

DOC FOIA ANNUAL REPORT

FOR
10/01/2019
THROUGH
09/30/2020

The following **Annual Freedom of Information Act** report covers the Period 10/01/2019, through 09/30/2020, as required by 5 U.S.C. 552.

I. BASIC INFORMATION REGARDING REPORT

1. Name, Title, Address, and Telephone Number

Bobbie Parsons
National FOIA Officer
U.S. Department of Commerce
Room 61013
1401 Constitution Avenue,
NW Washington, DC 20230
202-482-3257

2. Electronic address for Report on the agency web site.

<http://www.osec.doc.gov/opog/FOIA/default.html>

3. How to obtain a copy of the report in paper form.

Bobbie Parsons, Acting Deputy Program Director Departmental FOIA/Privacy Act Operations,
U.S. Department of Commerce Office of Privacy & Open Government Room 52010, 1401
Constitution Avenue, N.W. Washington, D.C. 20230 202-482-1190 BParsons@doc.gov

II. MAKING A FOIA REQUEST

1. Names, addresses, and phone numbers of all individual agency components of the Department that receive FOIA requests are listed at:

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

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Acronyms used:

Acronym	Definition
BEA	Bureau of Economic Analysis
BIS	Bureau of Industry and Security
CEN	Bureau of the Census
DOC	Department of Commerce
EDA	Economic Development Administration
InfoLaw	Employment, Litigation, and Information
IOS	Immediate Office of the Secretary
ITA	International Trade Administration

MBDA	Minority Business Development Agency
NIST	National Institute of Standards and Technology
NOAA	National Oceanic and Atmospheric Administration
NTIA	National Telecommunications and Information Administration
NTIS	National Technical Information Service
OIG	Office of Inspector General
OS	Office of the Secretary
OUSEA	Office of the Under Secretary for Economic Affairs
PTO	United States Patent and Trademark Office

2. Definition 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 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 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** - 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.

- l. **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.
 - m. **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.
 - n. **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.
 - o. **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.
 - p. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.
 - q. **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.
 - r. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.
 - s. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.
 - t. **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).
3. Concise descriptions of the nine FOIA exemptions:
- a. **Exemption 1** - classified national defense and foreign relations information
 - b. **Exemption 2** - internal agency rules and practices
 - 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

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
15 U.S.C. § 7306(d)	"[A]ny information . . . receive[d] in the course of an investigation under this chapter if the Director finds that the disclosure of that information might jeopardize public safety"	Quick v. Dep't of Com., 775 F. Supp. 2d 174, 180-81 (D.D.C. 2011).	NIST	3	3
5 U.S.C. app. 4 § 107(a)(2)	Confidential financial disclosure report pertaining to certain government employees	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Boyd v. Exec. Off. for U.S. Att'ys, 161 F. Supp. 3d 1, 7(D.D.C. 2015); Seife v. NIH, 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012).	IOS	6	6
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	35	35
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	11	11
31 U.S.C. § 3730 (b)(2)	Records pertaining to civil actions for false claims against the United States Government	N/A	OIG	1	1
35 U.S.C. § 122	Applications for patents; certain information pertaining to applications for patents	Irons & Sears v Dann, 606 F.2d 1215, 1219-21 (D.C. Cir. 1979)	OS	3	20
			PTO	17	
50 U.S.C. § 4555(d)	Information obtained under the Defense Production Act of 1950 that the President deems confidential, or where the person furnishing the information requests confidential treatment of the information.	N/A	BIS	4	4
13 U.S.C. §§ 8(b), 9(a)	Certain census data.	Baldrige v. Shapiro, 455 U.S. 345, 355 (1982).	Census	7	7

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	8	15	14	9
BIS	35	99	112	22
Census	61	469	392	138
EDA	0	67	66	1
IOS	437	141	211	367
ITA	58	99	109	48
MBDA	1	17	12	6
NIST	34	82	84	32
NOAA	200	449	511	138
NTIA	5	67	62	10
NTIS	0	17	17	0
OIG	5	57	60	2
OS	376	207	247	336
OUSEA	4	3	5	2
PTO	40	228	206	62
AGENCY OVERALL	1264	2017	2108	1173

