



# Summary of Annual FOIA Reports for Fiscal Year 2022

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Highlights of Key Governmentwide FOIA Data

## SUMMARY OF ANNUAL FOIA REPORTS FOR FISCAL YEAR 2022

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 published all of the data from agencies' FY 2022 Annual FOIA Reports on [FOIA.gov](https://www.foia.gov). There, this data can easily be viewed online, compared with data from previous fiscal years and across different agencies, and downloaded in an open format (CSV). The purpose of this summary is to provide an overall picture of FOIA activities across the government.

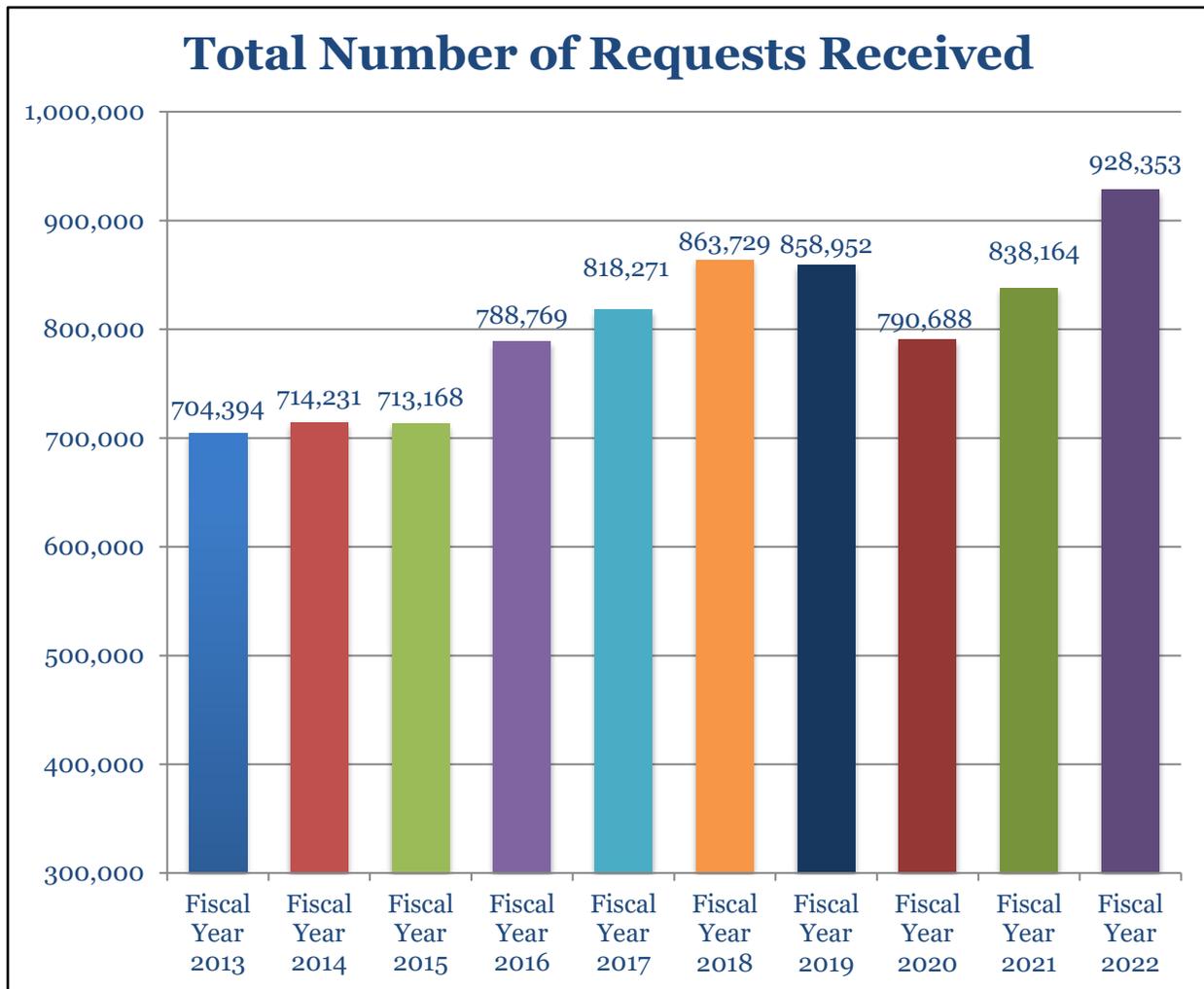
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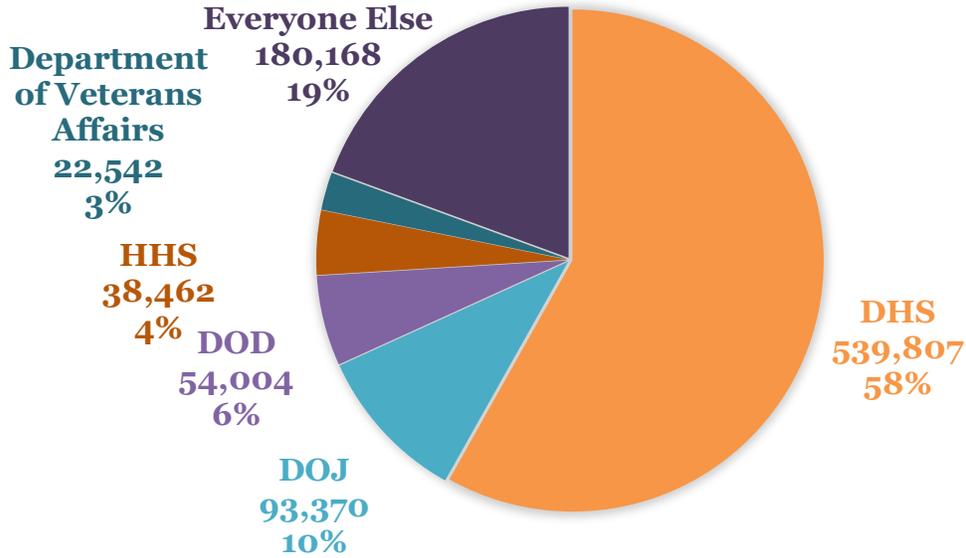
## FOIA REQUESTS

### Number of Requests Received

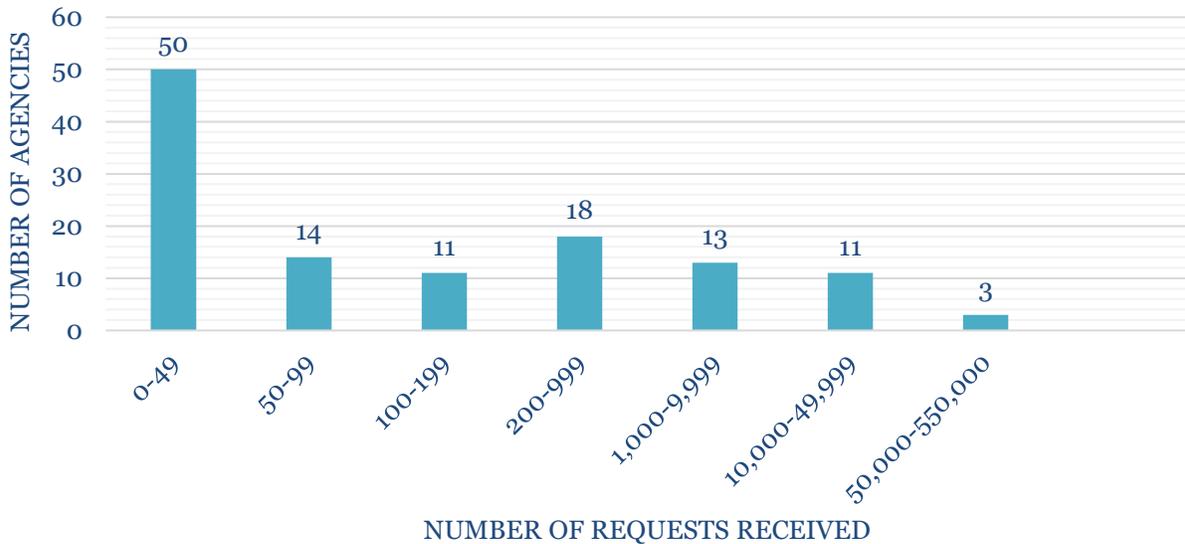
In FY 2022, 120 federal agencies were subject to the FOIA. The federal government overall received a record high total of 928,353 FOIA requests. This is about an 11% increase from the number of requests received in FY 2021. Specifically, this is an increase of 90,189 requests from FY 2021. As illustrated below, five agencies collectively received the vast majority (80%) of all FOIA requests governmentwide.



