



Summary of Annual FOIA Reports for Fiscal Year 2018

Highlights of Key Government-wide FOIA Data

SUMMARY OF ANNUAL FOIA REPORTS FOR FISCAL YEAR 2018

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 2018 Annual FOIA Reports to 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.

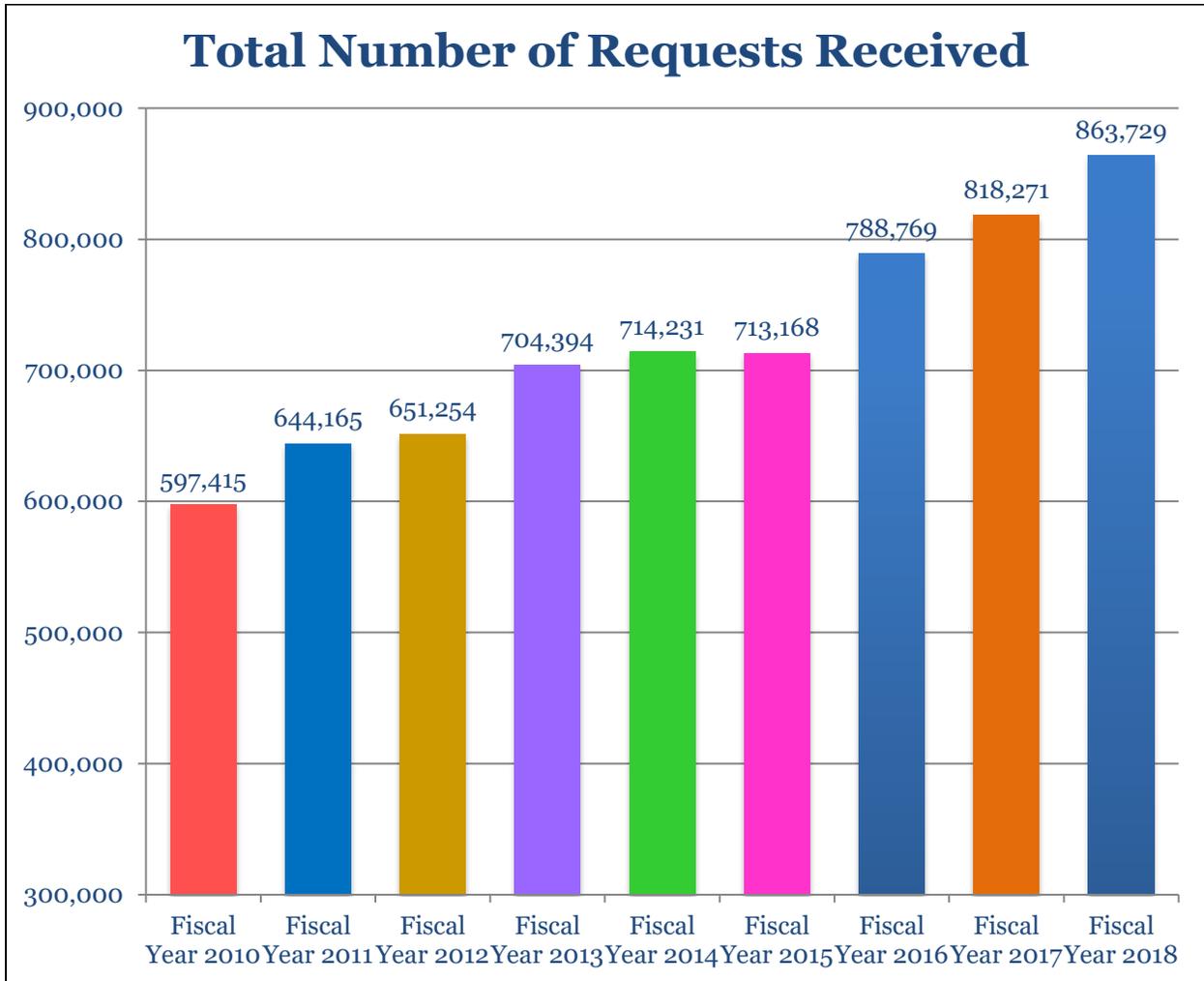
Table of Contents

SUMMARY OF ANNUAL FOIA REPORTS FOR FISCAL YEAR 2018	1
FOIA REQUESTS	2
Number of Requests Received	2
Number of Requests Processed	4
Disposition of Requests	6
Release Rate	7
Use of Exemptions	8
Backlogged Requests	8
Requests for Expedited Processing	11
Average Processing Time for Simple Requests	12
Time to Process Complex Requests	13
CONSULTATIONS ON FOIA REQUESTS	14
Consultations Received, Processed, and Pending	14
ADMINISTRATIVE APPEALS	15
Number of Administrative Appeals Received and Processed	15
Backlogged Administrative Appeals	18
Processing Time for Administrative Appeals	19
STAFFING LEVELS & COSTS	20
EXCLUSIONS	21
PROACTIVE DISCLOSURES	21
CONCLUSION	21

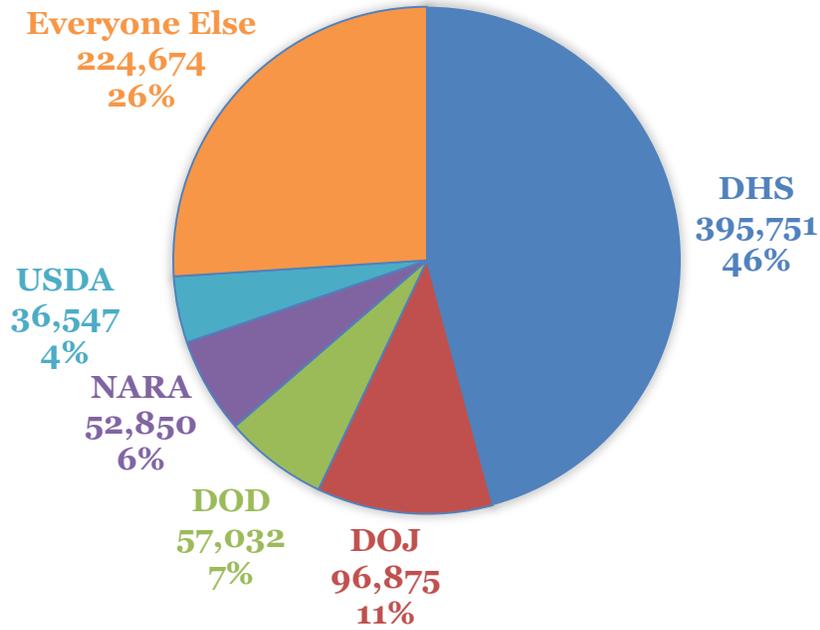
FOIA REQUESTS

Number of Requests Received

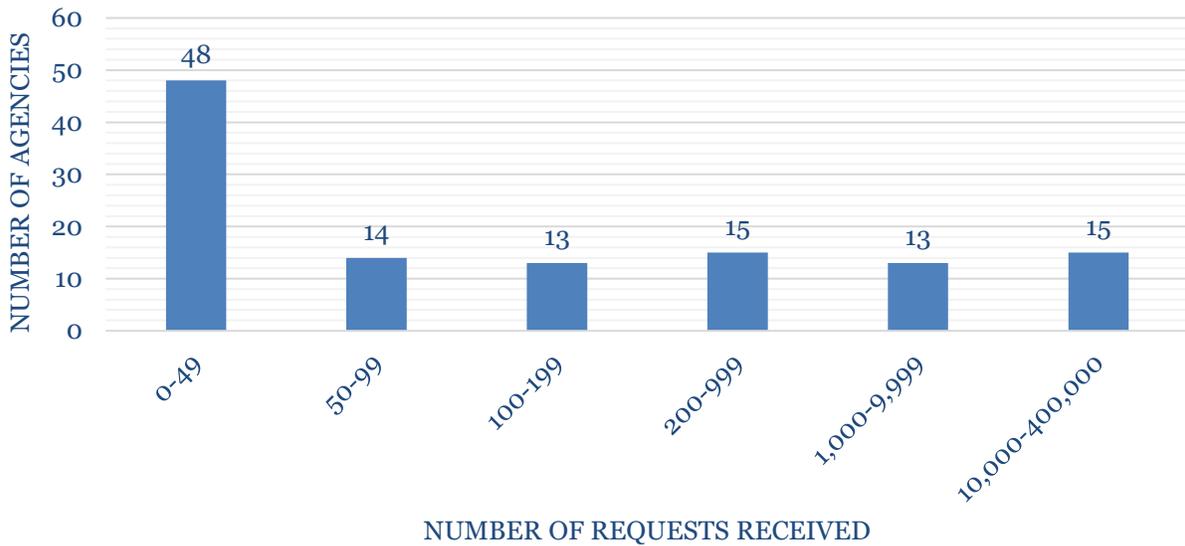
In FY 2018, the federal government overall received a record high 863,729 FOIA requests. This is a 5.6% increase of 45,458 requests from the previous records high of 818,271 requests received during FY 2017.



