



# Summary of Annual FOIA Reports for Fiscal Year 2017

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Highlights of Key Government-wide FOIA Data

## SUMMARY OF ANNUAL FOIA REPORTS FOR FISCAL YEAR 2017

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 more than 100 federal agencies subject to the FOIA. As in past years, in addition to preparing this summary OIP has uploaded all of the data from agencies' FY 2017 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.

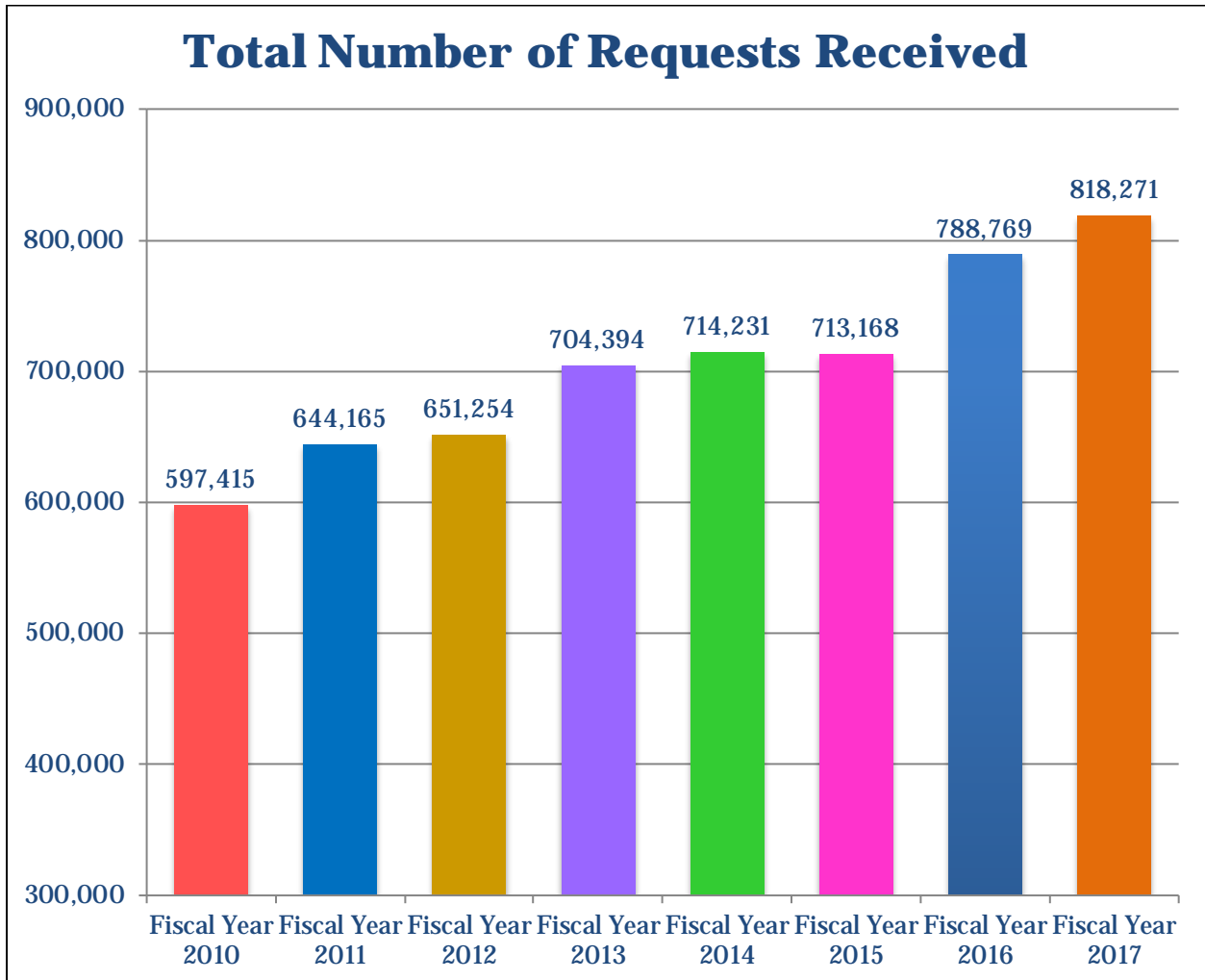
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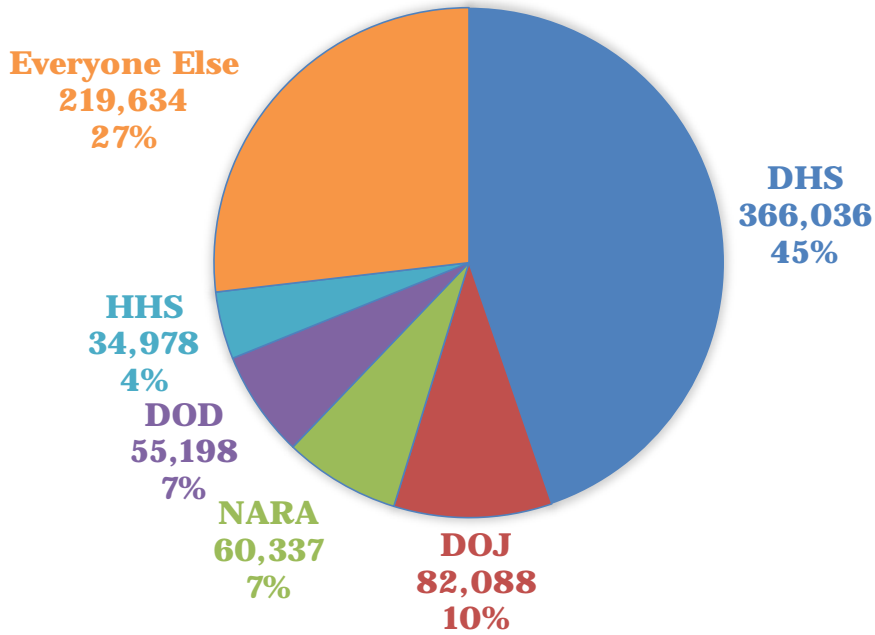
## FOIA REQUESTS

### Number of Requests Received

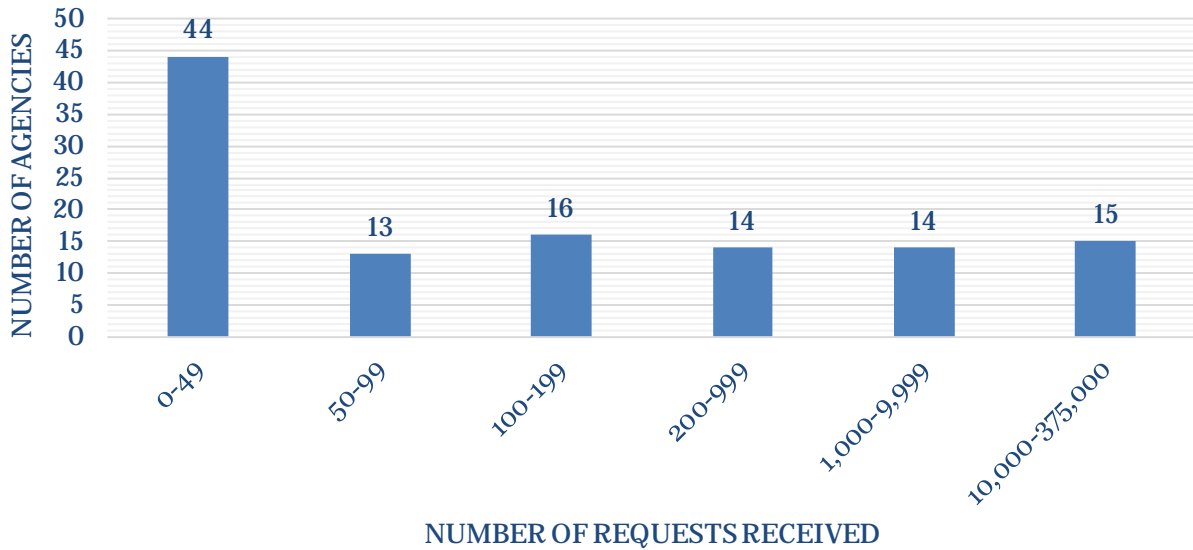
In FY 2017, the federal government overall received a record high 818,271 FOIA requests. This is a 3.7% increase of 29,502 requests from the previous records high of 788,769 requests received during FY 2016.



