

**United States Postal Service**

**Freedom of Information Act (FOIA)**

**Report for Fiscal Year 2002**

(October 1, 2001 through September 30, 2002)

## **I. Basic Information Regarding Report**

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

Robert J. Faruq, Sr.  
Manager, Records Office  
United States Postal Service  
475 L'Enfant Plaza SW, Room 5825  
Washington, DC 20260-5825

Telephone (202) 268-2608

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

[http://www.usps.com/foia/\\_pdf/02foiarp.pdf](http://www.usps.com/foia/_pdf/02foiarp.pdf)

### **C. How to obtain a copy of this report in paper form**

A hard copy of this report may be obtained upon written request to:

Robert J. Faruq, Sr.  
Manager, Records Office  
United States Postal Service  
475 L'Enfant Plaza SW, Room 5825  
Washington, DC 20260-5825

## II. How to Make a FOIA Request

A FOIA request for Postal Service records may be directed to the records custodian who is the head of the facility where the records are maintained. For example, if the requester knows the records are located at a particular post office, the postmaster at that post office would be the records custodian. If the desired records are maintained by a functional unit at Headquarters, the Vice President of that unit would be the records custodian. If the requester does not know where the records are maintained, the request should be directed to the Records Office at Postal Service Headquarters in Washington, DC.

There is no required form for submitting a request. A requester should simply write a letter, indicating *FOIA* somewhere on the letter, and describe the records wanted. It is also helpful to include the amount of processing fees for which the requester is willing to accept liability. If estimated processing fees exceed that amount, the requester will be notified in advance.

A request should describe, with as much detail as possible, the records being requested. The description should be detailed enough to permit an agency employee familiar with the subject matter to locate the records with a reasonable amount of effort. A reasonable description is required by the FOIA and helps ensure prompt retrieval of the records of interest while minimizing processing costs to the requester.

Detailed information on submitting a FOIA request may be found in Publication 549, *Freedom of Information Act (FOIA) Requests for Postal Service Records*, a guide for obtaining Postal Service records. (See FOIA web page for link.)

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

FOIA processing at the Postal Service is decentralized. As stated above, a FOIA request should be sent directly to the records custodian of the records being sought. This may be any one of 40,000 post offices or hundreds of administrative offices could receive a FOIA request. However, if the requester does not know where records are maintained, a request should be sent as follows:

Non-investigative records:

Robert J. Faruq, Sr.  
 Manager, Records Office  
 United States Postal Service  
 475 L'Enfant Plaza SW, Room 5825  
 Washington, DC 20260-5825

Investigative records:

Lee Heath  
 Chief Postal Inspector  
 United States Postal Service  
 475 L'Enfant Plaza SW, Room 3100  
 Washington, DC 20260-2100

## **B. Brief description of the Postal Service's response-time ranges**

The Postal Service does not use multi-track processing. Due to decentralized processing, most offices are able to respond to most requests within the twenty working days time period set by the FOIA. Additional time may be needed if a request involves a time consuming search or review or a voluminous amount of records. In these instances, or in the unusual case of a backlog, the requester will be notified.

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

The Postal Service's policy is to make its official records available to the public to the maximum extent consistent with the public interest. A requester will receive copies of all responsive records or parts of records that are not subject to one of the exemptions contained in the FOIA. Once the records custodian has processed a request and any fee issues have been resolved, the requester will be sent a written initial response with a determination of available records that may be disclosed. The response letter will advise whether any information is being withheld pursuant to one or more of the exemptions. When pages are being withheld in their entirety, the records custodian either will specify the number of pages being withheld or will make a reasonable effort to estimate the amount of the withheld information.

The exemptions in the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information, (2) internal agency rules and practices, (3) information that is prohibited from disclosure by another federal law, (4) trade secrets and other confidential business information, (5) inter-agency or intra-agency communications that are protected by legal privileges, (6) information involving matters of personal privacy, (7) certain types of information compiled for law enforcement purposes, (8) information relating to the supervision of financial institutions, and (9) geological information on wells. Although not legally obligated to do so, the records custodian may disclose exempt information as a matter of administrative discretion if that disclosure is not prohibited by any law and would not cause any foreseeable harm.

