

# **Freedom of Information Act (FOIA)**

**Report for Fiscal Year 2005**

**October 1, 2004 through September 30, 2005**

## I. Basic Information Regarding Report

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

Jane Eyre  
Manager, Records Office  
United States Postal Service  
475 L'Enfant Plaza SW, Room 5821  
Washington, DC 20260-5821  
Telephone (202) 268-2608

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

<http://www.usps.com/foia/annualreports/welcome.htm>

- 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:

Jane Eyre  
Manager, Records Office  
United States Postal Service  
475 L'Enfant Plaza SW, Room 5821  
Washington, DC 20260-5821

## II. How to Make a FOIA Request

A FOIA request for Postal Service records may be directed to the Records Office at Postal Service Headquarters in Washington DC, or 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.

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 partially centralized and partially decentralized. As stated above, a FOIA request can 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 that could receive a FOIA request. However, if the requester desires to send a request to a central location, for instance if the requester does not know where records are maintained, a request should be sent as follows:

Non-investigative records: Jane Eyre Manager, Records Office United States Postal Service Room 5821 475 L'Enfant Plaza SW Washington, DC 20260-5821	Investigative records: Lee Heath Chief Postal Inspector United States Postal Service Room 3100 475 L'Enfant Plaza SW Washington, DC 20260-2100	Inspector General records: Jennifer Weaver FOIA Officer Office of Inspector General 8 <sup>th</sup> Floor 1735 N. Lynn Street Arlington, VA 22209-2020
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### B. Brief description of the Postal Service's response-time ranges.

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. *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).
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.

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.
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	Wickwire Gavin v. USPS, 356 F.3d588 (4 <sup>th</sup> Cir. 2004); Airline Pilots Ass'n, Int'l v. USPS and FedEx, 2004 U.S. Dist. LEXIS 26067 (D.D.C. June 24, 2004)
39 U.S.C. 410(c)(3)	Records relating to information prepared for use in negotiating collective bargaining agreements	None
39 U.S.C. 412	Records containing lists of postal customers	None
18 U.S.C. 1461	Records concerning non-mailable matter	None
18 U.S.C. 2510	Records relating to wiretap requests and information	None
Federal Rules of Criminal Procedure-Rule 6(e)	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. Numbers of initial requests

<b>1. Number of requests pending as of end of preceding fiscal year</b>	180 <sup>1</sup>
<b>2. Number of requests received during current fiscal year</b>	1652
<b>3. Number of requests processed during current fiscal year</b>	1698
<b>4. Number of requests pending as of end of current fiscal year</b>	134

<sup>1</sup> The figure shown in this section is lower than the figure shown on our FOIA 2004 report due to requests that were closed from prior years that were not accounted for in prior year's reports.

B. Disposition of initial requests

<b>Initial requests</b>	
1. Number of total grants	722
2. Number of partial grants	242
3. Number of denials	153
<b>a. Number of times each FOIA exemption used (counting each exemption once per request)</b>	
(1) Exemption 1	2
(2) Exemption 2	61
(3) Exemption 3	72
(4) Exemption 4	46
(5) Exemption 5	94
(6) Exemption 6	170
(7) Exemption 7(A)	49
(8) Exemption 7(B)	3
(9) Exemption 7(C)	152
(10) Exemption 7(D)	96
(11) Exemption 7(E)	32
(12) Exemption 7(F)	4
(13) Exemption 8	0
(14) Exemption 9	0
4. Other reasons for nondisclosure	581
<b>a. No records</b>	<b>152</b>
<b>b. Referrals</b>	<b>87</b>
<b>c. Request withdrawn</b>	<b>21</b>
<b>d. Fee-related reason</b>	<b>61</b>
<b>e. Records not reasonably described</b>	<b>80</b>
<b>f. Not a proper FOIA request for some other reason</b>	<b>134</b>
<b>g. Not an agency record</b>	<b>23</b>
<b>h. Duplicate request</b>	<b>23</b>
<b>i. Other:</b>	
Incomplete authorization	0
Unable to locate requester	0
Referred to appeal process	0

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

### A. Number of appeals

Appeals	
1. Number of appeals received during fiscal year	141
2. Number of appeals processed during fiscal year	154 <sup>2</sup>

### B. Disposition of appeals

Appeals	
1. Number completely upheld	113
2. Number partially reversed	3
3. Number completely reversed	6
<b>Number of times each FOIA exemption used (counting each exemption once per appeal)</b>	
(1) Exemption 1	0
(2) Exemption 2	10
(3) Exemption 3	27
(4) Exemption 4	9
(5) Exemption 5	25
(6) Exemption 6	25
(7) Exemption 7(A)	9
(8) Exemption 7(B)	0
(9) Exemption 7(C)	25
(10) Exemption 7(D)	14
(11) Exemption 7(E)	1
(12) Exemption 7(F)	0
(13) Exemption 8	0
(14) Exemption 9	0
4. Other reasons for nondisclosure	32
<b>a. No records exist</b>	<b>6</b>
<b>b. Referrals</b>	<b>0</b>
<b>c. Request withdrawn</b>	<b>1</b>
<b>d. Fee-related reason</b>	<b>0</b>
<b>e. Records not reasonably described</b>	<b>1</b>
<b>f. Not a proper FOIA request for some other reason</b>	<b>9</b>
<b>g. Not an agency record</b>	<b>1</b>
<b>h. Duplicate request</b>	<b>2</b>
<b>i. Other:</b>	<b>12</b>
Initial response pending	10
Initial request	
Response received	2

<sup>2</sup> Includes appeal files carried over from FY 2004.

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

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

	Number Processed	Median Number of Days
1. Simple requests	1665	16
2. Complex requests	31	41
3. Requests accorded expedited processing	2	48

### B. Status of pending requests

1. Number of requests pending as of end of current fiscal year	134
2. Median number of days such requests were pending as of that date	122

## VIII. Comparisons with Previous Year

- A. The number of requests received increased 44.4% (1144 FY 2004, 1652 FY 2005)
- B. The number of requests processed increased 34.97% (1258 FY 2004, 1698 FY 2005)
- C. The median number of days requests were pending as of the end of the fiscal year increased 8.9% (112 FY 2004, 122 FY 2005)
- D. Other statistics: 17 requests for expedited processing received; 2 requests for expedited processing granted.

## **IX. Costs/FOIA Staffing**

### A. Staffing levels

1. Number of full-time FOIA personnel	10
2. Number of personnel with part-time FOIA duties	6.5 work-years
3. Total number of personnel	16.5 work-years

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

1. FOIA processing including appeals	\$2,176,000
2. Estimated litigation-related activities	\$ 10,000
3. Total costs	\$2,186,000

## **X. Fees**

A. Total amount of fees collected by agency for processing requests:	\$73,606
B. Percentage of total costs:	3.36%

## **XI. FOIA Regulations (Including Fee Schedule)**

The Postal Service's release of information regulations in support of the FOIA are found in Title 39 Code of Federal Regulations §265. This information is available online at [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/39cfr265\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/39cfr265_03.html)

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