Privacy Office

2004 Annual Freedom of Information Act Report to the Attorney General of the United States

October 1, 2003 – September 30, 2004

Homeland Security

AILA InfoNet Doc. No. 05111564. (Posted 11/15/05)

FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR FISCAL YEAR 2004

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I. Basic Information Regarding Report:

a. Direct questions regarding this report or to request a paper copy of the report to:
Tony Kendrick
Director, Departmental Disclosure & FOIA
Privacy Office
Department of Homeland Security
Washington, D.C. 20528
Ph: 202-772-9848; Fax: 202-772-5036

b. Internet address to download this report from the DHS FOIA website: http://www.dhs.gov/foia

c. To obtain a copy of the report in paper form, submit a request to:
Director, Departmental Disclosure & FOIA
Privacy Office
Department of Homeland Security
Washington, D.C. 20528

II. How to Make a FOIA Request:

a. Information on how to make a FOIA Request is available from the DHS FOIA website: http://www.dhs.gov/foia

b. Names, Addresses, and Contact Numbers for DHS FOIA Officers

Department of Homeland Security
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Director, Departmental Disclosure Officer & FOIA
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Department of Homeland Security
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U.S. Immigration & Customs Enforcement (ICE)
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425 Eye Street, CAB Building, Room 4038
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Richard Reback
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III. Definition of Terms Used in this Report:

a. Agency-Specific Terms or Other Acronyms

1.	BTS	Border and Transportation Security Directorate
2.	CBP	United States Customs and Border Protection
3.	EP&R	Emergency Preparedness and Response Directorate
4.	FEMA	Federal Emergency Management Agency
5.	FLETC	Federal Law Enforcement Training Center
6.	FOIA/PA	Freedom of Information Act / Privacy Act
7.	IAIP	Information Analysis and Infrastructure Protection Directorate
8.	ICE	Immigration and Customs Enforcement
9.	OIG	Office of the Inspector General
10.	PO	Privacy Office
11.	S&T	Science and Technology Directorate
12.	TSA	Transportation and Security Administration
13.	USCG	United States Coast Guard
14.	USCIS	United States Citizenship and Immigration Services
15.	USSS	United States Secret Service

b. Basic Terms Used in This Report:

1. **Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
2. **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.
3. **Complex request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
4. **Denial** -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
   a. **No Records** – After a thorough search of agency records, no records were found to be responsive to the FOIA request or within the scope of the FOIA request.
   b. **Fee Related** – Record/request was denied because there were fee issues. For example, the requester was not willing to pay assessable FOIA processing fees or the requester had delinquent fees from previous FOIA requests.
   c. **Not an Agency Record** – Documents requested in a FOIA request that are not maintained, or possibly originated, by the DHS or its components.
5. **Exemption 3 statute** – a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

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6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **FOIA/PA request** – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request or access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
8. **Glomar response** – is when the existence or non-existence of responsive records to a request is neither confirmed nor denied in order to protect law enforcement, privacy, or other appropriate interests.
9. **Initial Denial Authority** – agency official who is delegated the authority to make release determinations of documents and information contained in documents requested under the FOIA on behalf of the agency.
10. **Initial request** -- a request to a federal agency for access to records under the Freedom of Information Act.
11. **Median number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
12. **Multi-track processing** – a system in which simple requests requiring relatively minimal review are
13. laced in one processing track and more voluminous and complex requests are placed in one or more tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing.
14. **Partial release** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions: or, in a multiple record response, a decision to disclose some records in their entireties but to withhold others in whole or in part. This sometimes referred to as a “partial denial” or “partial grant.”
15. **Perfected request** – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
16. **Perjury statement** – a signed statement executed under the penalty of law, usually associated with a request for the personal records of the requester, attesting that they are the individual who they say they are.
17. **Processed request or appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
18. **Proper request** – a request that fits the definition of a FOIA request: reasonably describes the agency records being sought and cites a willingness to pay assessable fees or justifies the granting of a fee waiver.
19. **Reasonably Described** – the request is reasonably described if it enables a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort.
20. **Referral** – transferring a FOIA request and/or document(s) which are under another agency’s purview to another entity for processing. This also includes redirecting a requester to the appropriate agency instead of referring the request.
21. **Release** -- an agency decision to disclose all records in full in response to a FOIA request. This sometimes referred to as a “grant.”
22. **Simple Request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
23. **Time limits** – the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a perfected FOIA request).