## 5 AGENCIES RECEIVED MORE THAN 80% OF ALL FOIA REQUESTS

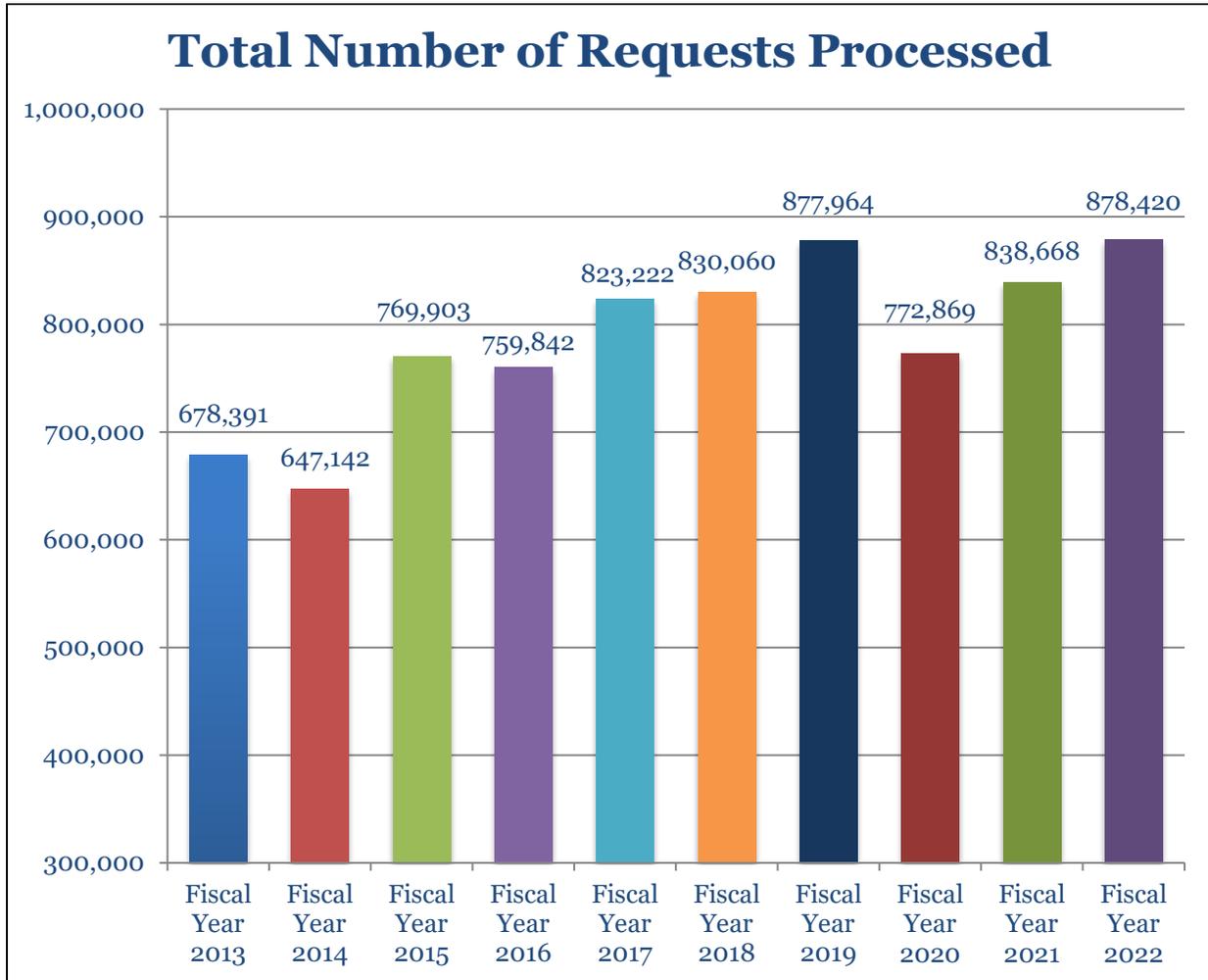


## Distribution of Requests Received

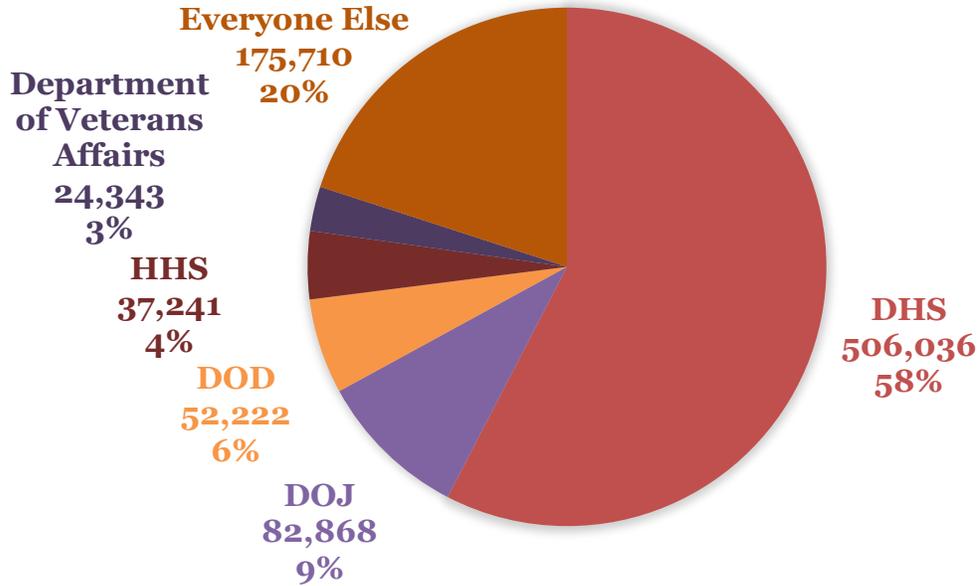


## Number of Requests Processed

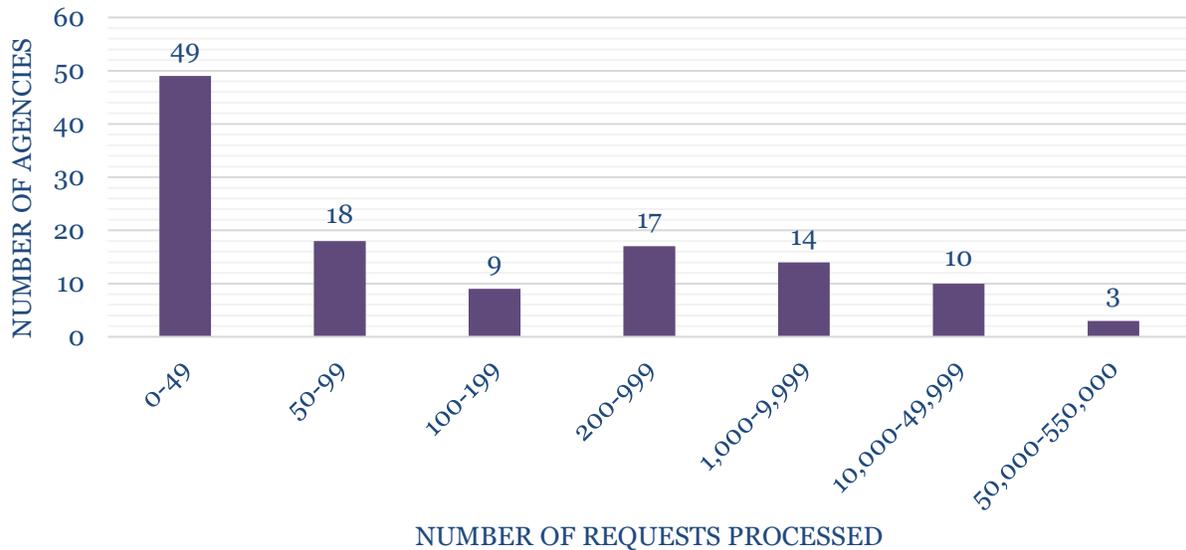
Collectively, the government overall processed 878,420 requests in FY 2022, which is an increase of 4.73% from FY 2021. The same five agencies that received the most FOIA requests also collectively processed the vast majority (80%) of FOIA requests governmentwide.



