



Summary of Annual FOIA Reports for Fiscal Year 2019

Highlights of Key Government-wide FOIA Data

SUMMARY OF ANNUAL FOIA REPORTS FOR FISCAL YEAR 2019

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 2019 Annual FOIA Reports to FOIA.gov. There, this data can easily be viewed online, compared with data from previous fiscal years, 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.

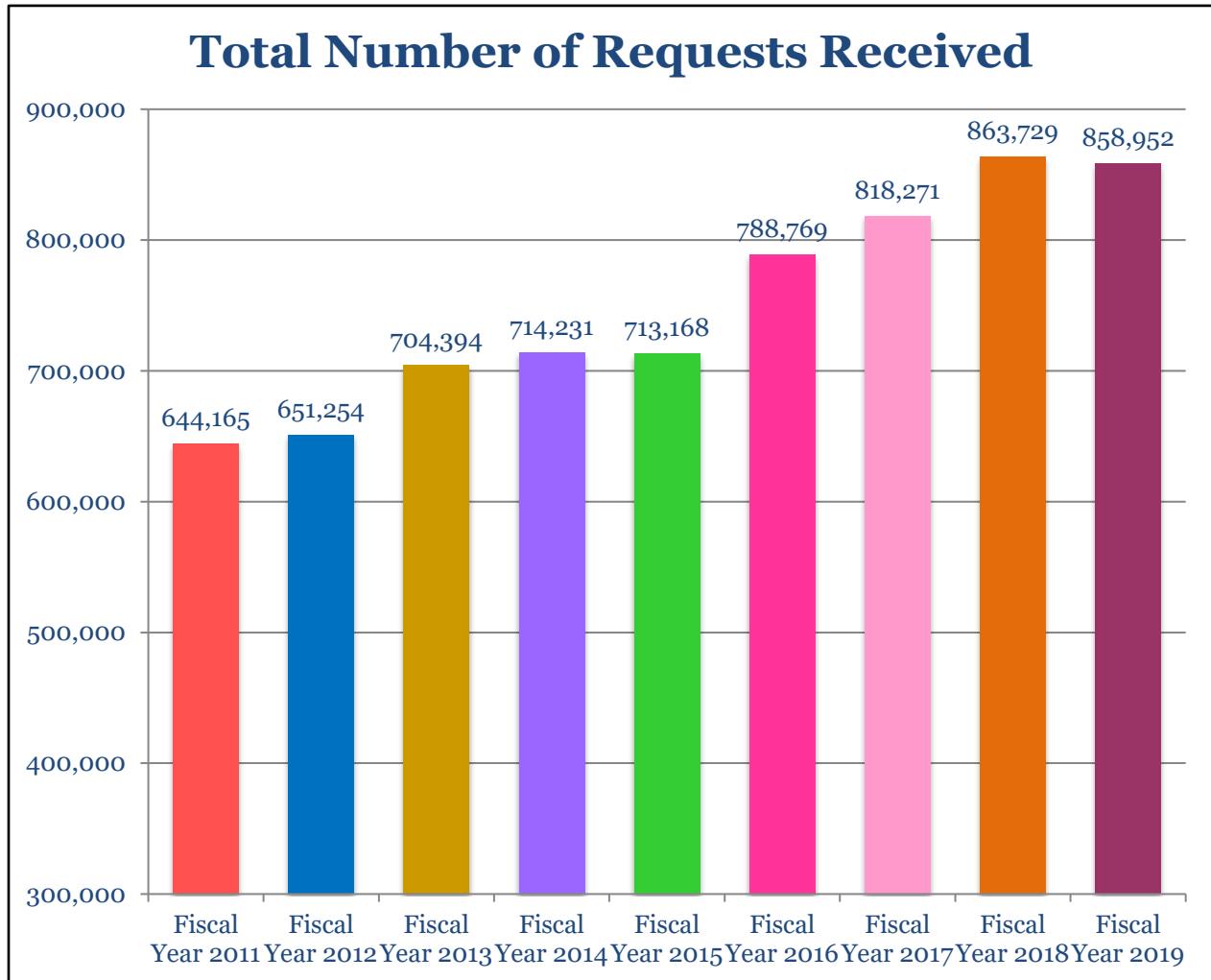
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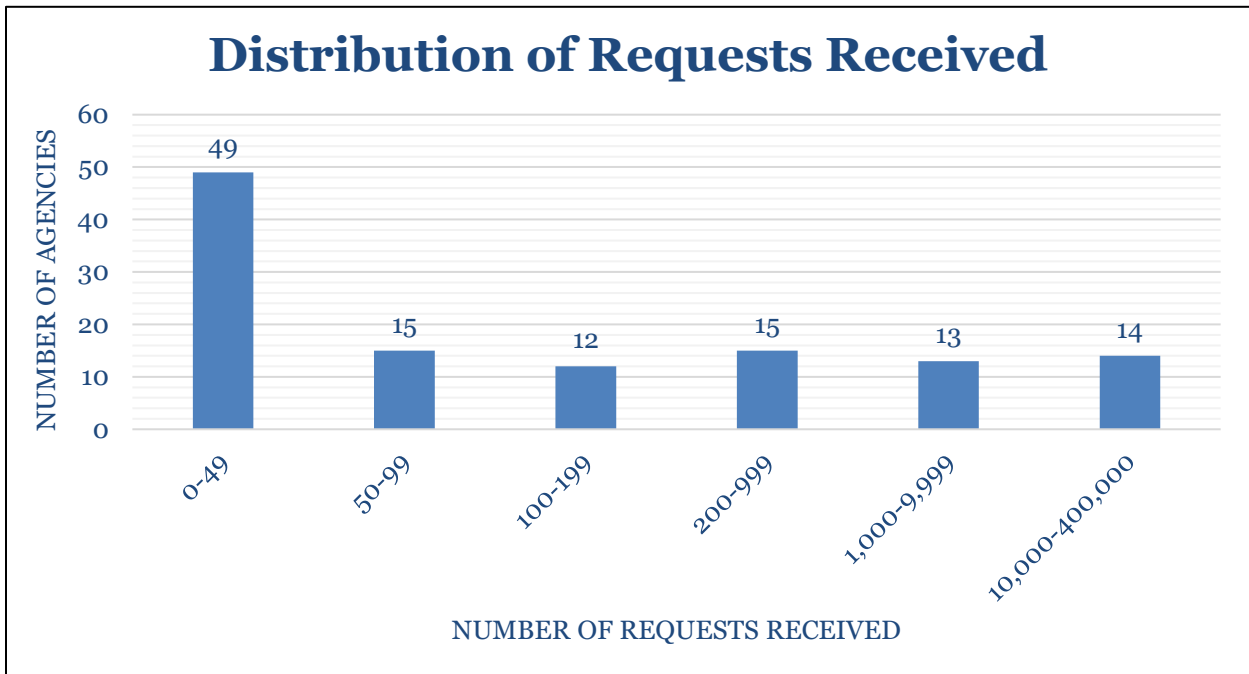
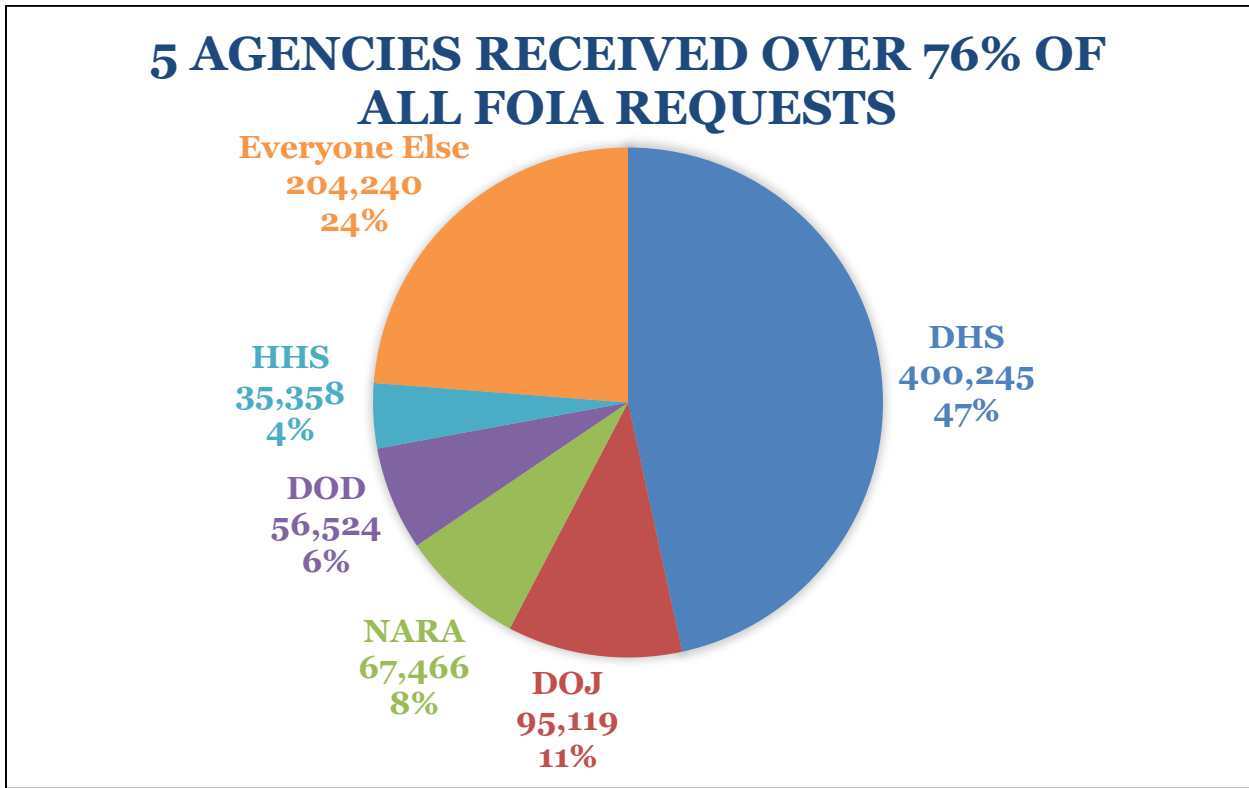
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FOIA REQUESTS