## 5 AGENCIES RECEIVE OVER 70% OF ALL FOIA REQUESTS

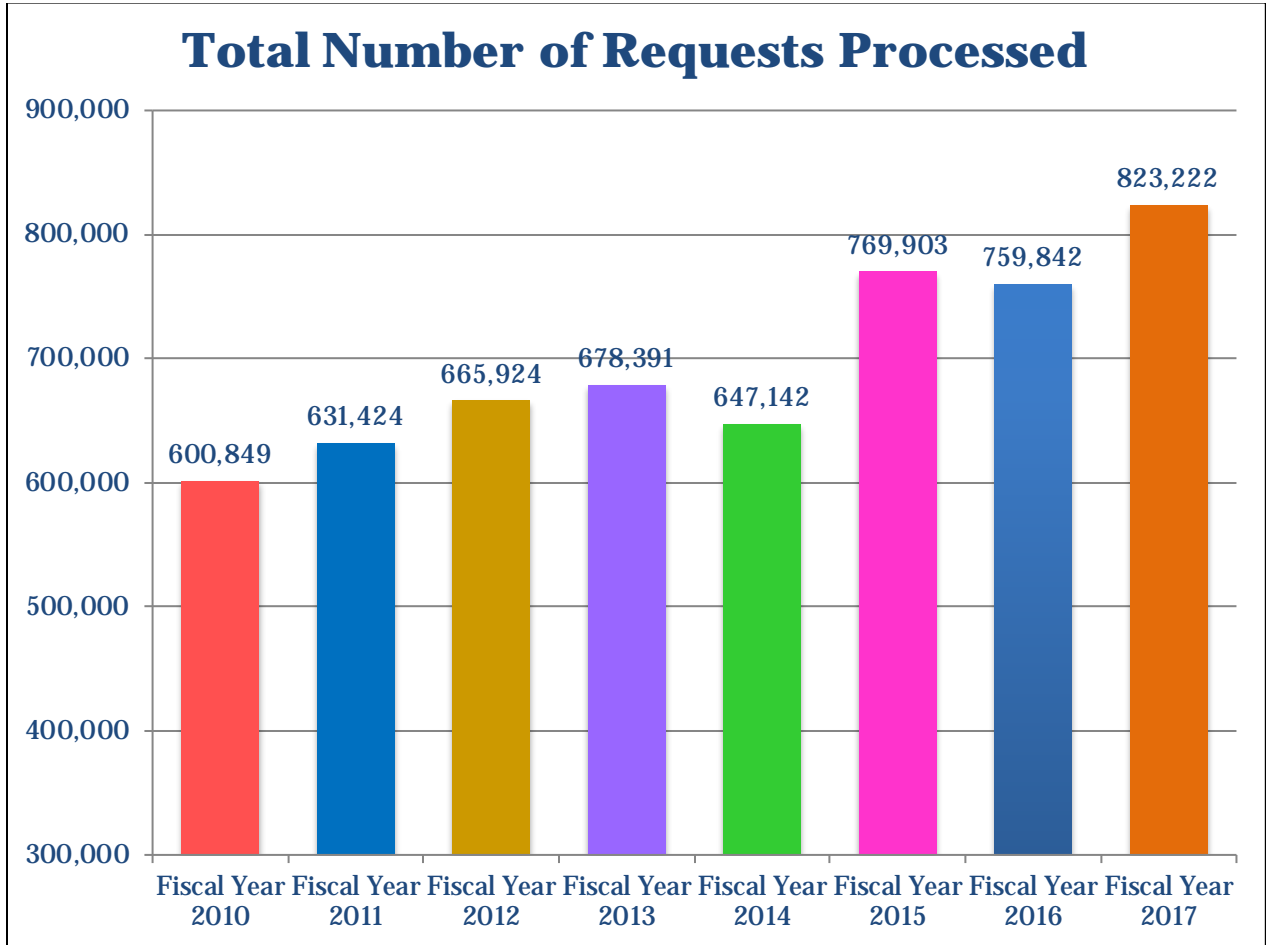


## Distribution of Requests Received

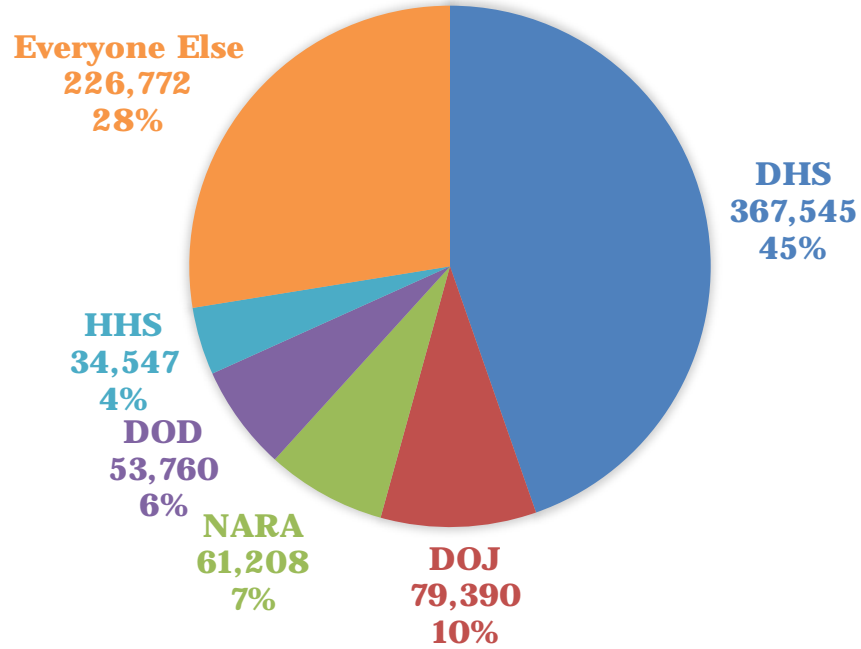


## Number of Requests Processed

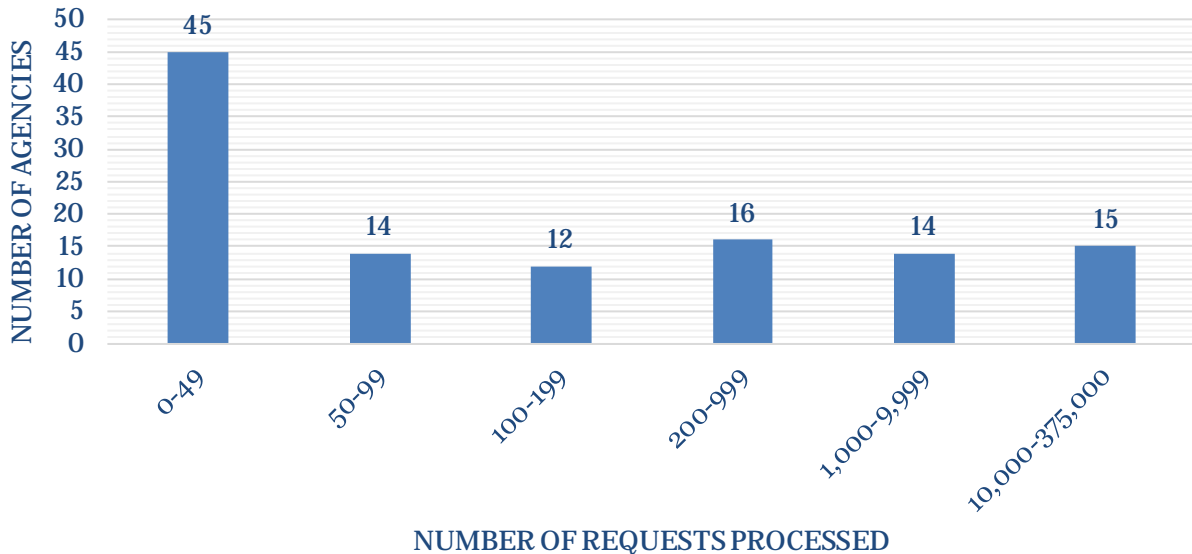
Collectively, the government overall processed 823,222 requests in FY 2017, which is an increase of 8.3% from FY 2016. This figure is the highest number of FOIA requests ever processed and is also the first time that agencies have processed more than 800,000 requests in a fiscal year.