## FIVE AGENCIES PROCESSED 80% OF FOIA REQUESTS

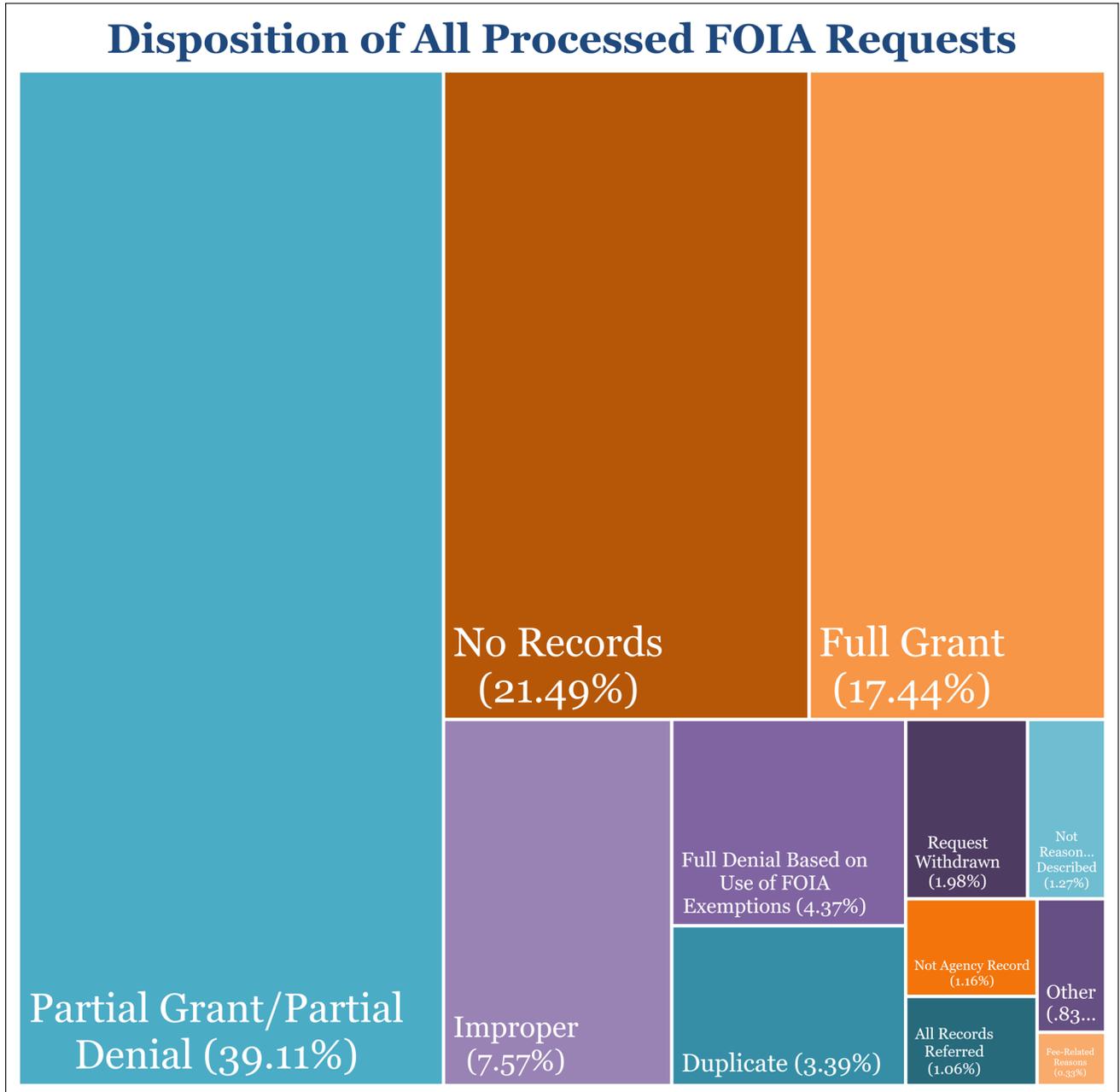


## Distribution of Requests Processed



## Disposition of Requests

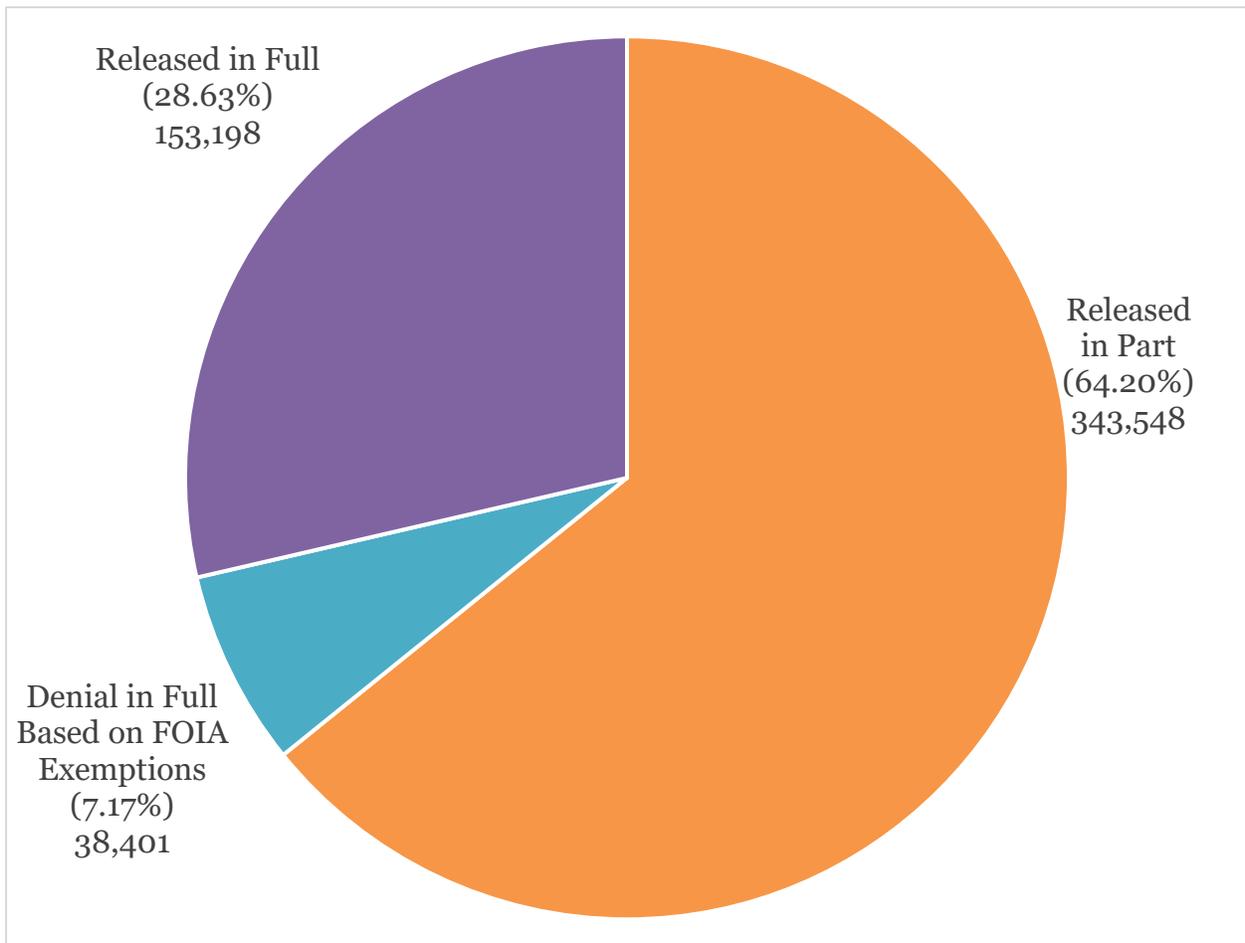
Of the 878,420 requests processed by agencies, 60.92% (535,147) were closed after being substantively processed, with decisions made to release or withhold information based upon the FOIA's exemptions. The remaining requests processed by agencies during FY 2022, 39.08% (343,269), were closed for procedural or administrative reasons.



\*Smallest boxes in bottom right hand corner are “Not Reasonably Described” – 1.27%; Other – .83%; and “Fee-Related Reasons” – 0.33%

## Release Rate for Requests Processed for Exemption Applicability

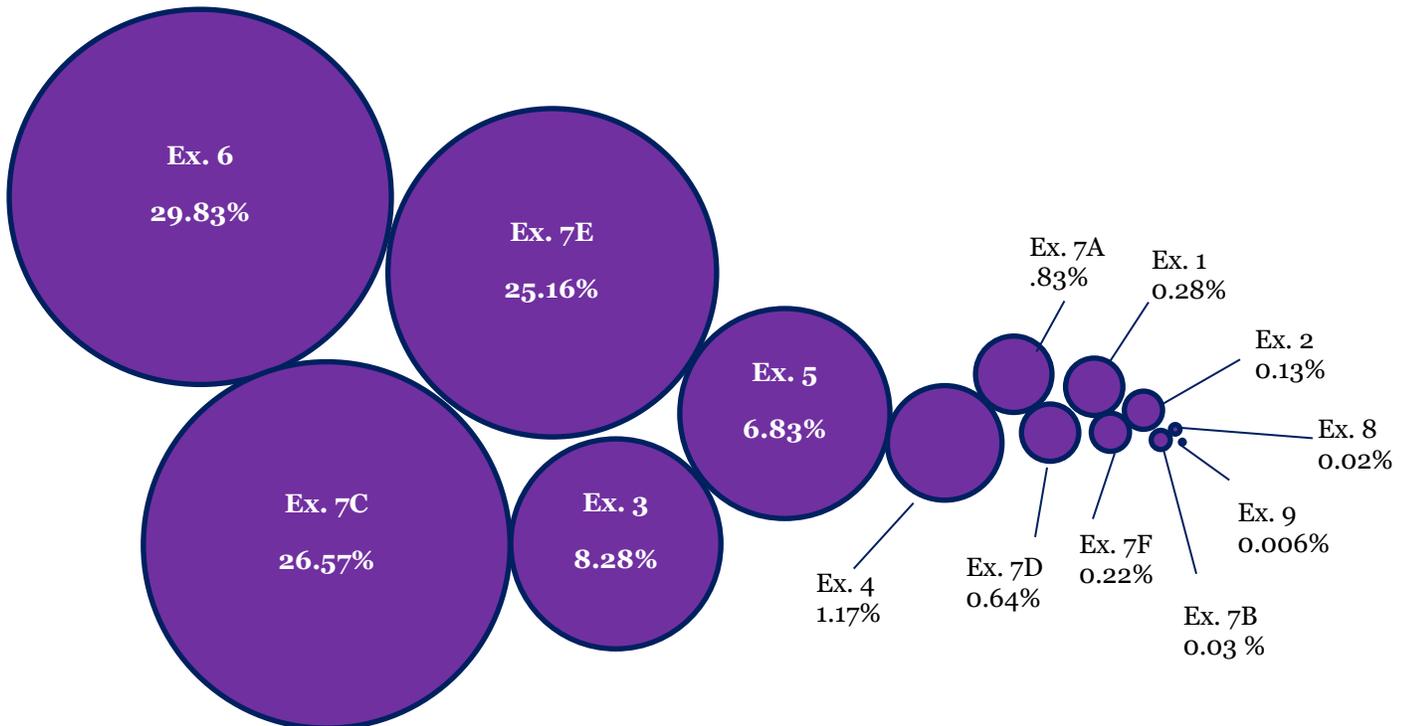
As noted above, of the 878,420 requests processed by agencies, 60.92% (535,147) were closed after being substantively processed, with decisions made to release or withhold information based upon the FOIA's exemptions. Of the 535,147 requests that were processed for exemption applicability in FY 2022, 92.82% (496,746) resulted in either a full or partial release of records. Of those requests, as illustrated below, 28.63% were full disclosures, 64.2% were partial disclosures, and 7.17% were full denials based on exemptions.