Number of Requests Received

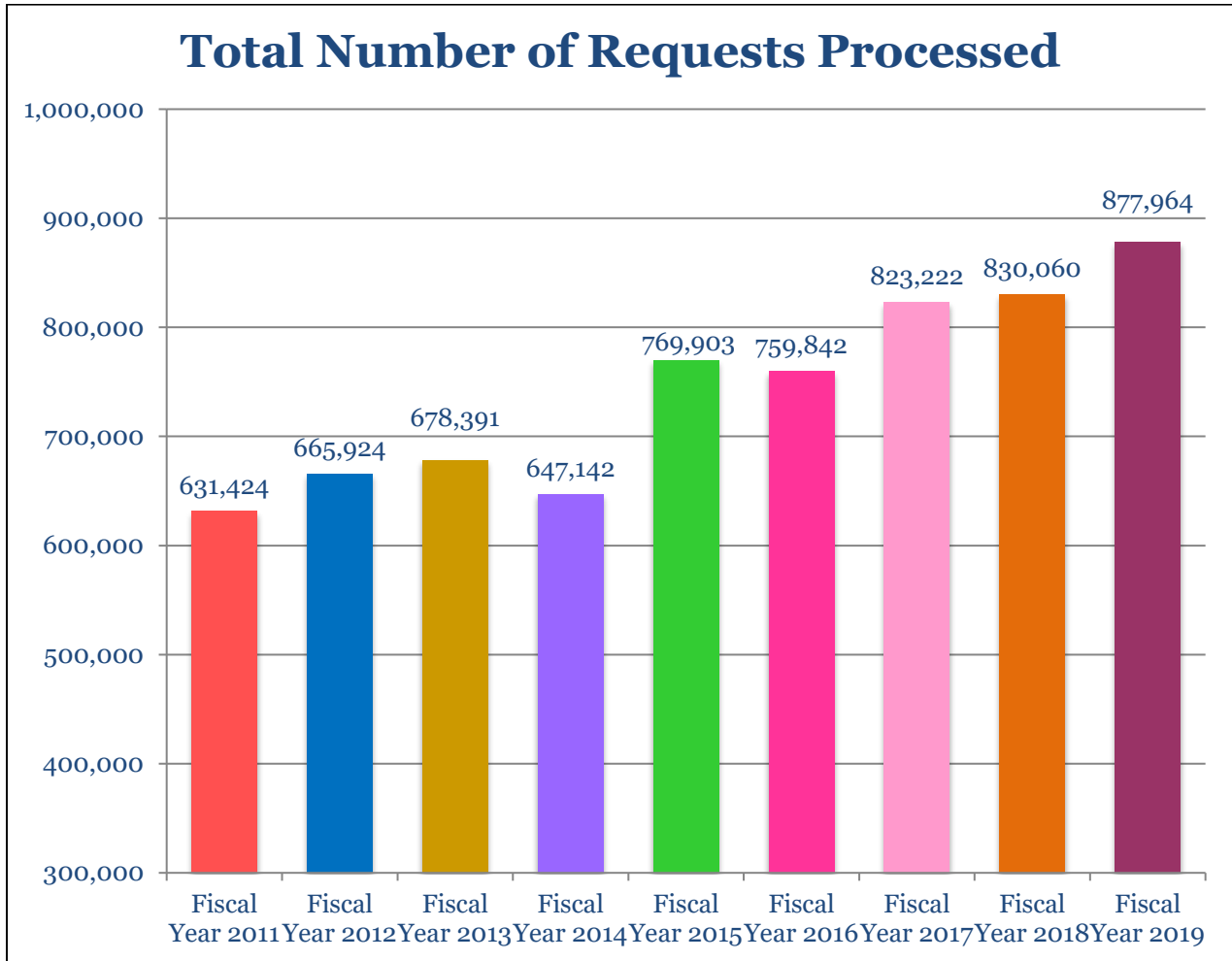
In FY 2019, the federal government overall received a total of 858,952 FOIA requests. This is slight decrease of 4,777 requests from the previous record high of 863,729 requests, received during FY 2018.



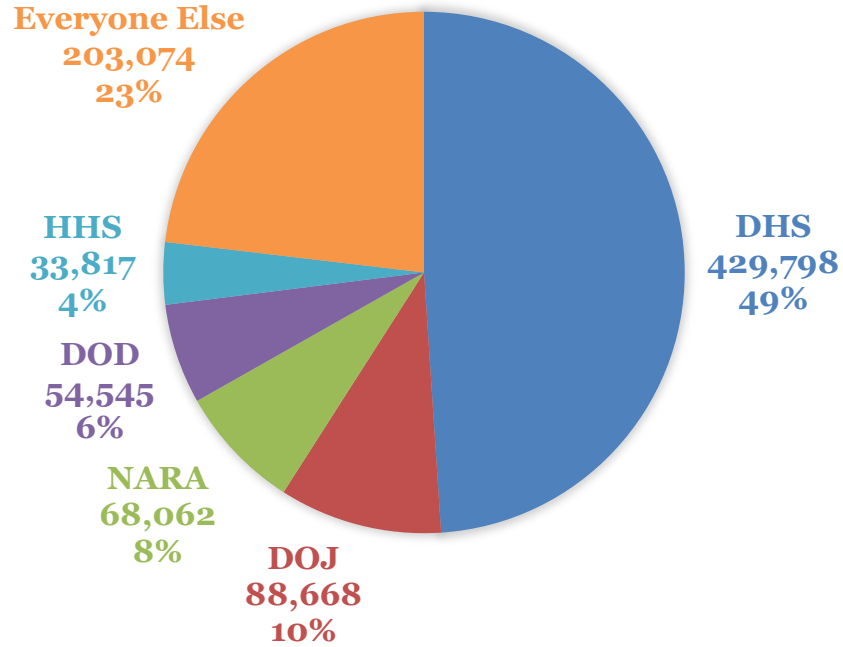


Number of Requests Processed

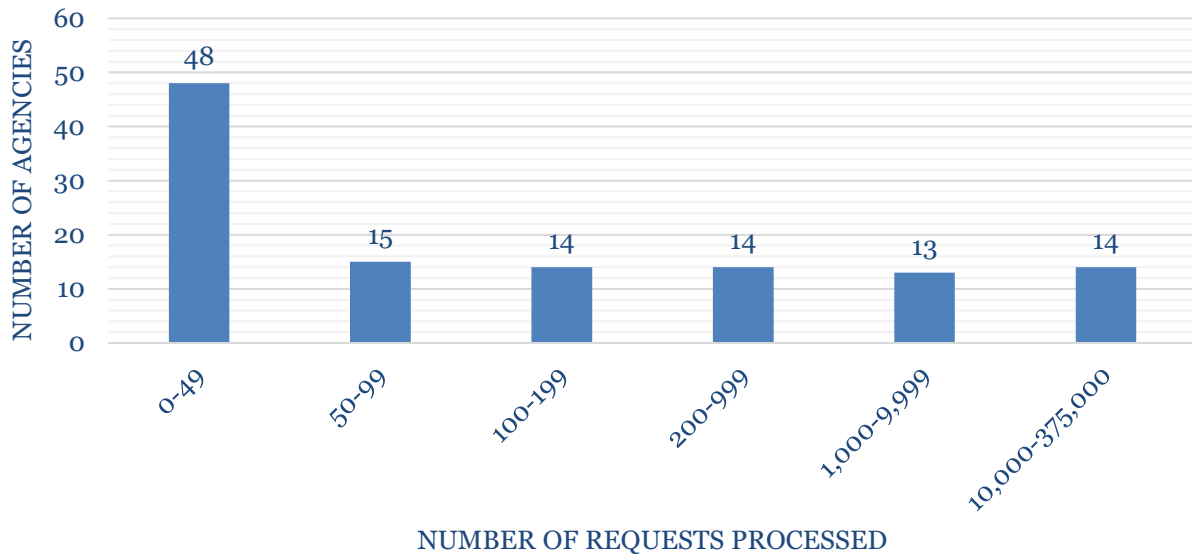
Collectively, the government overall processed 877,964 requests in FY 2019, which is an increase of 5.77% from the previous record-high number of requests processed in FY 2018. This figure is the highest number of FOIA requests ever processed during a fiscal year. Five agencies collectively processed the vast majority of all FOIA requests government-wide.



