U.S. Agency for International Development

Freedom of Information Act Annual Report

Fiscal Year 2014

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I. Basic Information Regarding Report

A. Name, title, address, and telephone number of person to contact with questions about the report

Alecia S. Sillah
Lead Government Information Specialist
U.S. Agency for International Development
Bureau for Management
Office of Management Services
Information and Records Division
1300 Pennsylvania Avenue, N.W.
Ronald Reagan Building, Room 2.07C
Washington, D.C. 20523-2701
(202) 712-1371

B. Electronic address for report on the World Wide Web

www.usaid.gov/foia-requests/foia-annual-reports

C. How to obtain a copy of the report in paper form

U.S. Agency for International Development
Bureau for Management
Office of Management Services
Information and Records Division
1300 Pennsylvania Avenue, N.W.
Ronald Reagan Building, Room 2.07C
Washington, D.C. 2-523-2701

II. Making a FOIA Report

You may submit FOIA requests in writing, by fax, or by e-mail describing the records you would like to obtain. Include an agreement to pay any FOIA processing fees, your address and telephone number. Please mark your envelope with the notation, "FOIA REQUEST."

You may fax your request. Our fax number is (202) 216-3070. You may e-mail your request to our FOIA Mailbox at foia@usaid.gov. When you e-mail your request please make sure that you include a mailing address.

If you fax your request, you normally do not have to mail us the original copy. However, there are some cases in which we need both the faxed version and the signed original version. You should send both versions if your request is both a FOIA request and a Privacy Act request for records about you. We also need both versions if a third-party (an attorney, for example) requests records about you on your behalf. When a third-party makes such a request on your behalf, we need an original consent letter signed by you which gives us authorization to release records about you to the third-party.

1. **Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests**

Initial Requests:

U.S. Agency for International Development
FOIA Team
Bureau for Management
Office of Management Services
Information and Records Division
1300 Pennsylvania Avenue, N.W.
Ronald Reagan Building, Room 2.07C
Washington, D.C. 20523-2701
Telephone: (202) 712-0960
Facsimile: (202) 216-3070
E-Mail address: FOIA@usaid.gov

Appeals:

U.S. Agency for International Development
Director
Bureau for Management
Office of Management Services
1300 Pennsylvania Avenue, N.W.
Ronald Reagan Building, Room 2.12-010
Washington, D.C. 20523-2701
Telephone: (202) 712-4410
Facsimile: (202) 216-3369

2. Description of why some requests are not granted

In some cases, USAID was required to withhold requested information under one or more of the FOIA's exemptions. The number of instances in which USAID used an exemption in Fiscal Year 2014 is listed in Section V.B.3. Exemption 2 was used to protect information solely related to internal personnel rules or practices. Exemptions 3 and /or 4 were normally used to protect commercial or financial information provided by contractors and grantees. Exemption 5 was used to protect vital deliberative-process information or attorney-client information. Exemption 6 was used to protect the privacy of individuals named in documents. Exemption 7 was used to protect information that could be reasonably expected to interfere with law enforcement proceedings, the privacy of individuals named in documents, the identity of a confidential source, techniques and procedures of a law enforcement investigation, and endanger the life or physical safety of any individual. At times, a request was not fulfilled for an administrative reason such as "no records" or "request withdrawn." For a more complete listing of the various types of administrative reasons, see Section V.B.2.

III. Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms

USAID – U.S. Agency for International Development

2. Basic terms, expressed in common terminology

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.   **Consultation** - the procedure whereby the agency responding to a FOIA request first forwards a record to another agency or component within the same 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 or component within the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

e.   **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.

f.   **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 which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency 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.)

g.   **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.

h.   **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

i.   **Median Number** - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

j.   **Multi-Track Processing** - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

   i.   **Expedited Processing** - an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
   ii.   Simple Request - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
   iii.   **Complex Request** - a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

k. **Grant/Partial Denial** - in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

l. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.

m. **Perfected Request** - a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

n. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.

o. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.

p. **Time Limits** - the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. Concise descriptions of the nine FOIA exemptions:

a. **Exemption 1:** Classified national defense and foreign relations information

b. **Exemption 2:** Internal agency rules and practices

c. **Exemption 3:** Information that is prohibited from disclosure by another federal law

d. **Exemption 4:** Trade secrets and other confidential business information

e. **Exemption 5:** Inter-agency or intra-agency communications that are protected by legal privileges

f. **Exemption 6:** Information involving matters of personal privacy

g. **Exemption 7:** Records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of   a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual

h. **Exemption 8:** Information relating to the supervision of financial institutions

i. **Exemption 9:** Geological information on wells

3. Agency Component Abbreviations

Component Abbreviation	Component Name
HQ	Headquarters

IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
41 U.S.C. § 253b(m)(1) (currently at 41 U.S.C. § 4702)	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	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).	HQ	6	6

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

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
HQ	237	373	315	295
				0
AGENCY OVERALL	237	373	315	295

Annual Report for FY-13 provided 238 requests were pending at the end of the fiscal year. This report is showing 237 at the start of the new fiscal year because one case was pending additional information (on hold) and taken off in FY-13, resulting in the 238 received in 2013.