## Use of Exemptions

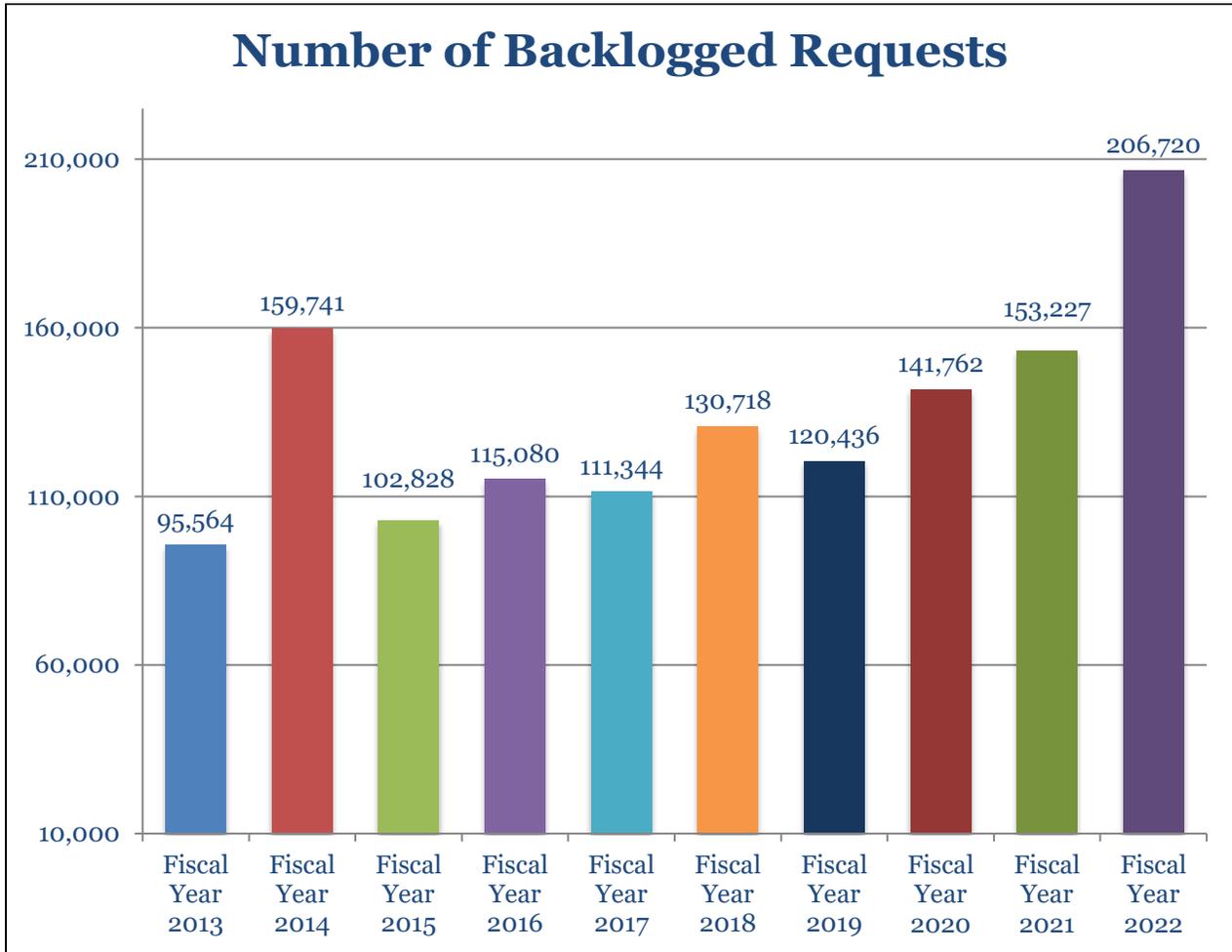
The FOIA includes nine exemptions from disclosure that protect important interests such as national security, personal privacy, and certain law enforcement interests. As has been the case for many years, the FOIA's privacy exemptions, Exemption 6 (29.83%), which protects information that, if disclosed, would invade another individual's personal privacy, and 7(C) (26.57%), which protects information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy, were the most cited FOIA exemptions in FY 2022. Over half of the exemptions cited by agencies were those two exemptions. Exemption 7(E) (25.16%), which protects law enforcement techniques, procedures, and guidelines, was the third most used exemption.

## Total Exemption Usage



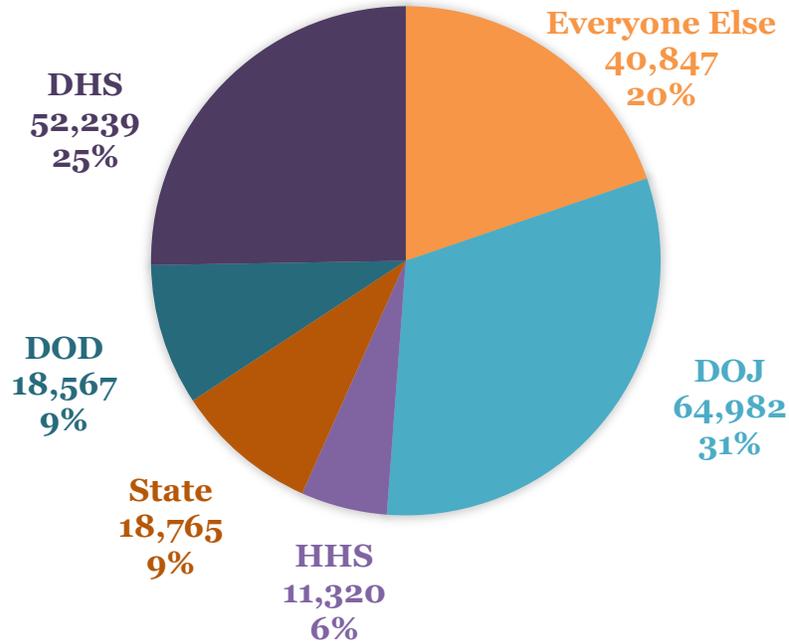
## Backlogged Requests

The total number of backlogged requests across the government at the end of FY 2022 was 206,720, which is a 34.91% increase from the number of backlogged requests reported at the end of FY 2021.<sup>1</sup>

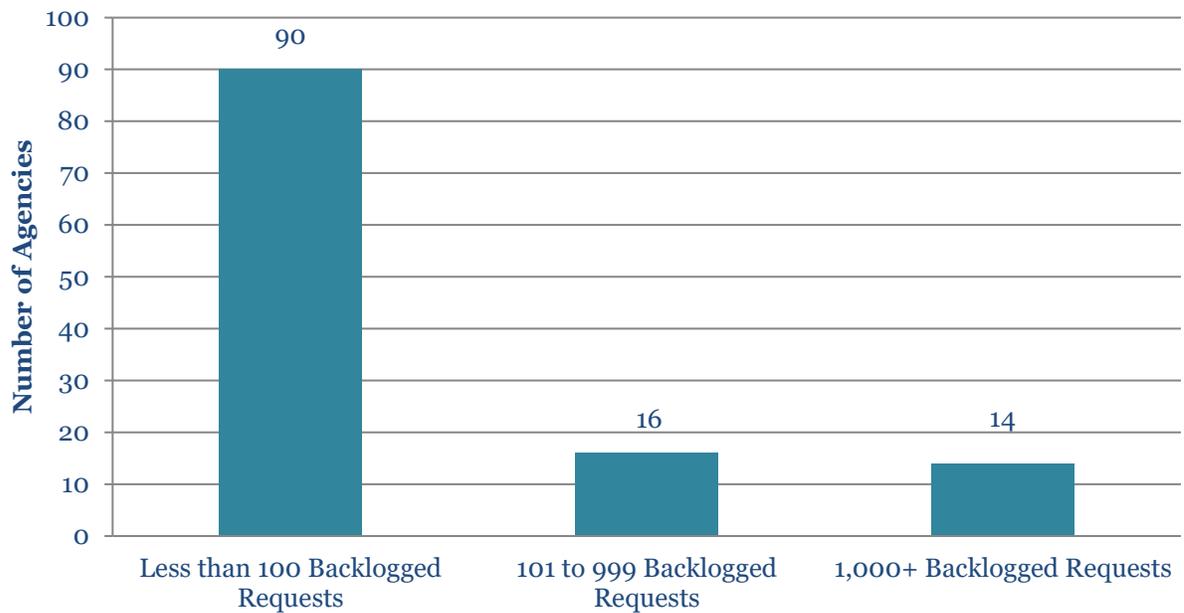


<sup>1</sup> A request is reported as “backlogged” when it has been pending at an agency longer than the statutory time period of twenty working-days or, if unusual circumstances are present, up to thirty working-days.