## 5 AGENCIES PROCESSED OVER 70% OF FOIA REQUESTS

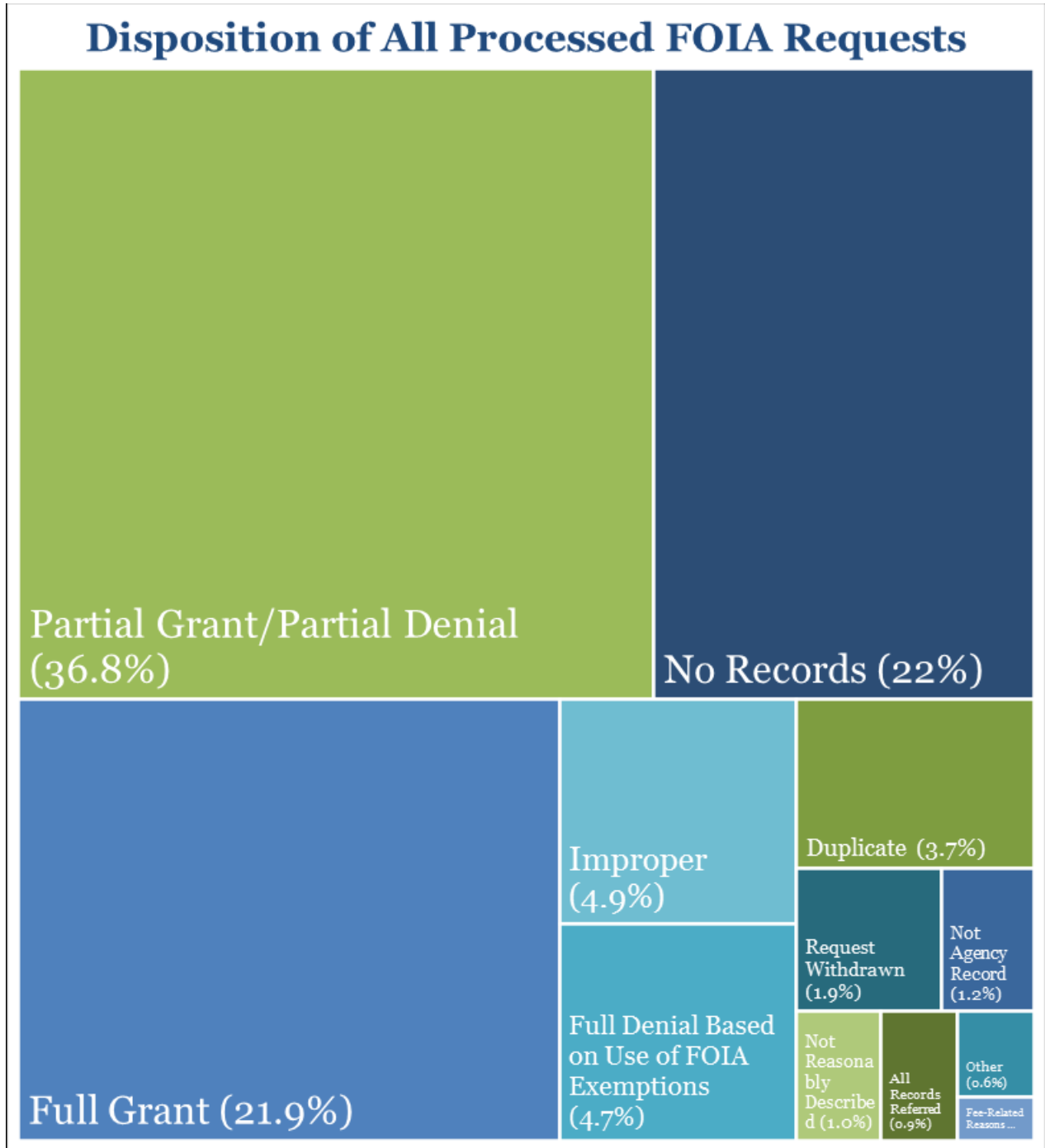


## Distribution of Requests Processed



## Disposition of Requests

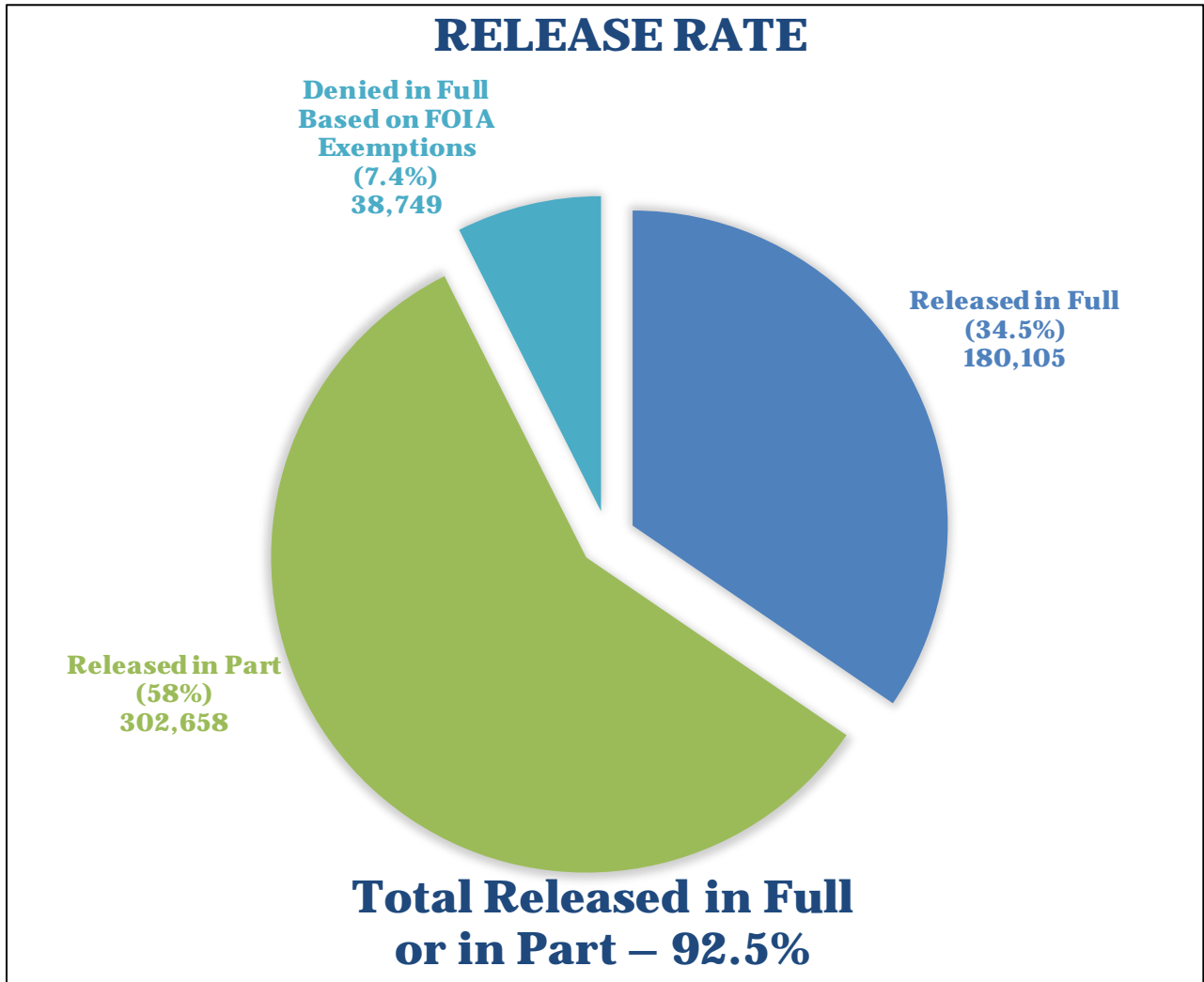
Of the 823,222 requests processed by agencies, 63.3% (521,512) were closed after being substantively processed, with decisions made to release or withhold information based upon the FOIA's exemptions. Of the remaining requests processed by agencies during FY 2017, 36.7% (301,710) were closed for procedural or administrative reasons.



\*Smallest box in bottom right hand corner is "Fee-Related Reasons" – 0.3%

## Release Rate

For FY 2017, the government overall had a release rate of over 92.5%, which marks the ninth year in a row that the number of responses to FOIA requests where agencies provided a release of information either in full or in part exceeded 91% of the requests processed for a disclosure determination.

