

DOC FOIA Annual Report

FOR
10/01/2022
THROUGH
09/30/2023

The following Annual Freedom of Information Act report covers Fiscal Year 2023, as required by 5 U.S.C. § 552

I: BASIC INFORMATION REGARDING REPORT

1. The following individual may be contacted with questions about this report:

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2. This report may be found on the agency website at the following electronic link:

https://www.osec.doc.gov/opog/FOIA/FOIA_reports_annual.html

3. A copy of the report in paper form may be requested by contacting the Office of Privacy and Open Government at the above address.

II: MAKING A FOIA REQUEST

1. Names, addresses, and telephone numbers of all individual agency components that receive FOIA requests may be found on the agency website at the following electronic link:

https://www.osec.doc.gov/opog/FOIA/FOIA_foiacontacts.html

2. The following serves as a brief description of why some requests are not granted and an overview of certain general categories of the agency's record to which the FOIA exemptions apply:

There is a broad category of records contained at the agency in which exemptions apply. A request for records may be denied if the requested record contains information which falls into one or more of the nine FOIA exemptions listed in Section V.B.(3) of this report. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released to the requester.

3. Provide a functional electronic link to agency FOIA regulations, including the agency's fee schedule

DOC FOIA regulations: <https://www.ecfr.gov/current/title-15/subtitle-A/part-4/subpart-A>

DOC FOIA fee schedule: <https://www.ecfr.gov/current/title-15/subtitle-A/part-4#4.11>

USPTO FOIA regulations: <https://www.ecfr.gov/current/title-37/chapter-I/subchapter-B/part-102>

USPTO FOIA fee schedule: <https://www.ecfr.gov/current/title-37/chapter-I/subchapter-B/part-102/subpart-A/section-102.11>

III: ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Definitions of terms used in this report:

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **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.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency or component within the same agency for its review because that other 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 or component within the same 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, Department of Justice Annual FOIA Report Handbook 22 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** – 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.
 - i. **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.
 - ii. **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.
 - iii. **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. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

2. FOIA Exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** information that is related solely to the internal personnel rules and practices of an agency
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records **(A)** could reasonably be expected to interfere with enforcement

proceedings, **(B)** would deprive a person of a right to a fair trial or an impartial adjudication, **(C)** could reasonably be expected to constitute an unwarranted invasion of personal privacy, **(D)** could reasonably be expected to disclose the identity of a confidential source, **(E)** would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or **(F)** could reasonably be expected to endanger the life or physical safety of any individual

- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

3. Agency Component Abbreviations

Component Abbreviation	Component Name
BEA	Bureau of Economic Analysis
CEN	Census Bureau
EDA	Economic Development Administration
BIS	Bureau of Industry and Security
ITA	International Trade Administration
MBDA	Minority Business Development Agency
NIST	National Institute of Standards and Technology
NTIS	National Technical Information Service
NTIA	National Telecommunications and Information Administration
NOAA	National Oceanic and Atmospheric Administration
PTO	U.S. Patent and Trademark Office
OIG	Office of Inspector General
IOS	Immediate Office of the Secretary
OS	Office of the Secretary
InfoLaw	Information Law Division

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
13 U.S.C. §§ 8(b)), 9(a)	Certain census data	Baldrige v. Shapiro, 455 U.S. 345, 355 (1982).	CEN	20	20
15 U.S.C. § 3710a(c)	"[T]rade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of Title 5, which is obtained in the conduct of research or as a result of activities under this chapter," which pertains to cooperative research and development agreements for the purpose of technological and industrial innovation	Pub. Citizen Health Research Group v. NIH, 209 F. Supp. 2d 37, 43, 51 (D.D.C. 2002); DeLorme Pub. Co., Inc. v. NOAA, 917 F. Supp. 867, 871-72 (D. Me. 1996), appeal dismissed per stipulation, No. 96-1601 (1st Cir. July 8, 1996).	NIST	2	2
15 U.S.C. § 4652(a)(6)(G)	Information provided by covered entities for the fabrication, assembly, testing, advanced packaging, production, or research and development of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment	N/A	NIST	4	4
16 U.S.C. § 1881a(b)(1)	Certain information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this chapter	N/A	NOAA	2	2
22 U.S.C. § 3144	Foreign direct investment and international financial data	N/A	BEA	5	5
26 U.S.C. §§ 6103, 6105	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	Nosal v. IRS, 523 F. Supp. 3d 72, 79 (D.D.C. 2021); Church of Scientology v. IRS, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); Elec. Priv. Info. Ctr. v. IRS, 910 F.3d 1232, 1237 (D.C. Cir. 2018); Leonard v. U.S. Dep'of Treasury, 590 F. App'x. 141, 143-44 (3d Cir. 2014) (per curiam); Pac. Fisheries, Inc. v. IRS, 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105).	CEN OIG	1 1	2
35 U.S.C. § 122	Applications for patents; certain information pertaining to applications for patents	Irons & Sears v. Dann, 606 F.2d 1215, 1220 (D.C. Cir. 1979).	PTO	10	10
41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1))	Contractor bid or proposal information; source selection information	Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	NOAA	1	1

