

DOC FOIA Annual Report

FOR
10/01/2021
THROUGH
09/30/2022

The following Annual Freedom of Information Act report covers Fiscal Year 2022, 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:

Nicholas J. Cormier
Deputy Program Director for Departmental FOIA/PA and Open Government Operations
Office of Privacy and Open Government
U.S. Department of Commerce
1401 Constitution Avenue, Room 61013
Washington, D.C. 20230
Phone: (202) 482-3842
Email: eFOIA@doc.gov

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 "thirdparty" 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 nonU.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 |
| BIS | Bureau of Industry and Security |
| CEN | Census Bureau |
| EDA | Economic Development Administration |
| InfoLaw | Information Law Division |
| 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 | U.S. Patent and Trademark Office |

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 |
|---|--|---|--------------------|---|---|
| 41 U.S.C. § 2102 | 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). | NTIA | 1 | 1 |
| 22 U.S.C. § 3144 | Foreign direct investment and international financial data | N/A | BEA | 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, 1220 (D.C. Cir. 1979). | PTO | 10 | 10 |
| 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) | PTO NOAA | 4 7 | 11 |
| 5 U.S.C. app. 4 § 107(a)(2) | Confidential financial disclosure report pertaining to certain government employees | N/A | PTO | 1 | 1 |
| 54 U.S.C. § 307103 (formerly at 16 U.S.C. § 470w-3) | Information about the location, character, or ownership of a historic resource | N/A | NOAA | 1 | 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 | 5 | 5 |
| 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 |
| 10 U.S.C. § 130b | Personally identifiable information pertaining to "any member of the armed forces assigned to an overseas unit, a sensitive unit, or a routinely deployable unit" and "any employee of the Department of Defense or of the Coast Guard whose duty station is with any such unit" | Freedom Watch, Inc. v. NSA, 197 F. Supp. 3d 165, 174 (D.D.C. 2016); Hiken v. DOD, 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007); O'Keefe v. DOD, 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006); Windel v. United States, No. A02-306, 2005 WL 846206, at *2 (D. Alaska Apr. 11, 2005). | ITA | 1 | 1 |

| | | | | | |
|---|---|---|------|----|----|
| 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 | 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 | 30 | 32 |
| | | | NOAA | 2 | |
| 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 | 5 | 5 |
| 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 | 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 | 19 | 20 | 1 |
| BIS | 19 | 89 | 89 | 19 |
| CEN | 72 | 157 | 141 | 88 |
| EDA | 1 | 55 | 54 | 2 |
| IOS | 360 | 121 | 96 | 385 |
| ITA | 74 | 89 | 69 | 94 |
| MBDA | 5 | 11 | 7 | 9 |
| NIST | 49 | 106 | 73 | 82 |
| NOAA | 127 | 484 | 469 | 142 |
| NTIA | 6 | 59 | 48 | 17 |
| NTIS | 0 | 13 | 10 | 3 |
| OIG | 3 | 46 | 47 | 2 |
| OS | 376 | 289 | 408 | 257 |
| OUSEA | 1 | 0 | 1 | 0 |
| PTO | 39 | 230 | 242 | 27 |
| AGENCY OVERALL | 1134 | 1768 | 1774 | 1128 |

After reviewing its database, DOC adjusted the number of requests pending at the start of the fiscal year for the following components: PTO, OS, NIST, MBDA, ITA, IOS, CEN, and BIS.

