



## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Freedom of Information Act Annual Report Fiscal Year 2012

#### I. Basic Information

The Administrative Conference of the United States is a small agency staffed by approximately 15 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](http://www.acus.gov/foia).

C. A copy of the report in paper form may be obtained by requesting a copy in writing to 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. In addition, the Conference's *Freedom of Information Reference Guide* contains further instructions on how to make a request. Both the FOIA regulations and the guide are located on the agency's website, [www.acus.gov/foia](http://www.acus.gov/foia).

B. Agency response-time ranges:

The median response time for processing **initial requests** in FY '12 was three working days. For **appeals**, the median processing time was zero working days because there were no appeals.

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 under one or more of the FOIA exemptions, or when no responsive records exist or are not in the possession of this agency. For whatever reason, a large number of FOIA requests (8 out of 15 for FY 2012) were from inmates at federal prisons. These individuals request records related to their arrest and incarceration. Clearly, our agency has no records responsive to those types of requests. In addition, since the agency did not begin operations until the summer of 2010, the agency did not exist for the period in which some records may be requested.

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.
9. Grant -- an agency decision to disclose in full all records 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 (such as because no record is located in response to a FOIA request).
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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**IV. Exemption 3 Statutes**

**A. List of Exemption 3 statutes relied on by ACUS in FY '10.**

Statute	Type of Information Withheld	Case Citation	Total Number of Times Relied Upon by Agency
N/A	N/A	N/A	0

**V. Initial FOIA/Privacy Act Access Requests**

**A. Received, Processed and Pending Requests**

Number of Requests Pending as of Start of FY	Number of Requests Received in FY	Number of Requests Processed in FY	Number of Requests Pending at End of FY
0	15	15	0

**B. (1) Disposition of FOIA Requests—All Processed Requests**

Number of Full Grants	Number of Partial Grants/Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions [*]	Total
3	2	0	10	15

**\*Number of Full Denials Based on Reasons Other Than Exemptions**

No Records	All Records Referred to Another Component of Agency	Request Withdrawn	Fee-Related Reason	Records Not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other	Sub-Total
10	0	0	0	0	0	0	0	0	10

**(2) Disposition of FOIA Requests—Other Reasons for Full Denials Based on Reasons Other Than Exemptions from Section V, B(1) Chart**

Description of Other Reasons for Denials from Chart B(1) & Number of Times Those Reasons Were Relied Upon	TOTAL
N/A	

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(3) Disposition of FOIA Requests—Number of Times Exemptions Applied

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
0	0	0	0	0	0	0	0	0	0	0	0	0	0

VI. Administrative Appeals of Initial Determinations of FOIA/Privacy Act Requests

A. Received, Processed and Pending Administrative Appeals

Number of Appeals Pending as of Start of FY	Number of Appeals Received in FY	Number of Appeals Processed in FY	Number of Appeals Pending at End of FY
0	0	0	0

B. Disposition of Administrative Appeals—All Processed Appeals

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
0	0	0	0	0

C. (1) Reasons for Denial on Appeal—Number of Times Exemptions Applied

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
0	0	0	0	0	0	0	0	0	0	0	0	0	0

(2) Reasons for Denial on Appeal—Reasons Other Than Exemptions

No Records	Records Referred at Initial Request Level	Request With-drawn	Fee-Related Reason	Records Not Reasonably Described	Improper Request for Other Reason	Not Agency Record	Duplicate Request or Appeal	Appeal Based Solely on Denial of Request for Expedited Processing	Other *see chart below
0	0	0	0	0	0	0	0	0	0



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**(3) Reasons for Denial on Appeal—Other Reasons**

Description of Other Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	Component Total
N/A	0	0

**(4) Response Time for Administrative Appeals**

Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
0	0	0	0

**(5) Ten Oldest Pending Administrative Appeals**

	10 <sup>th</sup> Oldest Appeal	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Appeal
Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	0	0	0	0	0	0	0	0	0	0