5 AGENCIES RECEIVE OVER 70% OF ALL FOIA REQUESTS

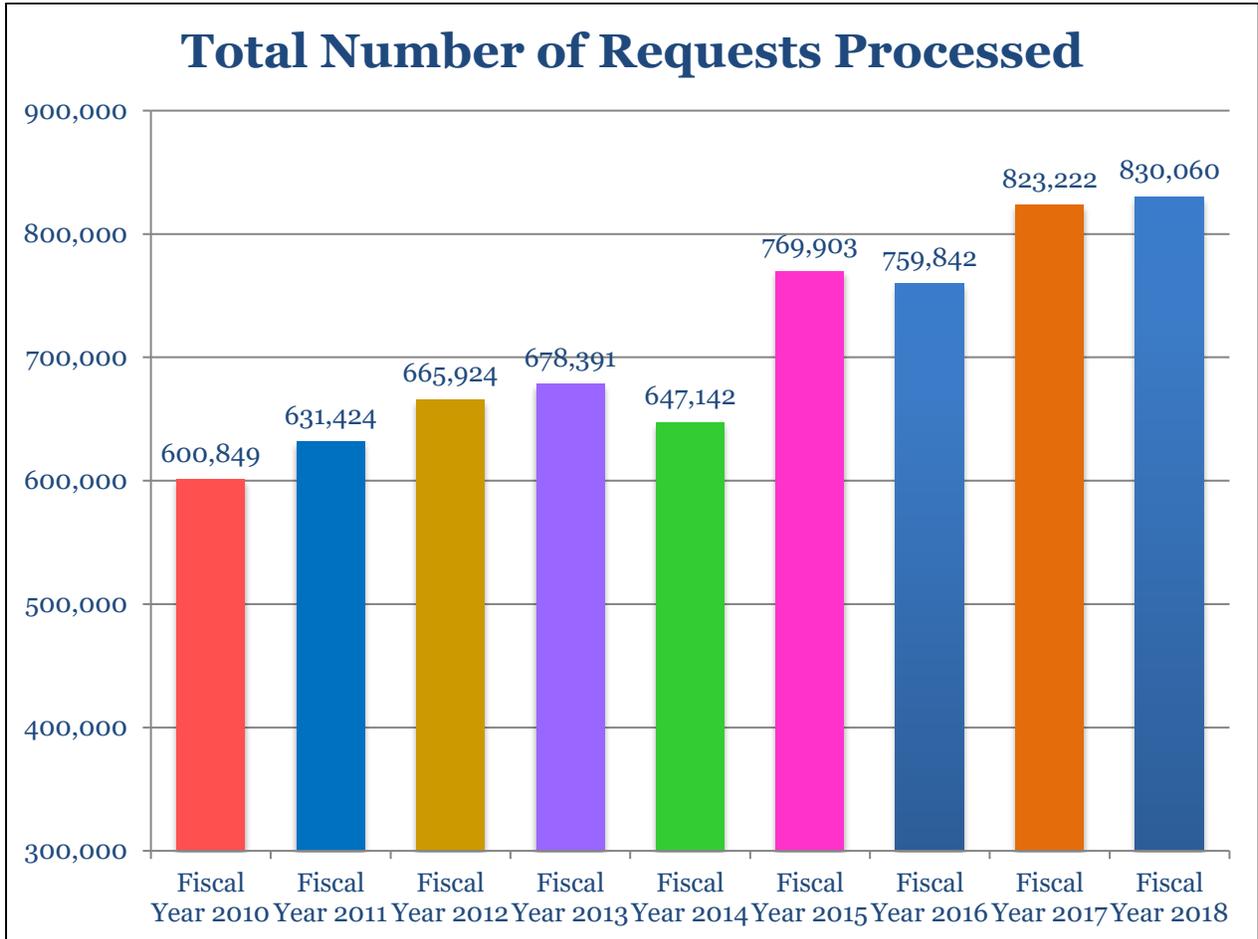


Distribution of Requests Received

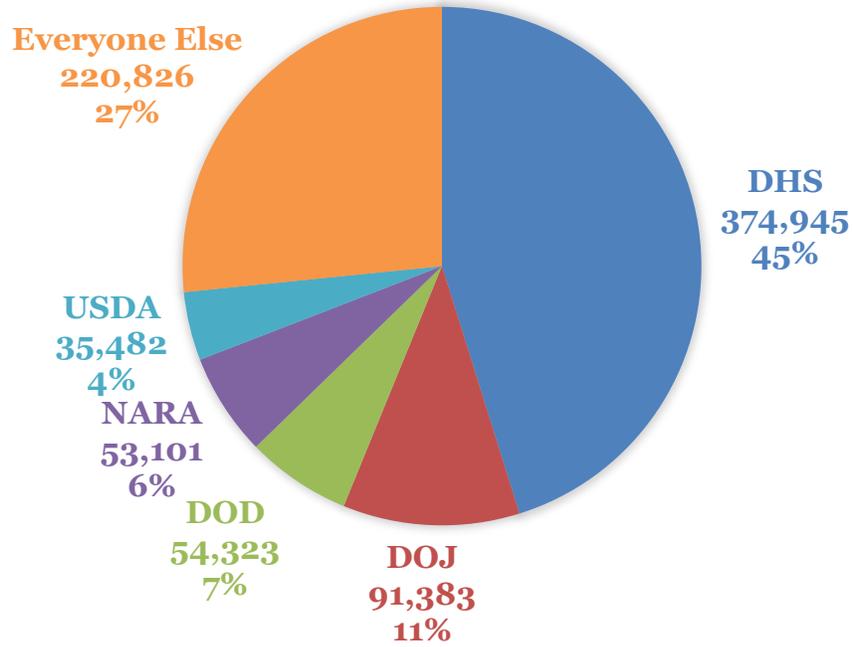


Number of Requests Processed

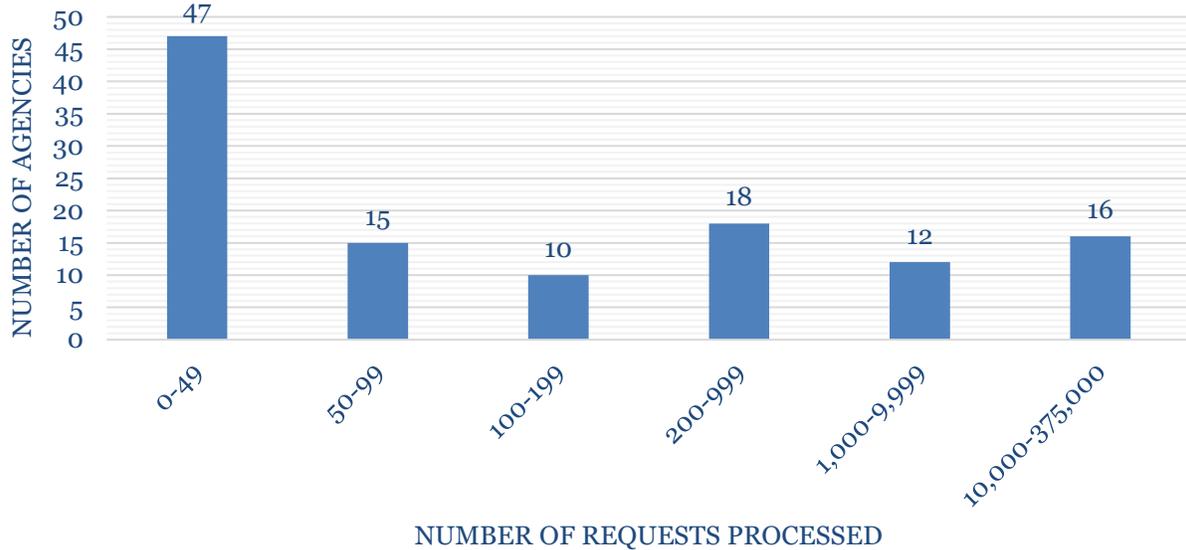
Collectively, the government overall processed 830,060 requests in FY 2018, which is an increase of 0.83% from the previous record-high number of requests processed in FY 2017. This figure is the highest number of FOIA requests ever processed.



