



**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION ACT
ANNUAL REPORT
FOR
FISCAL YEAR 2008**

**DIRECTOR OF ADMINISTRATION
AND MANAGEMENT**

**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION ACT
REPORT FOR
FISCAL YEAR 2008**

Report Period: October 1, 2007 through September 30, 2008

EXECUTIVE SUMMARY

The Department of Defense (DoD) Freedom of Information Act (FOIA) program is reporting 71,699 processed requests for records under the FOIA. In the processing of these cases, the Department of Defense granted in full 28,451, partially denied 14,901, and denied in full 2,554 on the basis of FOIA exemptions. Of all the cases in which the exemptions were used, approximately 38% were for privacy information (Exemption 6); 19% for law enforcement privacy (Exemption 7(C)); 10% for internal rules and practices; 8% for statutory exemptions; 8% for classified information; 8% for deliberative material; 6% for proprietary data; 3% for law enforcement investigations (not including Exemption 7(C)); 0.03% for information concerning financial institutions and 0.03% for information concerning wells. An additional 25,793 requests were closed in whole or in part for other reasons, such as lack of records, referral to another agency, or lack of specificity sufficient to identify the requested records. There were 862 actions taken on appeals of denied requests: 37 reversed, 138 partially affirmed, 245 fully affirmed, and 442 dismissed for other reasons. The number of pending FOIA requests at the DoD at the end of fiscal year 2007, as reported in last year's report, was 26,195. The number of pending FOIA requests for the DoD at the end of fiscal 2008 year was 14,660. The greater part of this reduction in backlog can be attributed to the change in reporting requirements of Privacy Act requests. However, even considering the change in reporting requirements, the DoD reduced its overall backlog by 3% in FY 2008, which can be attributed to the additional funding selected DoD components were directed to apply to their FOIA programs, in accordance with the DoD FOIA Improvement Plan of June 14, 2006.

The total DoD operating cost associated with the processing of requests during this report period was \$70,755,178. The average cost of processing a single case during this period was approximately \$986.00. Fee collections for records provided to the public amounted to \$617,878 (0.9% of total program cost).

Due to significant reporting requirements for the annual report that were not established until mid-year FY08, not all 30 components were able to collect and satisfy the new data requirements despite significant efforts to do so.

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I. Basic Information Regarding Report

1. Title, address, and telephone number of person to be contacted with questions about the report:

Write to: Chief, Defense Freedom of Information Policy Office
1155 Defense Pentagon
Washington, DC 20301-1155

Telephone: (703) 696-4689
Toll-free number: (866) 574-4970
Fax number: (703) 696-4506

Point of Contact: Mr. Jim Hogan
Chief, Defense Freedom of Information Policy Office

2. The electronic address (Universal Resource Line) for this report is:

http://www.dod.mil/pubs/foi/dfoipo/foia_reports.html

3. You may obtain a paper copy of this DoD Annual FOIA Report for FY08 by telephoning, faxing, or writing to the Defense Freedom of Information Policy Office. A FOIA request is not necessary. Please include a return mailing address.

II. Making a FOIA Request

1. The DoD Freedom of Information Act Handbook provides general information about the FOIA Program within DoD and provides basic information about how to submit a FOIA request. This document also contains DoD component addresses, a brief description of expected response times, and the reason why some requests are not granted. The DoD Freedom of Information Act Handbook can be found at:

<http://www.dod.mil/pubs/foi/dfoipo/docs/FOIAhandbook.pdf>

To make a FOIA request on the world wide web use the following:

http://www.dod.mil/pubs/foi/submit_foiareq.html

Using this web page, you can navigate to the FOIA Requester Service Centers for the [Armed Services](#), [Combatant Commands](#), or [Defense Department Agencies](#);

2. Reasons why some requests are not granted and general categories of agency records.
 - a. This is a summary of the most frequent reasons for a FOIA request to not be granted:
 - i. The request is transferred to another DoD component, or to another Federal Agency.