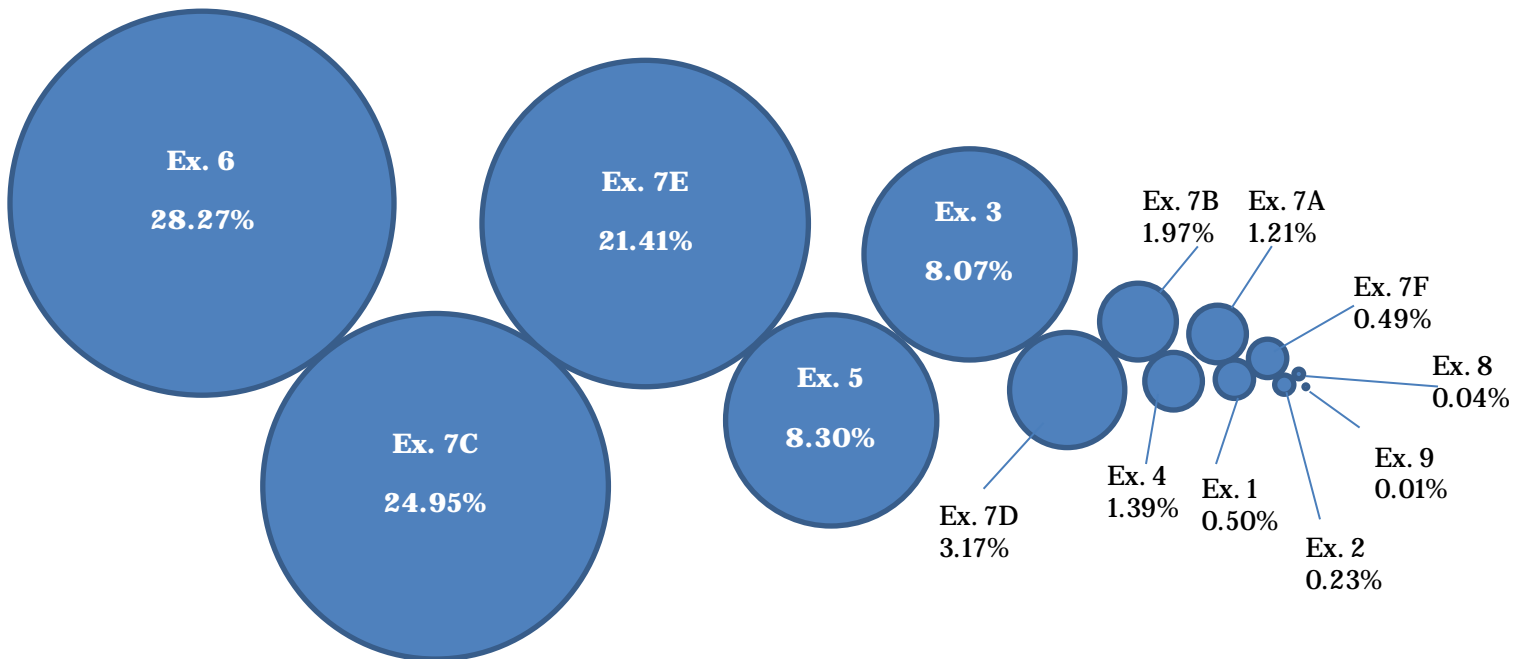




## Use of Exemptions

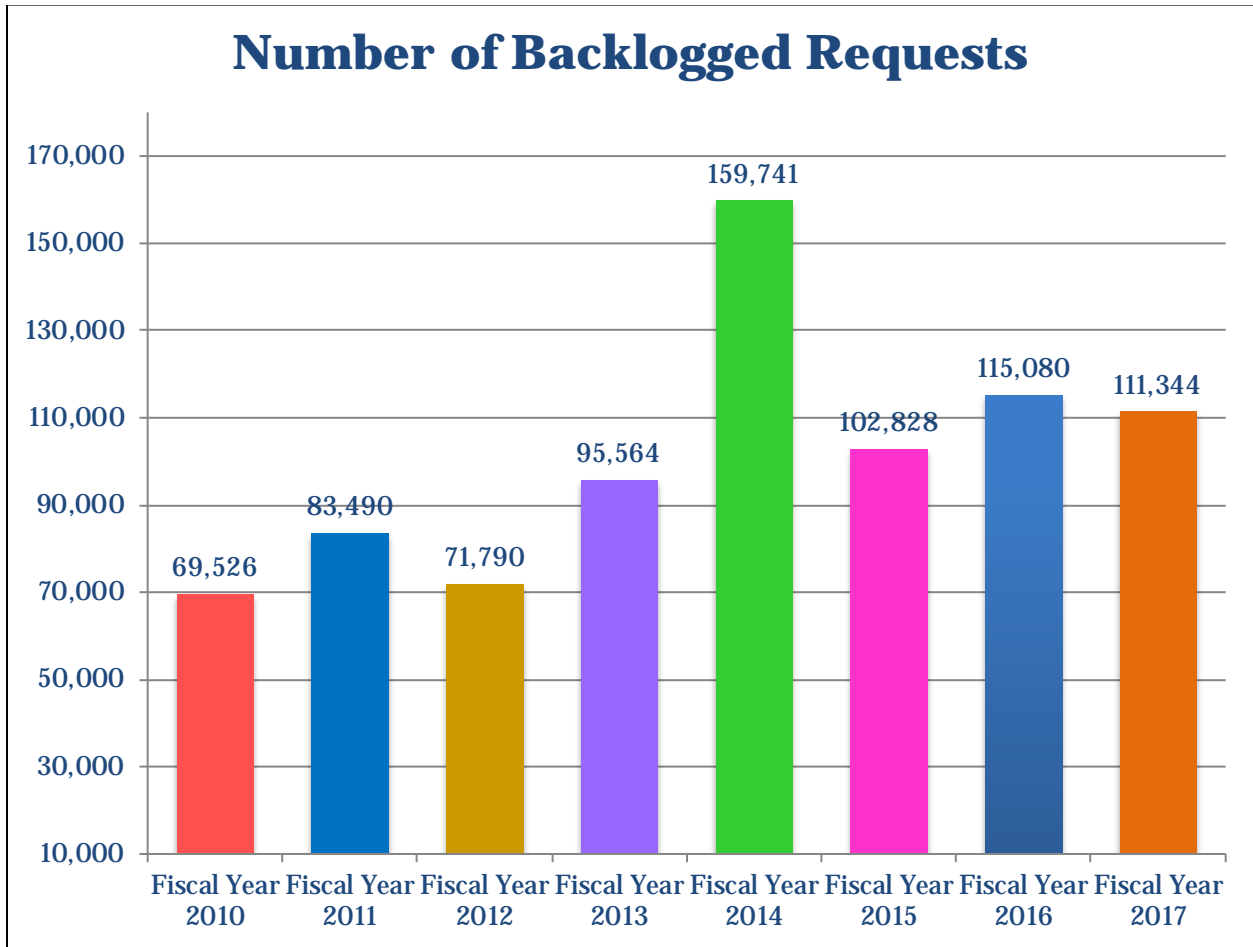
The FOIA includes nine exemptions from disclosure that protect important interests such as national security, personal privacy, and certain law enforcement interests. As has been the case for many years, the FOIA's privacy exemptions, Exemption 6 (28.27%) and 7(C) (24.95%), were the most cited FOIA exemptions in FY 2017. Over half of the exemptions cited by agencies were those two exemptions. Exemption 7(E) (21.41%), which protects law enforcement techniques, procedures, and guidelines, was the third most used exemption. Exemption 5, which protects inter- or intra-agency privileged material was used only 8.30% of the time when exemptions were cited in FY 2017.

## Total Exemption Usage



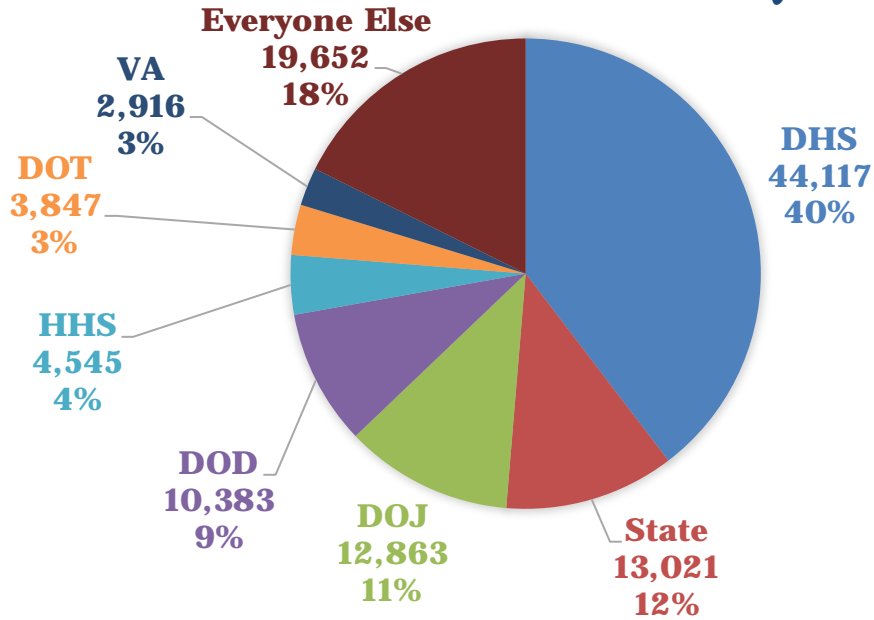
## Backlogged Requests

The total number of backlogged requests across the government at the end of FY 2017 was 111,344, which is a 3.2% decrease from the number of backlogged requests reported at the end of FY 2016.<sup>1</sup>

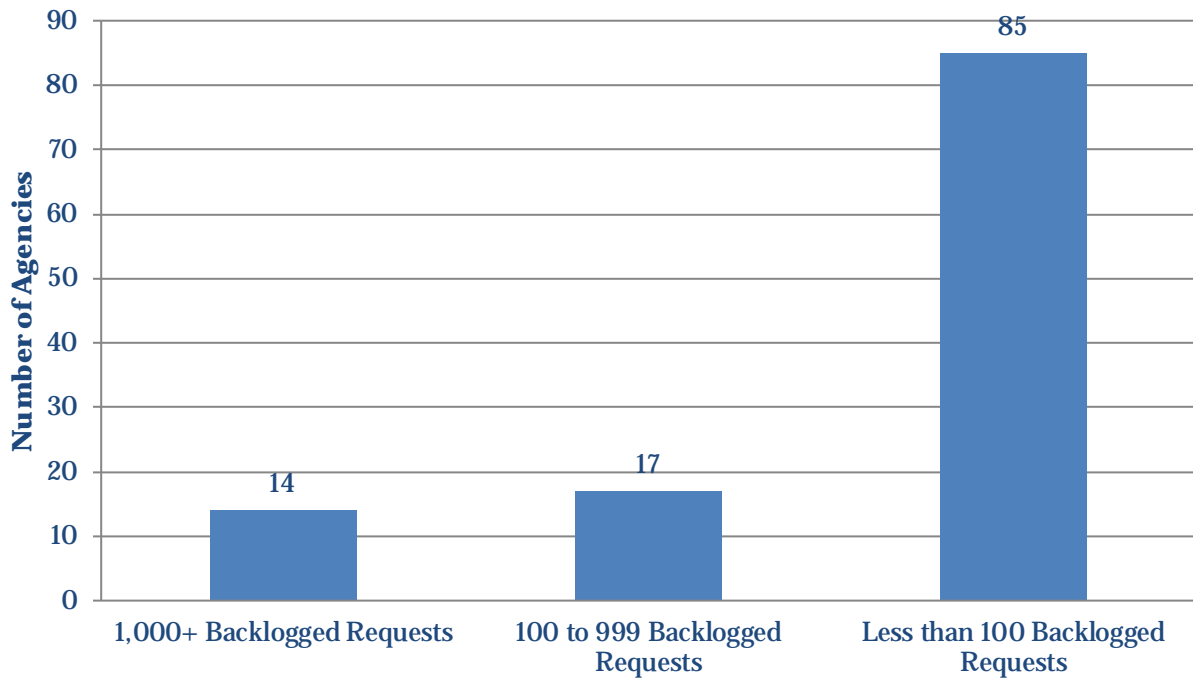


<sup>1</sup> A request is reported as “backlogged” when it has been pending at an agency longer than the statutory time period of twenty working-days, or if unusual circumstances are present, up to thirty working-days.