5 AGENCIES PROCESSED OVER 76% OF FOIA REQUESTS

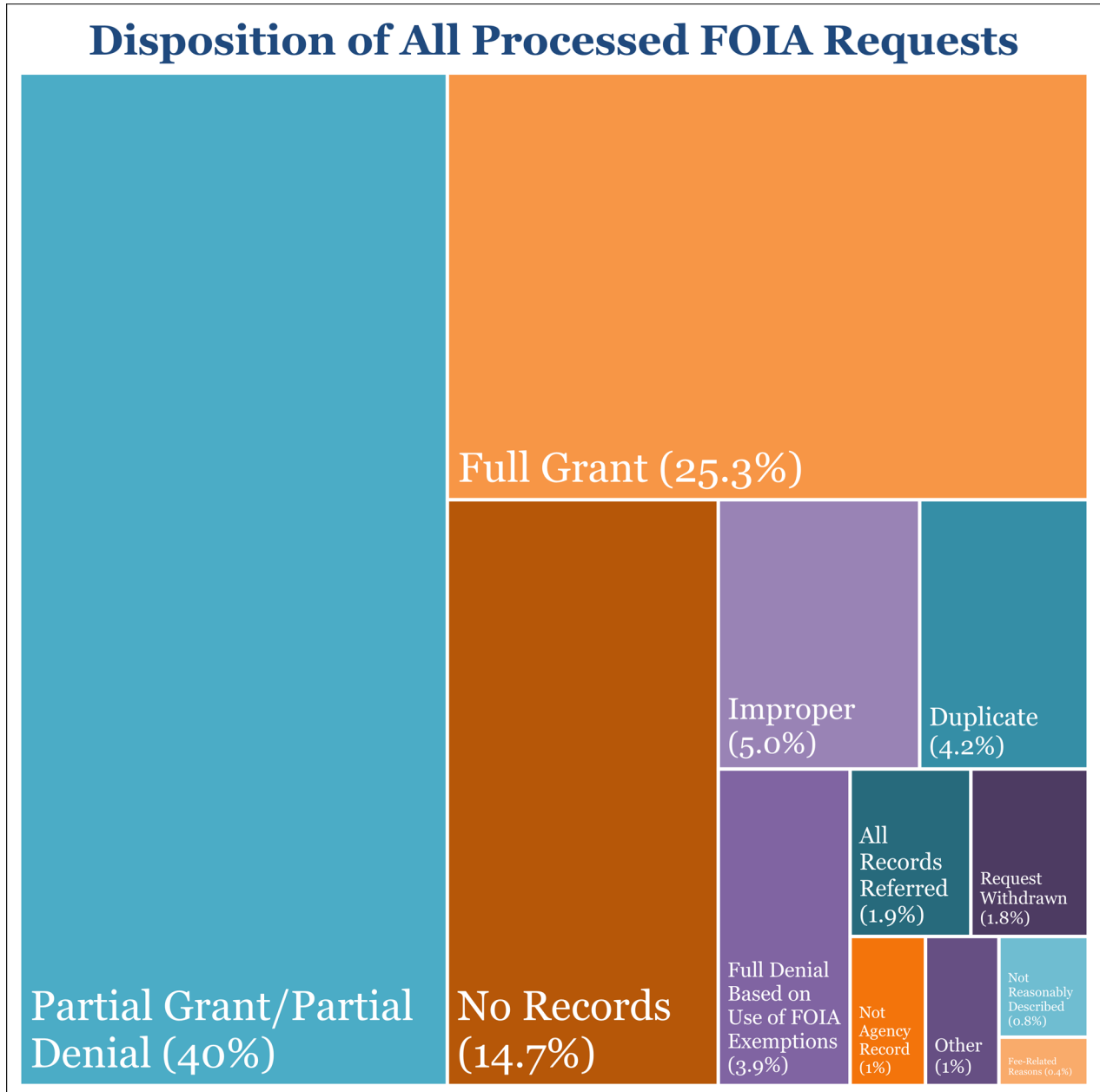


Distribution of Requests Processed



Disposition of Requests

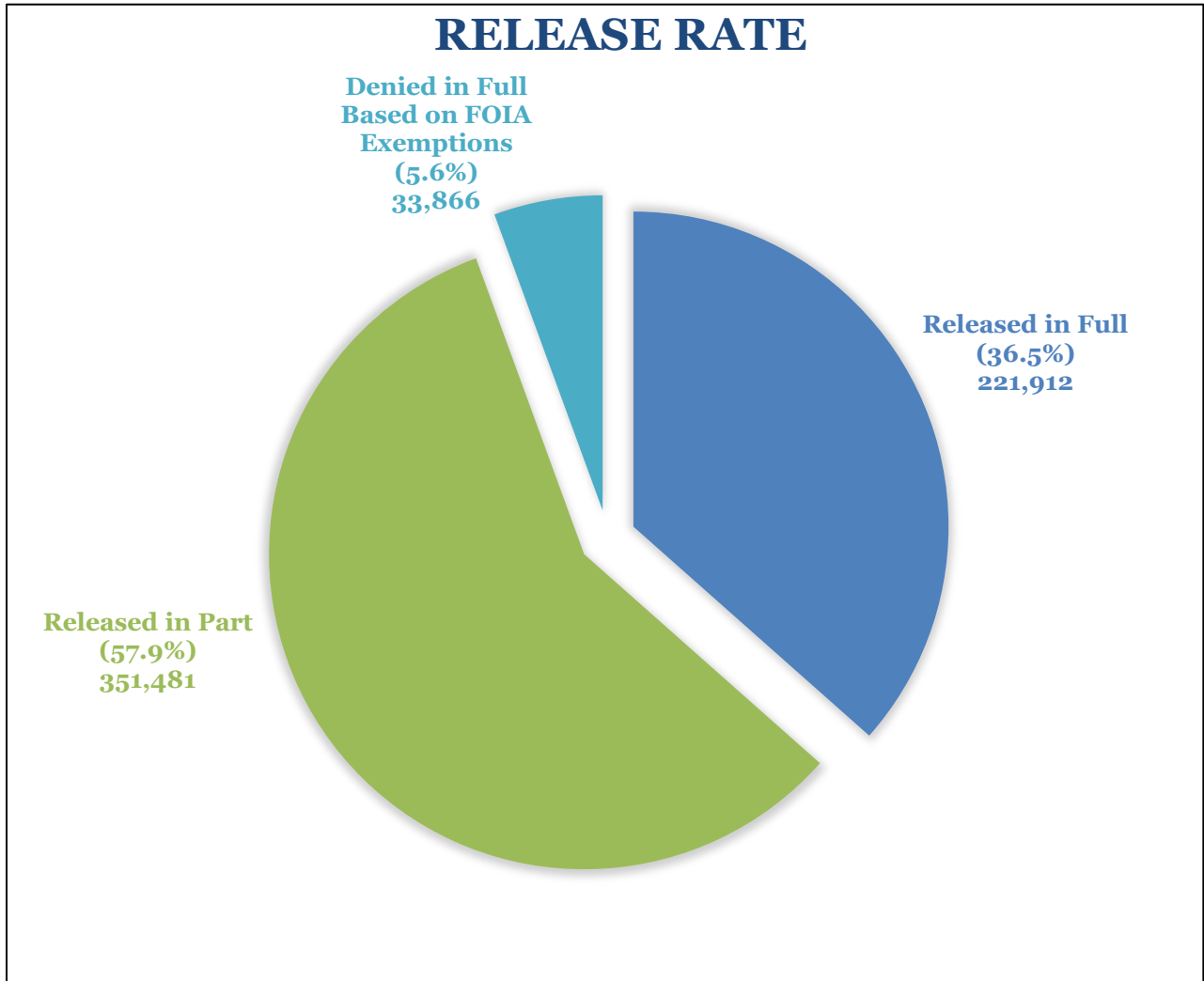
Of the 877,964 requests processed by agencies, 69.2% (607,259) were closed after being substantively processed, with decisions made to release or withhold information based upon the FOIA's exemptions. The remaining requests processed by agencies during FY 2019, 30.8% (270,705), were closed for procedural or administrative reasons.



*Smallest boxes in bottom right hand corner are “Not Reasonably Described” – 0.8% and “Fee-Related Reasons” – 0.4%

Release Rate for Requests Processed for Exemption Applicability

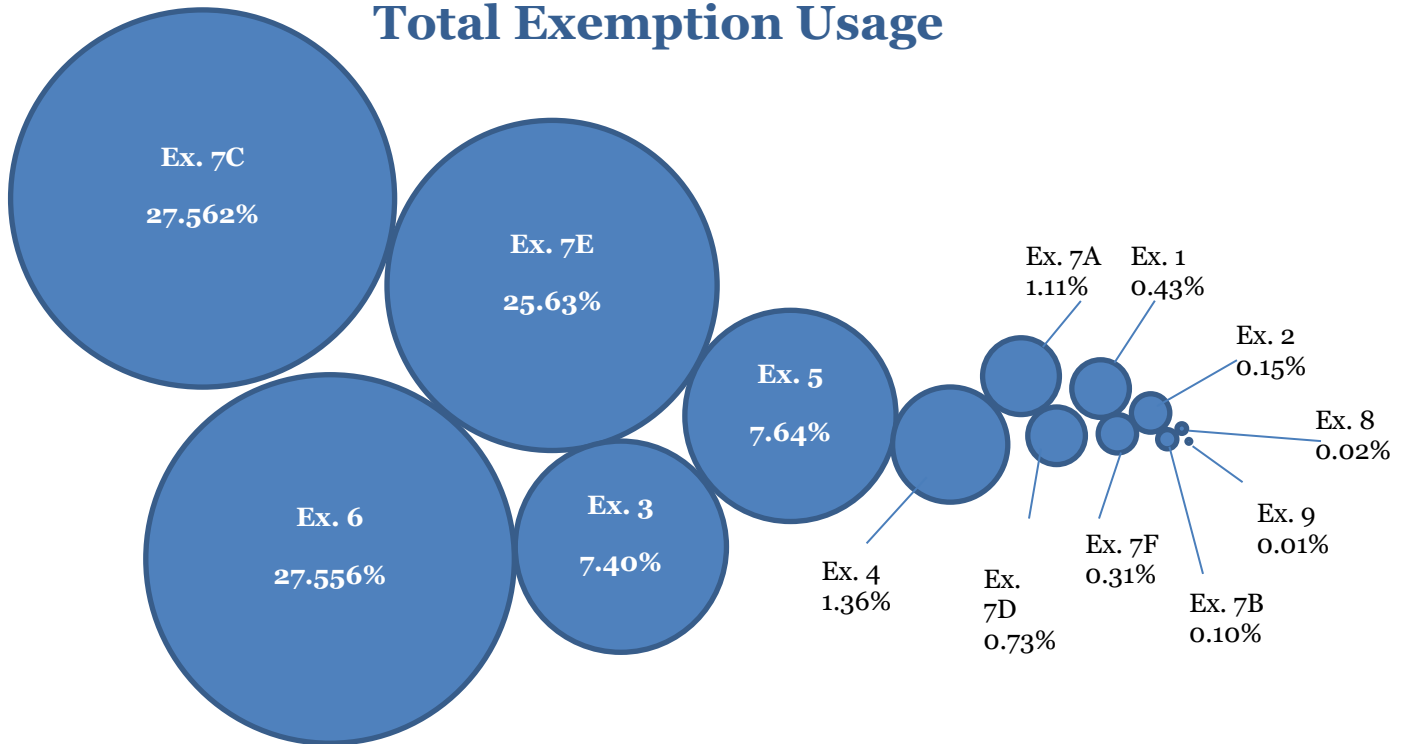
Of the 607,259 requests that were processed for exemption applicability in FY 2019, 94.4% resulted in either a full or partial release of records. As illustrated below, 36.5% were full disclosures, 57.9% were partial disclosures, and 5.6% were full denials based on exemptions.