IV. DHS Exemption b(3) statutes applied by DHS components throughout FY 2004:

STATUTE	TYPE OF INFORMATION	CASE CITATION
8 U.S.C. 1160(B)(6)	Information on Special Agricultural workers	None
8 U.S.C. 1304(B)	Registration of Aliens	None
8 U.S.C.A. 1186a(C)(4)(C)	Admission qualifications for alien’s travel control of citizens and aliens	None
18 U.S.C. 2510-2550	Intercepted Communications Wiretaps	Lam Lek Chong v. DEA, 929 F.2d 729 (D.C. Cir. 1991
31 U.S.C. 5319	Records on Monetary Instruments and Transactions	Small v. IRS, 820 F. Supp. 163 (D.N.J. 1992)
41 U.S.C. 253b(m)	Prohibition on Release of Contractor Proposals	Hornbostel v. DOI, 305 F. Supp. 2d 21 (D.D.C. 2003)
46 U.S.C. 7319	Records regarding issued merchant mariner documents	None

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STATUTE	TYPE OF INFORMATION	CASE CITATION
49 U.S.C. 114(s)	Nondisclosure of Security Activities	None
Rule 6(e) of the Federal Rules of Criminal Procedures	Grand Jury Information	Senate of P.R. v. United States Dep't of Justice, 823 F.2d 574 (D.C. Cir. 1987).

V. Initial FOIA/PA Access Requests:

a. Number of initial requests *(see Appendix, Chart 2a)*:

1	Number of requests pending at close of FY 2003	28,955[1]
2	Number of requests received during FY 2003	168,882
3	Number of requests processed during FY 2004	152,027
4	Number of requests pending at close of FY 2004	45,810

b. Disposition of initial requests *(see Appendix, Chart 2b)*:

1	Number receiving a full release			49,835
2	Number receiving a partial release			60,612
3	Number receiving a full denial			955
	a.	Number of times each FOIA exemption was used *(see Appendix, Chart 2c)*		
		Exemption 1	19	
		Exemption 2	23,162	
		Exemption 3	453	
		Exemption 4	285	
		Exemption 5	29,233	
		Exemption 6	38,439	
		Exemption 7		
		Exemption (7)(A)	4828	
		Exemption (7)(B)	42	
		Exemption (7)(C)	31,178	
		Exemption (7)(D)	982	
		Exemption (7)(E)	9,415	
		Exemption (7)(F)	98	
		Exemption 8	0	
		Exemption 9	0	
4.	Other reasons for non-disclosure			40,625
	a.	No records	14,663	
	b.	Duplicate request	8,963	
	c.	Fee related	1,286	
	d.	Request withdrawn	1,890	
	e.	Not reasonably described	330	
	f.	Not a proper request	8,483	
	g.	Not an agency record	1,753	
	h.	Referred to appropriate agency	2,398	
	i	Other *(see Appendix, Chart 2d)*	859	
		Available from other public sources	41	
		No perjury statement provided	300	
		Referred in error	1	
		Failure to perfect request	95	
		Unable to locate requester	352	
		Administratively closed	68	
		In litigation	2	

[1] Corrected amount from reporting error of 28,958 (difference of 3 fewer requests) in FY 2003 FOIA Report

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VI. Appeals of Release Determinations of FOIA/PA Requests:

a. Number of Appeals of Release Determinations and Outcomes:
1. Number of appeals received during FY 2004: 2,187
2. Number of appeals processed during FY 2004: 722

b. Disposition of Appeals *(see Appendix, Chart 2e)*:

1	Agency release determination upheld			136
2	Agency release determination partially upheld			30
3	Agency release determination reversed			6
	a.	Number of times each FOIA exemption was used *(see Appendix, Chart 2f)*:		
		Exemption 1	0	
		Exemption 2	65	
		Exemption 3	26	
		Exemption 4	15	
		Exemption 5	30	
		Exemption 6	40	
		Exemption 7		
		Exemption (7)(A)	5	
		Exemption (7)(B)	0	
		Exemption (7)(C)	56	
		Exemption (7)(D)	6	
		Exemption (7)(E)	25	
		Exemption (7)(F)	6	
		Exemption 8	0	
		Exemption 9	0	
4.	Other reasons for non-disclosure *(see Appendix, Chart 2g)*:			550
	a.	No records	15	
	b.	Duplicate request	32	
	c.	Fee related	5	
	d.	Request withdrawn	27	
	e.	Not reasonably described	0	
	f.	Not a proper request	130	
	g.	Not an agency record	0	
	h.	Referred to appropriate agency	4	
	i	Other *(see Appendix, Chart 2h)*	337	

VII. Departmental compliance with Time Limits/Status of Pending FOIA/PA Requests:

a. Median Processing Time for Requests Processed During FY 2004:
1. Simple requests:
   a. Number of requests process: 116,944
   b. Median number of days to process: *(see Appendix, Chart 2i)*
2. Complex requests:
   a. Number of requests processed: 34,391
   b. Median number of days to process: *(see Appendix, Chart 2i)*
3. Expedited requests:
   a. Number of requests accorded expedited processing: 692
   b. Median number of days to process: *(see Appendix, Chart 2i)*

b. Status of Pending FOIA/PA Requests:
1. Number of requests pending at end of FY 2004: 45,810
2. Median number of days of pending requests as end of FY 2004: *(see Appendix, Chart 2j)*

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VIII. Comparisons with Previous Years

a. Comparison of requests received + carryover, processed, expedited requests, pending requests, staffing levels, processing costs:

	FY 2003	FY 2004	percentage of change
Requests Received + FY carryover	189,860	197,837	+ 4.2%
Requests Processed	160,902	152,027	- 5.5%
Expedited Requests Processed	187	692	+ 270%
End of Year Pending Requests	29,007	45,810	+ 58%
Staffing Levels (full time)	334	340.1	+ 2%
Processing Costs (total)	$21,924,851	$21,148,318	- 3.5%

b. Other statistics significant to the Department:

1. Brief description of the Department's response-time ranges:
Some components of the DHS were able to respond to their FOIA/PA requests within the statutory time periods. Median response times for simple requests ranged from 19 to 84 days; complex requests ranged from 5 to 111 days; and expedited requests ranged from 3 to 45 days.

2. Brief description of the Department's release actions:
99.4% Requests received a response ranging from a full release to no records.
33% Requests receiving a full release.
40% Request receiving a partial release.
10.5% Requests that had no responsive records or records were not under DHS control.
0.6% Requests receiving a full denial

4 of 9 FOIA Exemptions were invoked most often in other than full release responses.
30% Percentage of requests containing Exemption b(7) information.
25% Percentage of requests containing Exemption b(6) information.
19% Percentage of requests containing Exemption b(5) information.
15% Percentage of requests containing Exemption b(2) information.

3. Other narrative statements describing Department efforts to improve timeliness of FOIA responses:

a. The DHS Privacy Office is exploring the feasibility of implementing a Department-wide enterprise architecture for the processing of FOIA/PA requests. Using today's and tomorrow's technology would provide for standardized processing, increased accountability and accuracy, identification of requests to components for the same documents by the same requester to allow for a coordinated response and streamlined processing, increasing the accuracy of processing completion estimates, tracking requests and making available a status of a request from a DHS website, and real-time FOIA/PA data for reports, budget justification, and workload. The system would provide for electronic scanning or importing data files and storing of unclassified documents on the system. In addition to increasing processing efficiency, it also allows for the transfer of electronic documents to other processors on the system within a component as well as between components to assist in increasing response times and managing the FOIA/PA processing workload.

b. The Transportation Security Administration closed out all FY 2004 FOIA requests needing a final response by September 30, 2004. There were 7 requests received that did not require a statutorily mandated response before the end of the Fiscal Year. TSA accomplished this as a result of management emphasis and support with additional resources and funding. The TSA FOIA Office hired seven contract FOIA analysts to assist in eliminating the backlog and also authorized overtime for full-time staff. To improve response time each TSA program office designated a FOIA point of contact, which has helped expedite the search and retrieval of responsive records. Many documents responsive to FOIA requests contain Sensitive Security Information and the TSA FOIA program initiated a training program for FOIA specialists to increase their capacity and ability to process SSI documents.