41 U.S.C. § 4702 (formerly at 41 U.S.C. § 253b(m)(1))	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA, No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004)	CEN	1	20
			NOAA	18	
			PTO	1	
50 U.S.C. § 4555(d) (formerly at 50 U.S.C. §2155(d))	Information obtained under the Defense Production Act of 1950 that the President deems confidential or the person furnishing such information requests confidential treatment of the information	N/A	BIS	2	2
50 U.S.C. § 4820(h)(1) (formerly at 50 U.S.C. § 4614(c)(1))	Information pertaining to license applications under the Export Administration Act	Wis. Project on Nuclear Arms Control v. U.S. Dep't of Com., 317 F.3d 275, 284 (D.C. Cir. 2003); Times Publ'g Co. v. U.S. Dep't of Com., 236 F.3d 1286, 1289-90 (11th Cir. 2001); Lessner v. U.S. Dep't of Com., 827 F.2d 1333, 1336-37 (9th Cir. 1987).	BIS	26	26
54 U.S.C. § 100707 (formerly at 16 U.S.C. § 5937)	Information pertaining to: "endangered, threatened, rare, or commercially valuable" National Park System resources; "mineral or paleontological objects within units of the National Park System"; or "objects of cultural patrimony within units of the National Park System"	Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004); Sw. Ctr. for Biological Diversity v. USDA, 170 F. Supp. 2d 931, 945 (D. Ariz. 2000), aff'd, 314 F.3d 1060, 1062 (9th Cir. 2002); Pease v. U.S. Dep't of Interior, No. 1:99CV113, slip op. at 2, 4 (D. Vt. Sept. 17, 1999).	NOAA	1	1

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
BEA	2	56	58	0
BIS	18	91	84	25
CEN	115	257	270	102
EDA	2	67	53	16
IOS	378	110	94	394
ITA	78	112	109	81
MBDA	9	29	19	19
NIST	81	151	117	115
NOAA	141	616	576	181
NTIA	15	74	25	64
NTIS	4	14	12	6
OIG	2	87	87	2
OS	250	308	330	228
PTO	38	269	259	48
AGENCY OVERALL	1133	2241	2093	1281

After reviewing its database, DOC updated the number of requests pending at the start of the Fiscal Year for the following components: BEA, BIS, CEN, IOS, ITA, NIST, NOAA, NTIA, NTIS, OS, and PTO.

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	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	
BEA	10	0	5	6	0	4	0	0	29	0	1	3	58
BIS	11	19	18	8	0	6	4	0	1	11	5	1	84
CEN	63	12	26	32	41	35	1	2	24	5	21	8	270
EDA	24	9	0	8	0	1	1	4	0	0	6	0	53
IOS	9	7	0	23	0	39	0	3	1	2	5	5	94
ITA	0	10	4	9	0	43	1	0	32	2	7	1	109
MBDA	4	0	0	7	0	1	0	4	2	0	0	1	19
NIST	26	14	6	13	0	7	26	9	6	2	0	8	117
NOAA	183	111	5	76	6	42	41	23	5	3	27	54	576
NTIA	1	3	0	1	0	2	2	8	5	1	1	1	25
NTIS	5	0	0	2	1	0	0	0	1	1	0	2	12
OIG	5	33	7	6	1	2	2	0	6	10	15	0	87
OS	26	7	8	40	1	14	0	26	45	150	13	0	330
PTO	75	65	9	35	3	4	3	5	49	7	4	0	259
AGENCY OVERALL	442	290	88	266	53	200	81	84	206	194	105	84	2093