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	3	0	0	2	0	1	0	0	2	2	3	1	14
BIS	13	27	21	16	0	4	10	1	2	8	9	1	112
Census	132	42	16	51	7	36	10	1	6	12	46	33	392
EDA	34	12	0	9	0	5	0	0	0	0	6	0	66
IOS	9	17	2	16	0	125	0	8	2	0	19	13	211
ITA	2	40	2	21	2	21	0	0	2	11	8	0	109
MBDA	2	0	0	3	0	0	0	0	2	0	5	0	12
NIST	23	17	4	10	1	3	12	5	2	6	1	0	84
NOAA	122	185	8	37	1	63	19	3	18	6	28	21	511
NTIA	16	11	0	8	0	9	4	2	1	2	7	2	62
NTIS	6	1	0	4	1	0	0	0	0	2	2	1	17
OIG	2	28	4	4	0	3	3	2	7	0	7	0	60
OS	3	7	6	20	0	98	0	8	18	45	38	4	247
OUSEA	0	0	0	4	0	0	0	0	0	1	0	0	5
PTO	59	78	11	27	0	5	18	6	0	0	2	0	206
AGENCY OVERALL	426	465	74	232	12	373	76	36	62	95	181	76	2108

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	Directed requester to publicly available information	1	1
BIS	Directed requester to publicly available information	1	1
Census	Aggregate cases	19	33
	Directed requester to publicly available information	11	
	Litigation	3	
EDA	N/A	0	0
IOS	Aggregate cases	2	13
	Directed requester to publicly available information	8	
	Litigation	3	
ITA	N/A	0	0
MBDA	N/A	0	0
NIST	N/A	0	0
NOAA	Aggregate cases	10	21
	Directed requester to publicly available information	11	
NTIA	Aggregate cases	2	2
NTIS	Litigation	1	1
OIG	N/A	0	0
OS	Directed requester to publicly available information	4	4
OUSEA	N/A	0	0
PTO	N/A	0	0
AGENCY OVERALL			76

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	0	0	0	0	0	0	0	0	0	0	0	0
BIS	0	0	39	9	16	15	5	0	11	0	4	0	0	0
Census	0	2	3	19	169	306	0	0	0	0	0	0	0	0
EDA	0	0	0	3	3	10	0	0	0	0	0	0	0	0
IOS	0	0	6	18	25	28	0	0	0	0	12	0	0	0
ITA	0	0	0	13	14	22	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	2	3	8	11	14	0	0	1	0	1	0	0	0
NOAA	0	1	11	35	105	145	6	2	13	0	6	0	0	0
NTIA	0	0	0	5	11	7	0	0	1	0	1	0	0	0
NTIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	1	0	3	27	4	0	27	0	0	0	0	0
OS	0	0	3	1	5	15	0	0	0	0	1	0	0	0
OUSEA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PTO	0	2	17	12	12	73	3	0	7	0	6	0	0	0
AGENCY OVERALL	0	7	83	123	374	662	18	2	61	0	32	0	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	90	82	87	85
OIG	1	2	3	0
PTO	2	3	5	0
AGENCY OVERALL	93	87	95	85

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

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	55	7	18	7	87
OIG	2	0	1	0	3
PTO	2	2	1	0	5
AGENCY OVERALL	59	9	20	7	95

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	1	3	4	9	11	7	2	0	2	0	2	1	0	0
OIG	0	0	0	0	0	1	0	0	1	0	0	0	0	0
PTO	0	1	0	0	0	1	0	0	0	0	0	0	0	0
AGENCY OVERALL	1	4	4	9	11	9	2	0	3	0	2	1	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	8	1	4	1	0	2	0	2	0	2	0
OIG	0	0	0	0	0	1	0	0	0	0	0
PTO	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	8	1	4	1	0	3	0	2	0	2	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	60.0	155.93	2.0	1692.0
OIG	9.0	9.33	2.0	17.0
PTO	20.0	24.0	19.0	42.0
AGENCY OVERALL	20	189.26	2	1692