**VII. FOIA Requests: Response Time for Processed and Pending Requests**

**A. Processed Requests—Response Time for All Processed Perfected Requests**

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
3	2	1	5	0	0	0	0	3	3	3	3

**B. Processed Requests—Response Time for Perfected Request in Which Information was Granted**

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
3	3	1	5	0	0	0	0	3	3	3	3

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**C. (1) Processed Requests—Response Time in Day Increments; Simple Requests**

1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
15	0	0	0	0	0	0	0	0	0	0	0	0	15

**(2) Processed Requests—Response Time in Day Increments; Complex Requests**

1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
0	0	0	0	0	0	0	0	0	0	0	0	0	0

**(3) Processed Requests—Response Time in Day Increments; Requests Granted Expedited Processing**

1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
1	0	0	0	0	0	0	0	0	0	0	0	0	1

**D. Pending Requests—All Pending Perfected Requests**

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
0	0	0	0	0	0	0	0	0	0	0	0

**E. Pending Requests—Ten Oldest Pending Perfected Requests**

	10 <sup>th</sup> Oldest Request	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Request
Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	0	0	0	0	0	0	0	0	0	0

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### VIII. Requests for Expedited Processing and Requests for Fee Waiver

#### A. Requests for Expedited Processing

Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number of Adjudicated Within 10 Calendar Days
1	0	0	0	0

#### B. Requests for a Fee Waiver

Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
3	0	0	0

### IX. FOIA Personnel and Costs

Personnel			Costs		
Number of Full-Time FOIA Employees	Number of Equivalent Full-Time Employees	Total Number of Full-Time FOIA Staff	Processing Costs	Litigation-Related Costs	Total Costs
0	0.06	0.06	\$28,161	0	\$28,161

### X. Fees Collected for Processing Requests

Total Amount of Fees Collected	Percentage of Total Costs
\$0.00	0.00%

### XI. FOIA Regulations

ACUS' final FOIA and Privacy Act regulations were published in the *Federal Register* on April 5, 2011. (76 Fed. Reg. 18635). They are also available on the agency's website at <http://www.acus.gov/wp-content/uploads/downloads/2011/04/FR-FOIA-Privacy-FINAL-RULE-4-5-2011.pdf>.



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**XII. Backlogs, Consultation and Comparisons**

**A. Backlogs of FOIA Requests and Administrative Appeals**

Number of Backlogged Requests at End of FY	Number of Backlogged Appeals at End of FY
0	0

**B. Consultations of FOIA Requests—Received, Processed and Pending Consultations**

Number of Consultations Received from Other Agencies that Were Pending as of Start of the FY	Number of Consultations Received from Other Agencies During the FY	Number of Consultations Received from Other Agencies that Were Processed During the FY	Number of Consultations Received from Other Agencies that Were Pending at the End of the FY
0	0	0	0

**C. Consultations on FOIA Requests—Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency**

	10 <sup>th</sup> Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days	0	0	0	0	0	0	0	0	0	0

**D. (1) Comparison of Numbers of Requests from Previous and Current Annual Report**

Number of Requests Received		Number of Requests Processed	
Number Received During FY from Last Year's Annual Report	Number Received During FY from Current Annual Report	Number Processed During FY from Last Year's Annual Report	Number Processed During FY from Current Annual Report
7	15	7	15

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**(2) Comparison of Backlogged Requests from Previous and Current Annual Report**

<b>Number of Backlogged Requests at End of the FY from Previous Annual Report</b>	<b>Number of Backlogged Requests at End of the FY from Current Annual Report</b>
0	0

**E. (1) Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report**

<b>Number of Appeals Received</b>		<b>Number of Appeals Processed</b>	
<b>Number Received During FY from Last Year's Annual Report</b>	<b>Number Received During FY from Current Annual Report</b>	<b>Number Processed During FY from Last Year's Annual Report</b>	<b>Number Processed During FY from Current Annual Report</b>
0	0	0	0

**(2) Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report**

<b>Number of Backlogged Appeals at End of the FY from Previous Annual Report</b>	<b>Number of Backlogged Appeals at End of the FY from Current Annual Report</b>
0	0