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
BEA	Aggregate Cases	1	3
	Directed Requester to Publicly Available Information	2	
BIS	Aggregate Cases	1	1
CEN	Aggregate Cases	1	8
	Directed Requester to Publicly Available Information	7	
EDA	N/A	0	0
IOS	Aggregate Cases	1	5
	Directed Requester to Publicly Available Information	4	
ITA	Aggregate Cases	1	1
MBDA	Aggregate Cases	1	1
NIST	Aggregate Cases	6	8
	Directed Requester to Publicly Available Information	2	
NOAA	Aggregate Cases	13	54
	Directed Requester to Publicly Available Information	30	
	Unable to Locate or Contact Requester	11	
NTIA	Directed Requester to Publicly Available Information	1	1
NTIS	Directed Requester to Publicly Available Information	1	2
	Directed Requester to Another Entity Subject to the FOIA	1	
OIG	N/A	0	0
OS	N/A	0	0
PTO	N/A	0	0
AGENCY OVERALL			84

V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	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
BEA	0	0	5	0	0	0	0	0	0	0	0	0	0	0
BIS	2	0	28	10	15	23	5	0	10	0	6	0	0	0
CEN	0	3	24	6	0	13	0	0	0	0	0	0	0	0
EDA	0	0	0	1	3	6	0	0	0	0	0	0	0	0
IOS	0	0	0	0	6	6	0	0	0	0	5	2	0	0
ITA	1	0	0	5	4	9	0	0	1	0	1	0	0	0
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	0	0	6	6	2	8	0	0	0	0	0	0	0	0
NOAA	0	2	23	34	58	85	10	0	5	1	0	1	0	0
NTIA	0	0	0	2	2	1	0	0	0	0	0	0	0	0
NTIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	2	8	40	4	0	37	0	2	0	0	0
OS	0	0	0	0	5	11	0	0	2	0	2	0	0	0
PTO	0	0	11	16	24	54	3	0	9	0	6	0	0	0
AGENCY OVERALL	3	5	97	82	127	256	22	0	64	1	22	3	0	0

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
InfoLaw	186	66	12	240
OIG	1	1	2	0
PTO	1	15	15	1
AGENCY OVERALL	188	82	29	241

After reviewing its database, DOC adjusted the number of appeals pending at the start of the Fiscal Year for InfoLaw and PTO.

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
InfoLaw	7	0	1	4	12
OIG	0	2	0	0	2
PTO	11	1	2	1	15
AGENCY OVERALL	18	3	3	5	29

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	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
InfoLaw	0	0	1	0	1	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	1	1	0	0	1	0	0	0	0	0
PTO	0	1	0	0	3	2	1	0	0	0	0	0	0	0
AGENCY OVERALL	0	1	1	0	5	3	1	0	1	0	0	0	0	0

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	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
InfoLaw	0	0	3	1	0	0	0	0	0	0	0
OIG	0	0	0	1	0	0	0	0	0	0	0
PTO	0	0	0	0	0	0	0	0	0	1	0
AGENCY OVERALL	0	0	3	2	0	0	0	0	0	1	0

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
InfoLaw	N/A	0	0
OIG	N/A	0	0
PTO	N/A	0	0
AGENCY OVERALL			0

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
InfoLaw	175.5	378.25	25	1181
OIG	16	16	13	19
PTO	19	48.73	10	471
AGENCY OVERALL	21	271.1	10	1181

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
InfoLaw	Date of Appeal	2016-11-17	2016-11-02	2016-10-17	2015-10-15	2015-02-24	2014-08-15	2014-02-11	2013-04-26	2013-01-28	2012-11-02
	Number of Days Pending	1709	1719	1731	1982	2144	2273	2402	2600	2662	2718
OIG	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
PTO	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2023-09-21
	Number of Days Pending	0	0	0	0	0	0	0	0	0	7
AGENCY OVERALL	Date of Appeal	2016-11-17	2016-11-02	2016-10-17	2015-10-15	2015-02-24	2014-08-15	2014-02-11	2013-04-26	2013-01-28	2012-11-02
	Number of Days Pending	1722	1732	1744	1996	2159	2288	2418	2616	2679	2735