Exemptions 1), 8), and 9) are rarely, if ever, applicable to Postal Service records.

### III. Definitions of Terms and Acronyms used in the Report

#### A. Agency-specific acronyms or other terms

1. *USPS* – United States Postal Service.
2. *Records custodian* – the head of a postal facility such as an area office, district office, post office, or other postal installation that maintains Postal Service records and information. Vice Presidents are the custodians of records and information maintained at Headquarters. Custodians are responsible for seeing that records within their facilities or organizations are managed according to Postal Service policies.
3. *Basic request* – a request that required less than two hours of resources to process.
4. *Complicated request* – a request that required two hours or more of resources to process.
5. *E-FOIA* – the “Electronic Freedom of Information Act Amendments of 1996, Public Law No. 104-231, 110 Stat. 3048,” making major revisions to the FOIA, including subsection (e) that pertains to the submission of annual reports by federal agencies on their administration of the Act.

#### B. Basic terms expressed in common terminology

1. *FOIA/PA request* – Freedom of Information Act/Privacy Act request. A 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.
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). Note: The Postal Service does not have a multi-track processing system since it usually does not have FOIA backlogs.
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. *Simple request* – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested. Note: The Postal Service does not have a multi-track processing system since it does not usually have a backlog. However, in calculating median processing time, it does distinguish between basic and complicated requests. See III.A. above.
8. *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. Note: The Postal Service does not have a multi-track processing system since it does not usually have a backlog. However, in calculating median processing time, it does distinguish between basic and complicated requests. See III.A. above.
9. *Grant* – an agency decision to disclose all records in full in response to a FOIA request.
10. *Partial grant* – 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 a decision to disclose some records in their entireties 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 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.
12. *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).

13. *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.
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

Exempting Statute	Type of Information Withheld	Case Citation
39 U.S.C. 410(c)(1)	Records relating to names and addresses of postal customers	None
39 U.S.C. 410(c)(2)	Records relating to commercial information that is proprietary to the Postal Service	None
39 U.S.C. 410(c)(3)	Records relating to information prepared for use in negotiating collective bargaining agreements	None
39 U.S.C. 410(c)(4)	Records relating to information prepared for use in Postal Rate Commission proceedings	None
39 U.S.C. 410(c)(6)	Records relating to investigatory files	None
39 U.S.C. 412	Records containing lists of postal customers	None

## V. Initial FOIA/PA Access Requests

### A. Numbers of initial requests

	Records Office	Inspection Service	Other postal locations	Total
<b>1. Number of requests pending as of end of preceding fiscal year</b>	83	156	Not captured	239
<b>2. Number of requests received during current fiscal year</b>	612	139	413	1164
<b>3. Number of requests processed during current fiscal year</b>	543	156	420	1119
<b>4. Number of requests pending as of end of current fiscal year</b>	152	139	Not captured	291

## B. Disposition of initial requests

<b>Initial requests</b>	
<b>1. Number of total grants</b>	<b>565</b>
<b>2. Number of partial grants</b>	<b>162</b>
<b>3. Number of denials</b>	<b>117</b>
a. Number of times each FOIA exemption used (counting each exemption once per request)	
(1) Exemption 1	3
(2) Exemption 2	23
(3) Exemption 3	74
(4) Exemption 4	12
(5) Exemption 5	45
(6) Exemption 6	154
(7) Exemption 7(A)	14
(8) Exemption 7(B)	0
(9) Exemption 7(C)	120
(10) Exemption 7(D)	32
(11) Exemption 7(E)	14
(12) Exemption 7(F)	5
(13) Exemption 8	0
(14) Exemption 9	0
<b>4. Other reasons for nondisclosure</b>	<b>275</b>
a. No records	122
b. Referrals	8
c. Request withdrawn	3
d. Fee-related reason	26
e. Records not reasonably described	86
f. Not a proper FOIA request for some other reason	2
g. Not an agency record	11
h. Duplicate request	14
i. Other:	
Incomplete authorization	2
Unable to locate requester	1
Referred to appeal process	0