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 | 1 | 1 | 0 | 4 | 1 | 0 | 0 | 0 | 8 | 3 | 1 | 1 | 20 |
| BIS | 4 | 21 | 27 | 16 | 0 | 1 | 0 | 2 | 4 | 10 | 3 | 1 | 89 |
| CEN | 25 | 33 | 5 | 15 | 2 | 23 | 0 | 3 | 23 | 4 | 5 | 3 | 141 |
| EDA | 26 | 10 | 0 | 12 | 0 | 2 | 2 | 1 | 0 | 0 | 1 | 0 | 54 |
| IOS | 6 | 21 | 0 | 25 | 1 | 5 | 0 | 3 | 0 | 1 | 24 | 10 | 96 |
| ITA | 4 | 14 | 3 | 28 | 0 | 15 | 0 | 0 | 2 | 0 | 3 | 0 | 69 |
| MBDA | 0 | 2 | 0 | 3 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 7 |
| NIST | 11 | 5 | 6 | 21 | 0 | 5 | 15 | 2 | 3 | 5 | 0 | 0 | 73 |
| NOAA | 127 | 149 | 3 | 51 | 1 | 43 | 29 | 15 | 18 | 0 | 10 | 23 | 469 |
| NTIA | 21 | 6 | 0 | 3 | 0 | 12 | 1 | 3 | 0 | 1 | 1 | 0 | 48 |
| NTIS | 7 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| OIG | 2 | 18 | 5 | 5 | 0 | 3 | 3 | 0 | 5 | 2 | 3 | 1 | 47 |
| OS | 35 | 15 | 2 | 103 | 3 | 6 | 0 | 71 | 1 | 151 | 13 | 8 | 408 |
| OUSEA | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| PTO | 52 | 65 | 14 | 35 | 0 | 20 | 6 | 2 | 41 | 3 | 4 | 0 | 242 |
| AGENCY OVERALL | 321 | 362 | 65 | 323 | 8 | 136 | 56 | 102 | 105 | 181 | 68 | 47 | 1774 |

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 |
| CEN | Directed requester to publicly available information | 3 | 3 |
| EDA | N/A | 0 | 0 |
| IOS | Directed requester to publicly available information | 10 | 10 |
| ITA | N/A | 0 | 0 |
| MBDA | N/A | 0 | 0 |
| NIST | N/A | 0 | 0 |
| NOAA | Aggregate cases | 8 | 23 |
| | Directed requester to publicly available information | 15 | |
| NTIA | N/A | 0 | 0 |
| NTIS | N/A | 0 | 0 |
| OIG | Directed requester to publicly available information | 1 | 1 |
| OS | Aggregate cases | 5 | 8 |
| | Directed requester to publicly available information | 3 | |
| OUSEA | N/A | 0 | 0 |
| PTO | N/A | 0 | 0 |
| AGENCY OVERALL | | | 47 |

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 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BIS | 2 | 0 | 32 | 15 | 26 | 16 | 5 | 0 | 14 | 0 | 2 | 0 | 0 | 0 |
| CEN | 0 | 1 | 0 | 9 | 6 | 24 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 |
| EDA | 0 | 0 | 0 | 1 | 2 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| IOS | 0 | 0 | 2 | 8 | 10 | 20 | 0 | 0 | 0 | 0 | 6 | 2 | 0 | 0 |
| ITA | 0 | 0 | 1 | 3 | 8 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MBDA | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NIST | 0 | 0 | 3 | 4 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NOAA | 0 | 0 | 16 | 30 | 47 | 102 | 6 | 0 | 15 | 1 | 1 | 0 | 0 | 0 |
| NTIA | 1 | 0 | 1 | 2 | 5 | 5 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 |
| NTIS | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 3 | 20 | 4 | 0 | 20 | 0 | 0 | 0 | 0 | 0 |
| OS | 0 | 0 | 0 | 5 | 1 | 6 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |
| OUSEA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 0 | 0 | 15 | 10 | 34 | 55 | 0 | 0 | 4 | 0 | 4 | 0 | 0 | 0 |
| AGENCY OVERALL | 3 | 1 | 71 | 90 | 147 | 270 | 16 | 0 | 56 | 1 | 19 | 2 | 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 | 151 | 47 | 13 | 185 |
| OIG | 0 | 3 | 2 | 1 |
| PTO | 0 | 13 | 13 | 0 |
| AGENCY OVERALL | 151 | 63 | 28 | 186 |

After reviewing its database, DOC adjusted 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 | 4 | 1 | 1 | 7 | 13 |
| OIG | 0 | 2 | 0 | 0 | 2 |
| PTO | 9 | 1 | 0 | 3 | 13 |
| AGENCY OVERALL | 13 | 4 | 1 | 10 | 28 |

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 | 2 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 2 | 2 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 0 |
| PTO | 0 | 0 | 1 | 1 | 6 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 0 | 0 | 3 | 2 | 10 | 6 | 1 | 1 | 2 | 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 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| OIG | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 |
| AGENCY OVERALL | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 1 |

