

FY98 Annual Report

Fiscal Year 1998 ending 30 September 1998 was a year of accomplishment highlighted by the meeting of several goals engendered by the Electronic Freedom of Information Act amendments (EFOIA) passed by Congress in late 1996. By virtue of increased funding, CIA was able to reach its highest priority goal, namely, a significant reduction in case workload backlog. *Statistics in this report show that while a near-record number of cases were opened during the fiscal year, a record number of cases were also closed — 7169 — resulting in a case workload backlog reduction of more than 1000 cases.* This is in sharp contrast to a backlog which had been growing at a rate of approximately 1000 cases per year.

Other EFOIA goals reached in FY 1998 include:

--creation of an Internet public repository of released information; since its opening, more than 145,000 visitors have accessed the site; and

--the release of declassified collections to individual requesters in electronic format (via CD).

<p>The following part of this report contains additional information in the format prescribed by the EFOIA. <i>Text in italics</i> is the information provided in response to the prescribed headings.</p>

I. Basic Information Regarding Report

A. Name, title, address, and telephone number of person to be contacted with questions about the report.

Lee Strickland
Chief, Information Review Group
or
Kathryn I. Dyer
FOIA and Privacy Coordinator

*Central Intelligence Agency
Washington D.C. 20505
(703) 613 1289*

B. Electronic address for report on the World Wide Web.

<http://www.foia.ucia.gov>

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

Write to the above address

II. How to Make an FOIA Request

Submit a written request to the mail address above. Transmission via facsimile is also acceptable. Our facsimile number is (703) 613-3007. While a simple letter request is sufficient, see our FOIA web site at the electronic address at section I. B., above, for helpful suggestions in making your request.

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

The mailing address in section I. A., above, is the single central office that receives all FOIA requests for the CIA.

B. Brief description of the agency's response-time ranges.

For those FOIA cases closed in FY 1998, 80% were closed in less than 3 years; Median response time was 1.2 years; average response time was 1.75 years.

For those Privacy Act cases closed in FY 1998, 80% were closed in less than 3.7 months; Median response time 21 days, average response time 5.1 months.

C. Brief description of why some requests are not granted.

Requests or parts of requests which are not granted, largely have been denied because of compliance with the national security-related laws of the United States. In particular, the CIA, like all other U.S. intelligence agencies, has the responsibility to protect intelligence sources and methods from disclosure. This responsibility frequently prevents the release of records or parts of records. Further details are in section IV. A., below.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

1. *Component* - The CIA records system is a decentralized system corresponding to several organizational entities called components. When searches are conducted each component's records may have to be searched (simultaneously, but each having its own processing track). Additional processing time may be required to coordinate records among components.

2. *Executive Order Request* - Generally, specific documents maintained in the files of presidential libraries are requested by researchers under the provisions of Executive Order 12958 - Classified National Security Information. They are referred to as Executive Order requests and are included in the FOIA/PA statistics in CIA's annual report in that such reviews are conducted in concert with the FOIA and PA.

3. *Redaction* - Those parts of textual material deliberately obliterated or "blacked out" as required by law to prevent disclosure of exempt information, e.g., personal privacy of another person or name of an intelligence source.

B. Basic terms.

1. *FOIA/PA request* – Freedom of Information Act/Privacy Act request. An FOIA request is generally a request for 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.)

2. *Initial Request* – a request to a federal agency for access to records under the Freedom of Information Act.

3. *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.

4. *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.

5. *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 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 (see below).

6. Expedited processing – an agency will process an 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. Simple request – an 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.

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

9. Grant – an agency decision to disclose all records in full in response to an FOIA request.

10. Partial grant – an agency decision to disclose a record in part in response to an FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

11. Denial – an agency decision not to release any part of a record or records in response to an 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 an FOIA request).

12. Time limits – the time period in the Freedom of Information Act for an agency to respond to an FOIA request (ordinarily 20 working days from proper receipt of a “perfected” FOIA request).

13. “Perfected” request – an 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.

14. 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).

15. Median number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. 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.

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year.

National Security Act of 1947, as amended, codified at 50 U.S.C. §403-3(c)(6)
Central Intelligence Agency Act of 1949, as amended, codified at 50 U.S.C. §403g

1. Brief description of type(s) of information withheld under each statute.

The National Security Act of 1947 exempts from release certain information that, if released, reasonably could be expected to lead to the unauthorized disclosure of intelligence sources and methods which the Director of Central Intelligence (DCI) is charged with protecting.