5 AGENCIES PROCESSED OVER 70% OF FOIA REQUESTS

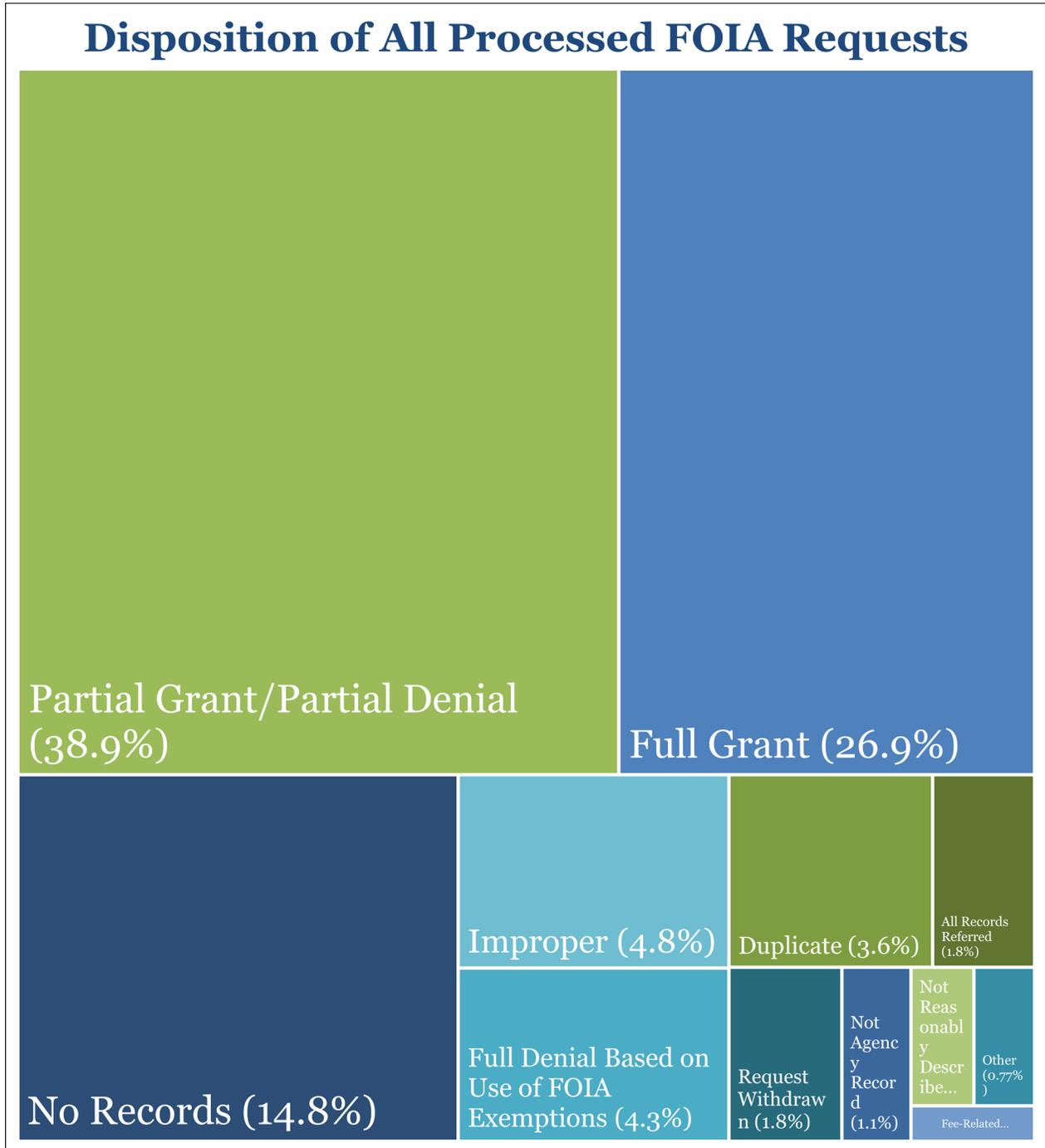


Distribution of Requests Processed



Disposition of Requests

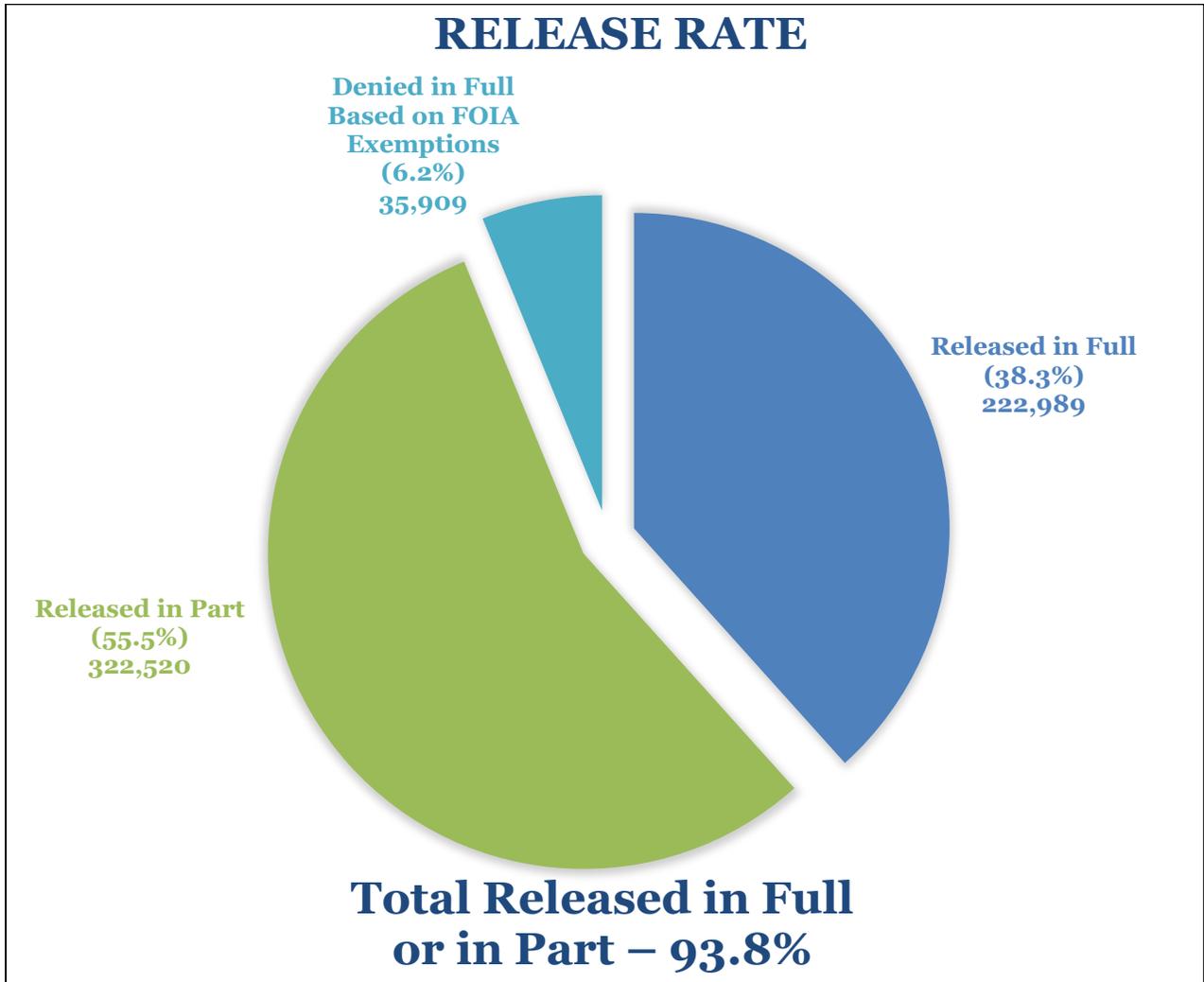
Of the 830,060 requests processed by agencies, 70% (581,416) were closed after being substantively processed, with decisions made to release or withhold information based upon the FOIA's exemptions. Of the remaining requests processed by agencies during FY 2018, 30% (248,644) were closed for procedural or administrative reasons.



*Smallest box in bottom right hand corner is “Fee-Related Reasons” – 0.4%

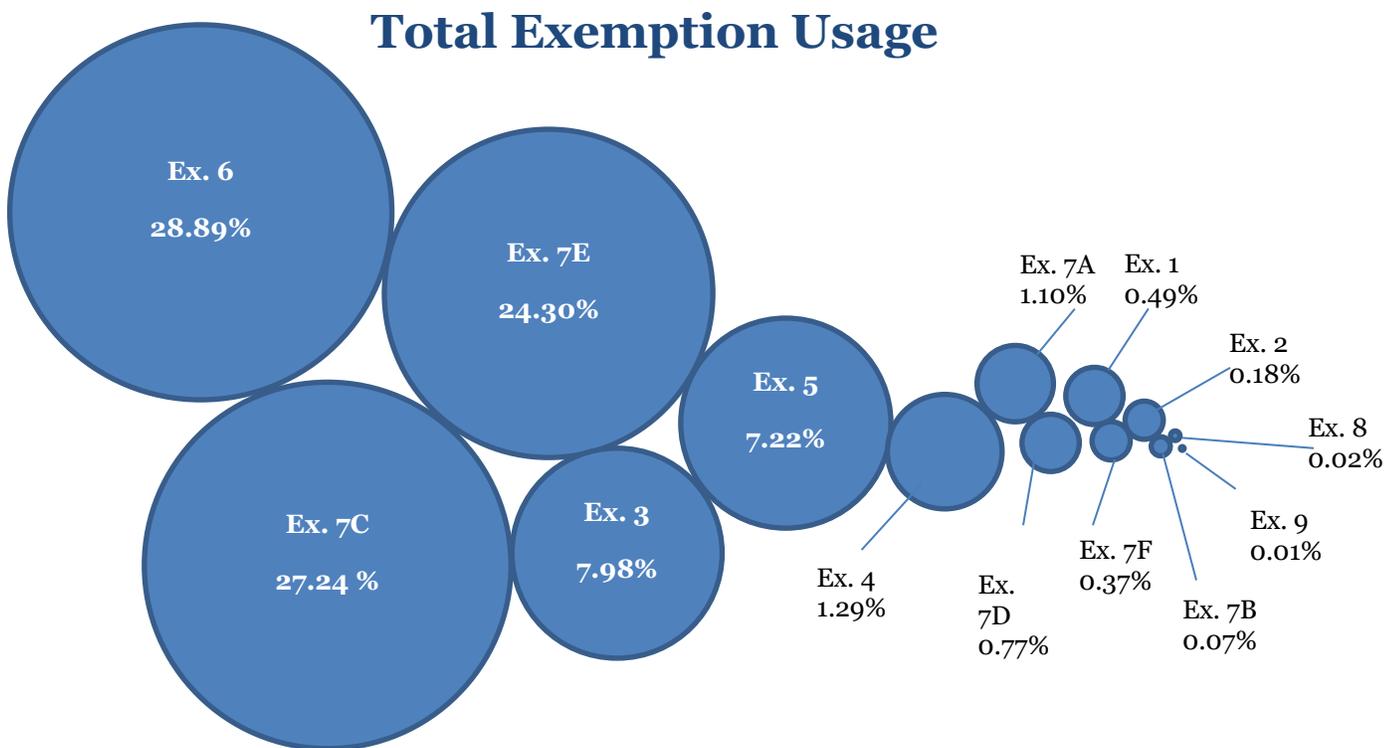
Release Rate

For FY 2018, the government overall had a release rate of 93.8%, which marks the tenth 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.