## 5 AGENCIES ACCOUNT FOR 80% OF BACKLOGGED REQUESTS



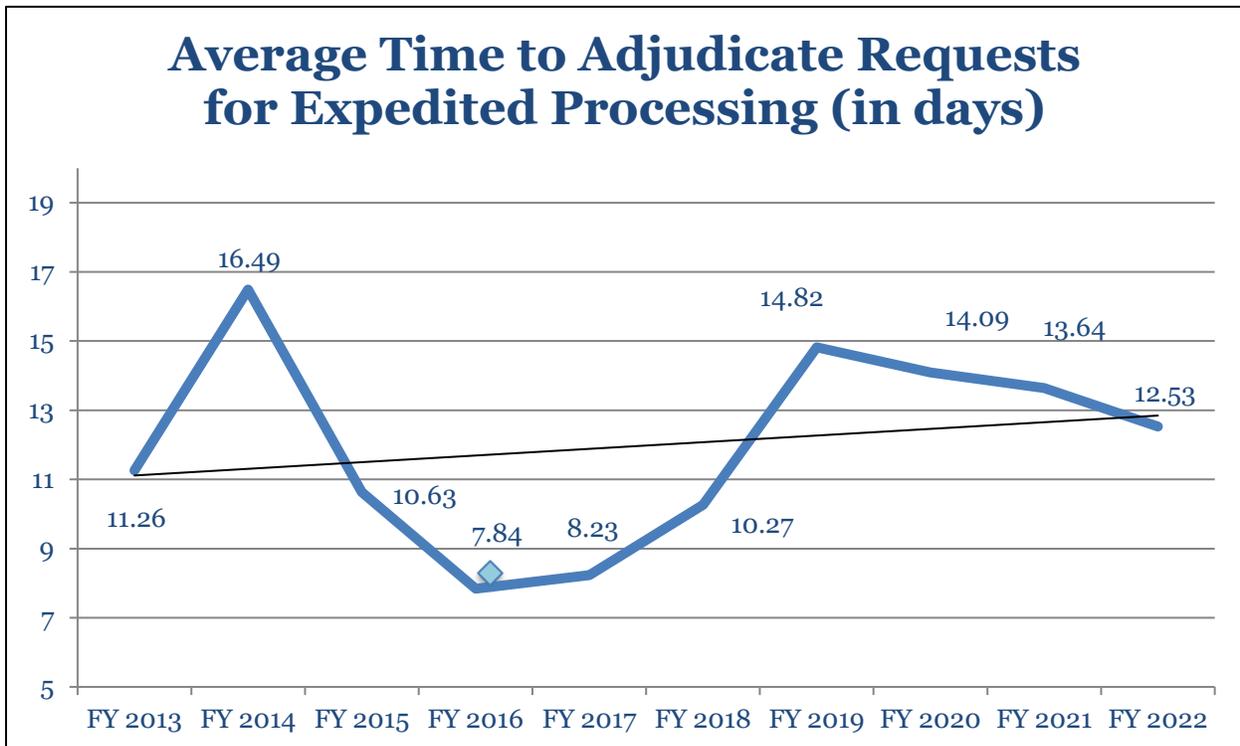
## Distribution of Backlogged Requests



## Requests for Expedited Processing

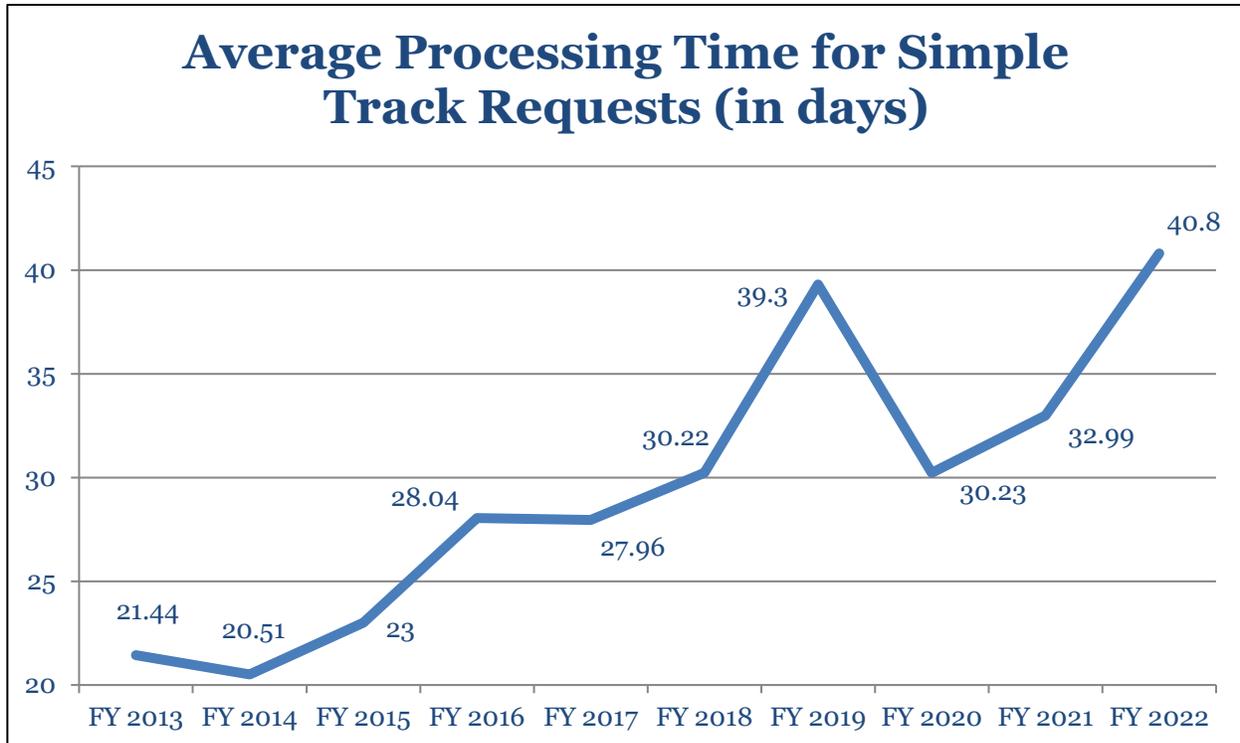
In FY 2022, the government overall made a decision to grant or deny 40,268 requests for expedited processing. This is a 24.55% increase (7,937) from the total number of expedited processing determinations made during FY 2021 (32,331).

For the fourth year in a row, and despite an increase in the number of requests for expedited processing, the average number of days to adjudicate requests for expedited processing decreased across the government. Agencies averaged 12.53 days to adjudicate requests for expedited processing, a one calendar day decrease from FY 2021. In total, agencies adjudicated 79.9% (32,174) of all requests for expedited processing made during FY 2022 within ten calendar days.



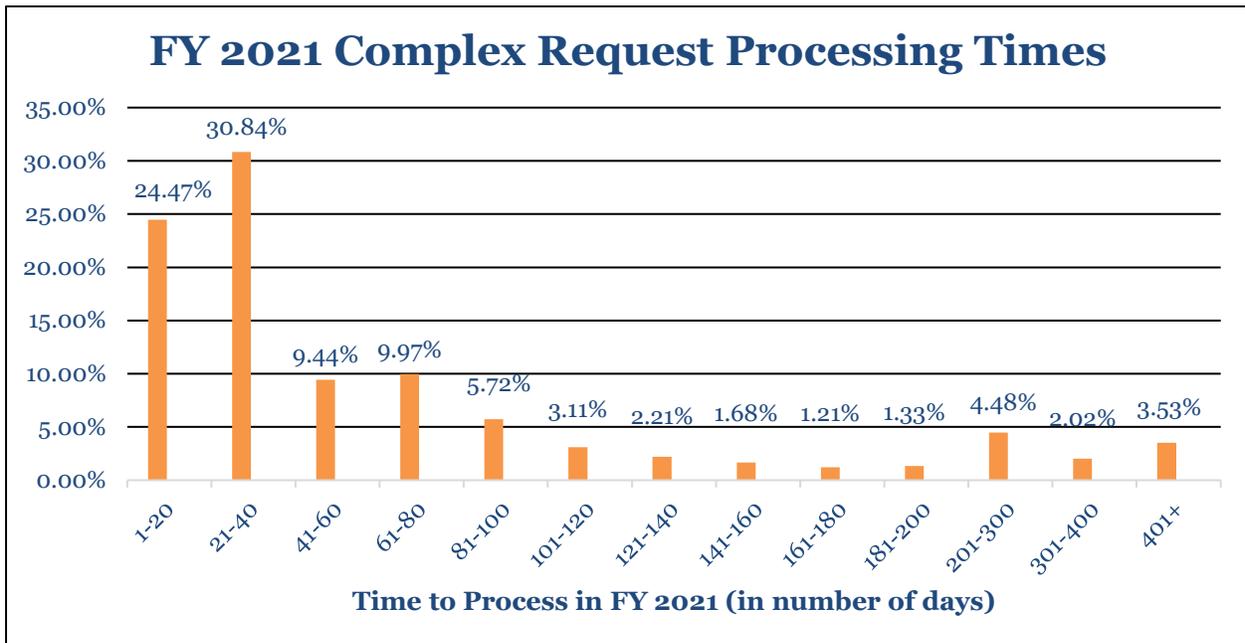
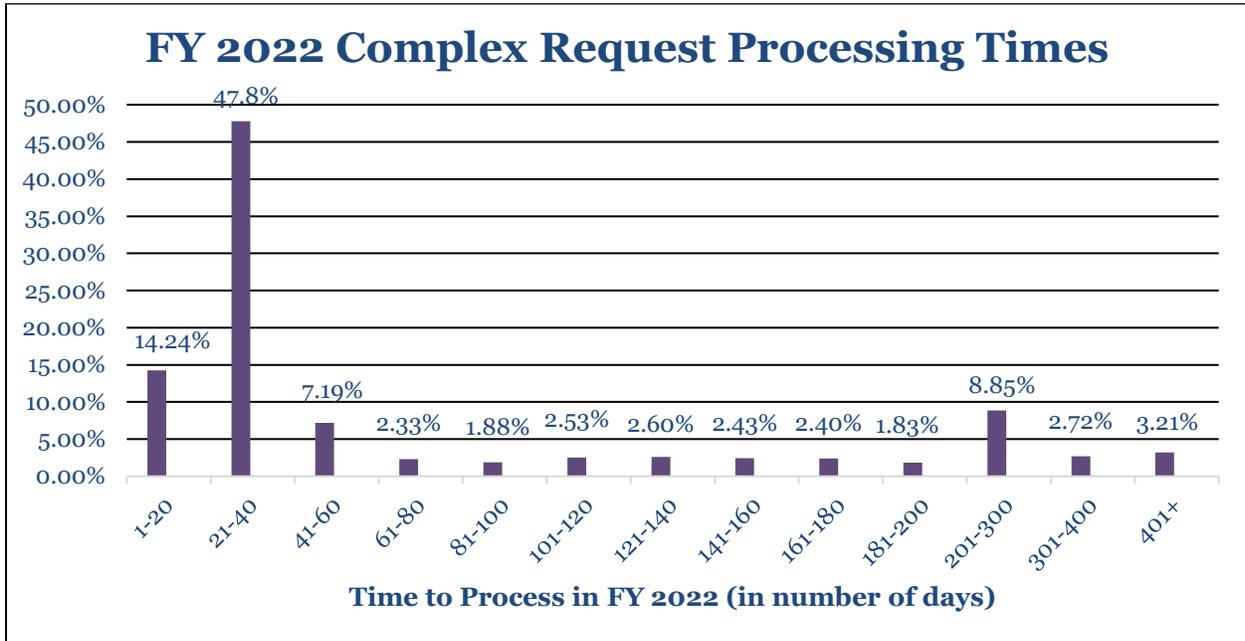
## Average Processing Time for Simple Requests

The average processing time for simple track requests for agencies that reported data in this field in their FY 2022 Annual FOIA Report was 40.8 days. This is an increase of about 8 days greater from the FY 2021 average of 32.99 days. Sixty-five agencies, including four departments – Education, Homeland Security, Treasury, and Veterans Affairs – reported processing their simple track requests within an average of twenty days or less. Fourteen agencies, including HHS and USDA, reported processing these requests between an average of 20.3 days and 30 days.