- ii. The request is withdrawn by the requester.
 - iii. The requester is unwilling to pay fees associated with a request; the requester is past due in the payment of fees from a previous FOIA request; or the requester disagrees with the fee estimate.
 - iv. A record has not been described with sufficient detail to enable the DoD component to locate it with a reasonable amount of effort.
 - v. The information requested is not a record within the meaning of the FOIA.
 - vi. The request is a duplicate request (e.g., a requester asks for the same information more than once). This includes identical requests received via different means (e.g., electronic mail, facsimile, mail, courier) at the same or different times from the same requester.
 - vii. The record is denied in whole or in part in accordance with one or more exemptions as set forth in the FOIA.
- b. The FOIA exemptions used by the DoD components apply to a number of different categories of records. Some of these categories are:
- i. Acquisition and Contracting
 - ii. Personnel
 - iii. Intelligence
 - iv. Military/Operational
 - v. Law Enforcement
 - vi. Inspector General

III. Acronyms, Definitions, and Exemptions

1. Acronyms and terms:

a. Department of Defense acronyms or terms:

AF	Department of the Air Force
ASBCA	Armed Service Board of Contract Appeals
ARMY	Department of the Army
CENTCOM	U.S. Central Command
DCAA	Defense Contract Audit Agency
DCMA	Defense Contract Management Agency
DeCA	Defense Commissary Agency
DFAS	Defense Finance and Accounting Service
DIA	Defense Intelligence Agency
DISA	Defense Information Service Agency
DLA	Defense Logistics Agency
DoD	Department of Defense
DoDEA	Department of Defense Education Activity
DoD IG	Department of Defense Inspector General
DSS	Defense Security Service
DTIC	Defense Technical Information Center
DTRA	Defense Threat and Reduction Agency
EUCOM	U.S. European Command
JFCOM	U.S. Joint Forces Command
NAVY	Department of the Navy
NGA	National Geospatial-Intelligence Agency
NORTHCOM	U.S. Northern Command
NRO	National Reconnaissance Office
NSA	National Security Agency
OSD/JS	Office of the Secretary of Defense/Joint Staff
PA	Privacy Act
PACOM	U.S. Pacific Command
SOCOM	U.S. Special Operations Command
STRATCOM	U.S. Strategic Command
TRANSCOM	U.S. Transportation Command
TRICARE	TRICARE Management Agency

b. Other agency acronyms:

CIA	Central Intelligence Agency
DOJ	Department of Justice

2. Definitions of terms.

- a. **Administrative Appeal:** A request to an agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA, or any other adverse FOIA determination.
- 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: the average of 3, 7, and 14 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:** DoD processes requests on a decentralized basis; a “component” is an entity, also sometimes referred to as an Office, Combatant Command, or Defense Agency, within DoD that processes FOIA requests.
- e. **Consultation:** The procedure whereby an agency responding to a FOIA request first forwards a record to another 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 that forwarded it. That agency, in turn, will then respond to the FOIA requester. The DoD tracked consultations as FOIA requests until July 1, 2008. Due to DOJ guidance, they are now tracked and reported separately.
- f. **Exemption 3 Statute:** A separate federal statute prohibiting the disclosure of a certain type of information and authorizing it being withheld under FOIA, 5 USC 552(b)(3).
- g. **FOIA Request:** A FOIA request is generally a request to an agency for access to records concerning another person (i.e. a “third-party” 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 non-U.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.
- 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 part of a record or records in response to a FOIA request because all the information in the requested record or records is determined by the agency to be exempt under one or more of the FOIA exemptions, or

for some procedural reason such as no record is located in response to a FOIA request.

- 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 in each track are processed on a first-in/first out basis. A requester who has a compelling need for records may request expedited processing (see below).
 - 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:** An agency decision to disclose a record only in part in response to a FOIA request, deleting information determined to be exempt under one or more exemptions under the FOIA; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
- 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. **Perfect 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 minimum and maximum number of days to process requests or administrative appeals.
- q. **Time limits:** The time period in the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

3. Short definitions of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information

- b. **Exemption 2:** internal agency rules and practices
- 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 the 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