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
BEA	9	28.86	<1	162	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BIS	4	6.29	<1	20	56.5	101.92	4	735	2	2	2	2
CEN	29.5	77.59	<1	1300	137	182.44	1	776	42	88.27	14	285
EDA	12	10.8	<1	29	43	40	22	55	N/A	N/A	N/A	N/A
IOS	36	120.01	<1	589	558.5	704.79	<1	1535	541	541	73	1009
ITA	13	72.65	<1	679	194	368.12	<1	1261	N/A	N/A	N/A	N/A
MBDA	123	148.53	18	309	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NIST	17	27.79	<1	280	84	162.82	1	1381	N/A	N/A	N/A	N/A
NOAA	24.5	55.04	<1	760	50.5	122.63	6	671	21.5	21.75	<1	44
NTIA	10.5	48.66	<1	243	28	37.37	5	91	N/A	N/A	N/A	N/A
NTIS	27	24.45	4	38	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OIG	5	7.45	<1	20	19.5	19.12	1	30	N/A	N/A	N/A	N/A
OS	3	104.54	<1	1105	209.5	305.34	2	1099	513.5	502.25	355	627
PTO	20	32.67	1	664	88	102.30	22	516	N/A	N/A	N/A	N/A
AGENCY OVERALL	19	59.33	<1	1300	93	216.83	<1	1535	73	196.76	<1	1009

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
BEA	12.5	19.8	0	86	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BIS	7.5	7	1	17	89.5	144.65	4	735	N/A	N/A	N/A	N/A
CEN	35	86.42	<1	700	153	200.56	21	701	22.5	22.5	14	31
EDA	15	14.03	2	29	43	40	22	55	N/A	N/A	N/A	N/A
IOS	355	315.5	2	569	517	745.6	498	1164	1009	1009	1009	1009
ITA	7	12.33	4	26	98	345.71	61	1212	N/A	N/A	N/A	N/A
MBDA	52.5	113.25	39	309	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NIST	19	37.73	0	280	130	165.7	22	742	N/A	N/A	N/A	N/A
NOAA	33	70.21	<1	760	52	109.93	6	587	39	29	4	44
NTIA	2	2	2	2	28	49	28	91	N/A	N/A	N/A	N/A
NTIS	28	24.2	4	38	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OIG	16	13.09	1	20	20	19.14	1	30	N/A	N/A	N/A	N/A
OS	327	296.4	2	741	181	279.1	33	704	597	551.33	430	627
PTO	22.5	39.01	2	664	80	94.58	22	516	N/A	N/A	N/A	N/A
AGENCY OVERALL	23	68.32	0	760	85	157.92	1	1212	44	310.55	4	1009

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
BEA	20	4	1	0	1	0	0	0	3	0	0	0	0	29
BIS	44	0	0	0	0	0	0	0	0	0	0	0	0	44
CEN	75	32	15	17	6	4	7	7	0	3	7	3	6	182
EDA	44	2	0	0	0	0	0	0	0	0	0	0	0	46
IOS	12	30	1	1	2	2	1	1	1	0	3	1	9	64
ITA	21	5	2	1	0	2	0	0	0	1	3	0	2	37
MBDA	1	2	0	1	0	2	1	0	2	0	3	1	0	13
NIST	42	13	11	3	1	2	0	0	0	0	1	0	0	73
NOAA	216	100	50	32	19	16	16	2	3	7	12	5	8	486
NTIA	4	0	0	0	0	0	0	0	0	0	1	0	0	5
NTIS	4	7	0	0	0	0	0	0	0	0	0	0	0	11
OIG	73	0	0	0	0	0	0	0	0	0	0	0	0	73
OS	153	2	2	3	1	3	1	1	1	3	2	16	23	211
PTO	84	50	12	7	4	0	0	2	1	0	1	0	1	162
AGENCY OVERALL	793	247	94	65	34	31	26	13	11	14	33	26	49	1436

VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
BEA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BIS	2	12	5	6	2	1	3	0	0	0	6	0	1	38
CEN	8	4	5	4	2	1	3	1	3	9	4	0	8	52
EDA	0	1	2	0	0	0	0	0	0	0	0	0	0	3
IOS	1	0	0	0	0	0	1	0	0	0	1	1	20	24
ITA	4	2	1	1	5	0	4	0	1	2	4	2	14	40
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	1	7	2	4	4	0	2	2	1	1	3	0	2	29
NOAA	5	21	9	2	3	2	2	1	1	0	5	1	6	58
NTIA	3	2	0	1	1	0	0	0	0	0	0	0	0	7
NTIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	6	2	0	0	0	0	0	0	0	0	0	0	0	8
OS	8	2	3	1	2	0	2	1	1	2	3	5	14	44
PTO	0	6	7	6	8	4	2	3	4	2	0	0	1	43
AGENCY OVERALL	38	59	34	25	27	8	19	8	11	16	26	9	66	346

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
BEA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BIS	1	0	0	0	0	0	0	0	0	0	0	0	0	1
CEN	3	1	1	0	2	0	1	0	0	0	2	0	0	10
EDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IOS	0	0	0	1	0	0	0	0	0	0	0	0	1	2
ITA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOAA	2	1	1	0	0	0	0	0	0	0	0	0	0	4
NTIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NTIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS	0	0	0	0	0	0	0	0	0	0	0	1	3	4
PTO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	6	2	2	1	2	0	1	0	0	0	2	1	4	21

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
BEA	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
BIS	0	N/A	N/A	25	104	117.88	0	N/A	N/A
CEN	55	181	200.76	37	269	301.78	10	331	439.5
EDA	16	47	64.12	0	N/A	N/A	0	N/A	N/A
IOS	102	327	389.52	248	1156	956.93	44	625	629.02
ITA	53	236	327.9	27	358	449.85	1	325	325
MBDA	19	72	131.63	0	N/A	N/A	0	N/A	N/A
NIST	56	75	104.48	52	493.5	587.13	7	562	462
NOAA	143	23	95.81	36	39	282.69	2	448.5	448.5
NTIA	34	94	108.76	27	184	213.7	3	391	382.33
NTIS	5	97	98	0	N/A	N/A	0	N/A	N/A
OIG	1	5	5	1	10	10	0	N/A	N/A
OS	107	496	434.57	114	271	422.71	7	566	656.14
PTO	34	18	59.91	14	76.5	118.5	0	N/A	N/A
AGENCY OVERALL	625	130	230.33	581	505	619.48	74	563	571.18

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
BEA	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
BIS	Date of Receipt	2023-03-31	2023-03-09	2023-03-09	2023-03-09	2023-03-09	2023-01-09	2022-08-08	2022-08-08	2022-05-25	2021-09-09
	Number of Days Pending	126	142	142	142	142	176	287	287	337	515
CEN	Date of Receipt	2021-08-20	2021-06-23	2021-05-12	2021-02-16	2021-01-21	2020-12-03	2020-04-20	2019-08-22	2020-01-14	2019-06-27
	Number of Days Pending	526	567	595	655	672	702	859	923	925	1041
EDA	Date of Receipt	2023-08-02	2023-07-26	2023-07-23	2023-07-21	2023-07-21	2023-07-21	2023-06-30	2023-06-27	2023-01-18	2022-06-30
	Number of Days Pending	41	46	48	49	49	49	63	66	177	313
IOS	Date of Receipt	2017-09-27	2017-09-22	2017-09-15	2017-08-28	2017-08-21	2017-08-18	2017-08-14	2017-07-11	2017-07-06	2017-04-27
	Number of Days Pending	1495	1498	1503	1516	1521	1522	1526	1550	1553	1601
ITA	Date of Receipt	2020-06-30	2020-05-19	2020-05-08	2020-02-28	2020-02-17	2019-09-09	2019-07-19	2019-06-20	2019-02-22	2018-01-12
	Number of Days Pending	809	838	845	894	902	1010	1045	1065	1147	1423
MBDA	Date of Receipt	2023-06-16	2023-04-24	2023-03-09	2023-01-23	2023-01-17	2022-10-31	2022-09-22	2022-08-17	2022-07-25	2022-07-06