Use of Exemptions

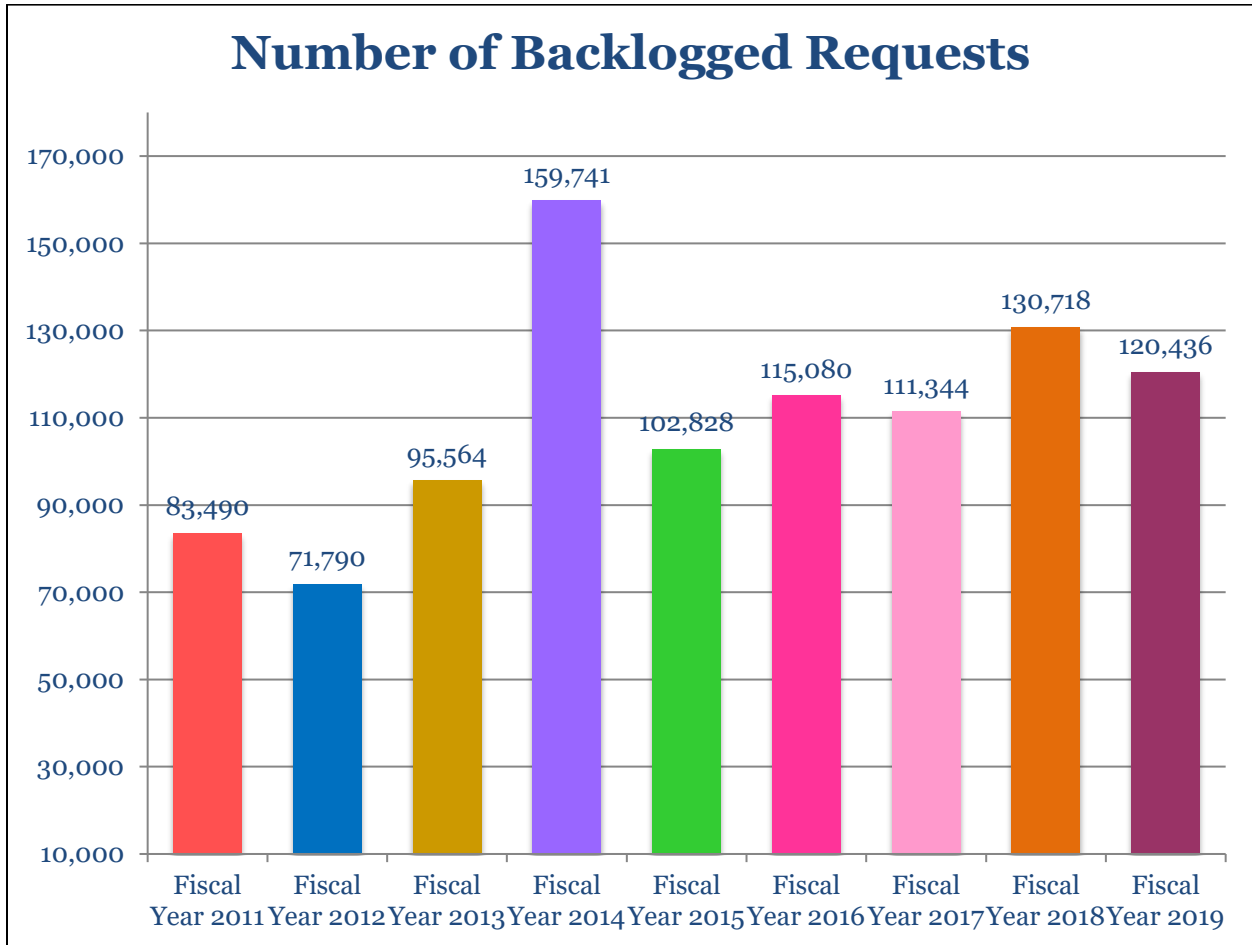
The FOIA includes nine exemptions from disclosure that protect important interests such as national security, personal privacy, and certain law enforcement interests. As has been the case for many years, the FOIA's privacy exemptions, Exemption 7(C) (27.562%) and 6 (27.556%), were the most cited FOIA exemptions in FY 2019, with Exemption 7(C) narrowly being used more frequently than Exemption 6 for the first time since 2013. Over half of the exemptions cited by agencies were those two exemptions. Exemption 7(E) (25.63%), which protects law enforcement techniques, procedures, and guidelines, was the third most used exemption.

Total Exemption Usage



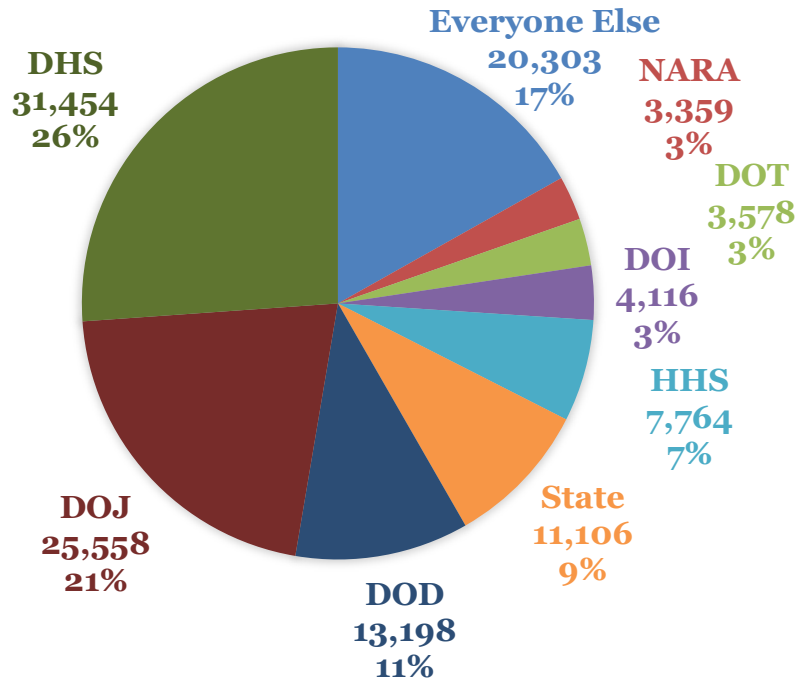
Backlogged Requests

The total number of backlogged requests across the government at the end of FY 2019 was 120,436, which is a 7.9% decrease from the number of backlogged requests reported at the end of FY 2018.¹

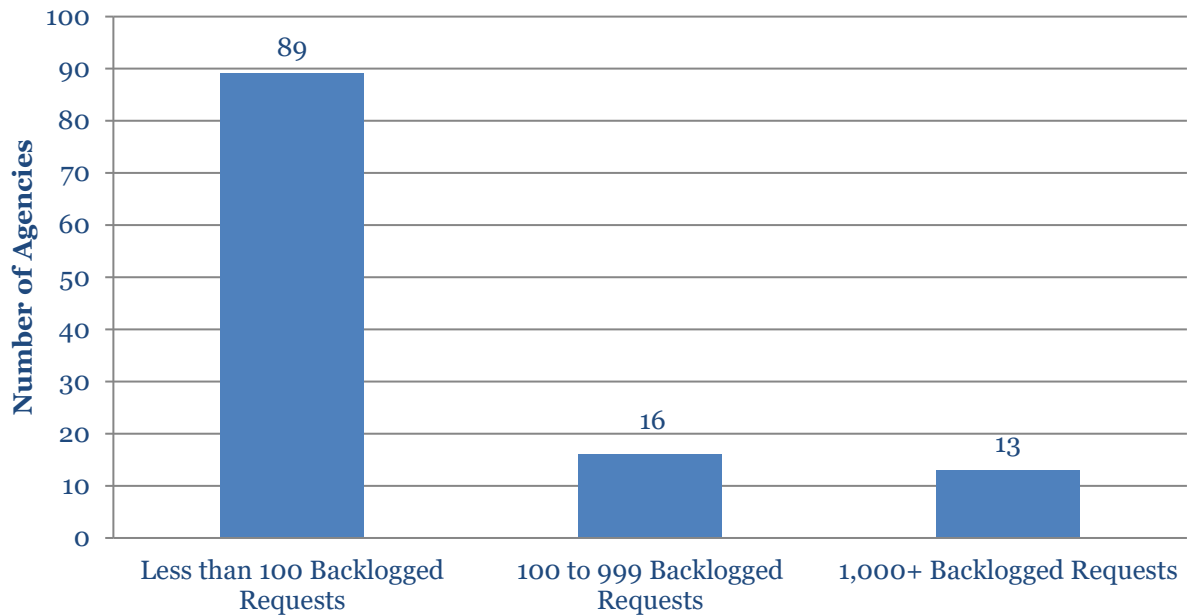


¹ A request is reported as “backlogged” when it has been pending at an agency longer than the statutory time period of twenty working-days or, if unusual circumstances are present, up to thirty working-days.

8 AGENCIES ACCOUNT FOR OVER 83% OF BACKLOGGED REQUESTS



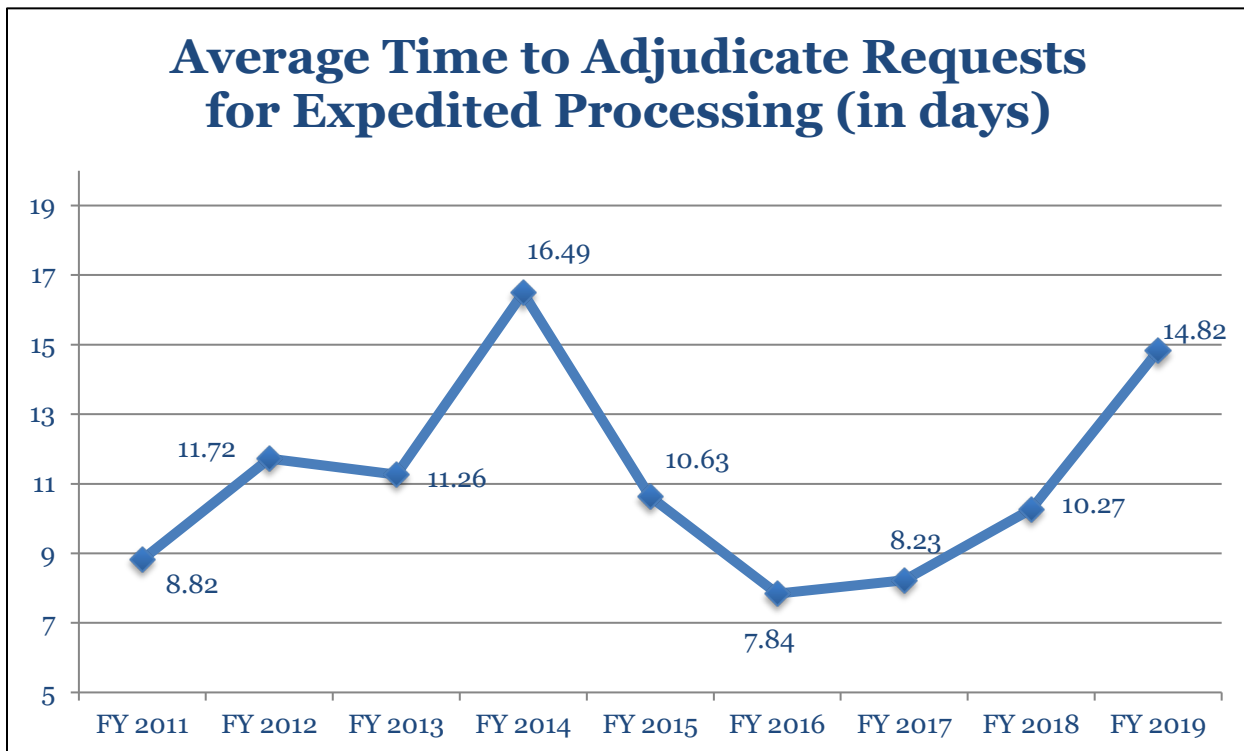
Distribution of Backlogged Requests



Requests for Expedited Processing

In FY 2019, the government overall made a decision to grant or deny 15,241 requests for expedited processing. This is a slight decrease in both grants and denials from the total number of expedited processing determinations made during FY 2018 (15,403).