c. Approximately 10,000 requests, received by the headquarters and over 40 U.S. Citizenship & Immigration Service (CIS) field offices, for genealogy records are currently processed as FOIA requests. The USCIS is

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proposing to transfer requests for immigrant documents to the Office of Records Services, Information Disclosure Branch, for processing. This will be a fee-for-service program funded by the fees charged and collected. These records were chosen for this program because based on the past history, they contain the information sought after by researchers. The practice for responding will be – before documents are released the subject of the record must be over 100 years old or the requester must provide proof of death. If those two criteria are not met, the Office of Records Services will consult with the FOIA/PA program to determine whether to process the request as a FOIA/PA request. Removing this number of requests from the FOIA/PA program and creating a separate genealogy program dedicated to serve this unique category of requesters would improve service to historical researchers and improve the ability of CIS to respond to requests for other non-historical records.

d. USCIS is poised to implement a FOIA centralized processing program. The centralization project was proposed in July 2001 and approved June 2002. Post-transfer of USCIS into the Department of Homeland Security, the DHS Privacy Office endorsed the June 2002 proposal. As vacancies become available and are moved to the USCIS National Records Center (NRC), the work will subsequently move and the field office will cease to process FOIA/PA requests. The USCIS FOIA/PA workload will be processed primarily at the NRC. There will be two other smaller FOIA/PA processing offices at USCIS Headquarters, Washington, D.C., and USCIS Burlington, Vermont. Because the FOIA/PA Information Processing System (FIPS) can be accessed from any location, the three offices need not be specialized. However, the NRC, located in Lee's Summit, Missouri, will primarily process alien file requests and requests received by USCIS field offices; the USCIS Burlington, Vermont, location will primarily process personnel-related and contract related requests, and the USCIS Headquarters will process sensitive or high-profile records. Centralizing the workload to three locations will not change the number of requests received or the staff necessary to process the requests; but the expectation is that processing times will be reduced due to processing streamlining, total dedication of FOIA/PA staff to processing, and the ability of the FIPS to electronically shift workload and files, when necessary.

e. During FY 2004, the U.S. Secret Service completed a triennial review of the FOIA/PA processing staff and identified a loss of 2.5 processing staff years, the concurrent loss of the office FOIA experience and knowledge base, and a consequent decline in resources. As one measure to augment the production capacity of the remaining FOIA/PA processing staff, the Secret Service implemented off-the-shelf imaging and automated redaction software. Upgrading from administrative software to imaging and redaction software should result in reduced response and increased completion rates.

f. The U.S. Coast Guard has expanded an image-enabled workflow system that scans FOIA/PA requests and responses, and automates the workflow review and release process associated with these functions, from the FOIA office to program offices. The Marine Safety, Security, and Environmental Protection Directorate purchased and distributed scanners to all of its field units in October 2003 and since that time the majority of investigation files have been scanned and stored electronically. Electronic storage has also facilitated the electronic processing and redaction of files. In response to customer requests the "Merchant Vessels of the U.S. Data File" is now updated monthly and available via the internet and on computer disc. Also, the frequently requested "Marine Casualty and Pollution Data" are also made available on the internet.

IX. Costs/FOIA Staffing:

a. FOIA/PA Staffing Level (in work years) *(see Appendix, Chart 2k)*:

i.	Number of full-time FOIA staff (federal and contractor):	340.1
ii.	Number of staff with part-time or occasional FOIA duties:	128.4
iii.	Total number of staff:	468.5

b. DHS FOIA/PA Processing Costs *(see Appendix, Chart 2l)*:

i.	Processing costs including appeals:	$20,585,515
ii.	Litigation-related activities (estimated):	$ 562,803
iii.	Total costs:	$21,148,318