## VI. Appeals of Initial Denials of FOIA/PA Requests

<b>A. Numbers of appeals</b>	
<b>1. Number of appeals received during fiscal year</b>	<b>140</b>
<b>2. Number of appeals processed during fiscal year*</b>	<b>152</b>
<b>B. Disposition of appeals</b>	
<b>1. Number completely upheld</b>	<b>74</b>
<b>2. Number partially reversed</b>	<b>4</b>
<b>3. Number completely reversed</b>	<b>1</b>
a. Number of times each FOIA exemption used (counting each exemption once per appeal)	
(1) Exemption 1	0
(2) Exemption 2	3
(3) Exemption 3	27
(4) Exemption 4	6
(5) Exemption 5	16
(6) Exemption 6	22
(7) Exemption 7(A)	5
(8) Exemption 7(B)	0
(9) Exemption 7(C)	10
(10) Exemption 7(D)	3
(11) Exemption 7(E)	1
(12) Exemption 7(F)	1
(13) Exemption 8	0
(14) Exemption 9	0
<b>4. Other reasons for nondisclosure</b>	<b>73</b>
a. No records exist	10
b. Referrals	17
c. Request withdrawn	13
d. Fee-related reason	3
e. Records not reasonably described	0
f. Not a proper FOIA request for some other reason	9
g. Not an agency record	4
h. Duplicate request	8
i. Other:	
Initial response pending	9
Out of time	0

\* Includes backlog from prior years

## VII. Compliance with Time Limits/Status of Pending Requests

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

	Records Office		Inspection Service		Other postal locations	
	Number Processed	Median Number of Days	Number Processed	Median Number of Days	Number Processed	Median Number of Days
1. Basic requests	377	7	70*	75	305	9
2. Complicated requests	166	24	24*	62	107	21
3. Requests accorded expedited processing	0	n/a	0	n/a	8	13

### B. Status of pending requests

	Records Office	Inspection Service	Other postal locations
1. Number of requests pending as of end of current fiscal year	152	139	Not captured
2. Median number of days such requests were pending as of that date	153	Not captured	Not captured

## VIII. Comparisons with Previous Year

- A. The number of requests received decreased 23.77% (1164 FY 2002, 1527 FY 2001).
- B. The number of requests processed decreased 14.97% (1119 FY 2002, 1369 FY 2001).
- C. The median number of days requests were pending as of the end of the fiscal year decreased 12.06% (153 FY 2002, 174 FY 2001).
- D. Number of expedited requests granted 8; 12 requests for expedited processing received.

\*The numbers in this section and in section V do not add up because changes need to be made to the system. Changes will be made and numbers will add up in future reports.

## IX. Costs/FOIA Staffing

### A. Staffing levels\*

1. Number of full-time FOIA personnel	5*
2. Number of personnel with part-time FOIA duties	5.5 work-years
3. Total number of personnel	10.5 work-years

\* Staff in main FOIA processing offices

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

1. FOIA processing including appeals	\$ 330,703
2. Estimated litigation-related activities	\$ 10,000
3. Total costs	\$ 340,703

## X. Fees

A. Total amount of fees collected by agency for processing requests:	\$87,196
B. Percentage of total costs:	28.8%

## XI. FOIA Regulations (Including Fee Schedule)

The Postal Service's release of information regulations in support of the FOIA are found at [http://www.access.gpo.gov/nara/cfr/waisidx\\_01/39cfr265\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/39cfr265_01.html)

The fee provisions are contained at section 265.9 of those regulations.