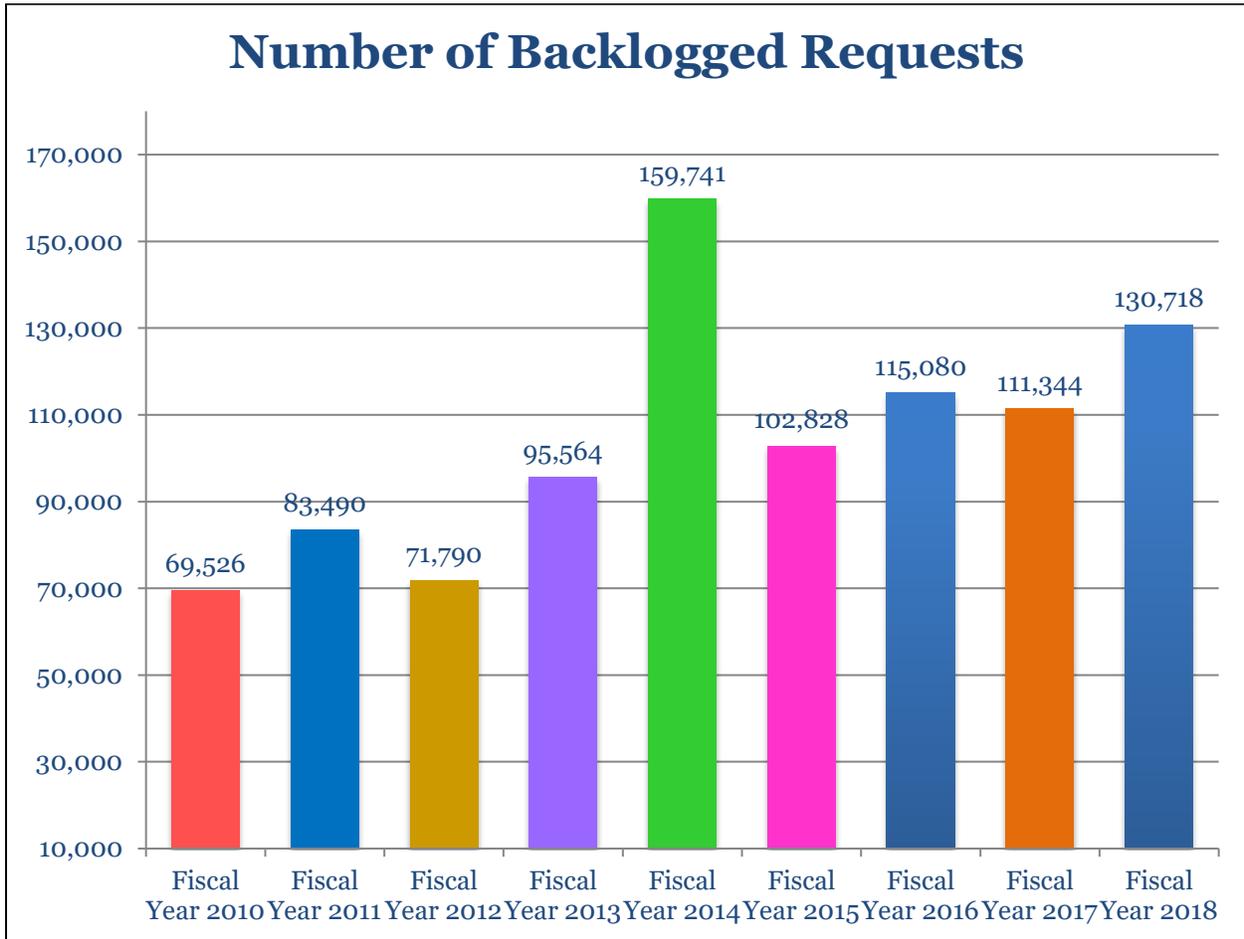
Use of Exemptions

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 (28.89%) and 7(C) (27.24%), were the most cited FOIA exemptions in FY 2018. Over half of the exemptions cited by agencies were those two exemptions. Exemption 7(E) (24.3%), which protects law enforcement techniques, procedures, and guidelines, was the third most used exemption.



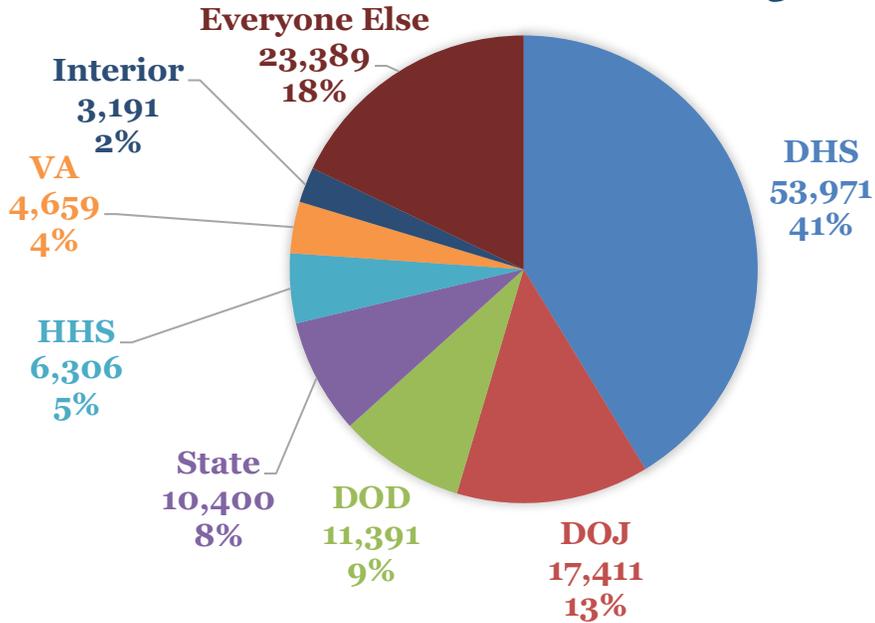
Backlogged Requests

The total number of backlogged requests across the government at the end of FY 2018 was 130,718, which is a 17.4% increase from the number of backlogged requests reported at the end of FY 2017.¹

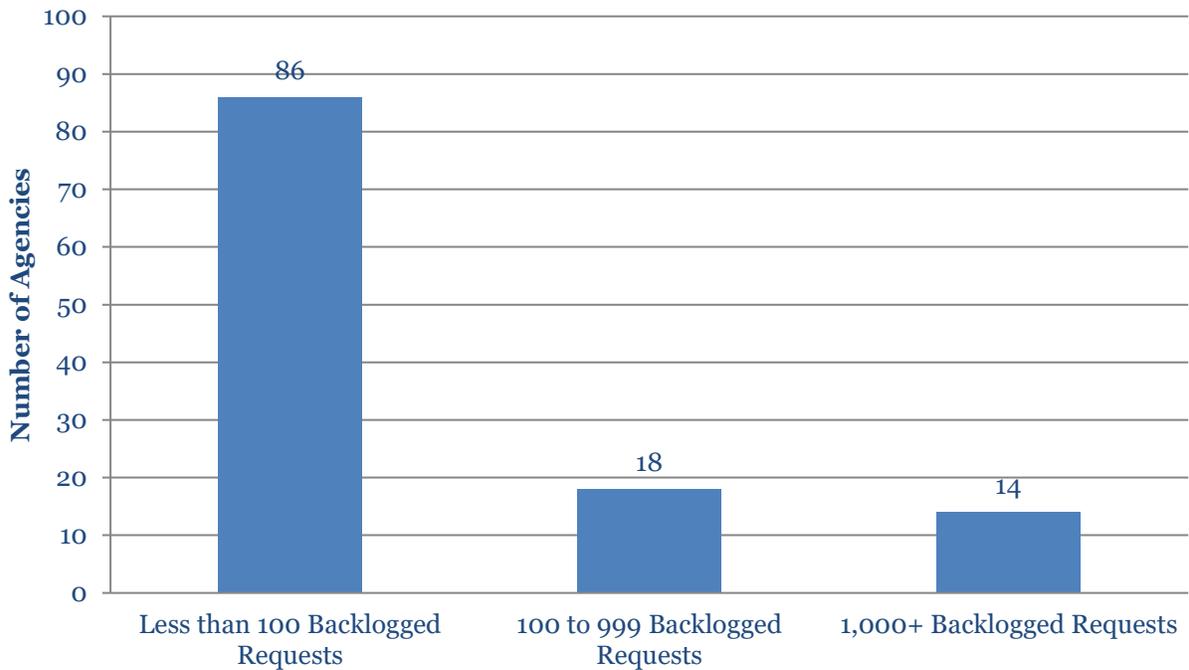


¹ A request is reported as “backlogged” when it has been pending at an agency longer than the statutory time period of twenty working-days, or if unusual circumstances are present, up to thirty working-days.