X. Fees *(see Appendix, Chart 2m)*:

a.	Total amount of fees collected:	$320,154
b.	Percentage of total costs:	1.5%

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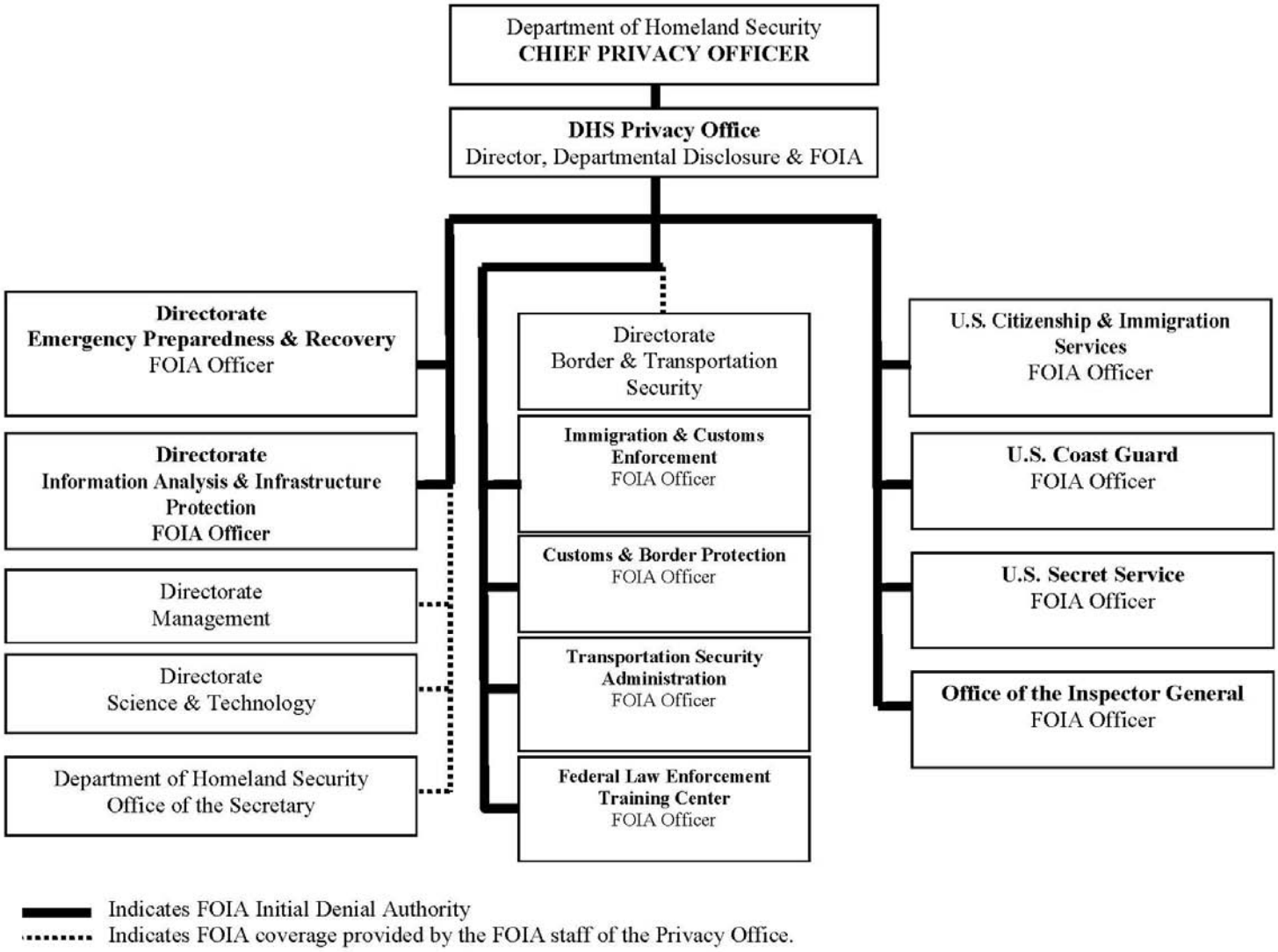
XI. DHS FOIA/PA Implementing Regulations:
The Department of Homeland Security FOIA Implementing Regulations can be found at 68 Fed. Reg. 4056 (January 27, 2003) and at: http://www.dhs.gov/foia.