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	2016-02-18	2015-10-15	2015-09-30	2015-03-09	2015-02-24	2014-08-15	2014-02-11	2013-04-26	2013-01-28	2012-11-02
	Number of Days Pending	1158	1242	1252	1396	1405	1533	1663	1861	1924	1980
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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

	Appeal										
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date of Appeal	2016-02-18	2015-10-15	2015-09-30	2015-03-09	2015-02-24	2014-08-15	2014-02-11	2013-04-26	2013-01-28	2012-11-02
	Number of Days Pending	1158	1242	1252	1396	1405	1533	1663	1861	1924	1980

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	<1	5.5	<1	22.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BIS	7.0	8.5	<1	21.0	51.0	82.94	5.0	374.0	1.0	1.0	1.0	1.0
Census	16.0	22.04	<1	271.0	16.0	36.12	<1	316.0	16.0	55.5	<1	346.0
EDA	10.0	9.56	<1	20.0	24.0	23.67	21.0	26.0	10.0	10.0	10.0	10.0
IOS	307.0	269.98	<1	555.0	300.5	376.08	<1	850.0	305.0	343.65	<1	769.0
ITA	56.0	128.46	1.0	876.0	318.0	499.29	24.0	1434.0	114.0	114.0	114.0	114.0
MBDA	24.0	28.0	<1	55.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NIST	7.0	8.15	<1	22.0	54.0	245.17	5.0	2062.0	21.0	21.0	21.0	21.0
NOAA	25.0	68.72	<1	586.0	67.0	148.43	<1	886.0	191.0	151.72	2.0	287.0
NTIA	2.0	3.82	<1	20.0	23.5	83.5	<1	387.0	N/A	N/A	N/A	N/A
NTIS	11.0	18.31	<1	98.0	N/A	N/A	N/A	N/A	7.0	7.0	7.0	7.0
OIG	15.0	12.45	<1	20.0	26.5	25.88	21.0	30.0	20.0	20.0	20.0	20.0
OS	42.0	170.44	<1	637.0	385.0	326.65	<1	783.0	262.0	353.67	2.0	797.0
OUSEA	<1	<1	<1	<1	N/A	N/A	N/A	N/A	<1	<1	<1	<1
PTO	16.0	26.46	<1	479.0	19.0	40.89	9.0	677.0	N/A	N/A	N/A	N/A
AGENCY OVERALL	15	57.99	<1	876	54	170.84	<1	2062	191	197.06	<1	797

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
BIS	7.0	10.44	<1	21.0	91.0	98.0	7.0	374.0	<1	<1	<1	<1
BEA	21.0	21.0	21.0	21.0	21.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Census	17.0	21.65	1.0	179.0	28.0	42.73	<1	316.0	16.0	69.67	5.0	346.0
EDA	11.5	10.86	1.0	20.0	24.0	23.67	21.0	26.0	10.0	10.0	10.0	10.0
IOS	527.0	317.56	<1	555.0	341.0	340.93	<1	736.0	335.0	364.67	210.0	549.0
ITA	52.0	134.28	1.0	876.0	557.0	672.6	119.0	1434.0	114.0	114.0	114.0	114.0
MBDA	39.0	39.0	23.0	55.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NIST	9.0	9.25	<1	22.0	54.0	288.17	5.0	2062.0	21.0	21.0	21.0	21.0
NOAA	31.0	74.24	<1	586.0	85.0	170.56	1.0	886.0	193.0	181.45	25.0	287.0
NTIA	1.0	3.47	<1	20.0	82.0	147.55	22.0	387.0	N/A	N/A	N/A	N/A
NTIS	12.5	26.0	3.0	98.0	N/A	N/A	N/A	N/A	7.0	7.0	7.0	7.0
OIG	12.0	12.48	1.0	20.0	26.5	25.88	21.0	30.0	20.0	20.0	20.0	20.0
OS	2.0	36.0	<1	112.0	208.0	268.5	<1	658.0	<1	<1	<1	<1
OUSEA	<1	<1	<1	<1	N/A	N/A	N/A	N/A	<1	<1	<1	<1
PTO	18	31.47	3	479	20	31.78	9	195	N/A	N/A	N/A	N/A
AGENCY OVERALL	12.5	49.86	<1	876	26.5	140.69	<1	2062	7	52.51	<1	549

