\$0.00	0.00%
	Cleveland	\$0.00	0.00%
	ED Totals		\$10,808.53

**The Department of Education has a centralized fee collection process. The fees collected are reflected for each program and OCR Field Office that generated the fee.

XI. FOIA REGULATIONS

The Department of Education FOIA Implementing Regulation is codified at 34 CFR Part 5 and can be found at:

<http://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&searchPath=Title+34%2FSubtitle+A%2FHeading+5%2FPart+4&granuleId=CFR-2010-title34-vol1-sec4-1&packageId=CFR-2010-title34-vol1&oldPath=Title+34%2FSubtitle+A%2FHeading+5%2FPart+4&fromPageDetails=true&collapse=true&ycord=446&browsePath=Title+34%2FSubtitle+A%2FHeading+5%2FPart+4%2FSection+4.1&fromBrowse=true>

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA/PA Requests and Administrative Appeals

Component Offices		Number of Backlogged* Requests as of End of FY 2013	Number of Backlogged* Appeals as of End of FY 2013
ED Headquarters Offices	FSA	45	0
	IES	1	0
	IES – NAGB	0	0
	M	47	0
	OCFO	0	0
	OCFO – CAM	2	0
	OCIO	1	0
	OCO	0	0
	OCR	7	0
	ODS	2	0
	OELA	0	0
	OESE	0	0
	OGC	1	0
	OIG	2	00
	OII	0	0
	OLCA	1	0
	OM	1	0
	OM – PIRMS	20	46
	OPE	5	0
	OPEPD	1	0
	OS	20	0
	OSDFS	0	0
	OSERS	0	0
	OUS	1	0
OVAE	0	0	
OCR Field Office	Boston	0	0
	New York	32	0
	Philadelphia	1	0
	Atlanta	12	0
	Chicago	0	0
	Dallas	1	0
	Kansas City	9	0
	Denver	0	0
	San Francisco	0	0
	Seattle	0	0
	District of Columbia	8	0
	Cleveland	2	0
ED Totals		224	46

*Backlogged requests are requests (or appeals) pending greater than 20 days, the number of which may not be the same as the number of requests (or appeals) carried over from the previous year.

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

	Number of Consultations Received from Other Agencies that Were Pending The Department of Education as of Start of FY 2013	Number of Consultations Received from Other Agencies During FY 2013	Number of Consultations Received from Other Agencies that Were Processed by The Department of Education During FY 2013	Number of Consultations Received from Other Agencies that Were Pending at The Department of Education as of End of FY 2013
Agency Overall	0	0	0	0

C. Consultation on FOIA/PA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at The Department of Education

	10 th Oldest Consultation and number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Consultation and Number of Days Pending
Agency Overall	0	0	0	0	0	0	0	0	0	0

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

Component Offices		NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
		During FY 2012 from Last Year's Annual Report	During FY 2013 from Current Annual Report	During FY 2012 from Last Year's Annual Report	During FY 2013 from Current Annual Report
ED Headquarters Programs	FSA	332	240	333	234
	IES	35	51	39	46
	IES – NAGB	0	1	0	1
	M	114	187	133	182
	OCFO	9	1	9	4
	OCFO – CAM	63	44	80	48
	OCIO	2	8	3	7
	OCO	5	1	6	2
	OCR	99	93	100	89
	ODS	5	10	8	8
	OELA	3	0	6	0
	OESE	80	91	80	102
	OGC	7	3	12	3
	OIG	61	71	64	73
	OII	36	26	41	29
	OLCA	2	6	7	6
	OM	47	59	53	61
	OM – PIRMS	61	296	57	294
	OPE	149	85	158	89
	OPEPD	2	5	4	5
	OS	27	17	40	11
	OSDFS	4	0	8	0
	OSERS	30	82	43	83
OUS	9	1	9	1	
OVAE	5	2	5	2	
OCR Regional Offices	Boston	142	115	156	131
	New York	167	149	162	139
	Philadelphia	76	94	82	90
	Atlanta	77	59	66	58
	Chicago	131	153	135	152
	Dallas	83	106	81	107
	Kansas City	28	29	24	26
	Denver	49	34	52	35
	San Francisco	75	89	75	91
	Seattle	113	86	110	88
	District of Columbia	74	90	74	93
	Cleveland	41	31	37	31
ED Totals		2,243	2,415	2,352	2,421