## Time to Process Complex Requests

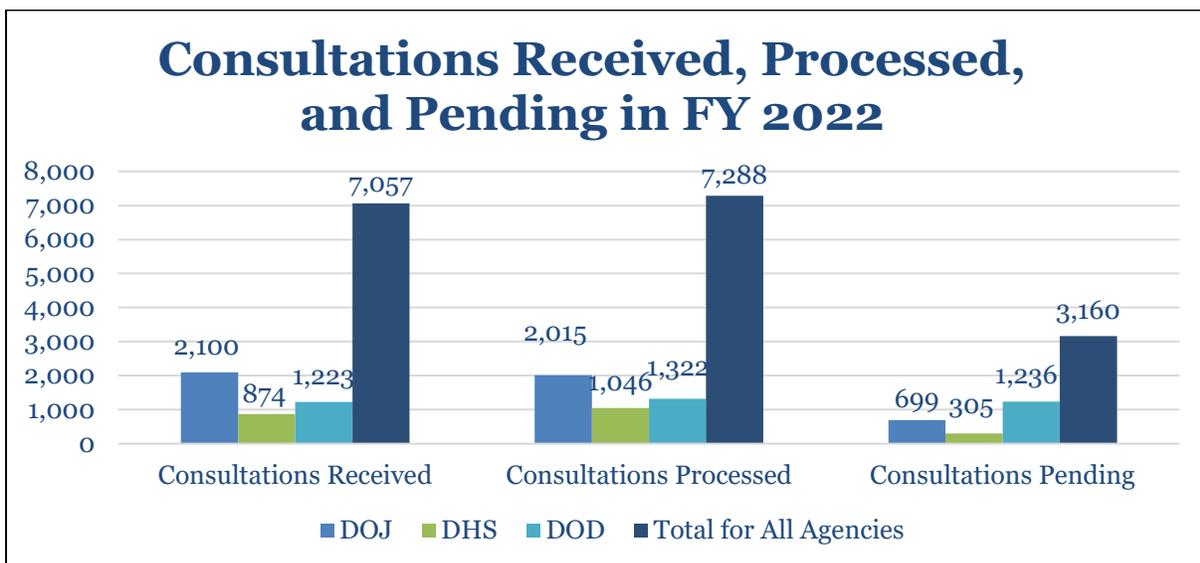
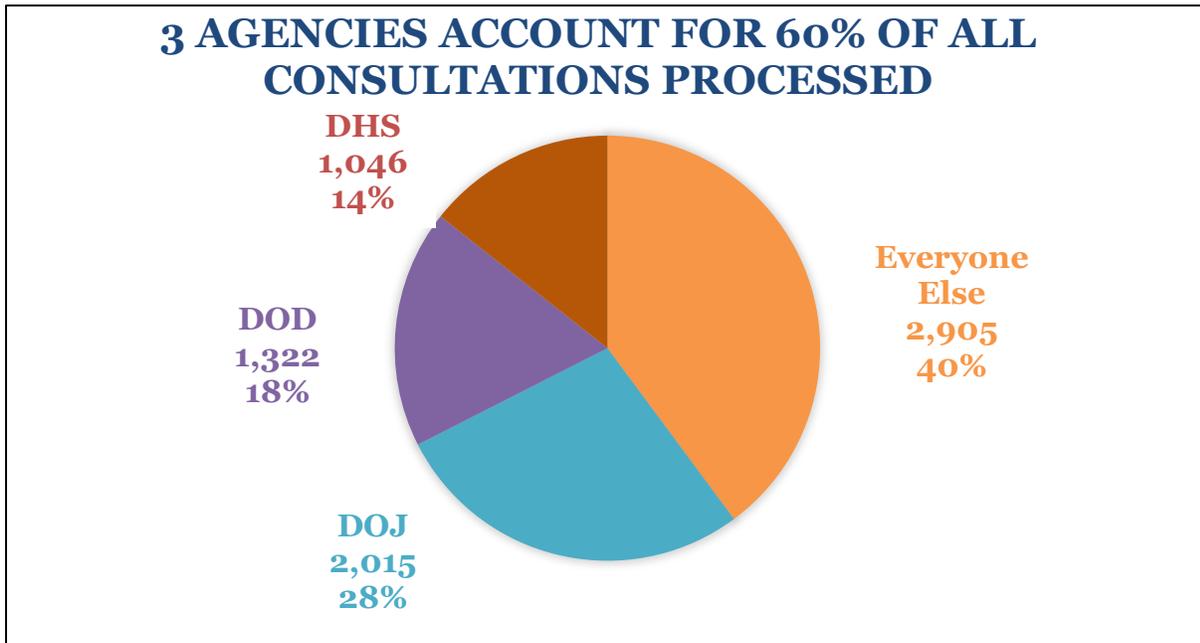
Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations. Complex requests often take longer to process than more targeted “simple” requests. Similar to FY 2021, the percentage of complex requests processed in fewer than 40 days increased by nearly 7% in FY 2022. A total of 73.44% of complex requests were processed in 100 days or fewer.



## CONSULTATIONS ON FOIA REQUESTS

### Consultations Received, Processed, and Pending

During FY 2022, seventy-four 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 7,057 consultations were received by agencies in FY 2022, with DOJ, DOD, and DHS receiving and processing the majority of consultations (72% received and 60% processed). The number of consultations pending decreased from 3,274 in FY 2021 to 3,160 in FY 2022.



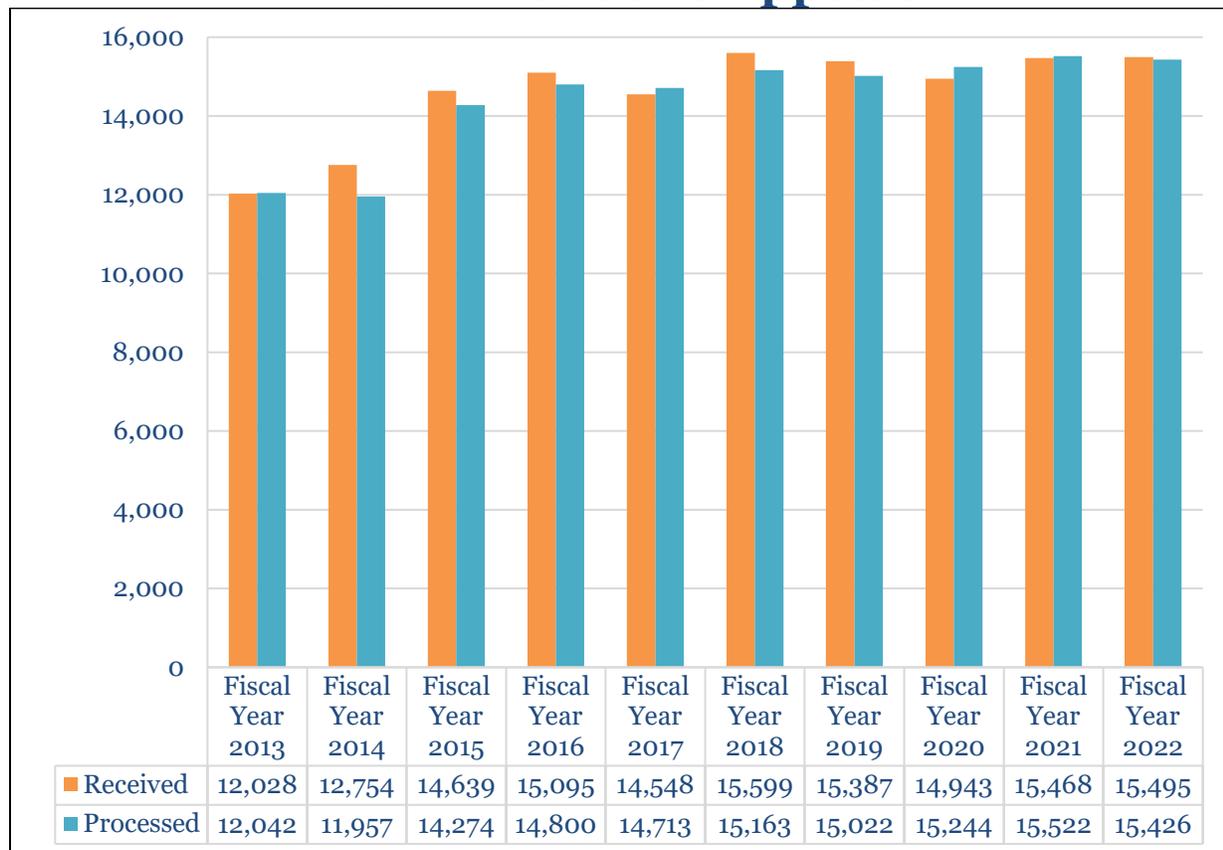
## ADMINISTRATIVE APPEALS

### Number of Administrative Appeals Received and Processed

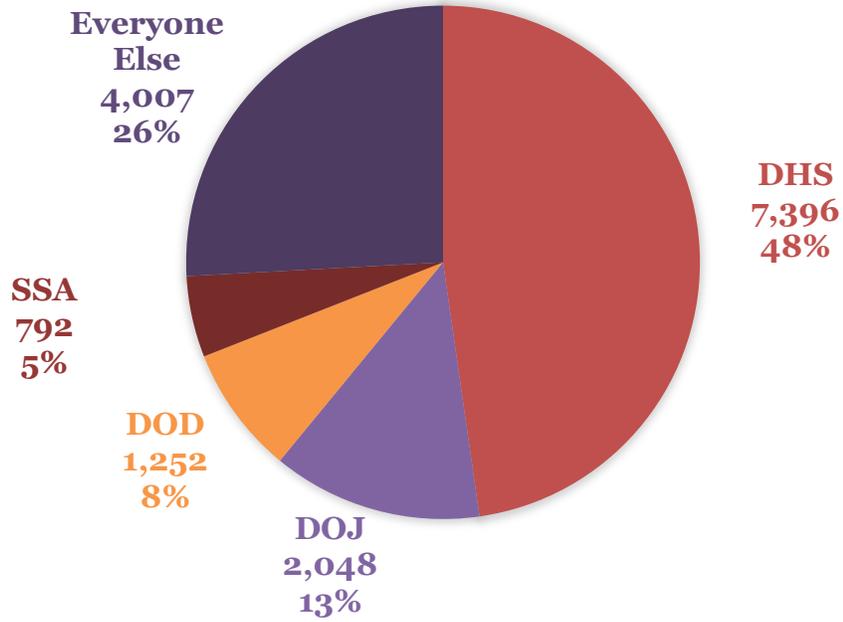
In FY 2022, the government overall received 15,495 appeals, which is a very slight increase (-.17%) from the 15,468 appeals received in FY 2021. Forty-six agencies received no appeals during the fiscal year.

The government overall processed 15,426 appeals during FY 2022. This is a slight decrease (-.62%) from the record high 15,522 processed during FY 2021. The four agencies that received the most appeals also processed the most appeals: DHS (7,396 received; 7,372 processed), DOJ (2,048 received; 2,126 processed), DOD (1,252 received; 1,257 processed), and SSA (792 received; 774 processed). These four agencies together processed 74.7% of the total number of appeals processed by the entire government in FY 2022.