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 | Moot | 1 | 1 |
| OIG | N/A | 0 | 0 |
| PTO | N/A | 0 | 0 |
| AGENCY OVERALL | | | 1 |

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 | 192 | 562.92 | 14 | 1879 |
| OIG | 18.5 | 18.5 | 16 | 21 |
| PTO | 20 | 18.15 | 8 | 24 |
| AGENCY OVERALL | 21 | 271.1 | 8 | 1879 |

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 | 1461 | 1471 | 1483 | 1734 | 1896 | 2025 | 2154 | 2352 | 2414 | 2470 |
| OIG | Date of Appeal | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2022-09-20 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 |
| PTO | 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 |
| 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 | 1461 | 1471 | 1483 | 1734 | 1896 | 2025 | 2154 | 2352 | 2414 | 2470 |

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 | 10 | 14.42 | 2 | 41 | 44 | 44 | 44 | 44 | N/A | N/A | N/A | N/A |
| BIS | 9 | 11.74 | 2 | 46 | 89 | 156.85 | 3 | 967 | 6 | 6 | 6 | 6 |
| CEN | 55 | 79.31 | 6 | 277 | 61 | 114.13 | 6 | 548 | 33.5 | 52.05 | 12 | 370 |
| EDA | 11 | 11.98 | 2 | 29 | 36 | 144 | 25 | 371 | N/A | N/A | N/A | N/A |
| IOS | 38.5 | 173.9 | 1 | 842 | 482 | 486.15 | 13 | 934 | 750.5 | 670.5 | 67 | 1114 |
| ITA | 43 | 101.49 | 1 | 586 | 75.5 | 411.5 | 18 | 1672 | 342.5 | 547 | 319 | 1184 |
| MBDA | 166 | 157.14 | 16 | 317 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| NIST | 10 | 26.94 | 2 | 777 | 54 | 82.64 | 6 | 327 | N/A | N/A | N/A | N/A |
| NOAA | 27 | 65.53 | 1 | 720 | 52 | 101.14 | 1 | 963 | 28.5 | 164.19 | 3 | 832 |
| NTIA | 2 | 5.13 | 1 | 64 | 20 | 61 | 2 | 500 | 32 | 115.33 | 1 | 313 |
| NTIS | 22 | 38.4 | 6 | 123 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| OIG | 10 | 11.22 | 1 | 26 | 14.5 | 14.5 | 8 | 21 | N/A | N/A | N/A | N/A |
| OS | 50 | 145.19 | 1 | 1117 | 192 | 389.76 | 7 | 1497 | 240.5 | 230.2 | 7 | 666 |
| OUSEA | 836 | 836 | 836 | 836 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| PTO | 20 | 36.87 | 1 | 541 | 31.5 | 76.59 | 1 | 726 | N/A | N/A | N/A | N/A |
| AGENCY OVERALL | 23 | 61.01 | 1 | 1117 | 70 | 202.46 | 1 | 1672 | 34.5 | 153.43 | 1 | 1184 |

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 | 27 | 27 | 27 | 27 | 44 | 44 | 44 | 44 | N/A | N/A | N/A | N/A |
| BIS | 14.5 | 14.25 | 5 | 23 | 105 | 206.81 | 18 | 967 | N/A | N/A | N/A | N/A |
| CEN | 54 | 78.6 | 19 | 186 | 130 | 181.58 | 6 | 548 | 25.5 | 31.14 | 12 | 97 |
| EDA | 13 | 13.39 | 2 | 29 | 36 | 138.67 | 25 | 355 | N/A | N/A | N/A | N/A |
| IOS | 378 | 441 | 51 | 842 | 666.5 | 560.58 | 94 | 934 | 67 | 67 | 67 | 67 |
| ITA | 42 | 148.89 | 28 | 586 | 309 | 451.88 | 67 | 1168 | 364 | 364 | 364 | 364 |
| MBDA | 213 | 213 | 166 | 260 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| NIST | 13 | 15.29 | 2 | 25 | 60 | 114.67 | 25 | 327 | N/A | N/A | N/A | N/A |
| NOAA | 31 | 68.79 | 2 | 720 | 56.5 | 86.18 | 1 | 688 | 59 | 172.8 | 3 | 568 |
| NTIA | 2 | 5.59 | 1 | 64 | 28.5 | 96.38 | 13 | 524 | 172.5 | 172.5 | 32 | 313 |
| NTIS | 25 | 32.86 | 6 | 77 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| OIG | 13 | 13.32 | 2 | 22 | 21 | 21 | 21 | 21 | N/A | N/A | N/A | N/A |
| OS | 201.5 | 261.61 | 1 | 869 | 338 | 579 | 73 | 1497 | 281 | 281 | 281 | 281 |
| OUSEA | 836 | 836 | 836 | 836 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| PTO | 22.5 | 45.5 | 7 | 541 | 31 | 61.74 | 19 | 217 | N/A | N/A | N/A | N/A |
| AGENCY OVERALL | 24 | 51.78 | 1 | 869 | 73 | 194.33 | 1 | 1497 | 32 | 90.62 | 3 | 568 |