IV. Exemption 3 Statutes

Table 1 – Exemption 3 Statutes Relied Upon by DoD

Statute	Type Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number for DoD
			Component	Count	
1 5 USC §574(j)	Dispute Resolution Communication Between a Neutral and a Party to the Dispute	No	ARMY	3	16
			NAVY	4	
			OSD/JS	9	
2 5 USC §7114(b)(4)	Information about Labor Union Representation Rights and Duties Related to Collective Bargaining	No	AF	1	4
			ARMY	3	
3 10 USC §128	Unclassified Special Nuclear Weapons Information	No	AF	1	5
			ARMY	1	
			DTRA	2	
			OSD/JS	1	
4 10 USC §130	Unclassified Technical Data with Military or Space Application	Yes ¹	AF	32	83
			ARMY	9	
			DoD IG	2	
			NAVY	20	
			NSA	17	
			OSD/JS	3	
5 10 USC §130b	Personally Identifying Information of Personnel in Overseas, Sensitive or Routinely Deployable Units	Yes ²	AF	39	330
			ARMY	18	
			CENTCOM	15	
			DoDEA	11	
			EUCOM	5	
			NAVY	215	
			OSD/JS	15	
			PACOM	1	
			SOCOM	7	
			STRATCOM	4	

¹ Chenkin v. Department of the Army, No. 93-494, 1994 U.S. Dist. LEXIS 20907, at *8 (E.D. Pa. Jan. 14, 1994), aff'd, 61 F.3d 894 (3d Cir. 1995) (unpublished table decision); Colonial Trading Corp. v. Department of the Navy, 735 F. Supp. 429, 431 (D.D.C. 1990); see also American Friends Serv. Comm. v. DOD, No. 83-4916, 1986 WL 10659, at *4(E.D. Pa. Sept. 25, 1986), rev'd on other grounds, 831 F.2d 441 (3d Cir. 1987).

²Hiken v. Dep't of Defense, No. 06-02812, 2007 U.S. LEXIS 73545 (N.D. Cal. Oct. 2, 2007).

	Statute	Type Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number for DoD
6	10 USC §130c	Certain Sensitive Information of Foreign Governments and International Organizations	Yes ³	AF	3	26
				ARMY	6	
				NAVY	1	
				OSD/JS	14	
				PACOM	1	
				TRANSCOM	1	
7	10 USC §424	Organizational and Personnel Information for DIA, NRO, and NIMA	Yes ⁴	DIA	224	296
				NGA	2	
				NRO	59	
				OSD/JS	11	
8	10 USC §455	Maps, Charts, and Geodetic Data	No	NAVY	1	6
				NGA	5	
9	10 USC §613a(a)	Proceedings of Promotion Selection Boards	No	AF	1	3
				ARMY	2	
10	10 USC §1102	Medical Quality Assurance Records	No	AF	2	21
				ARMY	10	
				NAVY	9	
11	10 USC §1506(d) and(f)	Debriefing of a Missing Person Returned to U.S. Control.	No	JFCOM	3	7
				OSD/JS	4	
12	10 USC §2305(g)	DoD Contractor Proposals	No	AF	31	204
				ASBCA	1	
				ARMY	90	
				DeCA	1	
				DISA	5	
				DLA	35	
				DoDEA	1	
				DTRA	1	
				NAVY	30	
				NSA	5	
				OSD/JS	2	
				TRANSCOM	2	
13	10 USC 2371(i)	Research Projects: Transactions Other Than Contracts and Grants	No	OSD/JS	2	2
14	12 USC §3403	Confidentiality of Financial Records	No	NAVY	2	2
15	16 USC §470 w-3	National Historic Preservation Information	No	ARMY	26	26

³ ACLU v. Dep't of Defense, 389 F. Supp. 2d 547, 554 (S.D.N.Y. 2005).

⁴ Larson v. Department of State et al., No. 1:02CV01937, (D.D.C. Aug. 10, 2005).

	Statute	Type Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number for DoD
16	18 USC §798(a)	Communications Intelligence	Yes ⁵	AF	1	859
				DIA	2	
				NSA	855	
				PACOM	1	
17	22 USC §2778(e) Sec 38(e) of the Arms Export Control Act	Information Subject to Arms Exports Controls	No	AF	2	7
				NAVY	3	
				OSD/JS	2	
18	26 USC §6103	Confidentiality and Disclosure of Returns and Return Information	No	AF	3	3
19	31 USC §3729(d); 31 USC §3730(b)(2)	Information Concerning Civil Action for False Claims	No	ARMY	1	1
20	42 USC §2162(a) (Restricted Data) 42 USC §2168(a)(1)(C) (Formerly Restricted Data)	Information Regarding Atomic Energy: Restricted and Formerly Restricted Data (A.E. Act of 1954) (specific applicable sections must be invoked)	Yes ⁶	AF	19	67
				DTRA	2	
				OSD/JS	42	
				PACOM	1	
				STRATCOM	3	
21	50 USC §402 Note Sec 6, P.L. 86-36	NSA Functions and Information	Yes ⁷	AF	1	1064
				DIA	9	
				NSA	1047	
				OSD/JS	6	
				PACOM	1	