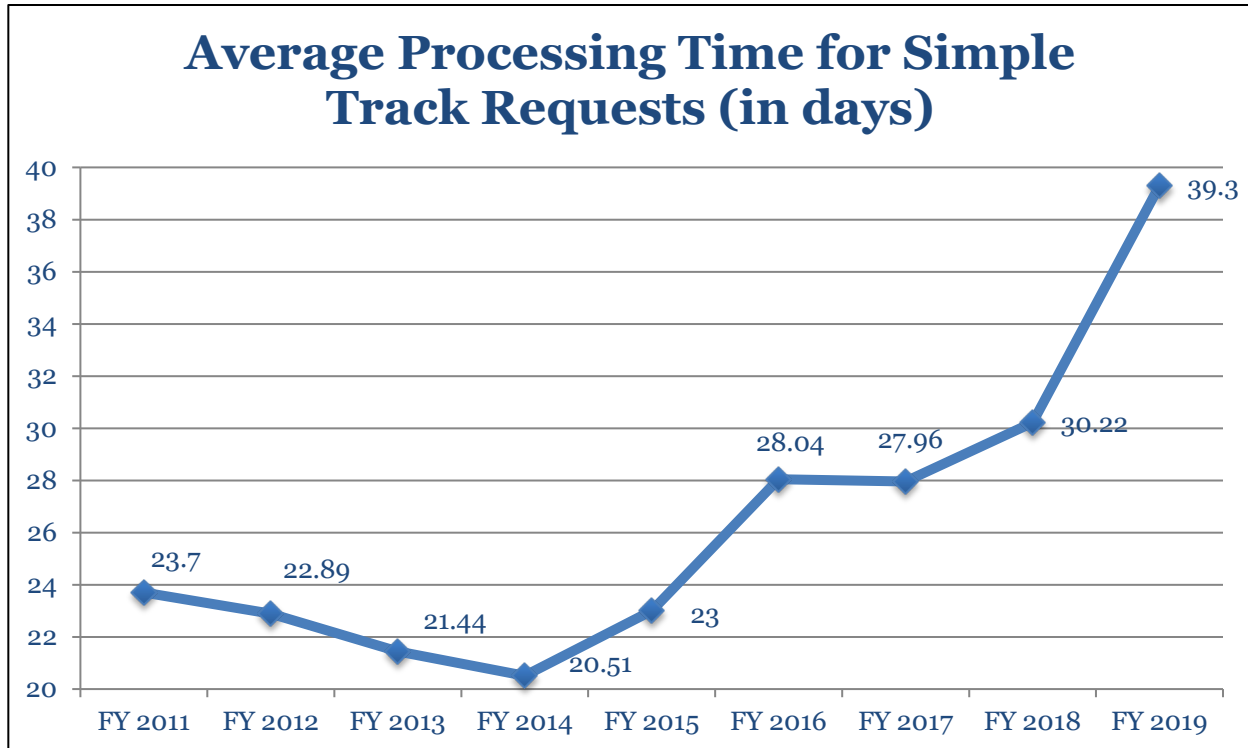
Across the government, agencies averaged 14.82 days to adjudicate requests for expedited processing.² In total, agencies adjudicated 69.8% (10,641) of all requests for expedited processing made during FY 2019 within ten calendar days.



² The data in this chart has been corrected to account for minor calculation differences in earlier years.

Average Processing Time for Simple Requests

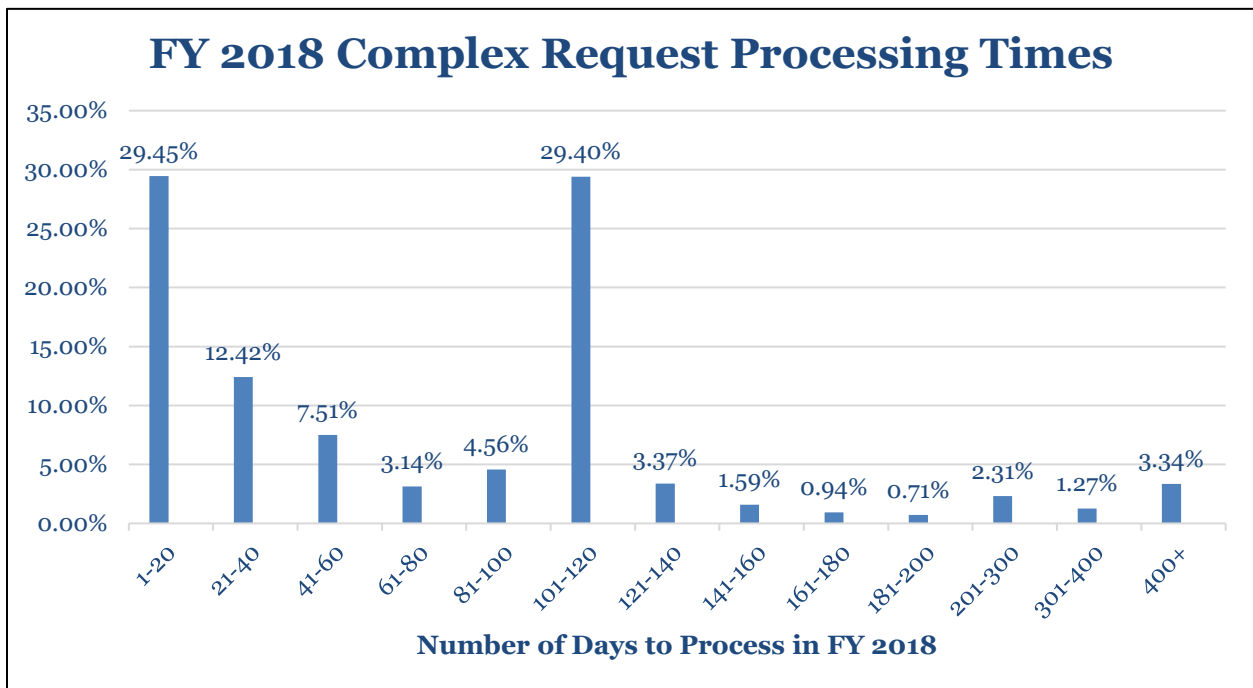
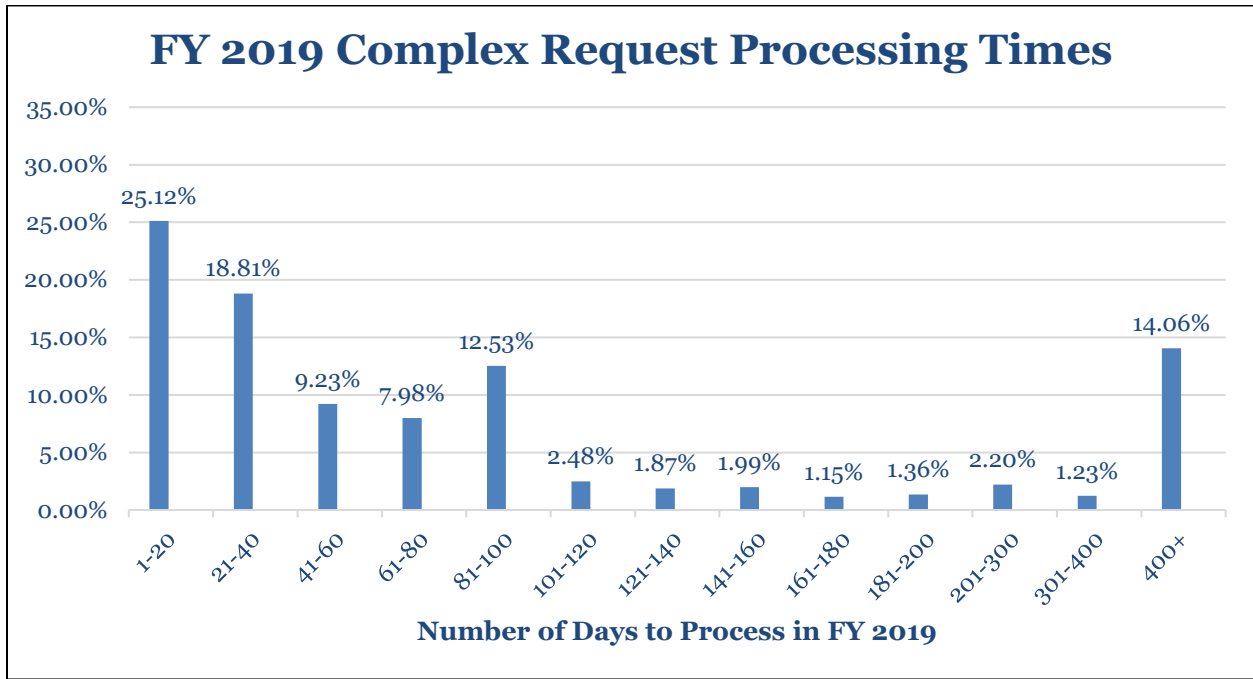
The average processing time for simple track requests for agencies that reported data in this field in their FY 2019 Annual FOIA Report was 39.30 days.³ This is an increase of nearly ten days from the FY 2018 average of 30.22 days. Seventy agencies, including five departments – Education, HHS, Interior, Treasury, and Transportation – reported processing their simple track requests within an average of twenty days or less. Eight agencies, including DOD, DOL, and USDA reported processing these requests between an average of 20.11 days and 29.6 days.