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 | 7 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 |
| BIS | 34 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 39 |
| CEN | 2 | 5 | 7 | 1 | 2 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 20 |
| EDA | 44 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 |
| IOS | 22 | 7 | 5 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 5 | 6 | 8 | 56 |
| ITA | 13 | 8 | 11 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 4 | 5 | 1 | 45 |
| MBDA | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 1 | 0 | 7 |
| NIST | 39 | 6 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 47 |
| NOAA | 138 | 93 | 33 | 18 | 18 | 11 | 15 | 7 | 7 | 3 | 10 | 3 | 11 | 367 |
| NTIA | 28 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 |
| NTIS | 5 | 1 | 2 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| OIG | 36 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 |
| OS | 117 | 14 | 12 | 3 | 5 | 3 | 13 | 15 | 22 | 13 | 26 | 7 | 32 | 282 |
| OUSEA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| PTO | 79 | 45 | 17 | 7 | 2 | 5 | 1 | 2 | 3 | 3 | 1 | 0 | 2 | 167 |
| AGENCY OVERALL | 565 | 199 | 89 | 33 | 28 | 20 | 31 | 26 | 33 | 21 | 49 | 22 | 56 | 1172 |

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 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| BIS | 2 | 7 | 6 | 1 | 10 | 3 | 0 | 2 | 3 | 1 | 1 | 1 | 6 | 43 |
| CEN | 4 | 18 | 6 | 6 | 6 | 1 | 2 | 1 | 0 | 1 | 7 | 4 | 3 | 59 |
| EDA | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 |
| IOS | 1 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 4 | 2 | 22 | 33 |
| ITA | 2 | 0 | 2 | 5 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 6 | 18 |
| MBDA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NIST | 1 | 7 | 7 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 1 | 0 | 21 |
| NOAA | 11 | 10 | 11 | 6 | 5 | 1 | 2 | 2 | 1 | 0 | 1 | 0 | 4 | 54 |
| NTIA | 6 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 12 |
| NTIS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| OS | 3 | 3 | 0 | 1 | 3 | 0 | 12 | 2 | 0 | 5 | 3 | 2 | 13 | 47 |
| OUSEA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 3 | 14 | 8 | 0 | 0 | 1 | 2 | 2 | 0 | 0 | 1 | 0 | 1 | 32 |
| AGENCY OVERALL | 34 | 66 | 42 | 22 | 28 | 6 | 18 | 9 | 4 | 10 | 19 | 11 | 56 | 325 |