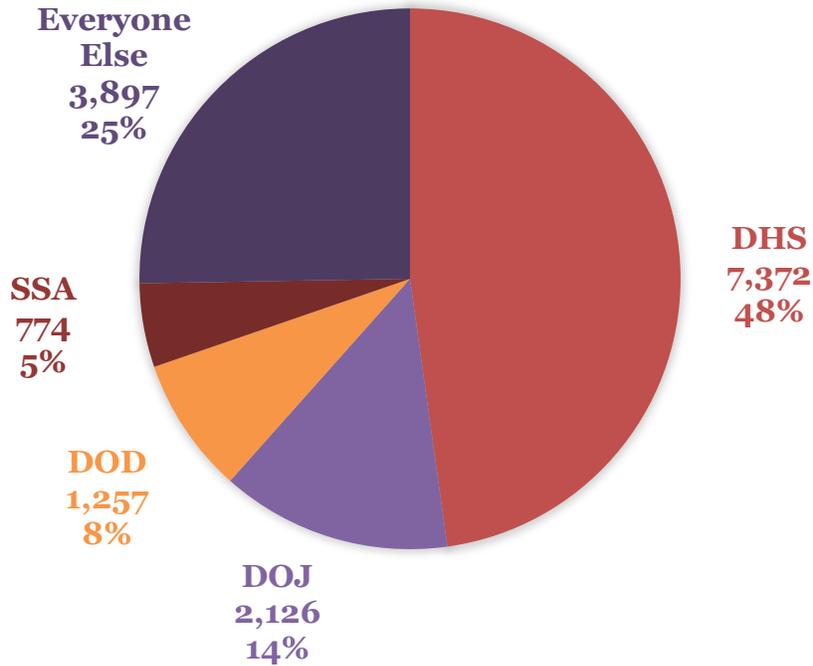
### Administrative Appeals

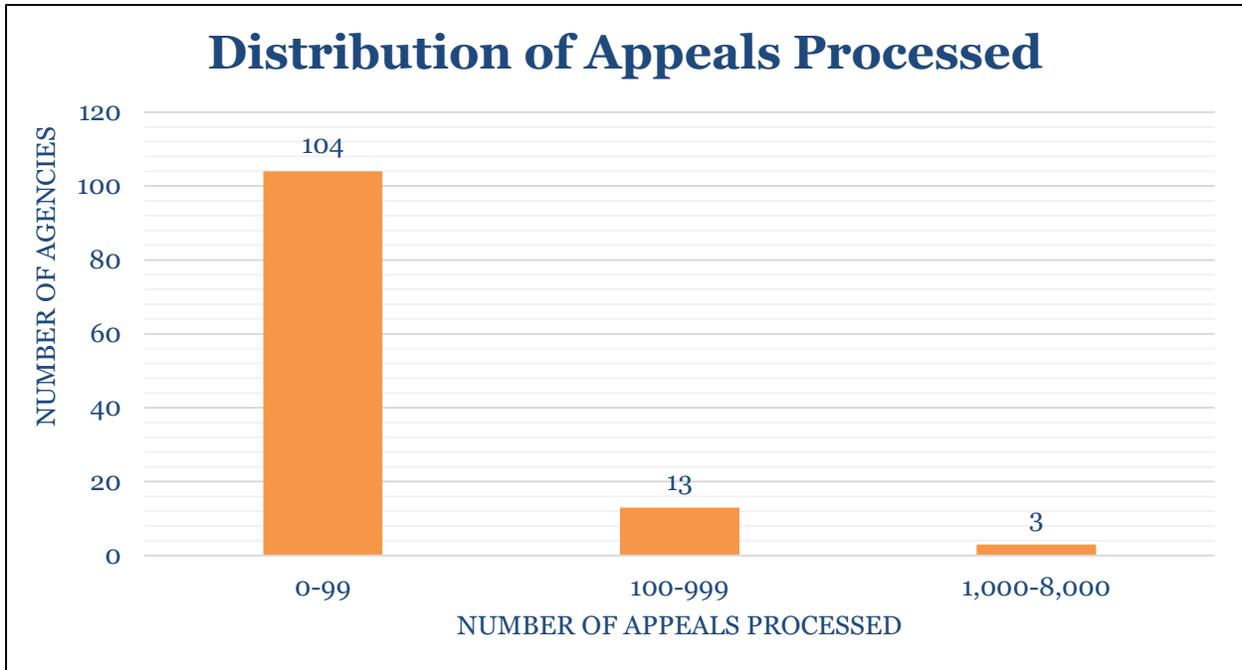


### 4 AGENCIES RECEIVED 74% OF FOIA APPEALS



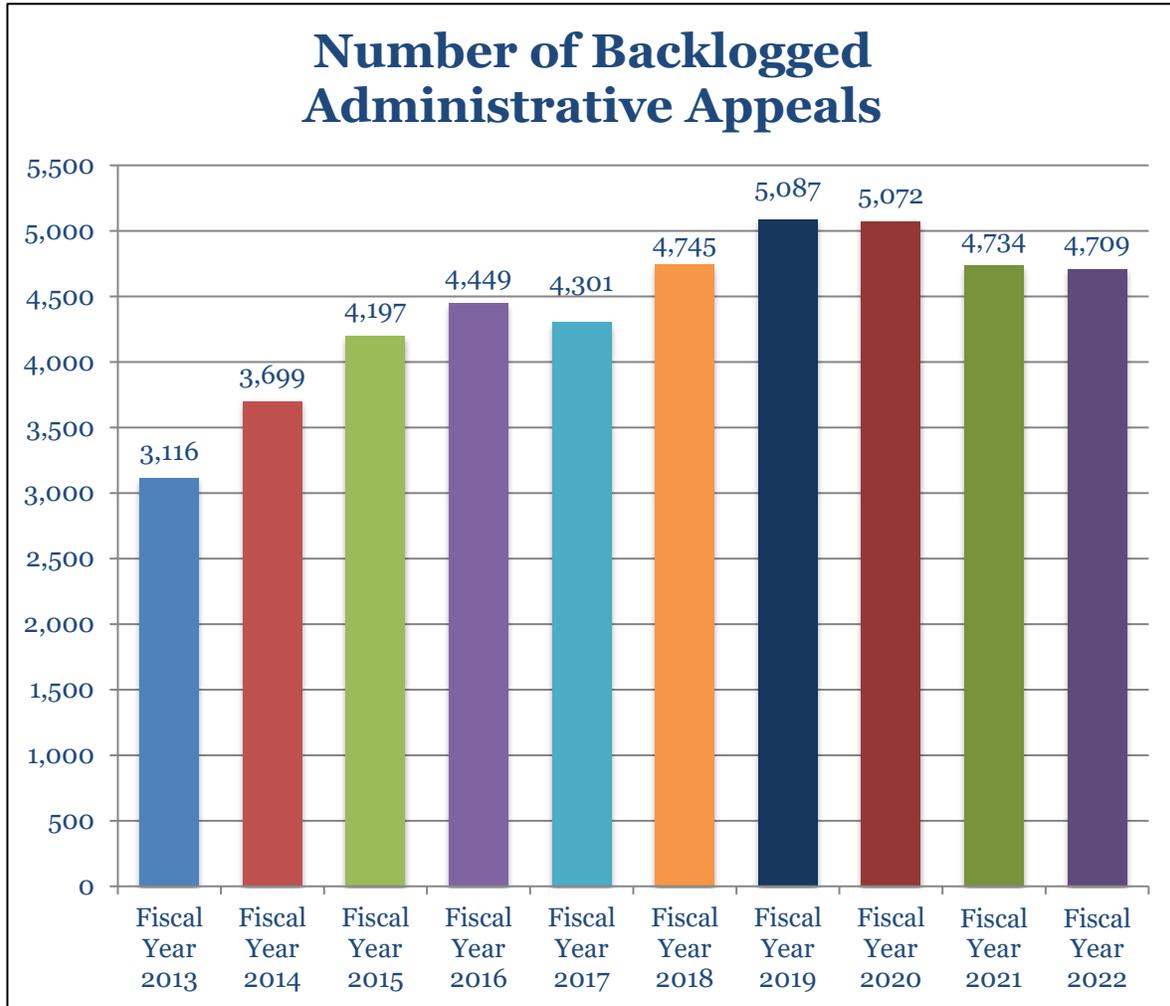
### 4 AGENCIES PROCESSED 75% OF FOIA APPEALS



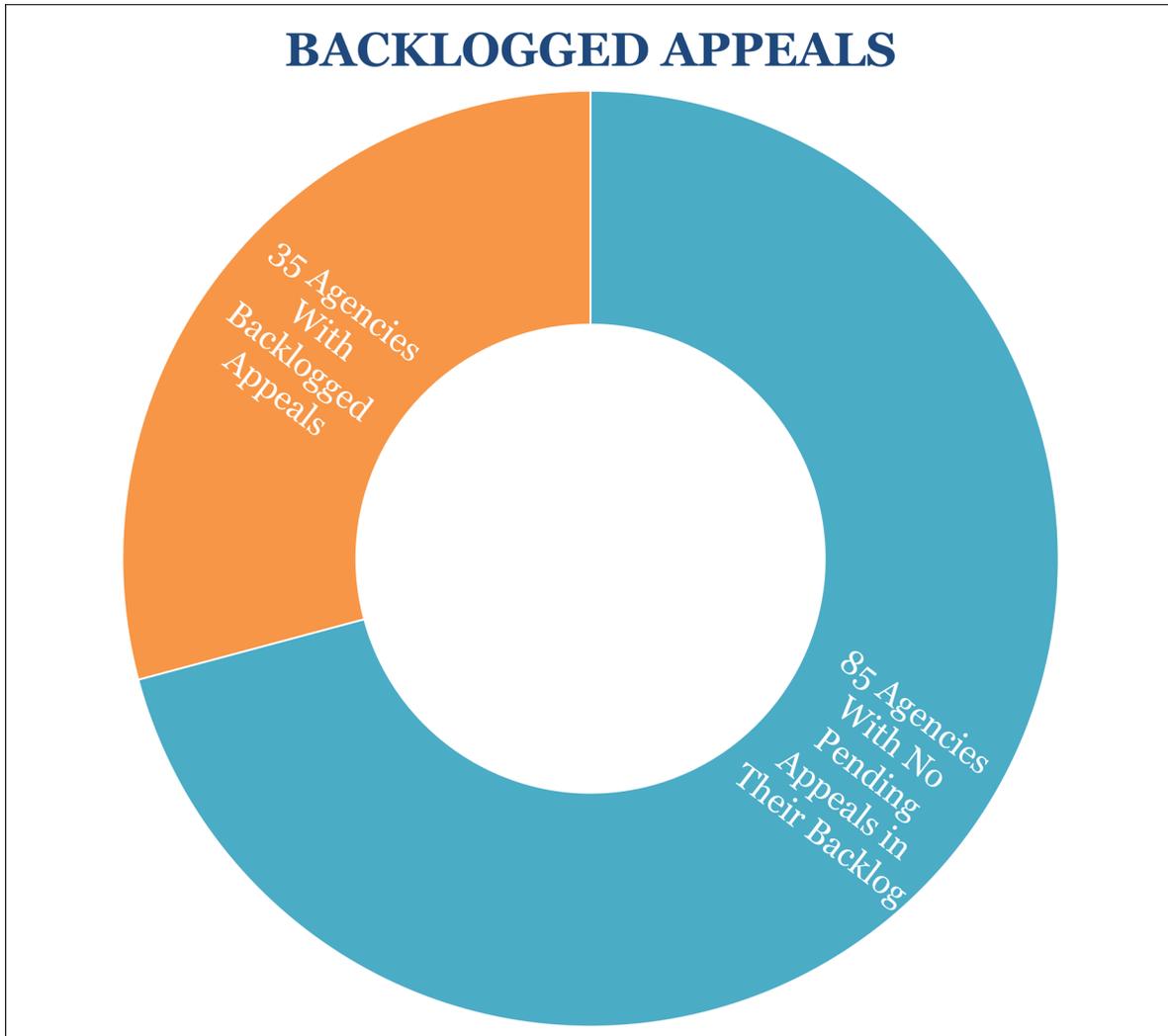


## Backlogged Administrative Appeals

The overall backlog of administrative appeals at the end of FY 2022 was 4,709, which is a decrease of 25 appeals governmentwide (-.53%) as compared to FY 2021 and continues a downward trend over the past few years.