⁵Winter v. NSA, 569 F. Supp. 545, 548 (S.D. Cal. 1983); see also Gilmore v. NSA, No. C 92-3646, 1993 U.S. Dist. LEXIS 7694, at **26-27 (N.D. Cal. May 3, 1993) (finding that information on cryptography currently used by NSA “integrally related” to function and activity of intelligence gathering and thus protected).

⁶Meeropol v. Smith, No. 75-1121, slip op. at 53-55 (D.D.C. Feb. 29, 1984), aff’d in relevant part & remanded in part sub nom. Meeropol v. Meese, 790 F.2d 942 (D.C. Cir. 1986). But see General Elec. Co. v. NRC, 750 F.2d 1394, 1401 (7th Cir. 1984) (concluding that provision concerning technical information furnished by license applicants lacked sufficient specificity to qualify as Exemption 3 statute).

⁷Founding Church of Scientology v. NSA, 610 F.2d 824, 828 (D.C. Cir. 1979); Hayden v. NSA, 452 F. Supp. 247,252 (D.D.C. 1978), aff’d, 608 F.2d 1381 (D.C. Cir. 1979).

	Statute	Type Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number for DoD
22	50 USCA 403-1(i)	Intelligence Sources and Methods	Yes ⁸	AF	3	911
				DIA	8	
				DoD IG	1	
				JFCOM	1	
				NRO	4	
				NSA	878	
				OSD/JS	15	
				PACOM	1	
23	50 USC §421	Identities of US Undercover Intelligence Officers, Agents, Informants and Sources	No	OSD/JS	1	1
24	50 USC §432a	NRO Operational Files Exemption	No	NRO	3	3
25	50 USC §435 Note Sec 1082, P.L. 102-190	Information Concerning US Personnel Classified as POW/MIA During the Vietnam and Korean Conflicts (“McCain Bill”)	No	NSA	1	5
				OSD/JS	4	
26	50 USC 2411(c)	Export Control Act	No	OSD/JS	3	3

⁸ CIA v. Sims, 471 U.S. 159, 167 (1985); see also Minier v. CIA, 88 F.3d 796, 801 (9th Cir. 1996) (finding that agency properly refused to confirm or deny existence of records concerning deceased person’s alleged employment relationship with CIA); Maynard v. CIA, 986 F.2d 547, 554 (1st Cir. 1993) (stating that under § 403(d)(3) it is responsibility of Director of CIA to determine whether sources or methods should be disclosed); Krikorian v. Department of State, 984 F.2d 461, 465 (D.C. Cir. 1993) (same); Fitzgibbon v. CIA, 911 F.2d 755, 761 (D.C. Cir. 1990) (same); Hunt v. CIA, 981 F.2d 1116, 1118 (9th Cir. 1992) (upholding agency’s “Glomar” response to request on foreign national, because acknowledgement of any records would reveal sources and methods); Knight v. CIA, 872 F.2d 660, 663 (8th Cir. 1989) (same); Levy v. CIA, No. 95-1276, slip op. at 14-17 (D.D.C. Nov. 16, 1995) (same), aff’d, No. 96-5004 (D.C. Cir. Jan. 15, 1997); Roman v. Dailey, No. 97-1164, 1998 U.S. Dist. LEXIS 6708, at **10-11 (D.D.C. May 11, 1998) (concluding that agency properly refused to confirm or deny existence of records pertaining to agency personnel and spy satellite programs); Blazy v. Tenet, 979 F. Supp. 10, 23-24 (D.D.C. 1997) (protecting intelligence sources and methods located in requester’s personnel file, summary affirmance granted, No. 97-5330 (D.C. Cir. May 12, 1998); Andrade v. CIA, No. 95-1215, 1997 WL 527347, at **3-5 (D.D.C. Aug. 18, 1997) (holding intelligence methods used in assessing employee fitness protectable); Earth Pledge Found. v. CIA, 988 F. Supp. 623, 627 (S.D.N.Y. 1996) (finding agency’s “Glomar” response proper because acknowledgement of records would generate “danger of revealing sources”), aff’d per curiam, 128 F.3d 788 (2d Cir. 1997) (unpublished table decision); Campbell v. United States Dep’t of Justice, No. 89-CV-3016, 1996 WL 554511, at *6 (D.D.C. Sept. 19, 1996) (“CIA director is to be afforded ‘great deference’ by courts determining the propriety of nondisclosure of intelligence sources”); cf. Linder v. DOD, 133 F.3d 17, 25 (D.C. Cir. 1998) (“[C]ourts must give ‘great deference’ to the Director of Central Intelligence’s determination that a classified document could reveal intelligence sources and methods and endanger national security.”) (non-FOIA case).