7 AGENCIES ACCOUNT FOR OVER 82% OF BACKLOGGED REQUESTS



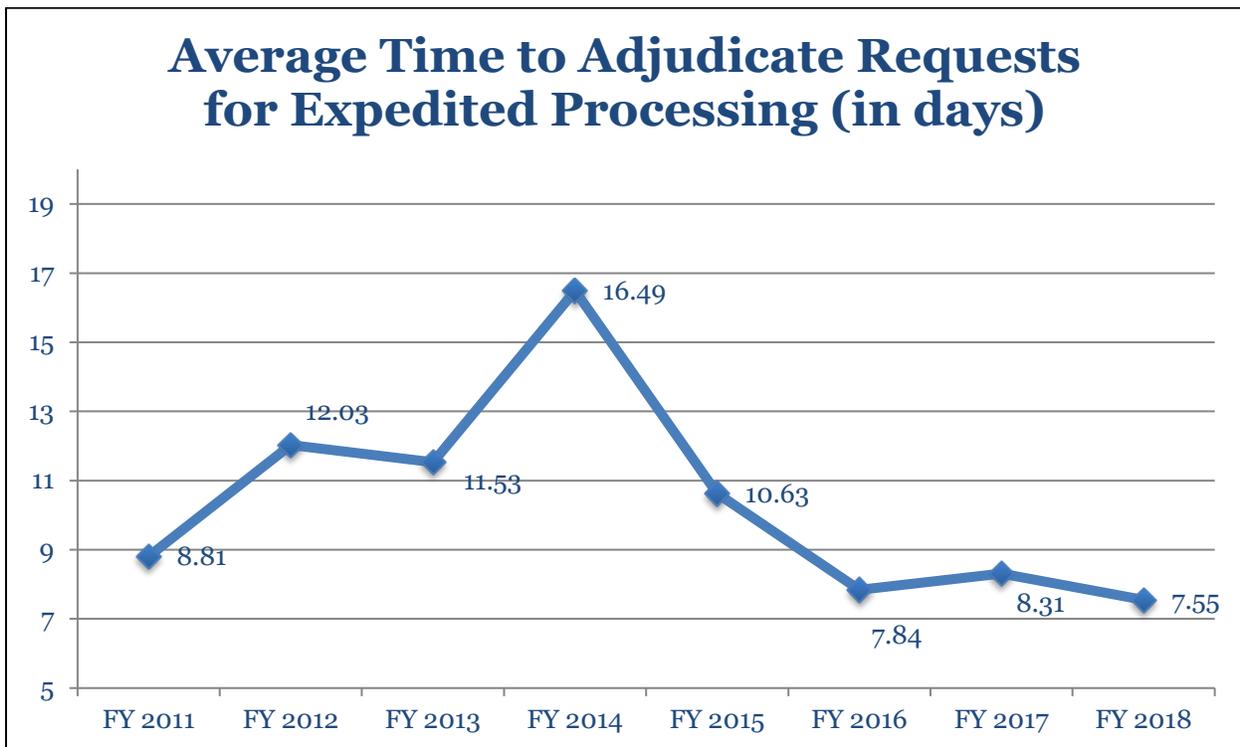
Distribution of Backlogged Requests



Requests for Expedited Processing

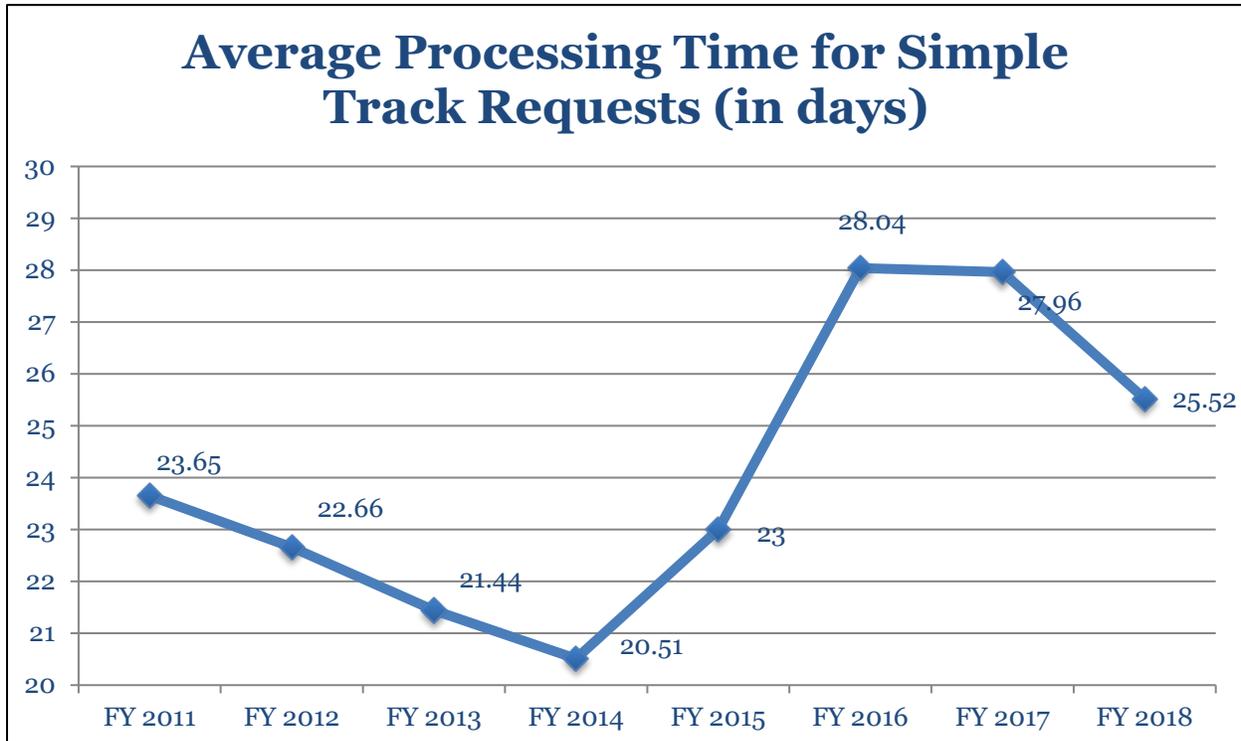
In FY 2018, the government overall made a decision to grant or deny 15,403 requests for expedited processing. This is an almost 11% increase from the total number of expedited processing determinations made during FY 2017 (13,881), and in the past three years, the number of requests for expedited processing has doubled over from the 7,353 in FY 2015.

Across the government, agencies averaged 7.55 days to adjudicate requests for expedited processing. In total, agencies adjudicated 73.4% (11,306) of all requests for expedited processing made during FY 2018 within ten calendar days.



Average Processing Time for Simple Requests

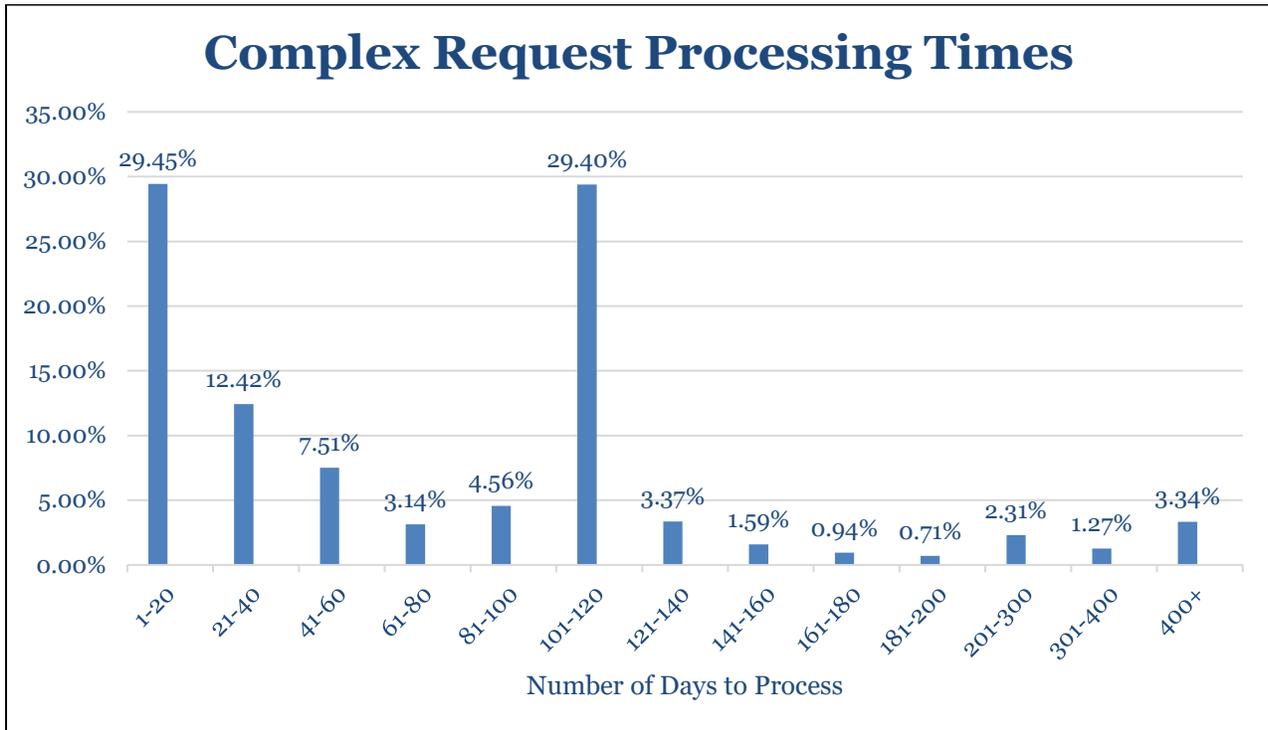
The average processing time for simple track requests for agencies that reported data in this field in their FY 2018 Annual FOIA Report was 25.52 days.² This is a slight decrease of over two days from the average of 27.97 days that was reported in FY 2017. Seventy-four agencies, including six departments – Education, HHS, Interior, Treasury, USDA, and VA -- reported processing their simple track requests within an average of twenty days or less. Sixteen agencies, including DHS, DOD, DOJ, and DOL reported processing these requests between an average of 21.75 days and 30.77 days.



