

II. HOW TO MAKE A FOIA REQUEST

Requests may be submitted electronically at: <http://www.hhs.gov/foia/request/index.html>

1. HHS and OPDIV Freedom of Information Officers/FOIA Requester Service Centers

Health and Human Services (HHS)
Freedom of Information Officer
Mary E. Switzer Building, Room 2206
330 C Street, S.W.
Washington, D.C. 20201
Phone: 202-690-7453

Administration for Children and Families (ACF)
Freedom of Information Officer
901 D Street, S.W.
7th Floor West
Aerospace Building
Washington, D.C. 20447
Phone: 202-401-9215

Administration on Aging (AOA)
Freedom of Information Officer
Washington, D.C. 20201
Phone: 202-357-3540

Centers for Medicare & Medicaid Services (CMS)
Freedom of Information Officer
North Building, Room N2-20-06
7500 Security Boulevard
Baltimore, Maryland 21244
Phone: 410-786-5353

Office of Inspector General (OIG)
Freedom of Information Officer
Cohen Building, Suite 1062
330 Independence Ave, S.W.
Washington, D.C. 20201
Phone: 202-619-2541

Office of Public Health and Science (OPHS)
Freedom of Information Officer
Room 17-66, Parklawn Building
5600 Fishers Lane
Rockville, MD 20857
Phone: 301-443-5252

Substance Abuse and Mental Health Services Administration (SAMHSA)
Freedom of Information Officer
1 Choke Cherry Road, Room 8-1042
Rockville, Maryland 20857
Phone: 240-276-2137

2. Brief description of why some requests are not granted: Documents requested were protected by an exemption and release would have caused harm to the interest protected by the exemption. Information withheld may include home addresses and phone numbers, social security numbers, medical records, proprietary business records, investigatory records, that if released may interfere with open investigations, and drafts of documents.

- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That Agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)
- h. **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** - Median Number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - (A) **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - (B) **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

(C) **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
 - m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
 - n. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place,
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IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
5 U.S.C. app. 4 §107(a) (Ethics in Government Act of 1978)	Financial disclosure information pertaining to certain government employees	<i>Meyeroff v. EPA</i> , 948 F.2d 1498, 1500-02 (9 th Cir. 1992); <i>Concepcion v. FBI</i> , 606 F.Supp. 2d 14, 33 (D.D.C. 2009)	NIH – 2	

V. FOIA Requests

A. Received, Processed, and Pending FOIA Requests

	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
OS				
ACF				
AOA				
CMS				
OIG				
OPHS/PSC				
AHRQ				
CDC				
FDA				
HRSA				
IHS				
NIH	79	1147	1130	96
SAMHSA				
HHS Total				

	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
				No Records	All Records Referred to another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other "Explain in chart below"	
HHS Total													

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed, and Pending Administrative Appeals

	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
OS				
CMS				
HHS Total				

B. Disposition of Administrative

C. (2) Reasons for denial on Appeal – Reasons other than exemptions

	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records Not Reasonably Described	Improper Request For Other Reasons	Not Agency Record	Duplicate Request Or Appeal	Request In Litigation	Appeal Based Solely on Denial of Request For Expedited Processing	Other Explain in Chart Below
OS											
CMS											
HHS Total											

C. (3) Reasons for denial on Appeal – Other:

	Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
OS		
CMS		
HHS Total		

C. (4) Response time for administrative appeals (See chart)

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
OS				
CMS				
HHS Overall				

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests – Response Time for All Perfected Requests¹

	Simple				Complex				Expedited Processing			
	Media n Number of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highest t Numbe r of Days	Media n Number of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highest t Numbe r of Days	Media n Number of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highest t Numbe r of Days
OS ²												
ACF												
AOA												
CMS												
OIG												
OPHS/PS C												
AHRQ												
CDC												
FDA												
HRSA ³												
IHS												
NIH	13	16	1	161	54	78	1	1240	0	0	0	0
SAMHSA												

¹ Some numbers based on estimates.

² Uses single-track log.