## 7 AGENCIES ACCOUNT FOR OVER 82% OF BACKLOGGED REQUESTS



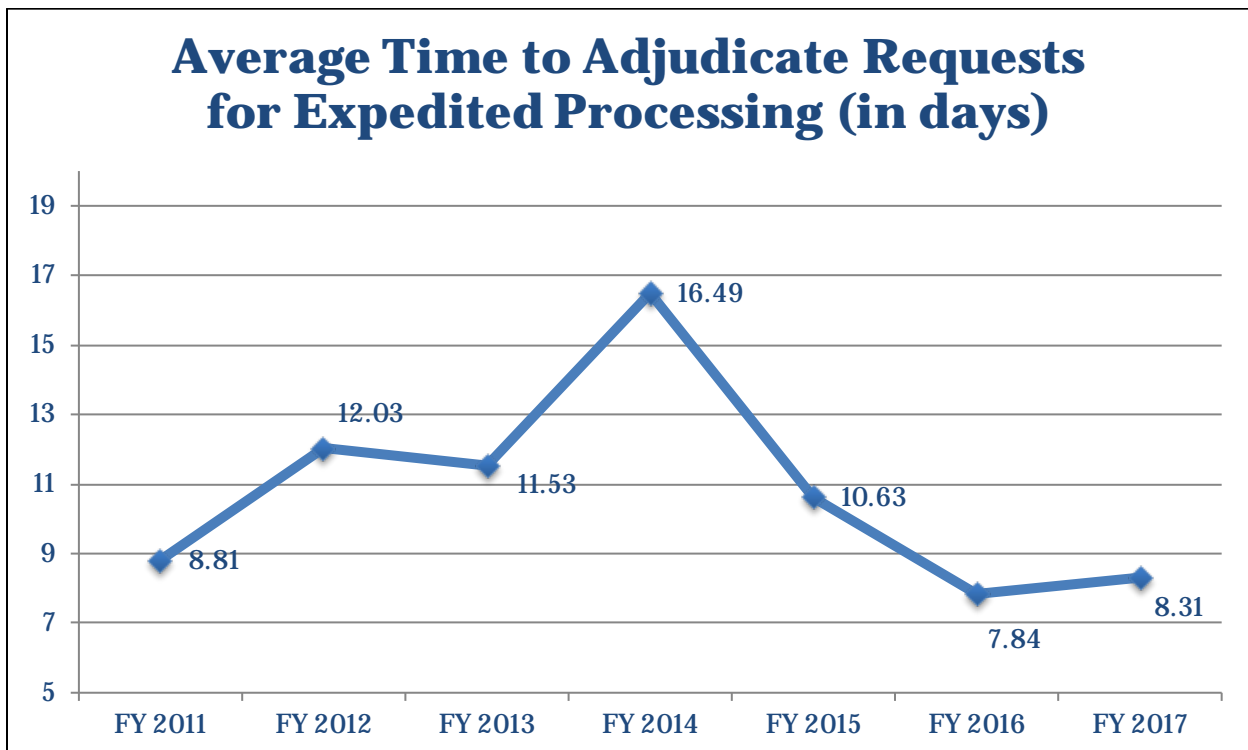
## Distribution of Backlogged Requests



## Requests for Expedited Processing

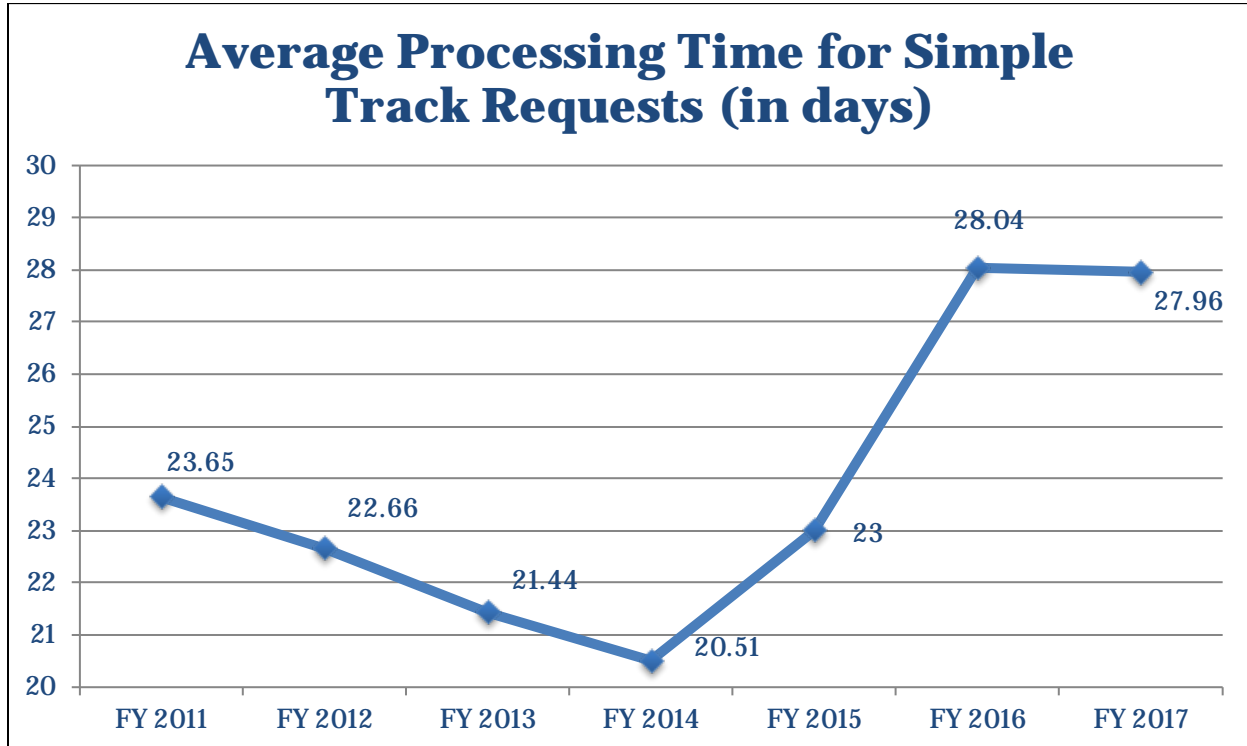
In FY 2017, the government overall made a decision to grant or deny 13,881 requests for expedited processing. This is a 33.4% increase from the total number of expedited processing determinations made during FY 2016 (10,409), and in the past two years, the number of requests for expedited processing has nearly doubled from 7,353 in FY 2015.

Across the government, agencies averaged 8.31 days to adjudicate requests for expedited processing. In total, agencies adjudicated 82.9% (11,510) of all requests for expedited processing made during FY 2017 within ten calendar days.



## Average Processing Time for Simple Requests

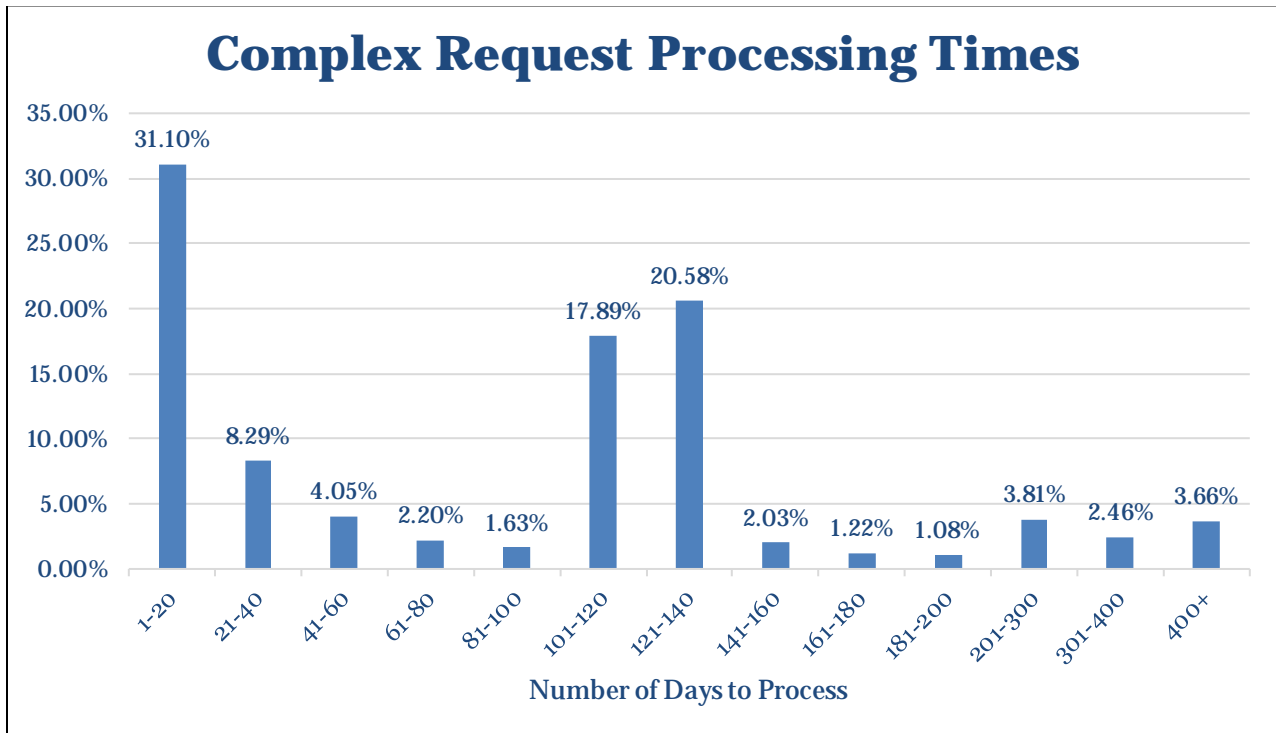
The average processing time for simple track requests for agencies that reported data in this field in their FY 2017 Annual FOIA Report was 27.97 days.<sup>2</sup> This is a slight decrease from the average of 28.04 days that was reported in FY 2016. Seventy-eight agencies, including six departments -- DOI, DOC, ED, DOD, Treasury, and HHS -- reported processing their simple track requests within an average of twenty days or less. Eleven agencies, including HUD, DOJ, and DOL reported processing these requests between an average of 20.1 days and thirty days.



<sup>2</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.