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	3	1	0	0	0	0	0	0	0	0	0	0	0	4
BIS	35	1	0	0	0	0	0	0	0	0	0	0	0	36
Census	82	26	4	2	0	2	0	0	1	0	1	0	0	118
EDA	59	0	0	0	0	0	0	0	0	0	0	0	0	59
IOS	15	0	0	0	0	1	0	0	1	2	6	13	19	57
ITA	16	10	11	6	3	1	2	3	1	0	5	4	5	67
MBDA	2	2	2	0	0	0	0	0	0	0	0	0	0	6
NIST	39	1	0	0	0	0	0	0	0	0	0	0	0	40
NOAA	146	70	25	7	7	10	4	7	4	22	23	7	3	335
NTIA	28	0	0	0	0	0	0	0	0	0	0	0	0	28
NTIS	10	1	1	0	1	0	0	0	0	0	0	0	0	13
OIG	29	0	0	0	0	0	0	0	0	0	0	0	0	29
OS	17	2	4	1	0	2	0	0	0	0	3	0	10	39
OUSEA	2	0	0	0	0	0	0	0	0	0	1	1	0	4
PTO	112	22	3	0	2	0	2	0	3	1	0	0	1	146
AGENCY OVERALL	595	136	50	16	13	16	8	10	10	25	39	25	38	981

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	13	14	8	1	7	6	0	5	2	4	3	1	0	64
Census	89	35	13	7	10	6	3	1	1	2	0	2	0	169
EDA	0	3	0	0	0	0	0	0	0	0	0	0	0	3
IOS	9	1	3	0	0	5	0	1	0	8	19	7	38	91
ITA	0	1	1	1	0	2	0	0	0	0	2	1	6	14
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	1	9	6	1	2	1	1	0	1	0	2	1	4	29
NOAA	25	14	11	9	6	2	2	6	2	5	8	6	13	109
NTIA	9	4	1	0	1	0	1	0	0	0	2	2	0	20
NTIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	8	0	0	0	0	0	0	0	0	0	0	0	8
OS	13	2	1	0	0	0	0	0	0	3	5	6	25	55
OUSEA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PTO	34	16	3	0	0	1	1	0	0	1	0	0	1	57
AGENCY OVERALL	193	107	47	19	26	23	8	13	6	23	41	26	87	619

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
Census	8	1	0	0	1	0	1	0	0	0	0	1	0	12
EDA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
IOS	1	0	0	0	0	0	0	0	3	2	5	5	7	23
ITA	0	0	0	0	0	1	0	0	0	0	0	0	0	1
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	0	1	0	0	0	0	0	0	0	0	0	0	0	1
NOAA	3	2	0	1	0	1	1	0	2	10	5	0	0	25
NTIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NTIS	1	0	0	0	0	0	0	0	0	0	0	0	0	1
OIG	1	0	0	0	0	0	0	0	0	0	0	0	0	1
OS	1	0	0	0	0	0	0	0	0	0	1	0	1	3
OUSEA	0	0	0	0	0	0	0	0	0	0	1	0	0	1
PTO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	17	4	0	1	1	2	2	0	5	12	12	6	8	70