	Number of Days Pending	72	110	142	174	178	229	255	280	297	310
NIST	Date of Receipt	2020-05-28	2020-01-15	2020-01-09	2019-11-26	2019-04-05	2019-02-19	2019-01-31	2019-01-24	2015-02-10	2012-08-22
	Number of Days Pending	832	924	928	956	1117	1150	1162	1167	2153	2768
NOAA	Date of Receipt	2020-10-28	2020-10-27	2020-05-07	2020-09-22	2020-08-25	2018-09-13	2019-03-14	2018-12-18	2018-03-28	2017-08-21
	Number of Days Pending	726	727	753	751	770	894	1133	1190	1358	1521
NTIA	Date of Receipt	2022-08-17	2022-06-28	2022-06-24	2022-05-11	2022-03-28	2022-03-23	2022-03-09	2022-01-31	2021-09-01	2021-03-31
	Number of Days Pending	280	315	317	347	350	381	391	406	510	624
NTIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2023-06-20	2023-06-09	2023-05-11	2023-05-10	2023-03-02
	Number of Days Pending	0	0	0	0	0	71	77	97	98	147
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2023-09-25	2023-08-25
	Number of Days Pending	0	0	0	0	0	0	0	0	5	15
OS	Date of Receipt	2018-10-17	2018-08-21	2018-07-18	2018-06-26	2018-06-13	2018-06-05	2018-04-24	2018-02-08	2018-01-19	2017-12-19
	Number of Days Pending	1232	1271	1295	1310	1319	1325	1354	1405	1419	1439
PTO	Date of Receipt	2023-04-07	2023-03-24	2023-02-13	2023-01-30	2023-01-27	2022-10-07	2022-08-08	2022-06-09	2021-09-22	2021-08-27
	Number of Days Pending	118	128	149	166	167	241	284	324	503	520
AGENCY OVERALL	Date of Receipt	2017-08-28	2017-08-21	2017-08-21	2017-08-18	2017-08-14	2017-07-11	2017-07-06	2017-04-27	2015-02-10	2012-08-22

	Number of Days Pending	1516	1521	1521	1522	1526	1550	1553	1601	2153	2768
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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
BEA	0	0	N/A	N/A	0
BIS	1	8	3	3.55	9
CEN	11	6	45	85.88	3
EDA	0	6	1	1	6
IOS	6	5	10	19.9	6
ITA	0	2	1	1	2
MBDA	0	1	42	42	1
NIST	2	2	7	8	3
NOAA	5	48	1	6.03	50
NTIA	0	2	17	17	0
NTIS	0	0	N/A	N/A	0
OIG	0	5	2	2.8	5
OS	0	27	2	2.4	27
PTO	0	3	28	30.33	0
AGENCY OVERALL	25	115	19	44.58	112

VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BEA	4	2	2.5	7.66
BIS	24	1	1	1.44
CEN	13	6	28	46.26
EDA	6	7	1	1.23
IOS	59	3	6	23.79
ITA	10	2	1	1.58
MBDA	2	0	100.5	100.5
NIST	1	9	9	18.4
NOAA	88	68	1	41.3
NTIA	0	2	12.5	12.5
NTIS	0	0	N/A	N/A
OIG	1	4	2	1.8
OS	2	41	2	6.3
PTO	1	2	20	24
AGENCY OVERALL	211	147	2	27.03

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
BEA	1	0.02	1.02	141218.00	0.00	141218.00
BIS	1	0.50	1.50	233056.84	0.00	233056.84
CEN	4	1.40	5.40	761815.27	11510.91	773326.18
EDA	0	0.35	0.35	45805.62	0.00	45805.62
InfoLaw	0	4.42	4.42	479843.85	168614.71	648458.56
IOS	4	0.00	4.00	507224.47	0.00	507224.47
ITA	1	0.25	1.25	655073.13	128411.80	783484.93
MBDA	1	0.25	1.25	185982.80	0.00	185982.80
NIST	0	0.90	0.90	140998.00	140998.00	281996.00
NOAA	21	26.20	47.20	4241691.44	75000.00	4316691.44
NTIA	0	0.30	0.30	57926.69	0.00	57926.69
NTIS	0	0.90	0.90	140998.00	0.00	140998.00
OIG	0	1.09	1.09	92633.00	0.00	92633.00
OS	3	0.33	3.33	369760.72	0.00	369760.72
PTO	6	0.85	6.85	1196122.11	242066.00	1438188.11
AGENCY OVERALL	42	37.76	79.76	9250149.94	766601.42	10016751.36

