



Freedom of Information Act Annual Report Fiscal Year 2015

I. Basic Information

The Administrative Conference of the United States (ACUS) is a small agency staffed by approximately 16 full-time persons. Therefore, all of the agency's FOIA requests are processed at the agency level. This report represents information for the agency overall and does not include any separate component office information.

A. For questions concerning this report, contact:

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B. An electronic copy of the report may be obtained online at: www.acus.gov/foia.

C. A copy of the report in paper form may be obtained by requesting a copy in writing at the address stated above.

II. How to Make a FOIA Request

A. The preferred method for making a formal FOIA request is to submit an online request at <http://www.acus.gov/foia/request/>. The Conference's FOIA regulations outline additional ways in which to submit a FOIA request. Those methods include submitting a written request to the agency either by mail or by fax. The Conference's *Freedom of Information Act Reference Guide* contains further information on how to make a request. Both the FOIA regulations and the guide are located on the agency's website, www.acus.gov/foia.

B. Agency response-time ranges:

The median response time for processing **initial requests** in FY '15 was one working day, the average response time was 1.6 working days, and 16 out of a total of 26 responses took less than one business day. There were three **appeals** made by one individual, and each of those responses took one business day.

C. Brief description of why **some** requests are not granted:

FOIA requests submitted to ACUS may not be granted when the information meets the criteria or standards that preclude disclosure (or allow for non-disclosure) under one or more of the FOIA exemptions, or when no responsive records exist or are not in the possession of this agency. Exemptions were used in only two cases (primarily to avoid disclosing personally identifiable information); and with respect to those two cases, the minimum amount of

information was redacted and the balance of the requested records were released (if they existed). As in prior years, a large number of FOIA requests—50 percent—were from inmates at federal prisons. These individuals requested records related to their arrest and incarceration. Our agency obviously has no records responsive to those types of requests. Finally, since the agency did not begin operations until the summer of 2010, the agency did not exist for some or all of the period for which some records may be requested. Nevertheless, in all cases where the requests were denied, the requesters were made aware of their appeal rights.

III. Definitions of Terms and Acronyms Used in this Report

A. “ACUS” or “The Conference”—Administrative Conference of the United States

B. Basic Terms:

1. FOIA/PA request -- Freedom of Information Act/Privacy Act request. A FOIA request is **generally** a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning the requester; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial Request -- a request to a federal agency for access to records under the FOIA.
3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full or partial denial of access to records under the FOIA, or any other FOIA determination such as a denial of a fee waiver or an assessment.
4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action in all respects on the request or the appeal.
5. Multi-track processing -- a system in which simple requests requiring relatively minimal review are processed on one track, and more voluminous and complex requests are processed on one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing.
6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records, which warrants prioritization of his or her request over other prior requests.
7. Simple request -- a FOIA request that an agency using multi-track processing assigns to its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing assigns to a slower track based on the volume and/or complexity of records requested.

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9. Grant -- an agency decision to disclose in full all records that exist in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request; or a decision to disclose some records in full, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any records in response to a FOIA request because the agency determines that all the information in the requested records is exempt under one or more exemptions, or for some procedural reason (e.g., because no record is located in response to a FOIA request or the requested records do not exist at the agency).
12. Time limits -- the time period for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there remains no question about the payment of applicable fees.
14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number -- the middle, not average, number. For example, among 3, 7, and 14, the median number is 7.
16. 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.

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3. Agency Component Abbreviations

Component Abbreviation	Component Name
N/A	

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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
N/A	N/A	N/A	ACUS	0	0

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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
ACUS	0	26	26	0
				0
AGENCY OVERALL	0	26	26	0

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**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
ACUS	N/A	0	0
AGENCY OVERALL			0

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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
ACUS	0	3	3	0
				0
AGENCY OVERALL	0	3	3	0

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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
ACUS	3	0	0	0	3
					0
AGENCY OVERALL	3	0	0	0	3

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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
ACUS	N/A	0	0
AGENCY OVERALL			0

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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
AGENCY OVERALL	1.00	1.00	<1	1.00

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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
AGENCY OVERALL	1	1.6	<1	3	13	13	13	13	N/A	N/A	N/A	N/A

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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
AGENCY OVERALL	1	1.5	<1	3	13	13	13	13	N/A	N/A	N/A	N/A

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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
AGENCY OVERALL	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A

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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
AGENCY OVERALL	0	0	N/A	N/A	N/A

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VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
AGENCY OVERALL	0	0	N/A	N/A

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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
ACUS	0	0.1	0.1	\$41,110.00	\$0.00	\$41,110.00
			0			\$0.00
AGENCY OVERALL	0	0.1	0.1	\$41,110.00	\$0.00	\$41,110.00

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X. FEES COLLECTED FOR PROCESSING REQUESTS

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

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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
ACUS	0	0
AGENCY OVERALL	0	0

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

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
ACUS	0	0	0	0
				0
AGENCY OVERALL	0	0	0	0

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

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	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
ACUS	17	26	17	26
AGENCY OVERALL	17	26	17	26

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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
ACUS	0	0
AGENCY OVERALL	0	0

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

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	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
ACUS	0	3	0	3
AGENCY OVERALL	0	3	0	3

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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
ACUS	0	0
AGENCY OVERALL	0	0