² 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

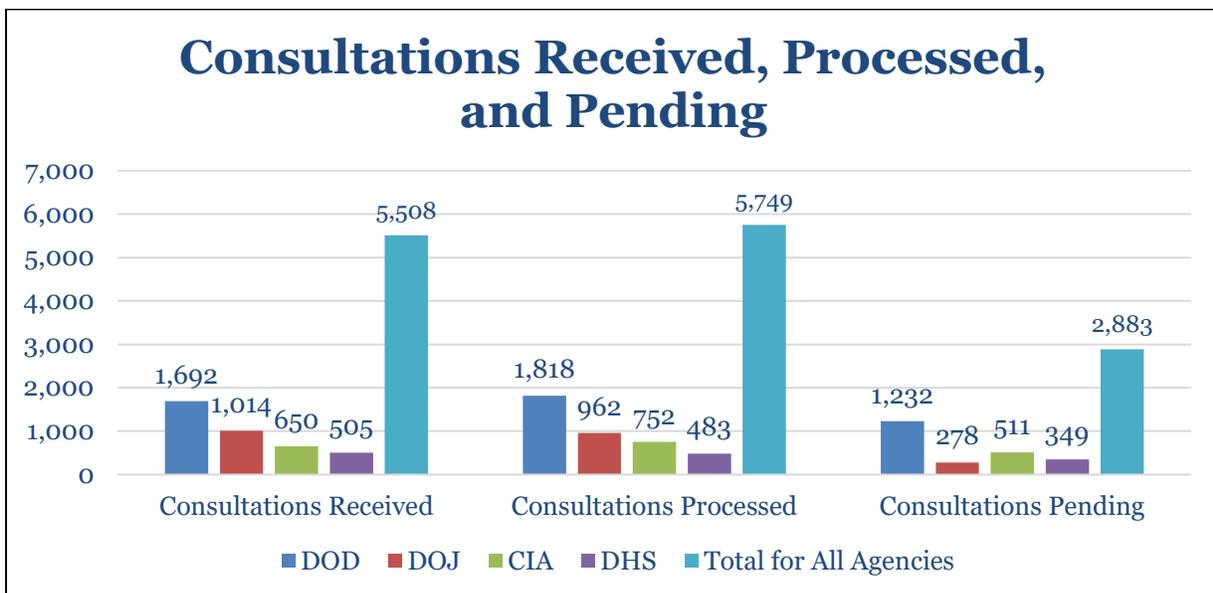
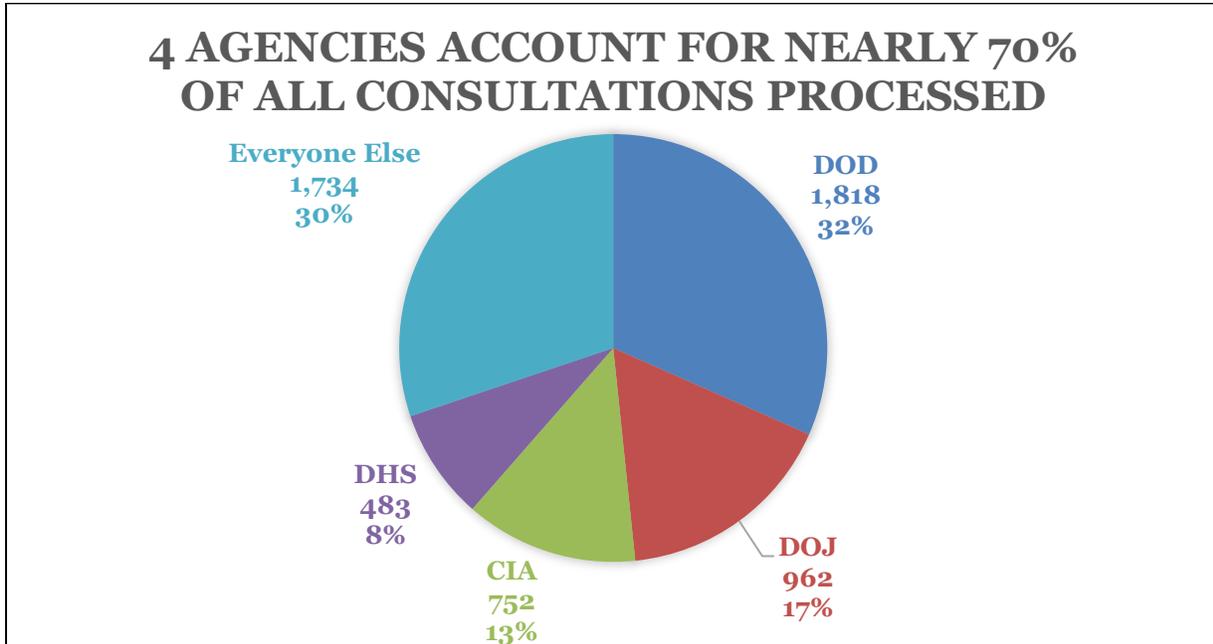
Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations. Complex requests often take longer to process than more targeted “simple” requests.



CONSULTATIONS ON FOIA REQUESTS

Consultations Received, Processed, and Pending

During FY 2018, 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 5,508 consultations were received by agencies in FY 2018.



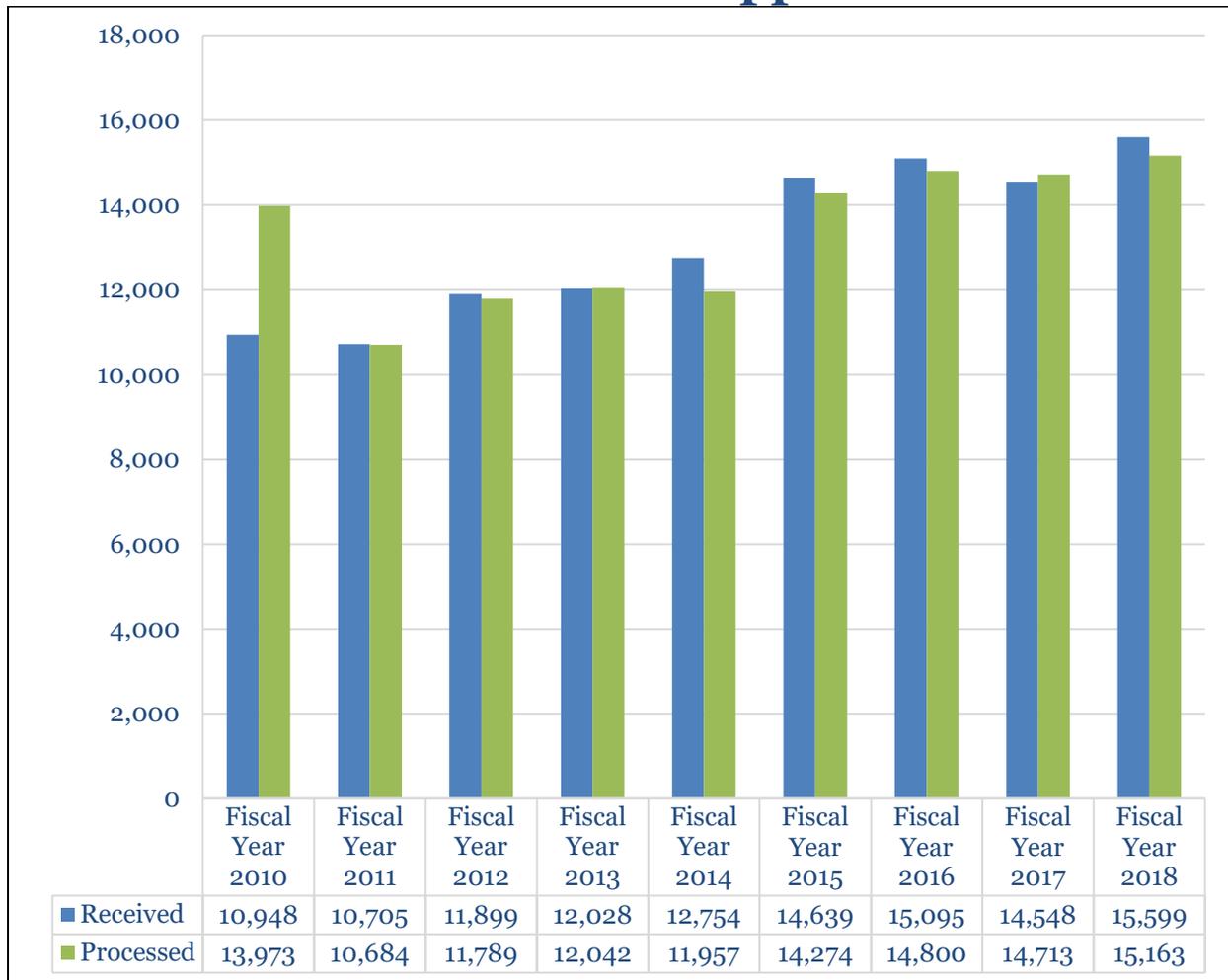
ADMINISTRATIVE APPEALS

Number of Administrative Appeals Received and Processed

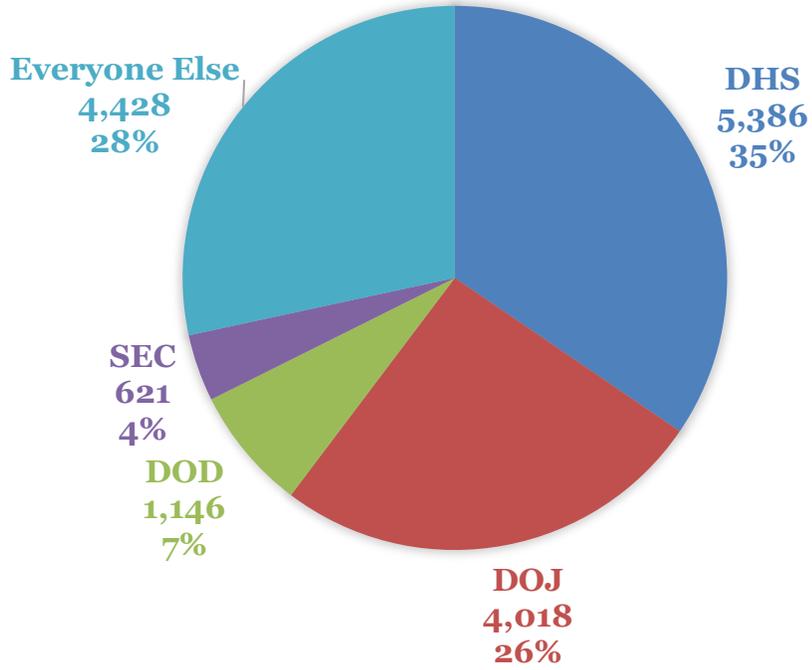
In FY 2018, the government overall received 15,599 appeals, which is 7.2% increase from the 14,548 appeals received in FY 2017. Forty-six agencies received no appeals during the fiscal year.