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

Component Offices		Number of Backlogged Requests as of End of FY 2012 from Previous Annual Report	Number of Backlogged Requests as of End of FY 2013 from Current Annual Report
ED Headquarters Programs	FSA	22	45
	IES	0	1
	IES – NAGB	0	0
	M	32	47
	OCFO	0	0
	OCFO – CAM	5	4
	OCIO	0	1
	OCO	0	0
	OCR	2	7
	ODS	0	2
	OELA	0	0
	OESE	2	0
	OGC	0	1
	OIG	3	2
	OII	4	0
	OLCA	0	1
	OM	1	1
	OM – PIRMS	13	20
	OPE	1	5
	OPEPD	0	1
	OS	17	20
	OSDFS	0	0
	OSERS	0	0
OUS	1	1	
OVAE	0	0	
OCR Regional Offices	Boston	3	0
	New York	8	32
	Philadelphia	1	1
	Atlanta	4	12
	Chicago	0	0
	Dallas	0	1
	Kansas City	3	9
	Denver	0	0
	San Francisco	0	0
	Seattle	0	0
	District of Columbia	6	8
	Cleveland	1	2
ED Totals		129	224

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E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During FY 2012 from Last Year's Annual Report	Number Received During FY 2013 from Current Annual Report	Number Processed During FY 2012 from Last Year's Annual Report	Number Processed During FY 2013 from Current Annual Report
OM – PIRMS	25	43	34	20

	Number of Backlogged Appeals as of End of FY 2012 from Previous Annual Report	Number of Backlogged* Appeals as of End of FY 2013 from Current Annual Report
OM – PIRMS	22	46

*Backlogged appeals are appeals pending greater than 20 days, the number of which may not be the same as the number of appeals carried over from the previous year.

*The numbers shown reflect the numbers pulled from the FY2013 Annual Report in FOIA Xpress.

F. Discussion of Other Department of Education FOIA Activities

The Office of Management (OM) advises the public and U.S. Department of Education (ED) employees regarding FOIA requests and ED information available to the public. As the lead organization for ED's FOIA Program, OM provides training for ED officials and guidance and support to the FOIA Coordinators and FOIA Review Officers in the Department's Principal Offices and 12 regional and field offices.

Requests via email to: EDFOIAManager@ed.gov

Requests via fax to: (202) 401-0920

Requests via mail to:

U.S. Department of Education
 Office of Management
 Regulatory Information Management Services
 400 Maryland Avenue, SW, LBJ 2W220
 Washington, DC 20202-4536
ATTN: FOIA Public Liaison

FOIA Requester Service Center

(202) 401-8365

Chief FOIA Officer

Denise Carter
Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for Management
Principal Deputy Assistant Secretary for Management

Chief Privacy Officer

Kathleen Styles

FOIA Director

(202) 401-8365
Gregory Smith

FOIA Team Lead

(202) 401-8365
James Hyler

FOIA Public Liaisons

(202) 401-8365

Elise Cook
Maria-Teresa Cueva
Linda Darby
Arthur Caliguiran
Robert Wehausen
Christie Swafford

FOIA Appeals

(202) 401-8365

Robert Wehausen

Privacy Act Requests

(202) 401-8365

Maria-Teresa Cueva
Elise Cook

FOIA Service Center Processing Improvements

The Department will continue to focus on process improvement, achieving greater operational efficiency, and improving customer service. In an effort to identify problem areas and formulate solutions that will enhance customer service and reduce response time to FOIA requests, the Department reviewed its FOIA policies and procedures. The Department's review of its existing FOIA Directive determined that this document needed to be updated. The Department is also developing a handbook to include guidelines and steps to FOIA processing that will accurately reflect what the agency's obligations are under 5 U.S.C. 552, as amended. The Department plans to have this document completed by the end of fiscal year 2014.

Proactive Release

The Department has identified types of documents that have been previously requested and is continuing to focus on proactively releasing these documents into the public domain via the FOIA Library or another public site. Additionally, the FOIA Service Center continues to work in concert with the Department's program offices to identify information material that can and should be released to the public.

Examples include, but are not limited to:

- IES posted Statewide Longitudinal Data Systems (SLDS) grant applications.
- Race to the Top – Early Learning Challenge (RTT-ELC) Phase Two applications were posted to the RTT public site.
- FSA initiated the posting of all 2013 Final Program Review Determinations (FPRDs).

Training and Outreach

The Department is making concrete steps to reduce FOIA backlogs and to improve timeliness in responding to requests, which include: continuing the partnership between the Department's Office of the General Council's Division of Business and Administrative Law (OGC/DBAL), and the Office of Management's FOIA Service Center to provide customized FOIA Training to help Departmental offices improve their FOIA practices and better understand the legal requirements and implications of the FOIA, and holding regular meetings between FOIA coordinators and the FOIA Service Center to establish dialogue among those individuals, in an effort to more effectively troubleshoot problems and facilitate timely responses.

In an effort to further reduce errors and increase transparency and responsiveness, the Department's principal offices' senior leaders met periodically during fiscal year 2013 to discuss FOIA operations and evaluated ways to improve existing FOIA procedures.