³ The data in this chart has been corrected to account for minor calculation differences in earlier years. 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

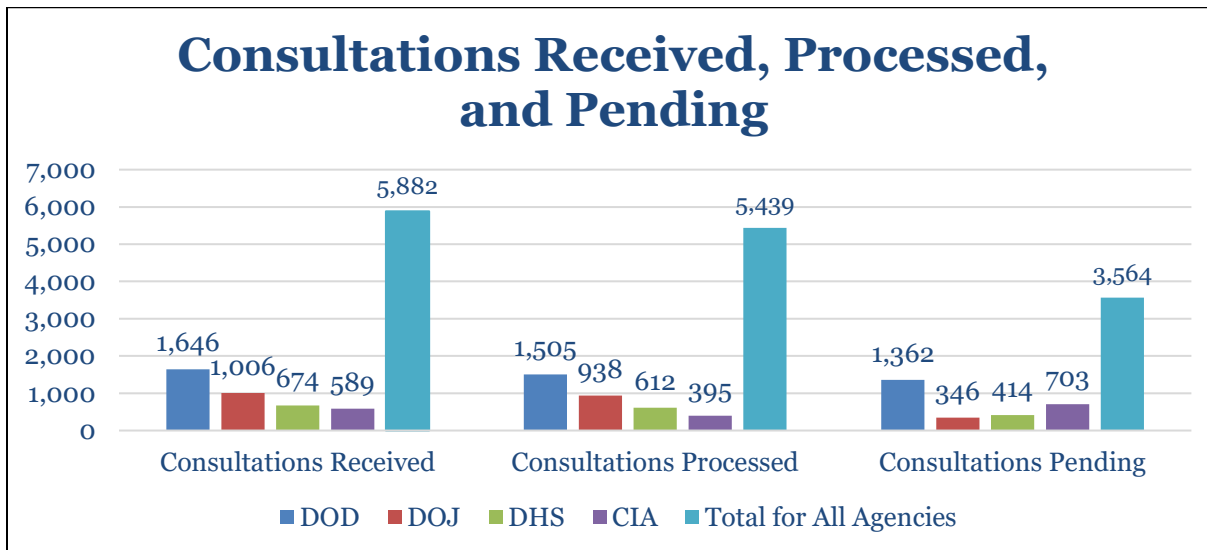
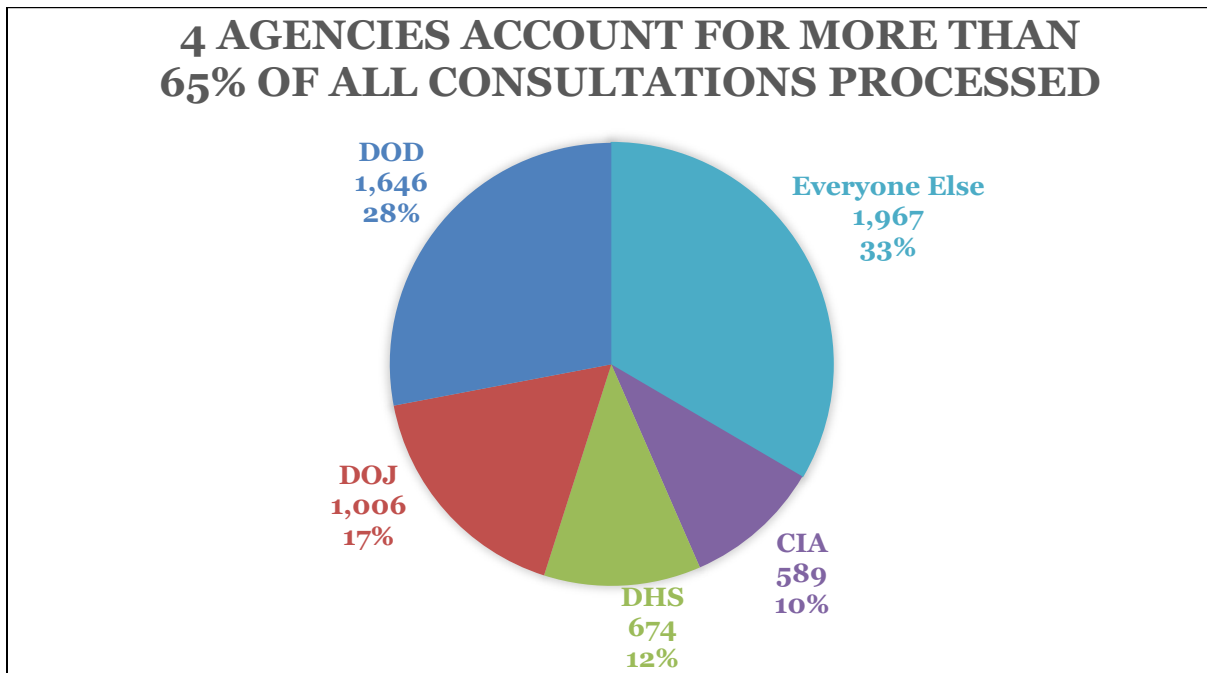
Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations. Complex requests often take longer to process than more targeted “simple” requests. Notable for FY 2019, the proportion of complex requests processed in fewer than 100 days increased by nearly 30% as compared to FY 2018.



CONSULTATIONS ON FOIA REQUESTS

Consultations Received, Processed, and Pending

During FY 2019, seventy 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 5,882 consultations were received by agencies in FY 2019, with DOD, DOJ, DHS, and CIA receiving and processing the majority of consultations.



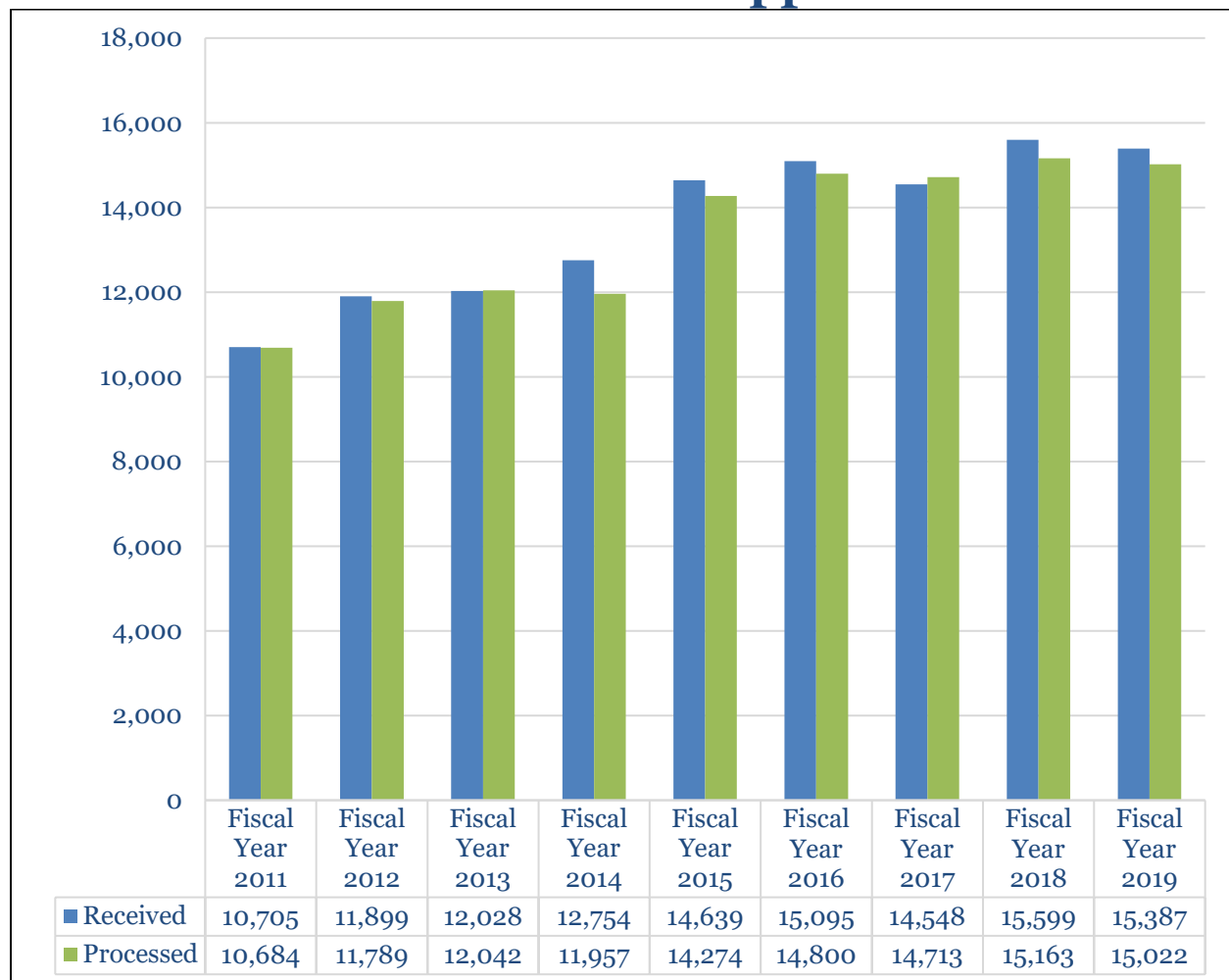
ADMINISTRATIVE APPEALS

Number of Administrative Appeals Received and Processed

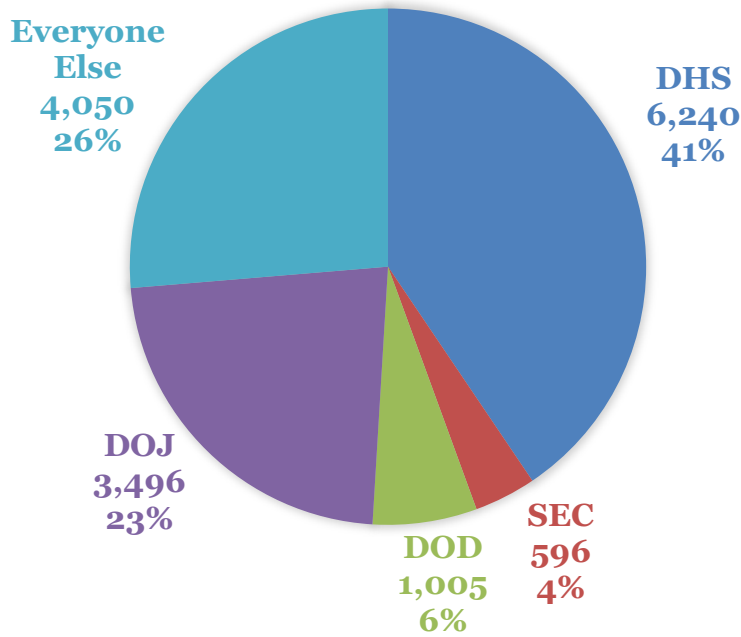
In FY 2019, the government overall received 15,387 appeals, which is a slight decrease from the 15,599 appeals received in FY 2018. Forty-one agencies received no appeals during the fiscal year.