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 | 7 | 18 | 6 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 36 |
| 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 | 3 | 4 |
| ITA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 4 |
| 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 | 5 | 4 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 3 | 15 |
| NTIA | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 |
| 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 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 1 | 7 |
| OUSEA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PTO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGENCY OVERALL | 15 | 24 | 6 | 3 | 3 | 0 | 0 | 0 | 1 | 0 | 2 | 8 | 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 | 3 | 3 | 0 | N/A | N/A | 0 | N/A | N/A |
| BIS | 2 | 10.5 | 10.5 | 17 | 17 | 126.12 | 0 | N/A | N/A |
| CEN | 25 | 216 | 251.4 | 47 | 204 | 256.94 | 16 | 171 | 259.63 |
| EDA | 2 | 35 | 35 | 0 | N/A | N/A | 0 | N/A | N/A |
| IOS | 97 | 197 | 335.61 | 246 | 1002 | 820.12 | 40 | 428 | 529.15 |
| ITA | 73 | 207 | 314.29 | 19 | 594 | 504.58 | 2 | 663.5 | 663.5 |
| MBDA | 9 | 62 | 67.11 | 0 | N/A | N/A | 0 | N/A | N/A |
| NIST | 23 | 29 | 70.3 | 54 | 245 | 395.39 | 5 | 315 | 322.4 |
| NOAA | 112 | 27.5 | 118.33 | 27 | 163 | 352.15 | 3 | 13 | 168 |
| NTIA | 6 | 59 | 51.17 | 8 | 21 | 95.38 | 3 | 143 | 134.33 |
| NTIS | 3 | 15 | 11 | 0 | N/A | N/A | 0 | N/A | N/A |
| OIG | 2 | 11.5 | 11.5 | 0 | N/A | N/A | 0 | N/A | N/A |
| OS | 169 | 318 | 376.55 | 76 | 196.5 | 432.33 | 12 | 460 | 486.67 |
| OUSEA | 0 | N/A | N/A | 0 | N/A | N/A | 0 | N/A | N/A |
| PTO | 22 | 20.5 | 57.18 | 5 | 48 | 126 | 0 | N/A | N/A |
| AGENCY OVERALL | 546 | 111 | 214.67 | 499 | 559 | 591.12 | 81 | 385 | 442.4 |

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 | 2022-09-28 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| BIS | Date of Receipt | 2022-06-22 | 2022-05-06 | 2022-06-09 | 2022-05-10 | 2022-02-10 | 2022-01-10 | 2021-11-30 | 2021-12-20 | 2021-08-30 | 2020-08-13 |
| | Number of Days Pending | 13 | 74 | 79 | 100 | 162 | 184 | 192 | 197 | 273 | 512 |
| CEN | Date of Receipt | 2019-10-25 | 2020-07-17 | 2020-04-09 | 2020-03-23 | 2020-02-10 | 2020-02-05 | 2019-08-22 | 2019-09-23 | 2019-11-26 | 2019-06-17 |
| | Number of Days Pending | 16 | 552 | 621 | 634 | 663 | 666 | 673 | 683 | 713 | 798 |
| EDA | Date of Receipt | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2022-09-27 | 2022-06-29 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 66 |
| IOS | Date of Receipt | 2017-09-22 | 2017-09-11 | 2017-08-07 | 2017-07-24 | 2017-07-24 | 2017-07-18 | 2017-07-10 | 2017-07-05 | 2017-07-03 | 2017-03-23 |
| | Number of Days Pending | 1258 | 1267 | 1291 | 1301 | 1301 | 1305 | 1311 | 1314 | 1315 | 1386 |
| ITA | Date of Receipt | 2019-02-21 | 2019-02-19 | 2018-11-29 | 2018-11-09 | 2018-08-29 | 2018-08-16 | 2018-08-09 | 2018-05-02 | 2017-10-11 | 2017-09-25 |
| | Number of Days Pending | 906 | 908 | 962 | 974 | 1024 | 1033 | 1038 | 1107 | 1246 | 1257 |
| MBDA | Date of Receipt | N/A | 2022-09-22 | 2022-08-17 | 2022-07-25 | 2022-07-13 | 2022-07-06 | 2022-06-24 | 2022-05-05 | 2022-05-05 | 2022-04-08 |