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	1	246.0	246.0	0.0	N/A	N/A	0	N/A	N/A
BIS	0.0	N/A	N/A	22	97.0	127.08	0.0	N/A	N/A
Census	10	8.5	12.8	33	77.0	110.3	7	71.0	80.14
EDA	1	17.0	17.0	0	N/A	N/A	0	N/A	N/A
IOS	62	264.0	266.29	211	529.0	503.49	22	556.5	451.45
ITA	29	77.0	169.83	14	201.5	349.93	4	610.5	540.0
MBDA	2	45.0	45.0	0	N/A	N/A	0	N/A	N/A
NIST	5	6.0	12.4	24	301.0	386.08	1	7.0	7.0
NOAA	84	67.0	122.76	28	86.0	221.48	2	249.5	234.83
NTIA	1	N/A	N/A	7	58.0	42.29	1	7.0	7.0
NTIS	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
OIG	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
OS	71	64.0	263.58	61	493.0	458.95	1	662.0	662.0
OUSEA	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
PTO	29	30	25.33	32	30	47	0	N/A	N/A
AGENCY OVERALL	295	17	47.85	432	58	149.77	38	249.5	132.16

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	2019-10-07
	Number of Days Pending	0	0	0	0	0	0	0	0	0	246
BIS	Date of Receipt	2020-04-01	2020-03-18	2020-02-18	2019-11-19	2019-11-07	2019-10-15	2019-10-07	2019-05-29	2018-11-23	2018-11-14
	Number of Days Pending	122	133	145	199	223	241	243	337	452	469
Census	Date of Receipt	2019-09-16	2019-09-12	2019-06-13	2019-08-22	2019-09-11	2019-09-23	2019-07-09	2019-06-13	2019-06-17	2018-07-19
	Number of Days Pending	2	4	77	172	174	181	212	222	289	549
EDA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2020-09-02
	Number of Days Pending	0	0	0	0	0	0	0	0	0	19
IOS	Date of Receipt	2017-09-11	2017-07-31	2017-07-18	2017-07-18	2017-07-10	2017-07-05	2017-07-03	2017-05-31	2017-05-04	2017-03-23
	Number of Days Pending	760	774	783	783	807	810	810	834	853	858
ITA	Date of Receipt	2018-10-19	2018-08-16	2018-07-30	2018-05-02	2018-01-29	2017-09-25	2018-01-10	2017-10-11	2016-07-13	2016-01-27
	Number of Days Pending	479	530	540	603	670	680	681	735	1056	1173
MBDA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2020-07-22	2020-03-23
	Number of Days Pending	0	0	0	0	0	0	0	0	2	88
NIST	Date of Receipt	2016-10-28	2019-04-05	2019-03-14	2019-01-31	2019-01-31	2019-01-24	2018-09-10	2017-09-05	2015-02-09	2012-08-22
	Number of Days Pending	4	374	377	407	419	424	514	728	1414	2030
NOAA	Date of Receipt	2017-06-19	2018-04-23	2018-04-23	2018-04-04	2018-04-03	2017-11-13	2017-11-01	2017-08-21	2017-06-23	2017-06-12
	Number of Days Pending	469	611	611	612	616	656	697	778	814	826
NTIA	Date of Receipt	N/A	2020-09-29	2020-08-21	2020-09-21	2020-08-26	2020-08-26	2020-06-08	2020-06-08	2020-06-22	2020-06-08
	Number of Days Pending	0	0	7	7	13	14	58	60	68	76
NTIS	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
OIG	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

OS	Date of Receipt	2017-10-31	2017-11-09	2017-11-13	2017-11-16	2017-10-31	2017-10-31	2017-09-20	2017-08-18	2016-08-22	2016-06-30
	Number of Days Pending	85	617	646	714	719	720	756	763	1028	1064
OUSEA	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
PTO	Date of Receipt	2019-03-28	2019-03-28	2019-03-28	2019-04-17	2018-01-23	2018-01-23	2018-01-23	2017-11-21	2017-11-21	2017-11-21
	Number of Days Pending	30	30	30	30	30	30	30	74	74	74
AGENCY OVERALL	Date of Receipt	2016-10-28	2017-05-31	2017-05-04	2017-03-23	2016-08-22	2016-07-13	2016-06-30	2016-01-27	2015-02-09	2012-08-22
	Number of Days Pending	4	834	853	858	1028	1056	1064	1173	1414	2030