The government overall processed 15,022 appeals during FY 2019, which is a slight decrease from the 15,163 processed during FY 2018, yet the fifth consecutive year that over 14,000 appeals have been processed. The three agencies that received the most appeals also processed the most appeals: DHS (6,241), DOJ (3,209), and DOD (950). These three agencies together processed 69.2% of the total number of appeals processed by the entire government in FY 2019.

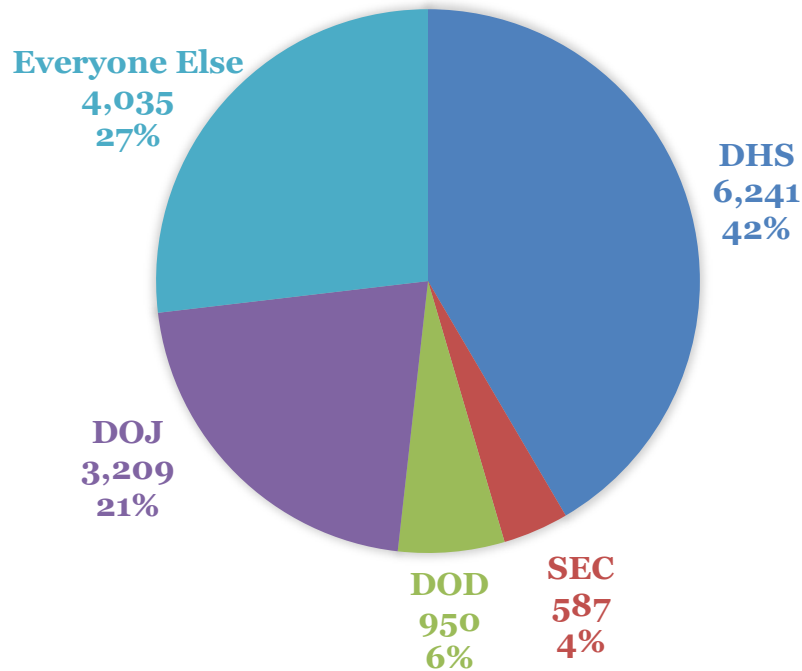
Administrative Appeals

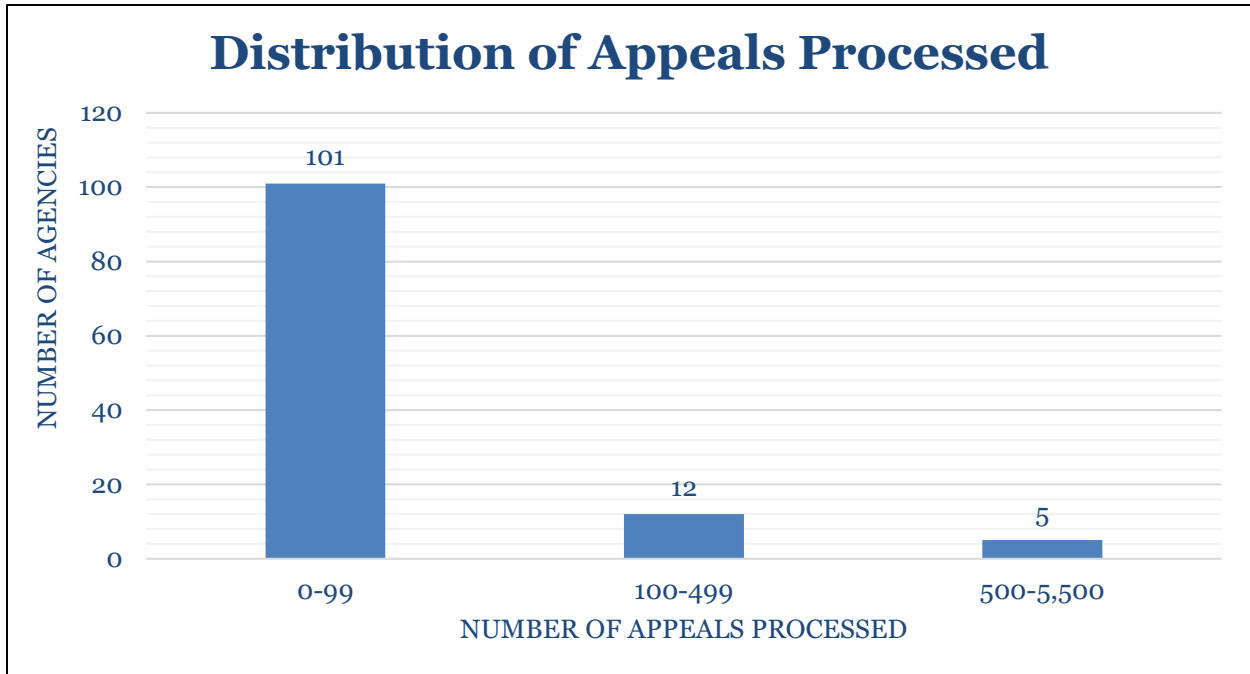


4 AGENCIES RECEIVED 74% OF FOIA APPEALS



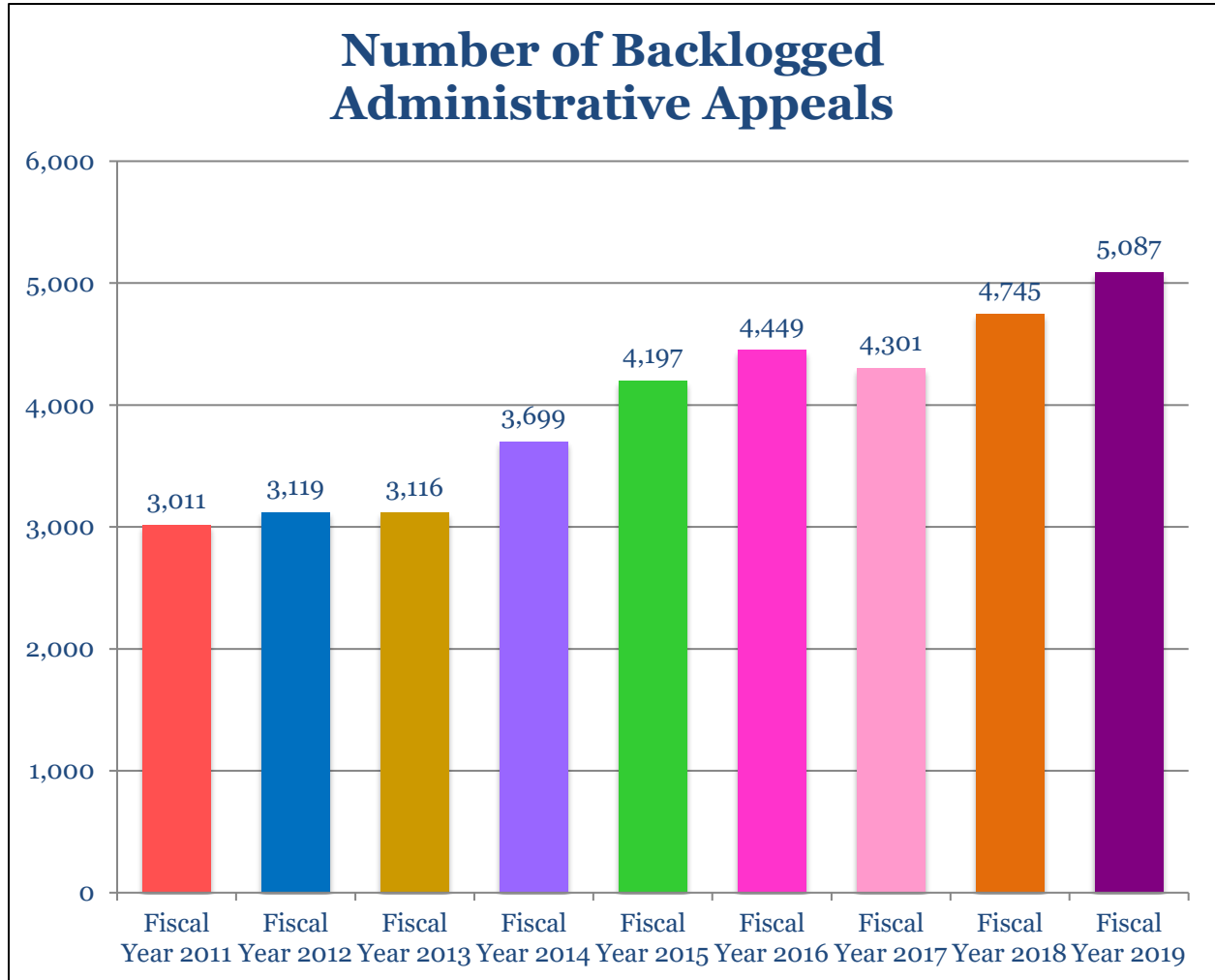
4 AGENCIES PROCESSED OVER 73% OF FOIA APPEALS