| | | | | | | | | | | | |
|-------|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | Number of Days Pending | 0 | 7 | 32 | 49 | 57 | 62 | 69 | 103 | 103 | 122 |
| NIST | Date of Receipt | 2016-10-28 | 2020-01-07 | 2019-11-26 | 2019-04-05 | 2019-01-31 | 2019-01-31 | 2019-01-24 | 2017-09-05 | 2015-02-09 | 2012-08-22 |
| | Number of Days Pending | 9 | 686 | 710 | 875 | 920 | 920 | 925 | 1231 | 1918 | 2534 |
| NOAA | Date of Receipt | 2018-12-03 | 2019-02-04 | 2018-09-10 | 2019-05-28 | 2019-03-07 | 2018-12-06 | 2018-07-31 | 2018-07-31 | 2018-03-28 | 2017-08-21 |
| | Number of Days Pending | 144 | 428 | 649 | 839 | 895 | 957 | 1045 | 1045 | 1107 | 1281 |
| NTIA | Date of Receipt | 2022-05-04 | 2022-07-08 | 2022-06-27 | 2022-06-24 | 2022-05-10 | 2022-03-28 | 2022-03-09 | 2022-01-31 | 2021-08-09 | 2021-03-31 |
| | Number of Days Pending | 22 | 27 | 68 | 69 | 100 | 102 | 143 | 158 | 278 | 378 |
| NTIS | Date of Receipt | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2022-09-30 | 2022-09-12 | 2022-09-08 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 15 | 17 |
| OIG | Date of Receipt | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2022-09-07 | 2022-09-14 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 13 |
| OS | Date of Receipt | 2018-05-30 | 2018-06-26 | 2018-06-22 | 2018-06-13 | 2018-05-31 | 2018-03-13 | 2018-02-05 | 2018-01-23 | 2018-01-18 | 2017-12-06 |
| | Number of Days Pending | 8 | 1066 | 1071 | 1078 | 1087 | 1143 | 1168 | 1177 | 1178 | 1208 |
| 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 | 2022-06-28 | 2022-06-13 | 2022-03-24 | 2022-05-31 | 2022-05-23 | 2022-05-20 | 2022-03-10 | 2021-09-22 | 2021-08-27 | 2020-10-23 |

| | | | | | | | | | | | |
|----------------|------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | Number of Days Pending | 67 | 77 | 85 | 86 | 91 | 92 | 143 | 257 | 274 | 450 |
| AGENCY OVERALL | Date of Receipt | 2016-10-28 | 2017-07-24 | 2017-07-24 | 2017-07-18 | 2017-07-10 | 2017-07-05 | 2017-07-03 | 2017-03-23 | 2015-02-09 | 2012-08-22 |
| | Number of Days Pending | 9 | 1301 | 1301 | 1305 | 1311 | 1314 | 1315 | 1386 | 1918 | 2534 |

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 | 10 | 6 | 9.09 | 9 |
| CEN | 47 | 16 | 14 | 27.08 | 25 |
| EDA | 0 | 10 | 1 | 1 | 10 |
| IOS | 7 | 20 | 6 | 6.7 | 21 |
| ITA | 1 | 10 | 3 | 5.09 | 10 |
| MBDA | 0 | 0 | N/A | N/A | 0 |
| NIST | 0 | 5 | 27 | 46.2 | 1 |
| NOAA | 11 | 33 | 4 | 8.05 | 32 |
| NTIA | 5 | 0 | 12 | 14.2 | 1 |
| NTIS | 0 | 3 | 7 | 10.33 | 2 |
| OIG | 0 | 7 | 3 | 2.57 | 7 |
| OS | 6 | 46 | 6.5 | 17.13 | 36 |
| OUSEA | 0 | 0 | N/A | N/A | 0 |
| PTO | 0 | 0 | N/A | N/A | 0 |
| AGENCY OVERALL | 78 | 160 | 7 | 17.87 | 154 |

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 | 0 | 1 | 3 |
| BIS | 24 | 1 | 1 | 0.44 |
| CEN | 31 | 19 | 1 | 0.5 |
| EDA | 6 | 8 | 1 | 1 |
| IOS | 39 | 17 | 1 | 0.14 |
| ITA | 14 | 9 | 1 | 3.3 |
| MBDA | 0 | 0 | N/A | N/A |
| NIST | 0 | 22 | 1 | 3.82 |
| NOAA | 91 | 70 | 1 | 0.2 |
| NTIA | 3 | 0 | 5 | 4.67 |
| NTIS | 1 | 1 | 2 | 2 |
| OIG | 0 | 3 | 1 | 1 |
| OS | 22 | 17 | 1 | 0.64 |
| OUSEA | 0 | 0 | N/A | N/A |
| PTO | 0 | 3 | 7 | 30.67 |
| AGENCY OVERALL | 235 | 170 | 1 | 1.17 |