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	1	28.0	28.0	0
BIS	1	15	3.0	2.88	16
Census	32	37	16.0	27.54	22
EDA	1	11	1	1	12
IOS	16	30	12.0	64.38	18
ITA	2	10	3.0	17.25	11
MBDA	1	4	7.0	17.0	4
NIST	2	5	7.0	10.14	5
NOAA	8	43	4.0	5.61	44
NTIA	1	2	9.0	7.67	2
NTIS	1	2	6.0	57.0	2
OIG	1	14	3.0	5.13	13
OS	29	16	8.0	50.2	27
OUSEA	1	0	364.0	364.0	0
PTO	0	0	N/A	N/A	0
AGENCY OVERALL	96	190	6	28.87	176

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	2	0	1.5	1
BIS	23	4	<1	0.27
Census	37	53	<1	<1
EDA	5	12	<1	<1
IOS	50	24	<1	10.19
ITA	11	17	<1	1.89
MBDA	0	6	<1	0.17
NIST	3	11	4.0	4.33
NOAA	125	58	<1	<1
NTIA	1	3	7.5	6.25
NTIS	3	1	<1	<1
OIG	2	12	<1	<1
OS	22	32	<1	<1
OUSEA	1	0	110.0	110.0
PTO	1	0	<1	<1
AGENCY OVERALL	286	233	<1	4.41

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	0	0.63	0.63	103008.00	0.00	103008.00
BIS	1	0.50	1.50	194514.02	0.00	194514.02
Census	8	0.00	8.00	850041.60	0.00	850041.60
EDA	0	0.22	0.22	24559.91	0.00	24559.91
InfoLaw	0	4.10	4.10	519232.82	230217.83	749450.65
IOS	1	3.00	4.00	249950.60	0.00	249950.60
ITA	3	4.11	7.11	1230335.77	0.00	1230335.77
MBDA	1	0.00	1.00	59682.00	0.00	59682.00
NIST	0	2.55	2.55	260537.74	0.00	260537.74
NOAA	37	19.27	56.27	2262897.91	0.00	2262897.91
NTIA	2	0.50	2.50	248471.94	0.00	248471.94
NTIS	1	0.90	1.90	257374.42	0.00	257374.42
OIG	0	1.03	1.03	85018.00	0.00	85018.00
OS	1	2.50	3.50	147783.06	0.00	147783.06
OUSEA	1	0.00	1.00	103008.00	0.00	103008.00
PTO	7	0.00	7.00	1122236.78	0.00	1122236.78
AGENCY OVERALL	63	39.31	102.31	7718652.57	230217.83	7948870.40

X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
BEA	0.00	0.0000
BIS	42325.56	21.7600
Census	1521.80	0.1800
EDA	233.10	0.9500
IOS	0.00	0.0000
ITA	0.00	0.0000
MBDA	0.00	0.0000
NIST	0.00	0.0000
NOAA	4168.00	0.1800
NTIA	0.00	0.0000
NTIS	0.00	0.0000
OIG	364.00	0.4300
OS	0.00	0.0000
OUSEA	0.00	0.0000
PTO	9385.98	0.8400
AGENCY OVERALL	57998.44	0.7500

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

Agency / Component	Number of Times Subsection Used
BEA	0
BIS	0
Census	0
EDA	0
IOS	0
ITA	0
MBDA	0
NIST	0
NOAA	0
NTIA	0
NTIS	0
OIG	0
OS	0
OUSEA	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	32
Census	77	1
EDA	0	0
IOS	0	0
ITA	0	0
MBDA	0	0
NIST	0	0
NOAA	3430	0
NTIA	14	335
NTIS	0	0
OIG	0	82
OS	0	0
OUSEA	0	0
PTO	0	0
AGENCY OVERALL	3521	450