APPENDIX
DHS Component Charts

1. The DHS Annual FOIA Report aggregates the reports from 8 primary components of the Department and 4 subcomponents of one of the Directorates. The following chart reflects the Fiscal Year (FY) 2004 FOIA structure of the Department.

Fiscal Year 2004 Freedom of Information and Privacy Act Processing Organization



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2. DHS Component FOIA/PA Statistical Charts:

a. Number of Initial Requests:

FOIA/PA Components	Pending End of FY 2003	Received FY 2004	Processed FY 2004	Pending End of FY 2004
DHS TOTAL	**28,955**	**168,882**	**152,027**	**45,810**
Office of the Secretary/Privacy Office	18	652	425	245
Office of the Inspector General	13	51	21	43
Information Analysis & Infrastructure Protection[2]	n/a	12	0	12
Emergency Preparedness & Response	250	361	257	354
U.S. Coast Guard	1,095	7,579	7,403	1,271
U.S. Secret Service	877	779	912	744
U.S. Citizenship & Immigration Services	25,326	149,868	133,997	41,197
Border & Transportation Security				
CBP	422	4,697	4,307	812
TSA	791[3]	1,346	2,130	7
ICE	158[4]	2,088	1,124	1,122
FLETC	5	1,449	1,451	3

b. Disposition of Initial Requests:

FOIA/PA Components	Full Release	Partial Release	Denied	No Records	Duplicate Request	Fee Related	Request Withdrawn	Not Reasonably Described	Not a Proper Request	Not an Agency Record	Referred to Appropriate Agency	Other non-processing Reason
DHS TOTAL	**49,835**	**60,612**	**955**	**14,663**	**8,963**	**1,286**	**1,890**	**330**	**8,483**	**1,753**	**2,398**	**859**
Office of the Secretary/ Privacy Office	27	10	4	48	9	1	3	30	19	10	246	18
Office of the Inspector General	1	11	0	3	0	0	3	0	0	0	2	1
Information Analysis & Infrastructure Protection	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Emergency Preparedness & Response	72	37	20	33	0	0	77	0	0	0	18	0
U.S. Coast Guard	4,840	400	41	606	364	20	221	69	12	35	768	27
U.S. Secret Service	29	170	9	165	0	201	4	21	214	4	0	95
U.S. Citizenship & Immigration Services	40,971	58,190	404	12,456	8,521	999	1,425	172	8,101	1,671	738	349
Border & Transportation Security												
CBP	2,081	755	272	328	42	55	93	27	127	29	391	107
TSA	352	369	144	881	22	5	40	1	4	4	60	248
ICE	70	648	53	129	5	5	13	10	6	0	171	14
FLETC	1,392	22	8	14	0	0	11	0	0	0	4	0

[2] The Information Analysis & Infrastructure Protection FOIA program was established September 4, 2004.
[3] Corrected amount from reporting error of 794 in FY 2003 FOIA Report
[4] The Federal Protective Service (FPS), along with 2 pending requests, was transferred to ICE.

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c. Number and rate of FOIA exemption use:

FOIA/PA Components	1	2	3	4	5	6	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)
DHS TOTAL	**19**	**23,162**	**453**	**285**	**29,233**	**38,439**	**4,828**	**42**	**31,178**	**982**	**9,415**	**98**
Office of the Secretary/ Privacy Office	1	2	0	2	3	4	1	0	1	0	1	0
Office of the Inspector General	0	1	0	0	0	0	0	0	14	0	0	0
Information Analysis & Infrastructure Protection	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Emergency Preparedness & Response	0	0	0	25	7	37	0	0	0	0	0	0
U.S. Coast Guard	11	11	15	44	76	153	51	6	117	2	18	2
U.S. Secret Service	1	125	12	4	20	69	6	0	162	24	91	2
U.S. Citizenship & Immigration Services	3	22,005	230	28	28,776	37,702	4,695	34	29,961	738	9,052	25
Border & Transportation Security												
CBP	0	569	0	113	240	236	15	0	506	178	128	1
TSA	2	170	192	52	91	174	18	2	101	1	2	60
ICE	1	277	4	16	14	42	40	0	299	39	119	7
FLETC	0	2	0	1	6	22	2	0	17	0	4	1

d. Other Reasons for Non-disclosure:

FOIA/PA Component	Frequency	Reason
DHS TOTAL	**859**	
Office of the Secretary/Privacy Office*	18	14-available from other public sources; 4-no perjury statement provided
Office of the Inspector General	1	Referred to OIG in error
U.S. Coast Guard	27	Documents available from public sources
U.S. Secret Service	95	Failure to perfect request
U.S. Citizenship & Immigration Services	349	Unable to locate requester
Border & Transportation Security		
CBP	107	No perjury statement provided, unable to locate requester
TSA	248	68-admin closed; 178-no perjury statement provided; 2-litigation
ICE	14	3-unable to locate requester; 11-no perjury statement provided

e. Disposition of Appeals:

FOIA/PA Components	Processed	Upheld	Partially Reversed	Reversed
DHS TOTAL	**722**	**136**	**30**	**6**
Office of the Secretary/ Privacy Office	1	0	0	0
Office of the Inspector General	n/a	n/a	n/a	n/a
Information Analysis & Infrastructure Protection	n/a	n/a	n/a	n/a
Emergency Preparedness & Response	2	0	0	0
U.S. Coast Guard	4	4	0	0
U.S. Secret Service	15	10	4	0
U.S. Citizenship & Immigration Services	530	23	2	1
Border & Transportation Security				
CBP	90	46	17	5
TSA	75	49	6	0
ICE	n/a	n/a	n/a	n/a
FLETC	5	4	1	0

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f. Number of times and rate of FOIA exemption use in appeals:[5]

FOIA/PA Components	1	2	3	4	5	6	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)
DHS TOTAL	**0**	**65**	**26**	**15**	**30**	**40**	**5**	**0**	**56**	**6**	**25**	**6**
Office of the Secretary/ Privacy Office	0	0	0	0	0	0	0	0	0	0	0	0
Office of the Inspector General	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Information Analysis & Infrastructure Protection	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Emergency Preparedness & Response	0	0	0	0	0	0	0	0	0	0	0	0
U.S. Coast Guard	0	0	0	0	2	1	2	0	1	0	0	0
U.S. Secret Service	0	3	1	0	1	0	1	0	5	0	3	0
U.S. Citizenship & Immigration Services	0	4	0	0	7	12	2	0	5	0	3	0
Border & Transportation Security												
CBP	0	42	0	11	12	13	0	0	34	6	19	2
TSA	0	16	25	4	8	9	0	0	6	0	0	4
ICE	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
FLETC	0	0	0	0	0	5	0	0	5	0	0	0

g. Other reasons for non-disclosure:

FOIA/PA Components	No Records	Duplicate Request	Fee Related	Appeal Withdrawn	Not Reasonably Described	Not a Proper Request	Not an Agency Record	Referred to Appropriate Agency	Other non-processing Reason
DHS TOTAL	**15**	**32**	**5**	**27**	**0**	**130**	**0**	**4**	**337**
Office of the Secretary/ Privacy Office	0	0	0	0	0	0	0	1	0
Office of the Inspector General	0	0	0	0	0	0	0	0	0
Information Analysis & Infrastructure Protection	0	0	0	0	0	0	0	0	0
Emergency Preparedness & Response	0	0	0	2	0	0	0	0	0
U.S. Coast Guard	0	0	0	0	0	0	0	0	0
U.S. Secret Service	0	0	0	0	0	0	0	0	1
U.S. Citizenship & Immigration Services	0	31	0	17	0	130	0	0	326
Border & Transportation Security									
CBP	10	1	0	8	0	0	0	3	0
TSA	5	0	5	0	0	0	0	0	10
ICE	0	0	0	0	0	0	0	0	0
FLETC	0	0	0	0	0	0	0	0	0

[5] FOIA exemptions b(8) and b(9) were not used by the DHS.