## Time to Process Complex Requests

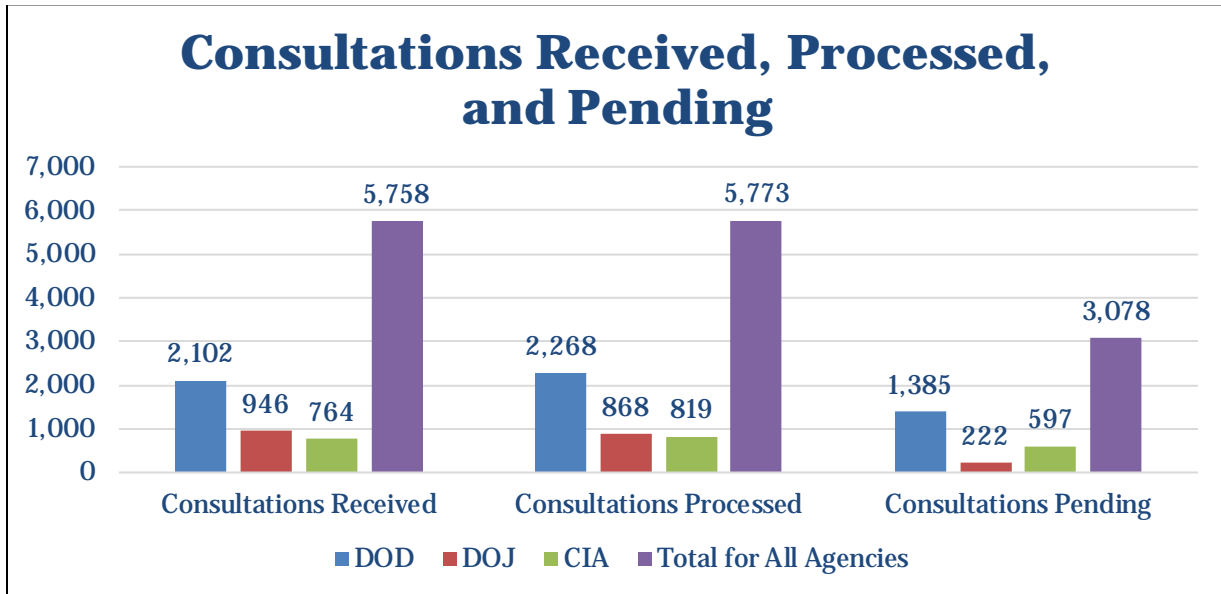
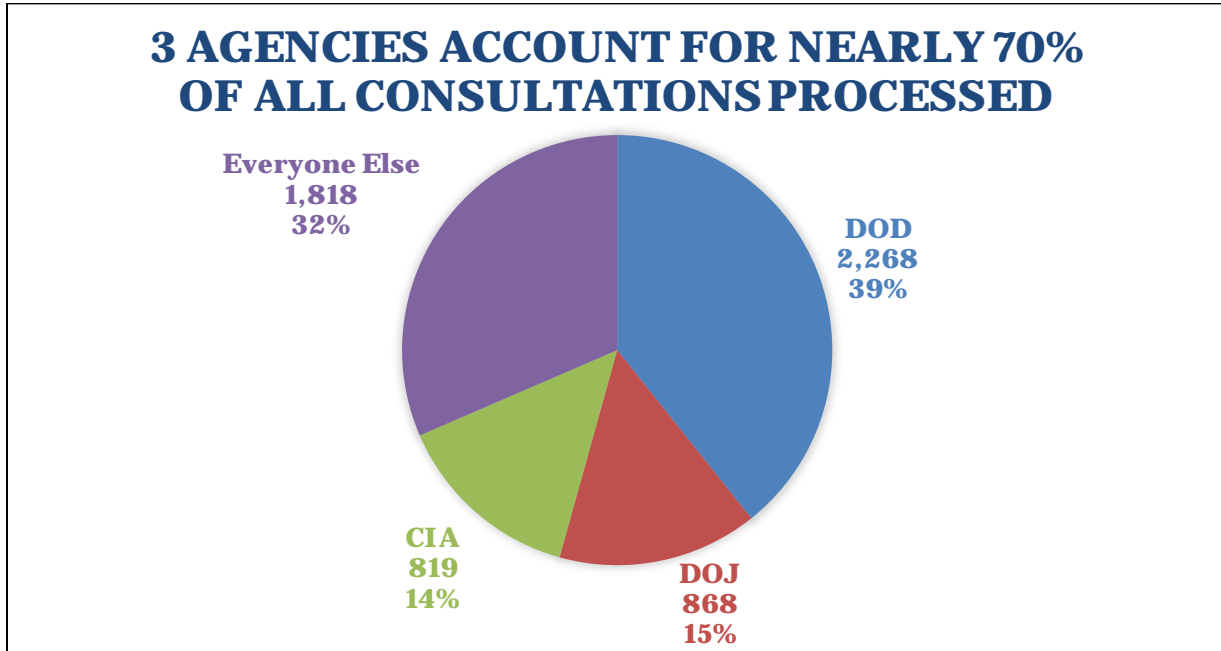
Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations. Complex requests often take longer to process than more targeted “simple” requests.



## CONSULTATIONS ON FOIA REQUESTS

### Consultations Received, Processed, and Pending

During FY 2017, sixty-one agencies 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 5,758 consultations were received by agencies in FY 2017.



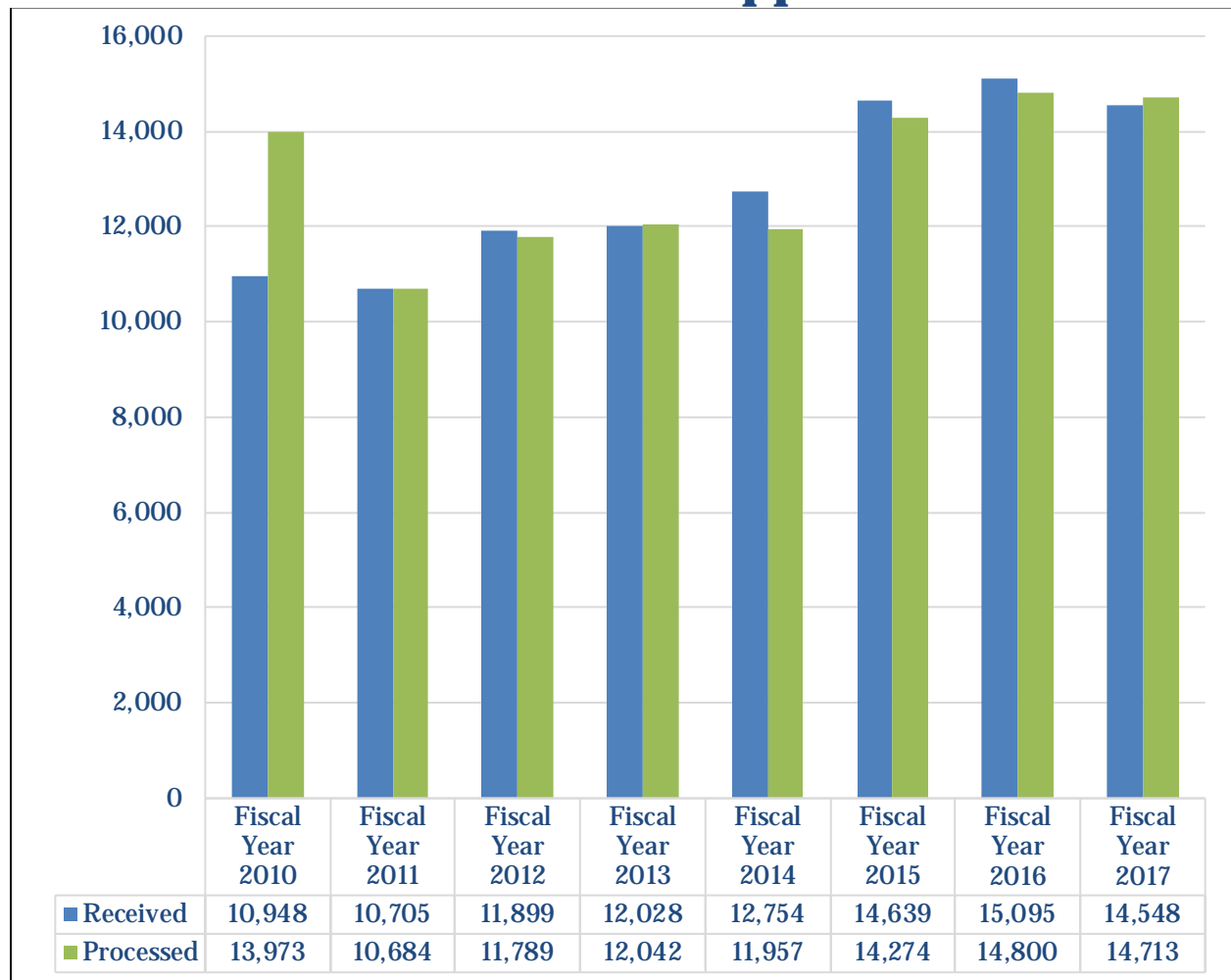
## ADMINISTRATIVE APPEALS

### Number of Administrative Appeals Received and Processed

In FY 2017, the government overall received 14,548 appeals, which is 3.6% decrease from the 15,095 appeals received in FY 2016. Thirty-nine agencies received no appeals during the fiscal year.

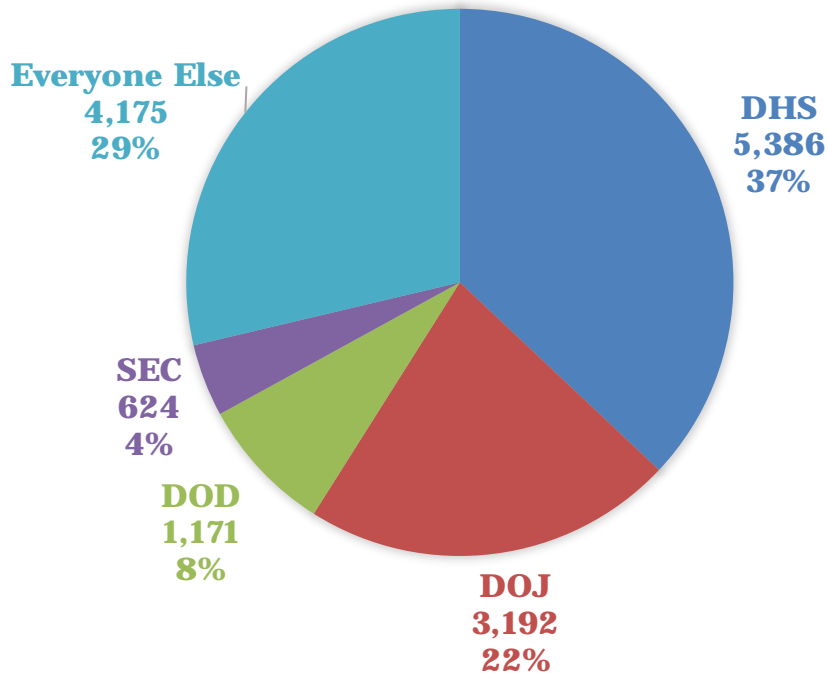
The government overall processed 14,713 appeals during FY 2017, which is a slight decrease from the 14,800 processed during FY 2016 and the third consecutive year that over 14,000 appeals have been processed. The three agencies that received the most appeals also processed the most appeals: DHS (5,346), DOJ (3,270), and DOD (1,267). These three agencies together processed over 67% of the total number of appeals processed by the entire government in FY 2017.