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

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
HQ	37	89	8	51	1	83	0	9	14	12	5	6	315
													0
AGENCY OVERALL	37	89	8	51	1	83	0	9	14	12	5	6	315

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

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
HQ	Aggregated requests	5	6
	Publicly available	1	
AGENCY OVERALL			6

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

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
HQ	0	1	6	47	10	78	4	1	13	5	3	2	0	0
AGENCY OVERALL	0	1	6	47	10	78	4	1	13	5	3	2	0	0

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

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
HQ	20	16	18	18
				0
AGENCY OVERALL	20	16	18	18

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

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
HQ	6	10	1	1	18
					0
AGENCY OVERALL	6	10	1	1	18

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

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
HQ	0	0	1	6	5	9	0	0	2	1	0	0	0	0
AGENCY OVERALL	0	0	1	6	5	9	0	0	2	1	0	0	0	0

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

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
HQ	1	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	1	0	0	0	0	0	0	0	0	0	0

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

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
HQ	N/A	0	0
AGENCY OVERALL			0

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

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
HQ	764.00	537.00	3.00	1,008.00
AGENCY OVERALL	764.00	537.00	3.00	1,008.00

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

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
HQ	Date of Appeal	2014-03-13	2014-03-06	2012-11-29	2012-05-23	2012-05-22	2012-02-10	2012-02-10	2011-12-29	2011-11-07	2011-10-06
	Number of Days Pending	140	145	461	591	592	663	663	692	727	748
AGENCY OVERALL	Date of Appeal	2014-03-13	2014-03-06	2012-11-29	2012-05-23	2012-05-22	2012-02-10	2012-02-10	2011-12-29	2011-11-07	2011-10-06
	Number of Days Pending	140	145	461	591	592	663	663	692	727	748

VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
HQ	10	28.48	<1	221	84	204.54	<1	1192	71	73.4	56	103
AGENCY OVERALL	10	28.48	<1	221	84	204.54	<1	1192	71	73.4	56	103

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

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
HQ	13	32.56	<1	179	157	261.11	<1	1192	71	73.4	56	103
AGENCY OVERALL	13	32.56	<1	179	157	261.11	<1	1192	71	73.4	56	103

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

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
HQ	34	4	1	2	1	0	1	0	1	1	1	0	0	46
														0
AGENCY OVERALL	34	4	1	2	1	0	1	0	1	1	1	0	0	46

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

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
HQ	62	25	18	23	13	12	10	6	6	7	19	12	51	264
														0
AGENCY OVERALL	62	25	18	23	13	12	10	6	6	7	19	12	51	264

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

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
HQ	0	0	2	2	0	1	0	0	0	0	0	0	0	5
														0
AGENCY OVERALL	0	0	2	2	0	1	0	0	0	0	0	0	0	5

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

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
HQ	2	28	28	288	191.5	265	5	107	95.2
AGENCY OVERALL	2	28	28	288	191.5	265	5	107	95.2

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

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
HQ	Date of Receipt	2011-09-21	2011-09-07	2011-09-06	2011-08-29	2011-05-06	2011-04-22	2011-03-18	2011-02-23	2011-01-06	2011-01-06
	Number of Days Pending	759	769	770	775	854	864	889	906	938	938
AGENCY OVERALL	Date of Receipt	2011-09-21	2011-09-07	2011-09-06	2011-08-29	2011-05-06	2011-04-22	2011-03-18	2011-02-23	2011-01-06	2011-01-06
	Number of Days Pending	759	769	770	775	854	864	889	906	938	938

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
HQ	10	10	1	3.3	19
AGENCY OVERALL	10	10	1	3.3	19

VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
HQ	27	7	2	3.24
AGENCY OVERALL	27	7	2	3.24

IX. FOIA PERSONNEL AND COSTS

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
HQ	10	9	19	$2,088,721.82	$26,800.00	$2,115,521.82
			0			$0.00
AGENCY OVERALL	10	9	19	$2,088,721.82	$26,800.00	$2,115,521.82

X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
HQ	$0.00	0.00%
AGENCY OVERALL	$0.00	0.00%

XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
HQ	265	18
AGENCY OVERALL	265	18

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

Agency / Component	Number of Consultations Received from Other Agencies that were Pending at the Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were Processed by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at the Agency as of End of the Fiscal Year
HQ	8	13	12	9
				0
AGENCY OVERALL	8	13	12	9

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

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
HQ	Date	N/A	2014-08-22	2014-08-15	2014-07-23	2014-07-17	2014-06-24	2014-04-04	2014-04-04	2014-02-12	2013-12-06
	Number of Days	0	26	31	48	52	68	124	124	160	205
AGENCY OVERALL	Date	N/A	2014-08-22	2014-08-15	2014-07-23	2014-07-17	2014-06-24	2014-04-04	2014-04-04	2014-02-12	2013-12-06
	Number of Days	0	26	31	48	52	68	124	124	160	205

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

Agency / Component	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
HQ	372	373	345	315
AGENCY OVERALL	372	373	345	315

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

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
HQ	233	265
AGENCY OVERALL	233	265

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

Agency / Component	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
HQ	9	16	25	18
AGENCY OVERALL	9	16	25	18

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

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
HQ	20	18
AGENCY OVERALL	20	18