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	1	N/A
BIS	22	N/A
Census	32	N/A
EDA	0	N/A
IOS	262	N/A
InfoLaw	0	79
ITA	43	N/A
MBDA	1	N/A
NIST	22	N/A
NOAA	105	N/A
NTIA	4	N/A
OIG	0	0
NTIS	0	N/A
OS	113	N/A
OUSEA	0	N/A
PTO	24	0
AGENCY OVERALL	629	79

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 Received 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	7	6	12	1
Census	0	9	8	1
EDA	0	0	0	0
IOS	12	17	11	18
ITA	5	6	6	5
MBDA	0	1	1	0
NIST	0	3	3	0
NOAA	11	63	64	10
NTIA	0	5	4	1
NTIS	1	0	0	1
OIG	0	2	2	0
OS	3	4	2	5
OUSEA	0	0	0	0
PTO	0	6	3	3
AGENCY OVERALL	39	122	116	45

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

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
BEA	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
BIS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2020-09-21
	Number of Days	0	0	0	0	0	0	0	0	0	7
Census	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2020-08-18
	Number of Days	0	0	0	0	0	0	0	0	0	30
EDA	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
IOS	Date	2019-05-21	2019-03-29	2019-03-22	2019-03-06	2019-02-28	2018-06-26	2018-06-22	2018-06-06	2017-12-18	2017-12-04
	Number of Days	342	379	384	396	400	566	568	580	697	707
ITA	Date	N/A	N/A	N/A	N/A	N/A	2020-09-23	2020-09-14	2020-05-20	2019-10-17	2019-04-01
	Number of Days	0	0	0	0	0	5	12	92	239	378
MBDA	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
NIST	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
NOAA	Date	2020-09-22	2020-09-15	2020-09-15	2020-09-09	2020-09-08	2020-08-06	2020-04-22	2020-04-14	2020-01-07	2019-03-27
	Number of Days	6	11	11	15	16	38	112	118	186	381
NTIA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2020-09-14
	Number of Days	0	0	0	0	0	0	0	0	0	12
NTIS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2019-03-01
	Number of Days	0	0	0	0	0	0	0	0	0	399
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	2020-09-22	2020-05-11	2019-03-05	2019-01-30	2016-11-18
	Number of Days	0	0	0	0	0	6	99	397	420	967
OUSEA	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
PTO	Date	N/A	2020-06-19	2020-06-19	2020-06-19	2020-05-26	2020-05-26	2020-05-26	2020-04-15	2020-04-15	2020-04-15
	Number of Days	0	20	20	20	20	20	20	20	20	20
AGENCY OVERALL	Date	2019-03-05	2019-03-01	2019-02-28	2019-01-30	2018-06-26	2018-06-22	2018-06-06	2017-12-18	2017-12-04	2016-11-18
	Number of Days	397	399	400	420	566	568	580	697	707	967

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

Agency / Component	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
BEA	19	15	12	14
BIS	114	99	90	112
Census	399	469	384	392
EDA	38	67	38	66
IOS	263	141	129	211
ITA	172	99	235	109
MBDA	5	17	6	12
NIST	93	82	87	84
NOAA	505	449	461	511
NTIA	43	67	46	62
NTIS	11	17	16	17
OIG	50	57	49	60
OS	340	207	144	247
OUSEA	11	3	7	5
PTO	328	228	313	206
AGENCY OVERALL	2391	2017	2017	2108

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	1	1
BIS	18	22
Census	14	32
EDA	0	0
IOS	314	262
ITA	48	43
MBDA	0	1
NIST	25	22
NOAA	121	105
NTIA	4	4
NTIS	1	0
OIG	0	0
OS	136	113
OUSEA	0	0
PTO	39	24
AGENCY OVERALL	721	629

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

Agency / Component	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS 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
InfoLaw	54	82	60	87
OIG	2	2	1	3
PTO	9	3	7	5
AGENCY OVERALL	65	87	68	95

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	85	79
OIG	2	0
PTO	2	0
AGENCY OVERALL	89	79