### Adminstrative Appeals

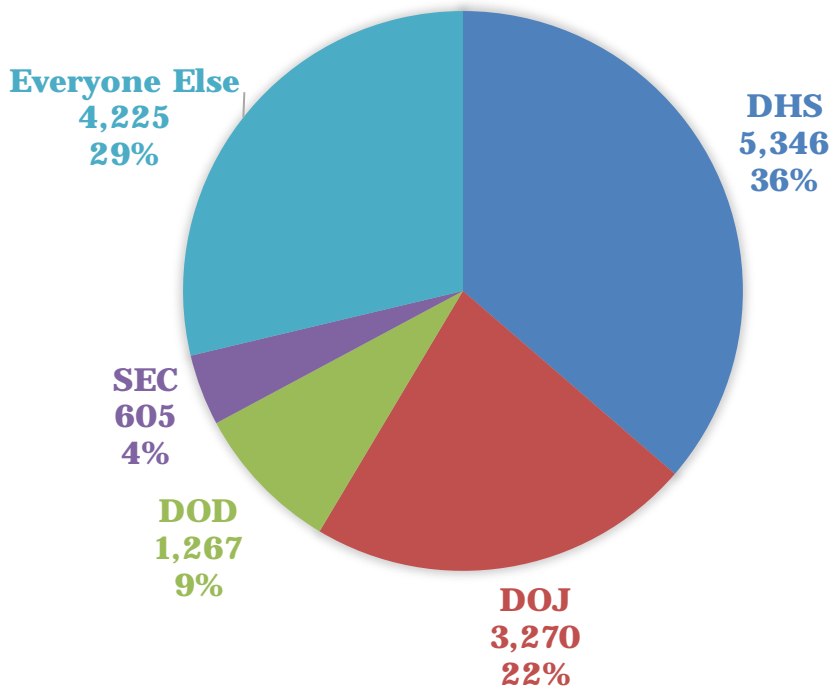


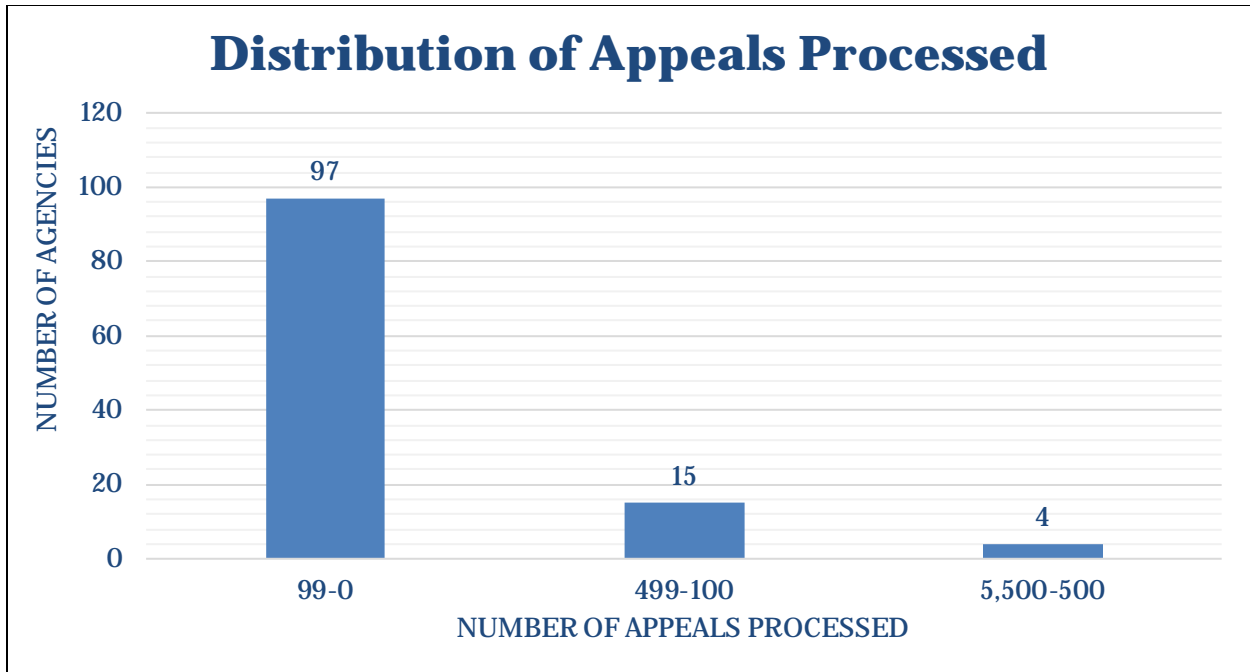


### 4 AGENCIES RECEIVED OVER 71% OF FOIA APPEALS



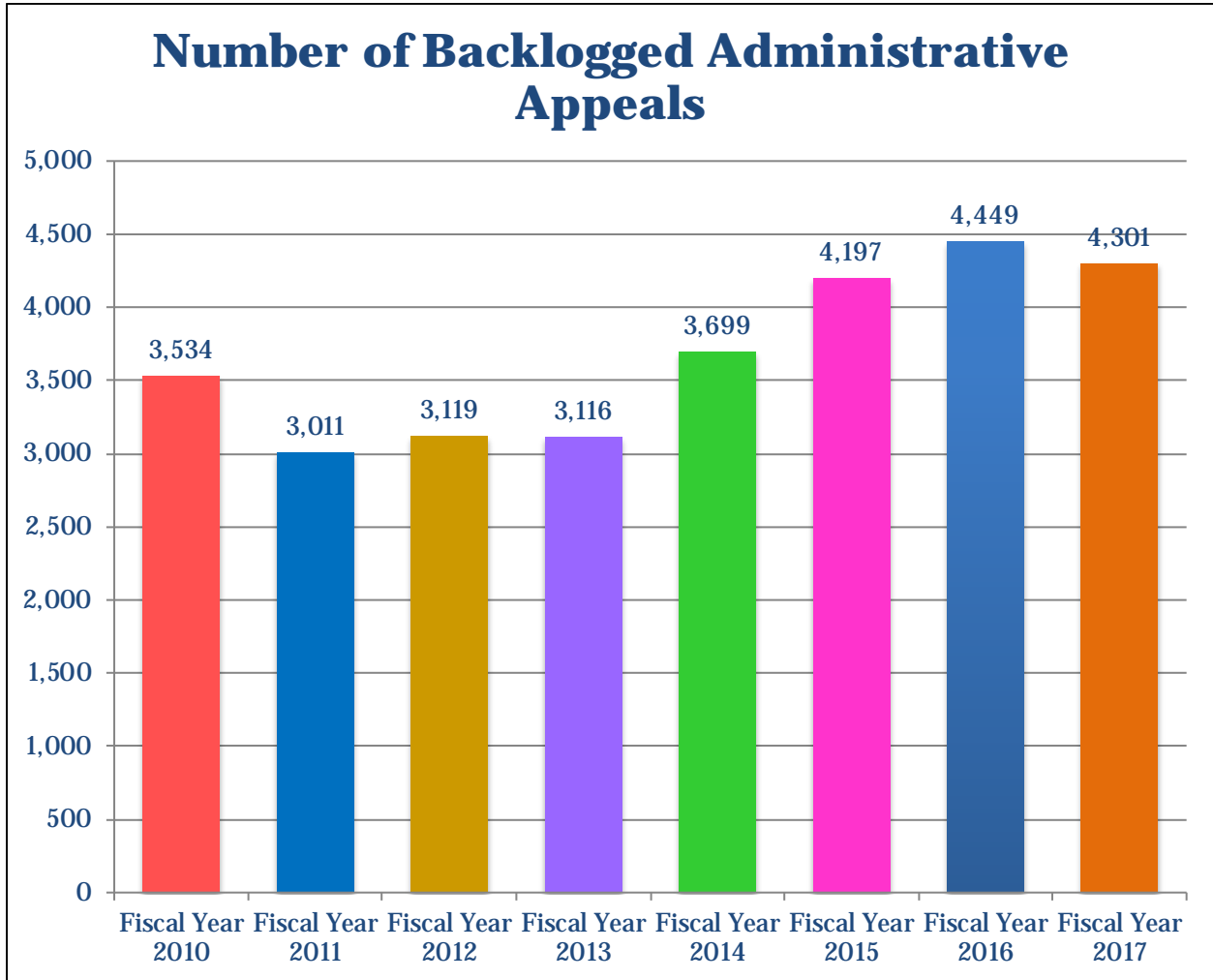
### 4 AGENCIES PROCESSED OVER 71% OF FOIA APPEALS