The government overall processed 15,163 appeals during FY 2017, which is a 3% increase from the 14,713 processed during FY 2017 and the fourth consecutive year that over 14,000 appeals have been processed. The three agencies that received the most appeals also processed the most appeals: DHS (5,327), DOJ (4,022), and DOD (1,147). These three agencies together processed 69.2% of the total number of appeals processed by the entire government in FY 2018.

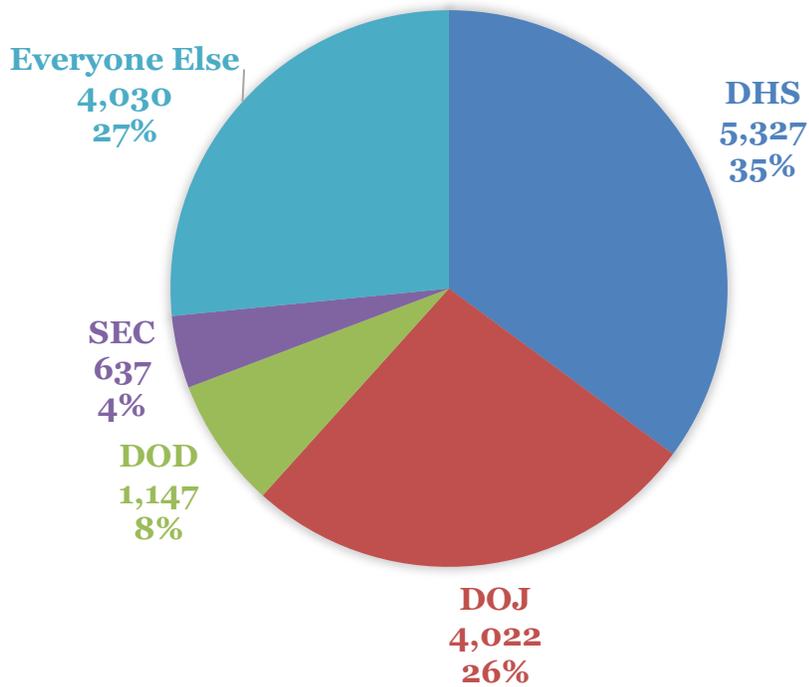
Adminstrative Appeals

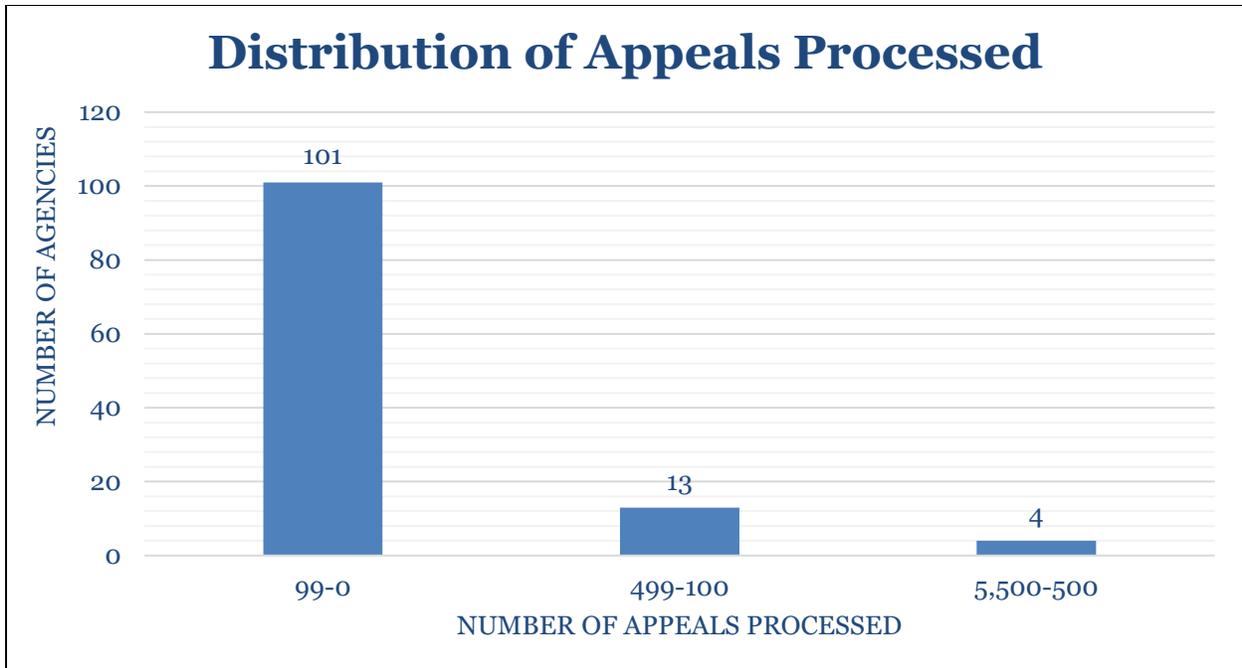


4 AGENCIES RECEIVED 72% OF FOIA APPEALS



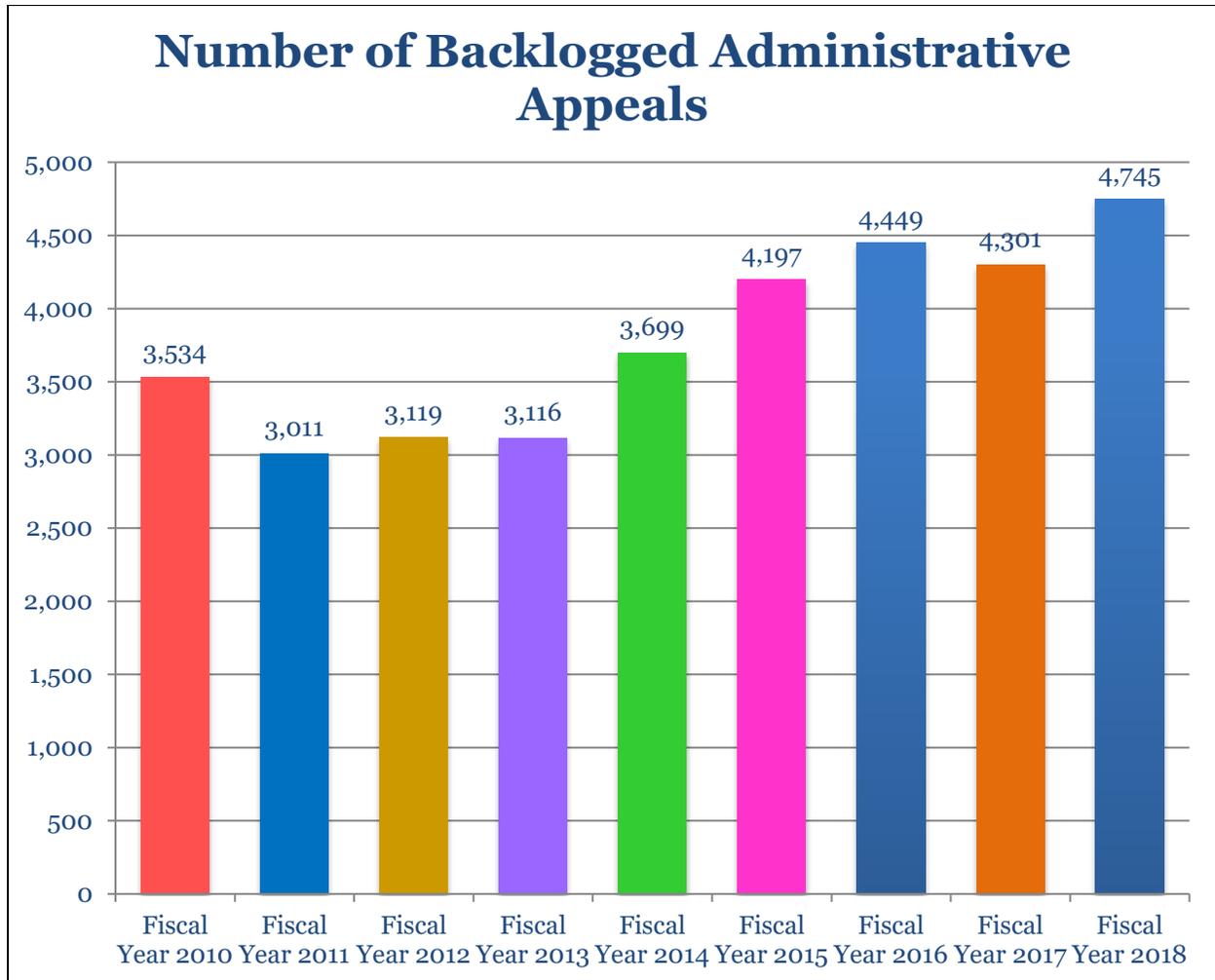
4 AGENCIES PROCESSED OVER 73% OF FOIA APPEALS