The Central Intelligence Agency Act of 1949 exempts from release certain enumerated categories of information including CIA's organization, functions, names, official titles, salaries and/or number of personnel employed by the CIA.

2. Statement of whether a court has upheld the use of each statute. If so, cite example.

CIA v. Sims, 471 U.S. 159, 167(1985). – 103(c)(5) National Security Act of 1947

Minier v. CIA, 88 F.3d 796, 801 (9th Cir. 1996). - Section 6, CIA Act of 1949

See U.S. Department of Justice Freedom of Information Act Guide and Privacy Act Overview for additional citations.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding year: 5764

2. Number of requests received during current fiscal year: 6121

3. Number of requests processed during current fiscal year: *7169*
4. Number of requests pending as of end of current fiscal year: *4716*

B. Disposition of initial requests.

1. Number of total grants: *3188*
2. Number of partial grants: *1652*
3. Number of denials: *951*
 - a. number of times each FOIA exemption used (counting each exemption once per request)
 - (1) Exemption 1: *1476*
 - (2) Exemption 2: *8*
 - (3) Exemption 3: *1559*
 - (4) Exemption 4: *10*
 - (5) Exemption 5: *24*
 - (6) Exemption 6: *81*
 - (7) Exemption 7(a): *0*
 - (8) Exemption 7(b): *1*
 - (9) Exemption 7(c): *3*
 - (10) Exemption 7(d): *4*
 - (11) Exemption 7(e): *1*
 - (12) Exemption 7(f): *0*
 - (13) Exemption 8: *0*
 - (14) Exemption 9: *0*

4. Other reasons for nondisclosure (total):

- a. no records: 535
- b. referrals: 125
- c. request withdrawn: 7
- d. fee-related reason: *
- e. records not reasonably described: *
- f. not a proper FOIA request for some other reason: *
- g. not an agency record *
- h. duplicate request: *
- i. other: Cancellations - 143*

** (d thru h - CIA does not distinguish between reasons for cancellation. Although reasons are recorded in each case record, statistics are consolidated)*

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

- 1. Number of appeals received during fiscal year: 218
- 2. Number of appeals processed during fiscal year: 195

B. Disposition of appeals.

- 1. Number completely upheld: 156
- 2. Number partially reversed: 37
- 3. Number completely reversed: 2
 - a. number of times each FOIA exemption used (counting each exemption once per appeal)

(1) Exemption 1: 103

(2) Exemption 2: 1

(3) Exemption 3: 102

(4) Exemption 4: 0

(5) Exemption 5: 1

(6) Exemption 6: 3

(7) Exemption 7(a): 0

(8) Exemption 7(b): 0

(9) Exemption 7(c): 0

(10) Exemption 7(d): 0

(11) Exemption 7(e): 0

(12) Exemption 7(f): 0

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reason for nondisclosure (total).

a. no records: 39

b. referrals: 0

c. request withdrawn: 0

d. fee-related reason: NA

e. records not reasonably described: NA

f. not a proper FOIA request for some other reason: NA

g. not an agency record: *NA*

h. duplicate request: *NA*

i. other: *NA*

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).

a. number of requests processed: *NA*

b. median number of days to process: *NA*

Although CIA maintains dual processing queues for simple and complex requests, our statistics for processing time are consolidated.

2. Complex request (specify for any and all tracks used).

a. number of requests processed: *7169*

b. median number of days to process: *FOIA - 440; PA - 21*

3. Requests accorded expedited processing.

a. number of requests processed: *0*

b. median number of days to process: *NA*

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year: *4716*

2. Median number of days that such requests were pending as of that date:
FOIA - 511; PA - 264

VIII. Comparisons with Previous Year(s) (Optional)

Not used

IX. Costs/FOIA staffing

A. Staffing levels.

1. Number of full-time FOIA personnel: *47.6 (Full Time Equivalentents)*
2. Number of personnel with part-time or occasional FOIA duties (in total work years): *56.2*
3. Total number of personnel (in work years): *118*

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals): *\$7.1 million*
2. Litigation-related activities (estimated): *\$1.7 million*
3. Total costs: *\$8.8 million*

C. Statement of additional resources needed for FOIA compliance (optional).

X. Fees

- A. Total amount of fees collected by agency for processing requests: *\$1,268.90*
- B. Percentage of total costs: *less than 1%*

XI. FOIA Regulations (including Fee Schedule): *Located elsewhere on this web site.*