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 | 0.72 | 0.72 | 120732.80 | 0.00 | 120732.80 |
| BIS | 5 | 0.50 | 5.50 | 881656.33 | 0.00 | 881656.33 |
| CEN | 6 | 0.50 | 6.50 | 915000.00 | 0.00 | 915000.00 |
| EDA | 0 | 0.22 | 0.22 | 29699.25 | 0.00 | 29699.25 |
| InfoLaw | 0 | 4.42 | 4.42 | 479843.85 | 248301.58 | 728145.43 |
| IOS | 3 | 0.00 | 3.00 | 340818.94 | 0.00 | 340818.94 |
| ITA | 2 | 2.50 | 4.50 | 1014245.68 | 0.00 | 1014245.68 |
| MBDA | 0 | 0.95 | 0.95 | 116874.00 | 0.00 | 116874.00 |
| NIST | 0 | 2.50 | 2.50 | 313546.55 | 0.00 | 313546.55 |
| NOAA | 26 | 1.43 | 27.43 | 2320319.64 | 24000.00 | 2344319.64 |
| NTIA | 0 | 0.70 | 0.70 | 102580.00 | 0.00 | 102580.00 |
| NTIS | 0 | 0.55 | 0.55 | 70250.00 | 0.00 | 70250.00 |
| OIG | 0 | 0.72 | 0.72 | 67538.00 | 0.00 | 67538.00 |
| OS | 3 | 0.20 | 3.20 | 116198.80 | 0.00 | 116198.80 |
| OUSEA | 0 | 0.18 | 0.18 | 30183.20 | 0.00 | 30183.20 |
| PTO | 5 | 1.35 | 6.35 | 915112.40 | 122170.99 | 1037283.39 |
| AGENCY OVERALL | 50 | 17.44 | 67.44 | 7834599.44 | 394472.57 | 8229072.01 |

X. FEES COLLECTED FOR PROCESSING REQUESTS

| Agency / Component | Total Amount of Fees Collected | Percentage of Total Costs |
|--------------------|--------------------------------|---------------------------|
| BEA | 0.00 | |
| BIS | 31054.49 | 3.5200 |
| CEN | 277.44 | 0.0300 |
| EDA | 9335.52 | 31.4300 |
| IOS | 0.00 | |
| ITA | 196.00 | 0.0200 |
| MBDA | 0.00 | |
| NIST | 560.00 | 0.1800 |
| NOAA | 11844.00 | 0.5100 |
| NTIA | 0.00 | |
| NTIS | 0.00 | |
| OIG | 0.00 | |
| OS | 0.00 | |
| OUSEA | 0.00 | |
| PTO | 1639.99 | 0.1800 |
| AGENCY OVERALL | 54907.44 | 0.7000 |

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 |
| 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 | 57 |
| CEN | 2 | 0 |
| EDA | 0 | 0 |
| IOS | 3 | 0 |
| ITA | 0 | 0 |
| MBDA | 0 | 0 |
| NIST | 0 | 0 |
| NOAA | 0 | 0 |
| NTIA | 17 | 889 |
| NTIS | 0 | 0 |
| OIG | 1 | 61 |
| OS | 3 | 0 |
| OUSEA | 0 | 0 |
| PTO | 0 | 4139924 |
| AGENCY OVERALL | 26 | 4140931 |

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 | 16 | N/A |
| CEN | 84 | N/A |
| EDA | 1 | N/A |
| InfoLaw | 0 | 180 |
| IOS | 360 | N/A |
| ITA | 57 | N/A |
| MBDA | 8 | N/A |
| NIST | 53 | N/A |
| NOAA | 80 | N/A |
| NTIA | 8 | N/A |
| NTIS | 0 | N/A |
| OIG | 0 | 0 |
| OS | 223 | N/A |
| OUSEA | 0 | N/A |
| PTO | 16 | 0 |
| AGENCY OVERALL | 906 | 180 |