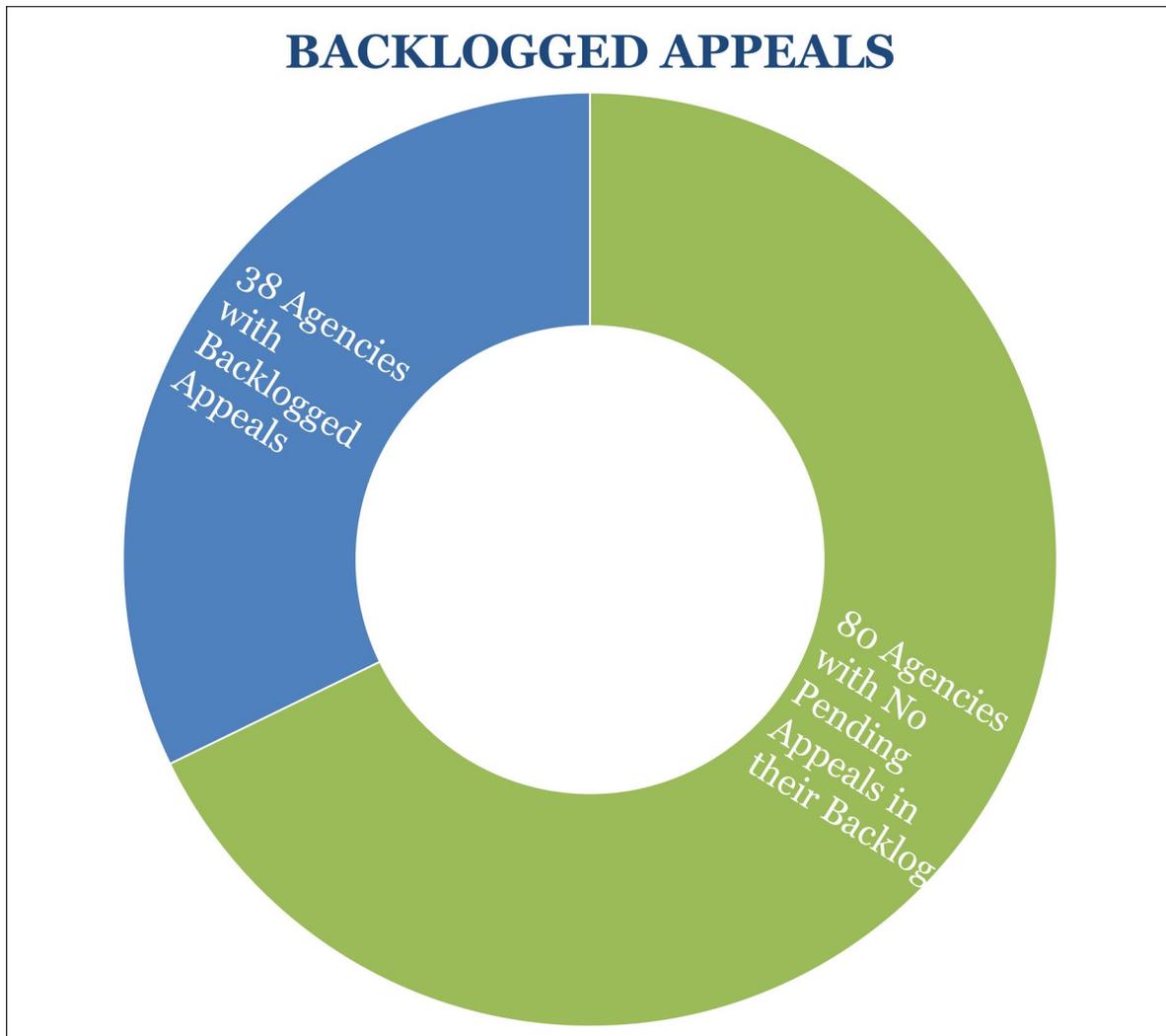


Backlogged Administrative Appeals

The overall backlog of administrative appeals at the end of FY 2018 was 4,745.



Eighty of the one-hundred and eighteen agencies subject to the FOIA closed FY 2018 with no pending appeals in their backlog.

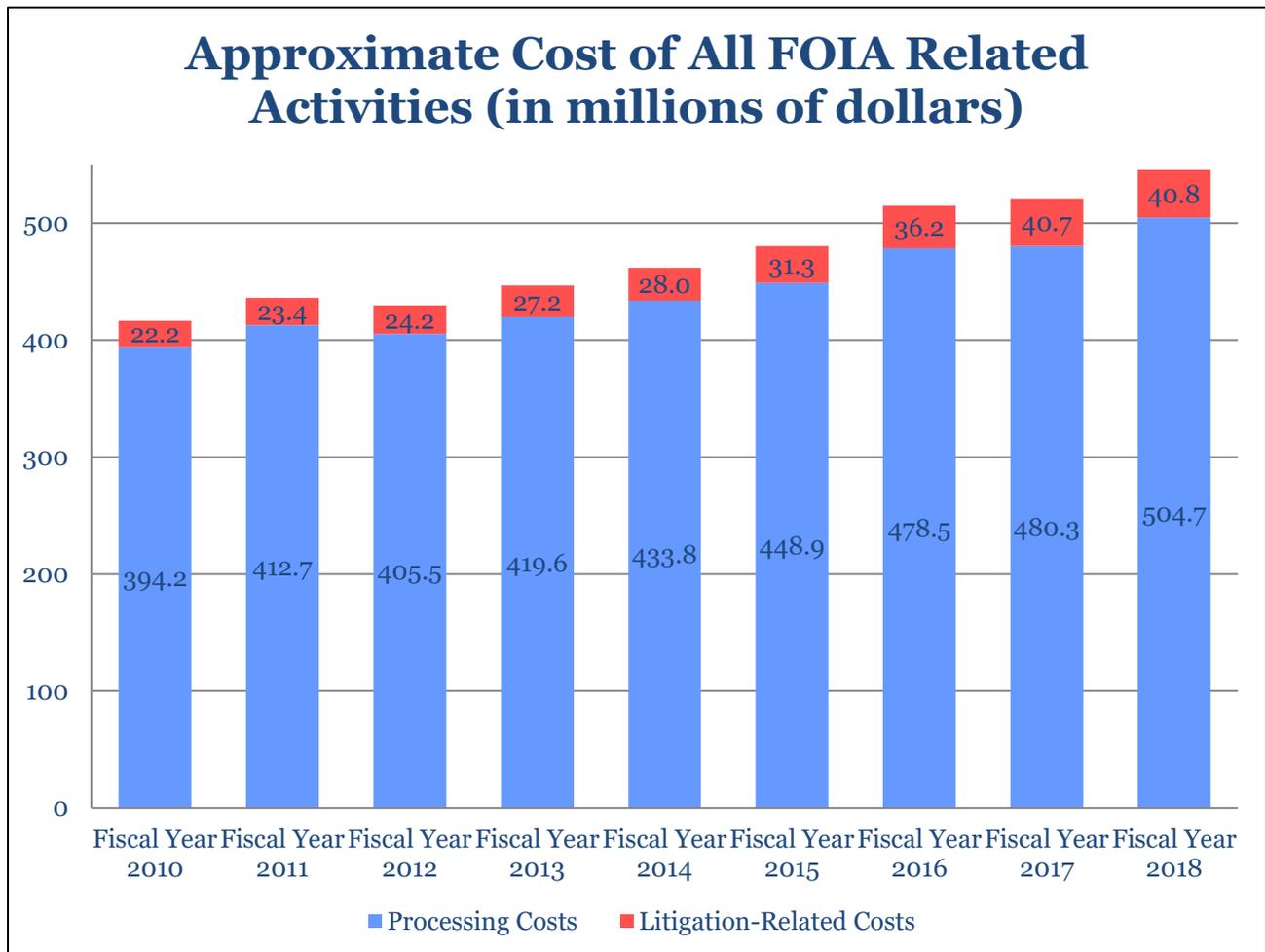


Processing Time for Administrative Appeals

The average processing time for adjudicating appeals for those agencies that reported data in this field of their FY 2018 Annual FOIA Report is 86.03 days. This is a decrease of over 7.67 days from the average of 93.7 days reported in FY 2017. The average processing time for the agencies that processed the most appeals were 27.18 days (DHS), 49.82 days (DOJ), and 177.21 days (DOD).

STAFFING LEVELS & COSTS

During FY 2018, 4,904.29 “full-time FOIA staff” were devoted to the administration of the FOIA throughout the government.³ The total estimated cost of all FOIA related activities across the government was \$545,510,147.08. Over 92% (\$504,717,752.55) of the total costs was attributed to the processing of requests and appeals by agencies. Roughly 7.5% was reported to have been spent on litigation-related activities. By the end of the fiscal year, agencies reported collecting a total of \$2,981,312.77 in FOIA fees. The FOIA fees collected in FY 2019 amounts to less than 1% of the total costs related to the government’s FOIA activities.



³ 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 2018, exclusions were invoked by only four agencies, DOJ (330), SEC (20), DHS (1), and NRC (1). When compared to the 581,418 requests reviewed by the government this past fiscal year for exemption applicability, exclusions were used in response to 0.06% of requests processed for disclosure.

PROACTIVE DISCLOSURES

Approximately 28,329,795 records that qualified as subsection (a)(2) records were posted online during FY 2018. About 99% (28,174,808) of these records were made available by agency program offices outside of the FOIA office. NARA (17,223,575) reported the highest number of proactive disclosures in this category. The FOIA offices across the government reported posting 1,549,897 subsection (a)(2) records online. Among the FOIA offices, DOT (89,714) reported posting the highest number of proactive disclosures.

CONCLUSION

The government overall continued to receive more requests setting a new record of 863,729 incoming requests. In response, the government overall processed more requests than it did in the prior year. Notably, the 830,060 requests processed in Fiscal Year 2018 is also more than the number of requests agencies received in the prior fiscal year. In processing these requests, the government continued to maintain a high release rate of over 91% for the tenth year in a row. Agencies improved processing times for simple track requests (25.52 days) and were also able to maintain a low average response time to adjudicate requests for expedited processing at 7.55 days. With these achievements in mind, there is work to be done to make further improvements in FY 2019. Agencies should continue to 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 2018 Annual FOIA Reports.