³ Uses single-track log.

	Simple				Complex				Expedited Processing			
	Media n Numbe r of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highest Numbe r of Days	Media n Numbe r of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highest Numbe r of Days	Media n Numbe r of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highest Numbe r of Days
HHS Overall												

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted⁴

	Simple				Complex				Expedited Processing			
	Media n Numbe r of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highe st Numbe r of Days	Media n Numbe r of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highe st Numbe r of Days	Media n Numbe r of Days	Averag e Numbe r of Days	Lowest Numbe r of Days	Highe st Numbe r of Days
OS ⁵												
ACF												
AOA												
CMS												
OIG												
OPHS/PS C												
AHRQ												
CDC												
FDA												
HRSA ⁶												
IHS												
NIH	15	17	1	161	66	91	3	1237	0	0	0	0
SAMHSA												

⁴ Some numbers based on estimates.

⁵ Uses single-track log.

⁶ Uses single-track log.

C. Processed Requests – Response Time in Day Increments

1. Simple Requests

	< 1 Day	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
OS⁷															
ACF															
AOA															
CMS															
OIG															
OPHS/PSC															
AHRQ															
CDC															
FDA															
HRSA⁸															
IHS															
NIH	55	649	205	52	10	0	0	0	0	1	0	0	0	0	972
SAMHSA															
HHS Overall															

⁷ Uses single-track log.

⁸ Uses single-track log.

3. 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
OS														
ACF														
AOA														
CMS														
OIG														
OPHS/PSC														
AHRQ														
CDC														
FDA														
HRSA														
IHS														
NIH	0		0	0	0	0	0	0		0	0	0	0	0
	0							0						

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
OS				
ACF				
AOA				
CMS				
OIG				
OPHS/PSC				
AHRQ				
CDC				
FDA				
HRSA				
IHS				
NIH	0	1	2	2
SAMHSA				
HHS Total				

IX. FOIA PERSONNEL AND COSTS

	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
OS						
ACF						
AOA						
CMS						
OIG						
OPHS/PSC						
AHRQ						
CDC						
FDA						
HRSA						
IHS						
NIH	16	14.02	30.02	3,279,867	5,000	3,284,867
SAMHSA						
HHS Total						

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
OS		
ACF¹²		
AOA		
CMS		
OIG		
OPHS/PSC		
AHRQ		
CDC		
FDA		
HRSA		
IHS		
NIH	27,014	.82
SAMHSA		
HHS Total		

¹² The ACF has temporarily suspended fee collections.

XI. FOIA REGULATIONS

<http://www.hhs.gov/foia/45cfr5.html>

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
OS		
ACF		
AOA		
CMS		
OIG		
OPHS/PSC		
AHRQ		
CDC		
FDA		
HRSA		
IHS		
NIH	33	<i>See Department of Health</i>

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

	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
OS										
ACF										
OAO										
CMS										
OIG										
PHS/PS-30	7.MC	/TD	<</MCI-0.0AH22	597.48	Tm	(rd)Tj	EMC yC	/TD	<</MCI-0.0AH22	59-0.0007 T

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

(1) Requests Received and Processed

	Number of Requests Received		Number of Requests Processed	
	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
OS				
ACF				
AOA				
CMS				
OIG				
OPHS/PSC				
AHRQ				
CDC				
FDA				
HRSA				
IHS				
NIH	1198	1147	1204	1130
SAMHSA				
HHS Total				

(2) Requests Backlogged

	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
OS		
ACF		
AOA		
CMS		
OIG		
OPHS/PSC		
AHRQ		
CDC		
FDA		
HRSA		
IHS		
NIH	25	33
SAMHSA		
HHS Total		

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

(1) Appeals Received, Processed

	Number of Appeals Received		Number of Appeals Processed	
	Number Received During Fiscal Year from Last Year's Annual		Number Received During Fiscal Year from Last Year's Annual	
				from

0.48<</MCID 5 BDC 15.961 0 Td1 Tc -0.0 6 BDC T42 Fiscal