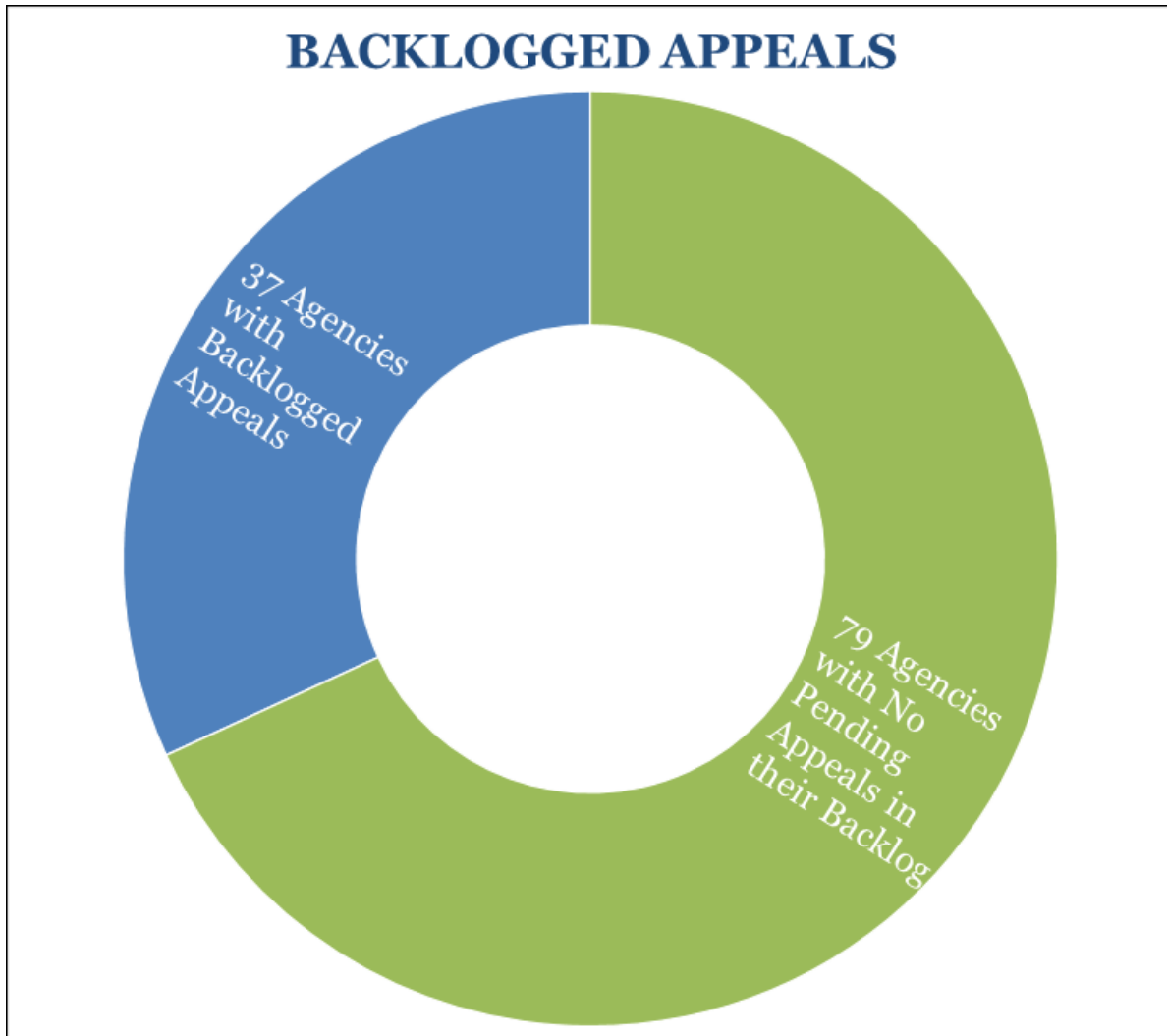


## Backlogged Administrative Appeals

The overall backlog of administrative appeals decreased from 4,449 at the end of FY 2016 to 4,301 at the end of FY 2017 (a decrease of 3.3%).



Seventy-nine of the one-hundred and sixteen agencies subject to the FOIA closed FY 2017 with no pending appeals in their backlog.

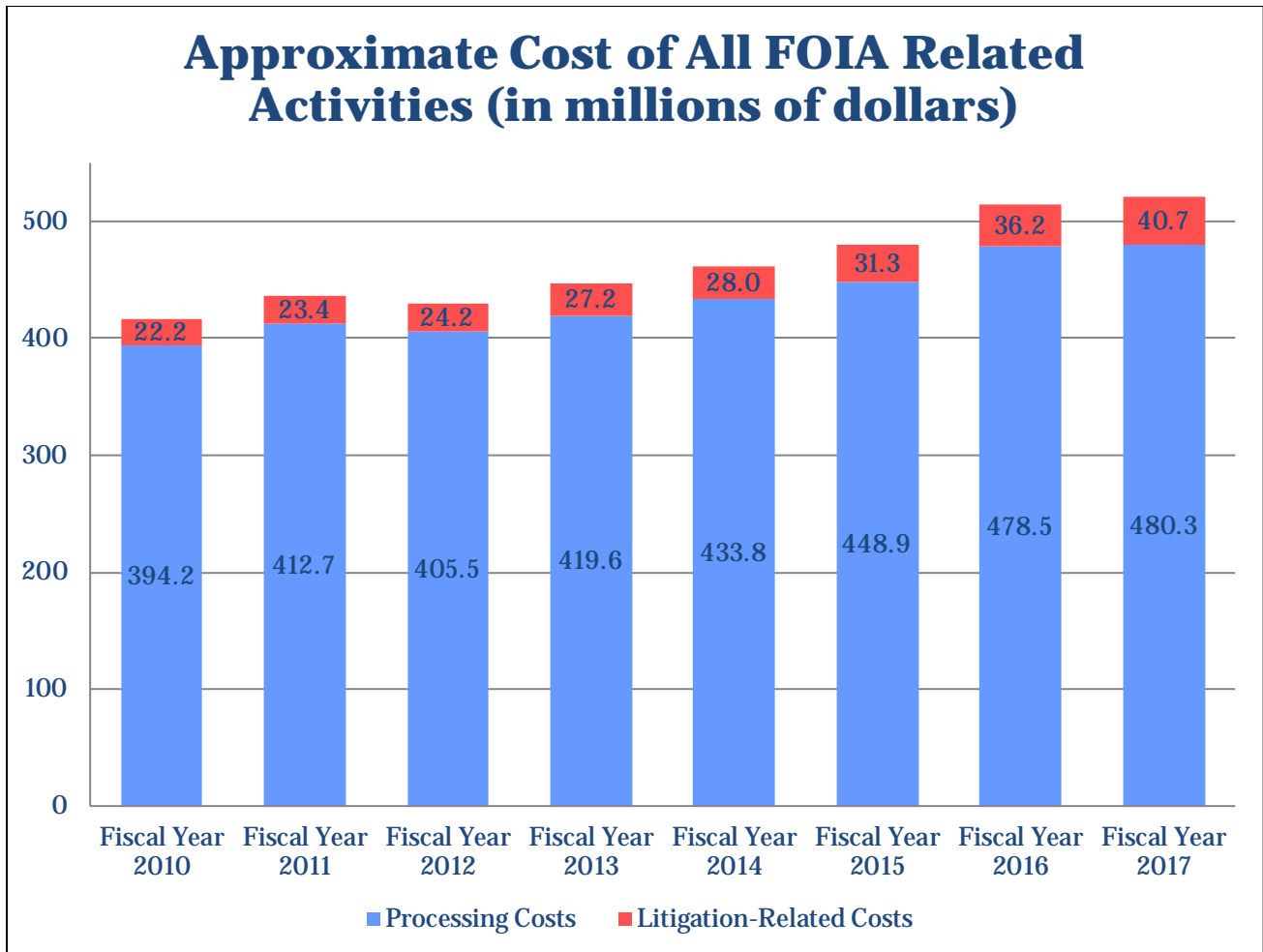


## **Processing Time for Administrative Appeals**

The average processing time for adjudicating appeals for those agencies that reported data in this field of their FY 2017 Annual FOIA Report is 93.7 days. This is an increase of over 38 days from the average of 55.1 days reported in FY 2016. The average processing time for the agencies that processed the most appeals were 26.08 days (DHS), 47.95 days (DOJ), and 177.21 days (DOD).

## STAFFING LEVELS & COSTS

During FY 2017, 4,506.36 “full-time FOIA staff” were devoted to the administration of the FOIA throughout the government.<sup>3</sup> The total estimated cost of all FOIA related activities across the government was \$520,981,560.57. Over 92% (\$480,309,048.09) of the total costs was attributed to the processing of requests and appeals by agencies. Roughly 8% was reported to have been spent on litigation-related activities. By the end of the fiscal year, agencies reported collecting a total of \$2,998,359.68 in FOIA fees. The FOIA fees collected in FY 2017 amounts to less than 1% of the total costs related to the government’s FOIA activities.



<sup>3</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.

## **EXCLUSIONS**

During FY 2017, exclusions were invoked by only two agencies, DOJ (226) and the SEC (9). When compared to the 521,512 requests reviewed by the government this past fiscal year for exemption applicability, exclusions were used in response to 0.04% of requests processed for disclosure.

## **PROACTIVE DISCLOSURES**

Approximately 40,291,162 records that qualified as subsection (a)(2) records were posted online during FY 2017. Over 96% (38,784,610) of these records were made available by agency program offices outside of the FOIA office. NARA (26,511,219) reported the highest number of proactive disclosures in this category. The FOIA offices across the government reported posting 1,506,552 subsection (a)(2) records online. Among the FOIA offices, DOC (1,296,353) reported posting the highest number of proactive disclosures.

## **CONCLUSION**

In response to receiving over 800,000 requests for the first time ever, the government overall processed more than it received by processing over 823,000 requests in FY 2017. The government continued to maintain a high release rate of over 91% for the ninth year in a row. Agencies were also able to maintain a low average response time to adjudicate requests for expedited processing at 8.31 days. With these achievements in mind, there is work to be done to make further improvements in FY 2018. Agencies should focus on ensuring that their simple track requests are responded to within an average of twenty working days. Further, agencies with high backlogs of FOIA requests should continue their efforts to reduce those backlogs. 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 2017 Annual FOIA Reports.