X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
BEA	0.00	0.0000
BIS	3528.00	1.5100
CEN	280.00	0.0400
EDA	0.00	0.0000
IOS	0.00	0.0000
ITA	0.00	0.0000
MBDA	0.00	0.0000
NIST	480.00	0.3400
NOAA	19922.00	0.4700
NTIA	0.00	0.0000
NTIS	0.00	0.0000
OIG	0.00	0.0000
OS	0.00	0.0000
PTO	659.03	0.0600
AGENCY OVERALL	24869.03	0.2700

XI.A. NUMBER OF TIMES SUBSECTION (C) USED

Agency / Component	Number of Times Subsection Used
BEA	0
BIS	0
CEN	0
EDA	0
IOS	0
ITA	0
MBDA	0
NIST	0
NOAA	0
NTIA	0
NTIS	0
OIG	0
OS	0
PTO	0
AGENCY OVERALL	0

XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
BEA	0	0
BIS	0	152
CEN	0	0
EDA	0	0
IOS	14	0
ITA	0	0
MBDA	0	0
NIST	0	0
NOAA	0	30
NTIA	0	0
NTIS	0	0
OIG	0	45
OS	0	0
PTO	0	4274037
AGENCY OVERALL	14	4274264

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
BEA	0	N/A
BIS	18	N/A
CEN	90	N/A
EDA	14	N/A
InfoLaw	0	235
IOS	380	N/A
ITA	75	N/A
MBDA	18	N/A
NIST	99	N/A
NOAA	84	N/A
NTIA	60	N/A
NTIS	5	N/A
OIG	0	0
OS	214	N/A
PTO	26	0
AGENCY OVERALL	1083	235

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
BEA	0	0	0	0
BIS	2	11	13	0
CEN	0	1	1	0
EDA	0	2	2	0
IOS	22	28	22	28
ITA	11	18	17	12
MBDA	0	0	0	0
NIST	3	15	16	2
NOAA	2	42	42	2
NTIA	1	7	8	0
NTIS	1	0	0	1
OIG	0	1	1	0
OS	1	8	4	5
PTO	1	5	6	0
AGENCY OVERALL	44	138	132	50

After reviewing its database, DOC adjusted the number of consults pending as of the start of the Fiscal Year for the following components: BIS, ITA.

NTIA	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
NTIS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2019-03-15
	Number of Days	0	0	0	0	0	0	0	0	0	1151
OIG	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
OS	Date	N/A	N/A	N/A	N/A	N/A	2023-08-10	2023-06-05	2023-03-29	2022-12-02	2022-05-03
	Number of Days	0	0	0	0	0	35	81	128	207	353
PTO	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
AGENCY OVERALL	Date	2021-09-25	2021-03-31	2021-03-26	2020-10-27	2020-08-31	2020-04-16	2019-04-01	2019-03-29	2019-03-01	2019-02-28
	Number of Days	511	628	631	733	770	867	1130	1131	1151	1152

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
BEA	19	56	20	58
BIS	89	91	89	84
CEN	157	257	141	270
EDA	55	67	54	53
IOS	121	110	96	94
ITA	89	112	69	109
MBDA	11	29	7	19
NIST	106	151	73	117
NOAA	484	616	469	576
NTIA	59	74	48	25
NTIS	13	14	10	12
OIG	46	87	47	87
OS	289	308	408	330
PTO	230	269	242	259
AGENCY OVERALL	1768	2241	1773	2093

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
BEA	0	0
BIS	16	18
CEN	84	90
EDA	1	14
IOS	360	380
ITA	57	75
MBDA	8	18
NIST	53	99
NOAA	80	84
NTIA	8	60
NTIS	0	5
OIG	0	0
OS	223	214
PTO	16	26
AGENCY OVERALL	906	1083

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
InfoLaw	47	66	13	12
OIG	3	1	2	2
PTO	13	15	13	15
AGENCY OVERALL	63	82	28	29

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
InfoLaw	180	235
OIG	0	0
PTO	0	0
AGENCY OVERALL	180	235