Eighty-five of the 120 agencies subject to the FOIA ended FY 2022 with no pending appeals in their backlog.

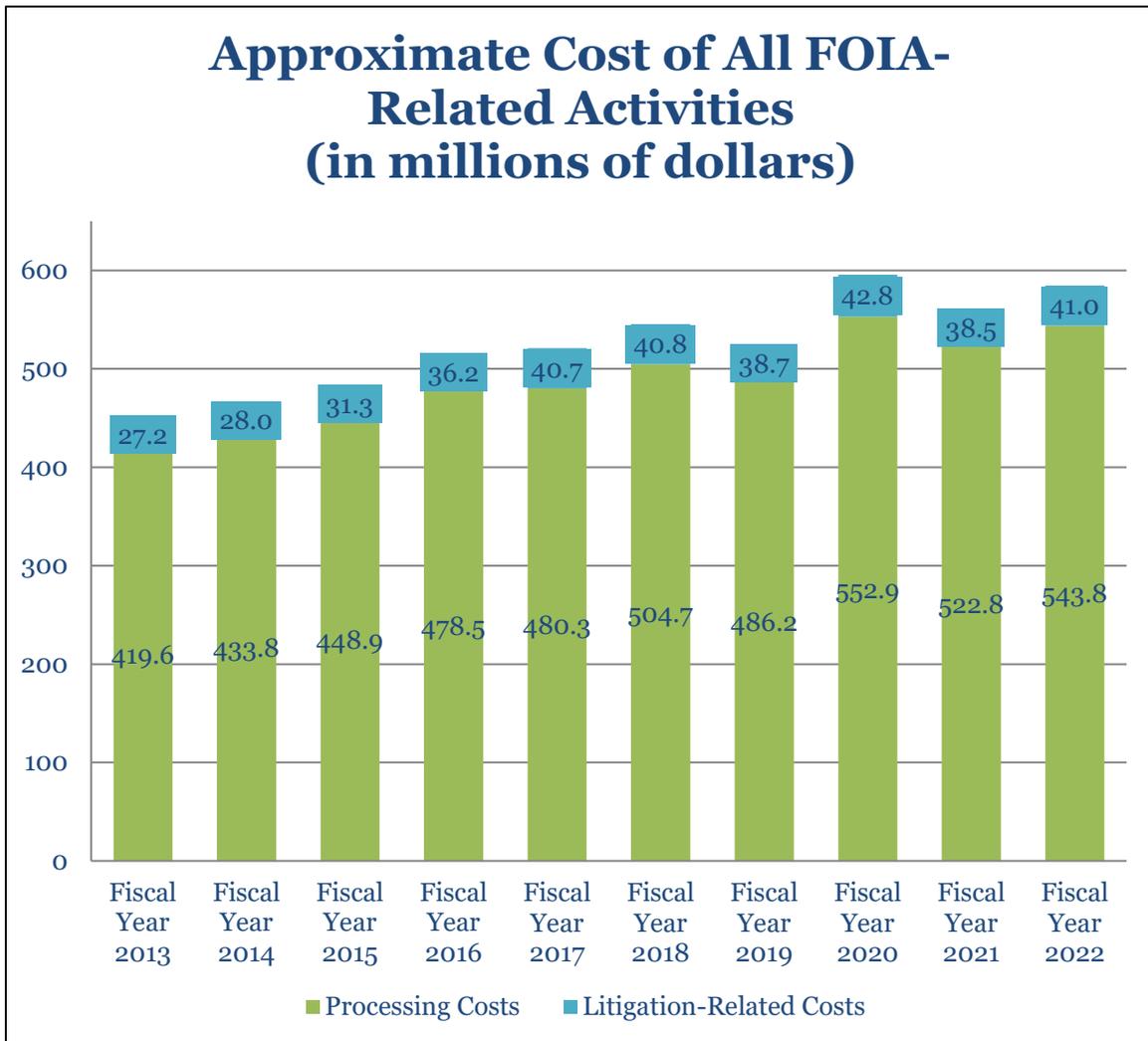


## Processing Time for Administrative Appeals

The average processing time for adjudicating appeals for those agencies that reported data in this field of their FY 2022 Annual FOIA Report is 87.04 days. This is an increase of 6.36 days from the average of 80.68 days reported in FY 2021. The average processing times for the agencies that processed the most appeals were 26.0 days (DHS), 85.23 days (DOJ), 186.69 days (DOD), and 15 days (SSA).

## STAFFING LEVELS & COSTS

During FY 2022, 5,268.33 “full-time FOIA staff” were devoted to the administration of the FOIA throughout the government.<sup>2</sup> The total estimated cost of all FOIA related activities across the government was \$584,752,705.30. Nearly 93% (\$543,794,471.90) of total costs were attributed to the administrative processing of requests and appeals by agencies. Seven percent (7%) (\$40,958,233.39) was reported to have been spent on litigation-related activities. By the end of the fiscal year, agencies reported collecting a total of \$2,192,645.36 in FOIA fees. The FOIA fees collected in FY 2022 amounts to less than 0.4% of the total costs related to the government’s FOIA activities.



<sup>2</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 2022, exclusions were invoked 84 times by four agencies: DOJ (49); SEC (33); EPA (1); and DHS (1). This is a 41% reduction in exclusion use as compared to FY 2021 (143 total uses). When compared to the 535,147 requests reviewed by the government this past fiscal year for exemption applicability, exclusions were used in response to 0.016% of requests processed for disclosure.

## PROACTIVE DISCLOSURES

Subsection (a)(2) of the FOIA requires agencies to proactively make available to the public non-exempt information from certain categories of records without waiting for a specific request to be received. These categories are:

1. Final agency opinions and orders rendered in the adjudication of cases,
2. Specific policy statements that are not published in the Federal Register,
3. Administrative staff manuals and instructions to staff that affect a member of the public, and
4. Records that have become or are likely to become the subject of subsequent requests or those records that have been requested three or more times – commonly referred to as frequently requested records.

Agency program offices typically publish the first three categories of records while agency FOIA offices are more directly involved in identifying and posting the final category. Approximately 215,724,098 records that qualified as subsection (a)(2) records were posted online during FY 2022. The majority of (a)(2) disclosures, over 99% (213,888,341), were made available by agency program offices outside of the FOIA office. This is a significant increase in disclosures – totaling more than 475% – as compared to last fiscal year. The National Archives and Records Administration, the Department of Commerce, and the Federal Communications Commission reported the highest numbers of (a)(2) records posted by program offices, comprising over 99% of all program office postings. The FOIA offices across the government reported posting 1,832,757 subsection (a)(2) records online, an increase of 373% more disclosures than last year. Among the FOIA offices, Department of Labor reported posting the highest number of proactive disclosures (1,452,369).

The numbers of subsection (a)(2) postings can vary by agency based on the opportunities each agency may have in posting the four required categories of proactive disclosures. For example, not all agencies adjudicate cases that would result in the agency having records that would fall into the first category above. Other agencies, particularly smaller ones, may also not have new records every year that fall into the other categories, such as frequently requested records. As noted above, the number of requests received by agencies varies significantly, with 49 agencies receiving less than 50 requests during FY 2022.

Furthermore, agencies may proactively disclose other information even if they did not have any (a)(2) disclosures in a given fiscal year, and those postings would not be counted in this section of the Annual FOIA Report. During FY 2022, 23 agencies reported zero (a)(2)

proactive disclosures. Eighteen of those agencies similarly reported zero (a)(2) proactive disclosures in FY 2021. All of these agencies explained to OIP that they did not have any (a)(2) disclosures because, for example, they process primarily first-party requests, did not have frequently requested records during the reporting period, or did not have any updates to policies or other documents required to be disclosed pursuant to (a)(2).

## CONCLUSION

Agencies continued to effectively administer the FOIA in FY 2022, as the government received and processed record-high numbers of requests. The government received approximately 10% more requests (+90,189) and processed 4.73% more requests (+39,752) as compared to FY 2021. While several agencies reduced their request backlogs, the government's overall FY 2022 backlog increased 26% (206,720 total) as compared to FY 2021.

Nevertheless, as FY 2022 Annual FOIA Report data indicates, agencies overall showed improvement in several other areas. For example, the government's overall average number of days to adjudicate requests for expedited processing decreased by over a day despite the number of requests for expedited processing increasing by more than 25%. The number of consultations pending decreased from 3,274 in FY 2021 to 3,160 in FY 2022. There was a slight decrease in the government-wide administrative appeals backlog (down to 4,709 appeals), with more than two-thirds of agencies subject to the FOIA (82) ending FY 2022 with no pending appeals. A significant increase in (a)(2) proactive disclosure posting was reported in FY 2022 (an increase of more than 475% by program offices, and an increase of nearly 375% by FOIA offices as compared to FY 2021).