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 | 1 | 1 | 0 |
| BIS | 0 | 15 | 14 | 1 |
| CEN | 0 | 0 | 0 | 0 |
| EDA | 0 | 1 | 1 | 0 |
| IOS | 22 | 26 | 26 | 22 |
| ITA | 10 | 9 | 7 | 12 |
| MBDA | 0 | 0 | 0 | 0 |
| NIST | 0 | 12 | 9 | 3 |
| NOAA | 2 | 41 | 41 | 2 |
| NTIA | 0 | 10 | 9 | 1 |
| NTIS | 1 | 0 | 0 | 1 |
| OIG | 0 | 21 | 21 | 0 |
| OS | 5 | 6 | 10 | 1 |
| OUSEA | 0 | 0 | 0 | 0 |
| PTO | 2 | 5 | 6 | 1 |
| AGENCY OVERALL | 42 | 147 | 145 | 44 |

After reviewing its database, DOC adjusted the number of consultations pending as of the start of the Fiscal Year for the following components: OS, NOAA, ITA, and IOS.

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 | 2022-09-30 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| CEN | 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 |
| 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 | 2021-03-31 | 2020-10-27 | 2020-07-10 | 2020-04-06 | 2019-11-05 | 2019-05-24 | 2019-05-21 | 2019-03-29 | 2019-03-22 | 2019-02-28 |
| | Number of Days | 378 | 482 | 557 | 616 | 727 | 840 | 843 | 880 | 885 | 901 |
| ITA | Date | 2022-08-17 | 2022-04-25 | 2022-04-18 | 2022-04-13 | 2022-04-08 | 2021-09-16 | 2021-03-26 | 2020-08-31 | 2019-04-01 | 2018-09-20 |
| | Number of Days | 32 | 111 | 116 | 119 | 122 | 261 | 381 | 521 | 879 | 1009 |
| 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 | 2022-09-29 | 2022-09-08 | 2022-07-08 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 17 | 54 |
| NOAA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2022-07-06 | 2022-02-16 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 62 | 158 |

| | | | | | | | | | | | |
|----------------|----------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| NTIA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2022-08-22 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 29 |
| 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 | 900 |
| 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 | N/A | N/A | N/A | N/A | 2022-05-03 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 105 |
| 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 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2022-09-23 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 |
| AGENCY OVERALL | Date | 2020-04-16 | 2019-11-05 | 2019-05-24 | 2019-05-21 | 2019-04-01 | 2019-03-29 | 2019-03-22 | 2019-03-01 | 2019-02-28 | 2018-09-20 |
| | Number of Days | 616 | 727 | 840 | 843 | 879 | 880 | 885 | 900 | 901 | 1009 |

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 | 13 | 19 | 14 | 20 |
| BIS | 57 | 89 | 66 | 89 |
| CEN | 547 | 157 | 540 | 141 |
| EDA | 48 | 55 | 48 | 54 |
| IOS | 93 | 121 | 139 | 96 |
| ITA | 64 | 89 | 48 | 69 |
| MBDA | 6 | 11 | 7 | 7 |
| NIST | 96 | 106 | 80 | 73 |
| NOAA | 426 | 484 | 465 | 469 |
| NTIA | 56 | 59 | 60 | 48 |
| NTIS | 25 | 13 | 26 | 10 |
| OIG | 82 | 46 | 81 | 47 |
| OS | 498 | 289 | 396 | 408 |
| OUSEA | 0 | 0 | 0 | 1 |
| PTO | 263 | 230 | 225 | 242 |
| AGENCY OVERALL | 2274 | 1768 | 2195 | 1774 |

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 | 14 | 16 |
| CEN | 47 | 84 |
| EDA | 1 | 1 |
| IOS | 318 | 360 |
| ITA | 49 | 57 |
| MBDA | 3 | 8 |
| NIST | 32 | 53 |
| NOAA | 80 | 80 |
| NTIA | 4 | 8 |
| NTIS | 0 | 0 |
| OIG | 0 | 0 |
| OS | 192 | 223 |
| OUSEA | 0 | 0 |
| PTO | 33 | 16 |
| AGENCY OVERALL | 773 | 906 |

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 | 84 | 47 | 16 | 13 |
| OIG | 4 | 3 | 4 | 2 |
| PTO | 6 | 13 | 6 | 13 |
| AGENCY OVERALL | 94 | 63 | 26 | 28 |

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 | 143 | 180 |
| OIG | 0 | 0 |
| PTO | 0 | 0 |
| AGENCY OVERALL | 143 | 180 |