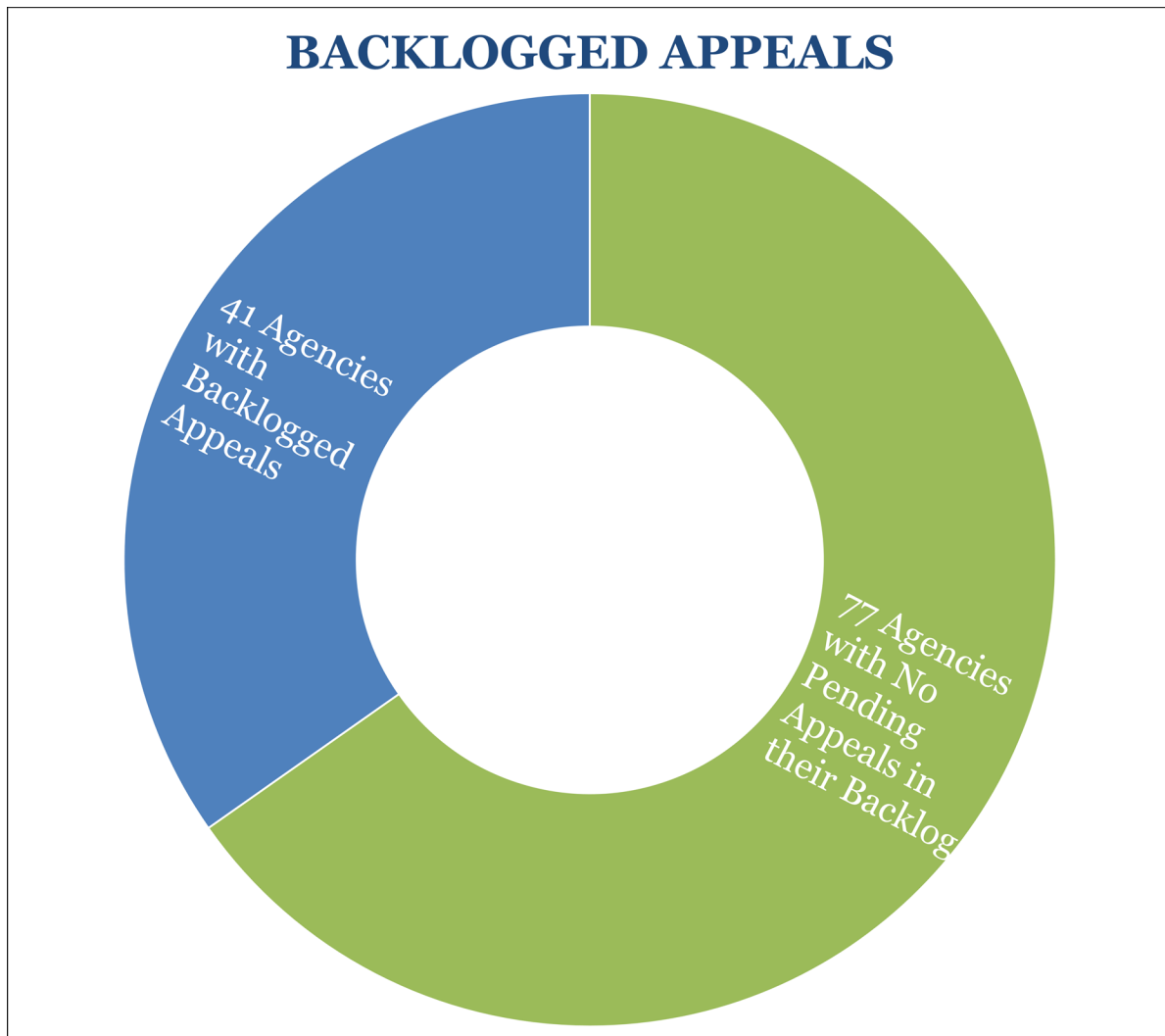


Backlogged Administrative Appeals

The overall backlog of administrative appeals at the end of FY 2019 was 5,087, which is an increase of 342 appeals (+ 6.72%).



Seventy-seven of the 118 agencies subject to the FOIA closed FY 2019 with no pending appeals in their backlog.

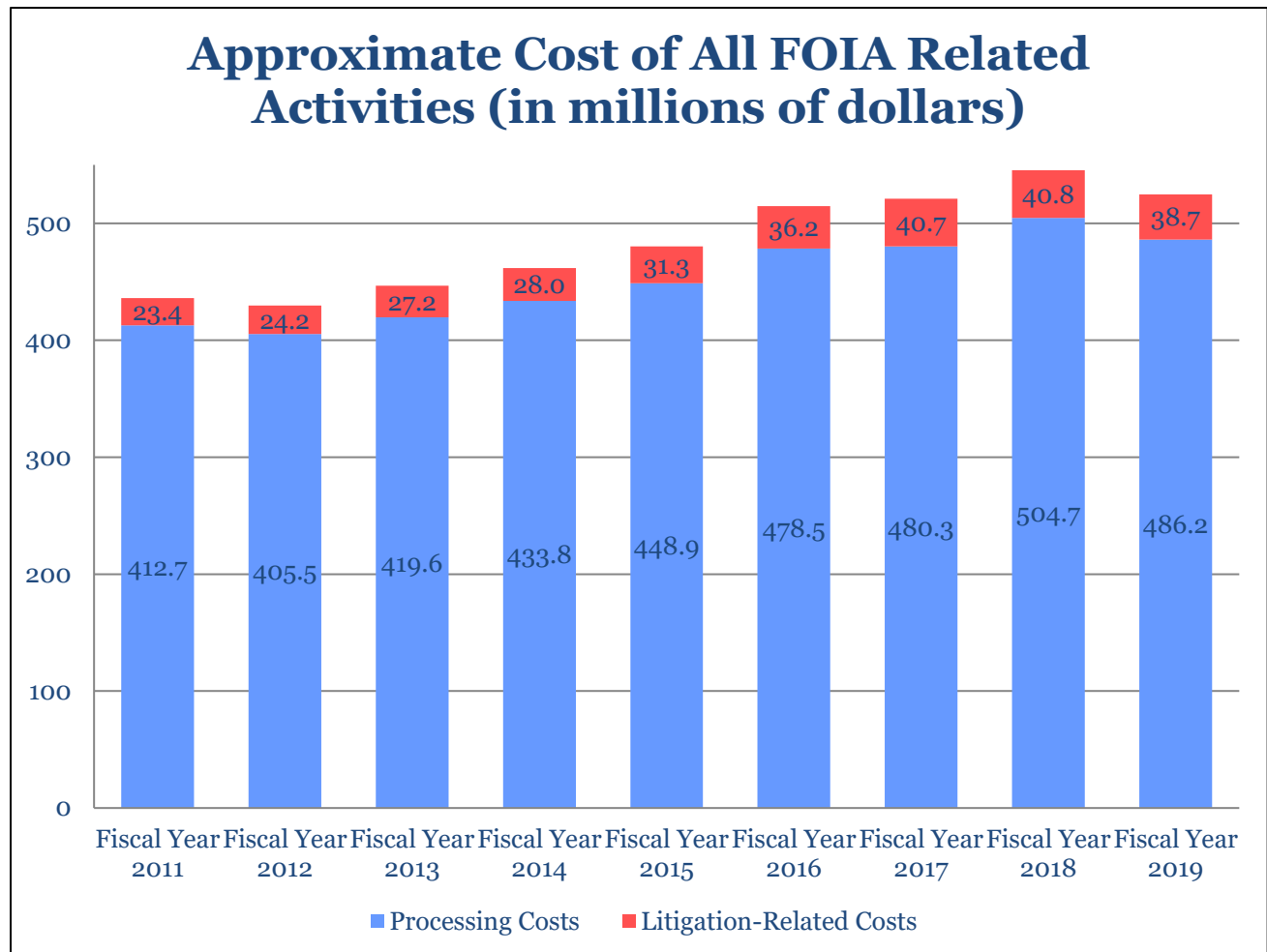


Processing Time for Administrative Appeals

The average processing time for adjudicating appeals for those agencies that reported data in this field of their FY 2019 Annual FOIA Report is 99.99 days. This is an increase of 13.96 days from the average of 86.03 days reported in FY 2018. The average processing time for the agencies that processed the most appeals were 28.0 days (DHS), 71.65 days (DOJ), and 148.89 days (DOD).

STAFFING LEVELS & COSTS

During FY 2019, 5,002.25 “full-time FOIA staff” were devoted to the administration of the FOIA throughout the government.⁴ The total estimated cost of all FOIA related activities across the government was \$524,904,712.10. Over 92% (\$486,194,199.50) of the total costs was attributed to the administrative processing of requests and appeals by agencies. Roughly 7.4% was reported to have been spent on litigation-related activities. By the end of the fiscal year, agencies reported collecting a total of \$2,547,638.48 in FOIA fees. The FOIA fees collected in FY 2019 amounts to less than 0.5% of the total costs related to the government’s FOIA activities.



⁴ 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 2019, exclusions were invoked by only four agencies, DOJ (177), SEC (10), NLRB (1), and GSA (1). When compared to the 607,259 requests reviewed by the government this past fiscal year for exemption applicability, exclusions were used in response to 0.03% of requests processed for disclosure.

PROACTIVE DISCLOSURES

Approximately 114,200,536 records that qualified as subsection (a)(2) records were posted online during FY 2019. Over 99% (113,991,131) of these records were made available by agency program offices outside of the FOIA office. NARA (76,173,524) reported the highest number of proactive disclosures in this category. The FOIA offices across the government reported posting 209,405 subsection (a)(2) records online. Among the FOIA offices, DHS (166,605) reported posting the highest number of proactive disclosures.

CONCLUSION

During Fiscal Year 2019, the government continued to receive over 800,000 FOIA requests for the third consecutive year. Notably, in response, agencies processed a record high 877,964 requests, which contributed to a backlog reduction of about 8%. These accomplishments were particularly noteworthy given that agencies experienced a thirty-five day government shutdown during FY 2019, leading to some unavoidable increases in processing times. Looking ahead, agencies face new challenges in the current fiscal year due to the impacts of various necessary workplace precautions to protect public health and safety in light of the recent COVID-19 pandemic. As agencies work to overcome these challenges, we should all continue to focus on several key metrics in maintaining the success of our FOIA programs, including processing times for simple track requests and continuing to reduce the size and age of our FOIA backlogs. While events such as the government shutdown in FY 2019, and the COVID-19 pandemic in FY 2020, can significantly impact agencies' FOIA administration, agencies should continue to carefully monitor the progress of their FOIA programs and devise short and long term plans aimed at achieving measurable results.