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h. Other reasons for Non-processing Appeals:

FOIA/PA Components	Frequency	Reason
DHS TOTAL	**336**	
U.S. Citizenship & Immigration Services	326	Remanded to original office for reprocessing
TSA	10	8 – Privacy Act (K6), 2 – Privacy Act (K2)
U.S. Secret Service	1	Remanded to original office for reprocessing

i. Median Response Times for Simple, Complex, and Expedited Processed Requests:

FOIA/PA Components	Simple Requests		Complex Requests		Expedited Requests	
	Processed	Median Days to Process	Processed	Median Days to Process	Processed	Median Days to Process
DHS TOTAL	116,944	n/a	34,391	n/a	692	n/a
Office of the Secretary/ Privacy Office	279	19	98	66	48	9
Office of the Inspector General	0	n/a	21	44	0	n/a
Information Analysis & Infrastructure Protection	0	n/a	0	n/a	0	n/a
Emergency Preparedness & Response	101	14	128	48	28	9
U.S. Coast Guard	6,735	13	638	21	30	11
U.S. Secret Service	0	0	912	111	0	n/a
U.S. Citizenship & Immigration Services	105,567	16	27,850	31	580	8
Border & Transportation Security						
CBP	2,317	20	1,986	30	4	3
TSA	821	8	1,307	29	2	44.5
ICE	1,124	84	0	n/a	0	n/a
FLETC	0	n/a	1,451	5	0	n/a

j. Status of Pending FOIA/PA Requests:

FOIA/PA Components	Pending at the End of FY 2004	Median Number of Days Pending
DHS TOTAL	45,810	n/a
Office of the Secretary/ Privacy Office	245	55
Office of the Inspector General	43	128
Information Analysis & Infrastructure Protection	12	28
Emergency Preparedness & Response	354	67
U.S. Coast Guard	1,271	24
U.S. Secret Service	744	366
U.S. Citizenship & Immigration Services	41,197	58
Border & Transportation Security		
CBP	812	33
TSA	7	1
ICE	1,122	78
FLETC	3	4.5

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k. FOIA/PA Staffing Level:

	FY 04 FOIA Staffing Levels		
FOIA/PA Components	Full-Time Employee (federal & contractor)	Part-time FOIA/PA Admin Support	Total Work years
DHS TOTAL	340.1	128.4	468.5
Office of the Secretary / Privacy Office	2	0	2
Office of the Inspector General	1	.2	1.2
Information Analysis & Infrastructure Protection	.1	.1	.2
Emergency Preparedness & Response	3	2.5	5.5
U.S. Coast Guard	17	85.1	102.1
U.S. Secret Service	13	1.8	14.8
U.S. Citizenship & Immigration Services	253	0	253
Border Transportation & Security			
CBP	17	15.2	32.2
TSA	15	0	15
ICE	18	22	40
FLETC	1	1.5	2.5

l. DHS FOIA/PA Processing Costs:

	Processing Costs		
FOIA/PA Components	Processing (including Appeals)	Litigation-related Activities	Total Costs[6]
DHS TOTAL	$20,585,515	$562,803	$21,148,318
Office of the Secretary / Privacy Office	163,649	7,487	171,136
Office of the Inspector General	115,034	0	115,034
Information Analysis & Infrastructure Protection	6,812	0	6,812
Emergency Preparedness & Response	376,761	0	376,761
U.S. Coast Guard	646,086	7,000	653,086
U.S. Secret Service	1,692,687	67,105	1,759,792
U.S. Citizenship & Immigration Services	13,920,966	97,020	14,017,986
Border & Transportation Security			
CBP	890,304	53,639	943,943
TSA	1,066,869	130,552	1,197,421
ICE	1,540,532	200,000	1,740,532
FLETC	165,815	0	165,815

[6] Total Costs include salary of FTE and Administrative Support Staff work-years

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m. DHS FOIA/PA Fees:

FOIA/PA Components	FOIA Fees Collected	Fee Percentage of Total Costs
DHS TOTAL	$320,154	1.5%
Office of the Secretary / Privacy Office	0	0
Office of the Inspector General	0	0
Information Analysis & Infrastructure Protection	0	0
Emergency Preparedness & Response	22,619	6
U.S. Coast Guard	23,274	3.7
U.S. Secret Service	818	0.05
U.S. Citizenship & Immigration Services	81,671	0.05
Border & Transportation Security		
CBP	186,629	19.8
TSA	1,689	0.14
ICE	3,098	0.18
FLETC	356	0.22

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