V. FOIA Requests

It should be noted that in the middle of the FY 08 reporting cycle, the DOJ changed the reporting requirements and directed agencies to no longer count pure Privacy Act (PA) requests as FOIA requests. See the footnote, below, on how this change impacted the numbers reported in Table 2.

Table 2 – FY 08 FOIA Request Summary

FOIA Requests Received, Processed and Pending				
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
AF	1318 / 1136	8287	8351	1072
ASBCA	0	20	20	0
ARMY	4487	35688	35370	4805
CENTCOM	148	220	178	190
DCAA	3 / 6	114	117	3
DCMA	38 / 30	180	172	38
DeCA	0	64	64	0
DFAS	100 / 9	238	236	11
DIA	2795	1089	943	2941
DISA	175	339	357	157
DLA	134	5516	5541	109
DoDEA	6	47	47	6
DoD IG	34 / 43	386	377	52
DSS	10691 / 0	81	79	2
DTIC	2	54	51	5
DTRA	12	159	153	18
EUCOM	41	37	25	53
JFCOM	33	28	12	49
NAVY	2325	14405	14928	1802
NGA	183	132	59	256
NORTHCOM	4	38	38	4
NRO	2 / 36	188	175	49
NSA	472 / 386	1305	1358	333
OSD/JS	2617 / 2565	2002	2322	2245
PACOM	103	93	145	51
SOCOM	283	158	198	243
SOUTHCOM	127	138	168	97
STRATCOM	4	42	42	4
TRANSCOM	51	88	85	54
TRICARE	7	92	88	11
DoD Totals	26,195⁹ / 15,131	71,228	71,699	14,660

⁹ Column one should be the same number as the number of pending FOIA requests reported by each component at the end of FY 07 (which is the same number as the number at the start of FY 08). However, some components (and therefore the total DoD numbers) have two numbers in column one. In these cases, the first number of each pair includes both FOIA and PA pending requests. Due to the change in DOJ reporting requirements concerning PA requests, as indicated above, these components have reported a second number, which is the number of FOIA requests only pending at the start of FY 08. Additionally, the differences in numbers for DCAA, DoD IG, and NRO are due to better accounting methods.

Table 3 – Dispositions of all FOIA Requests Processed FY08

DISPOSITION OF FOIA REQUESTS – All Processed Requests													
Component	Number of Full Grants	Number of Partial Grants/Partial Denials	Number of Full Denials Based on Exemption	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 Reasons	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explained in Table 4 Below	
AF	2530	1259	245	1045	1625	649	142	112	169	150	142	283	8351
ASBCA	19	1											20
ARMY	15222	7686	822	3950	3414	965	398	493	1550	294	487	89	35370
CENTCOM	10	26		8	82	25			1		4	22	178
DCAA	25	16	6	30	19	5	7	9					117
DCMA	43	19	4	34	28	13	6	5	10	6	4		172
DeCA	21	17	1	7	9	4	2	2	1				64
DFAS	136	47	5	12	18	7	2	1	2	6	0	0	236
DIA	85	313	7	385	40	12			1	16	24	60	943
DISA	94	87	5	52	58	34	14	1	1	1	10	0	357
DLA	4696	387	84	51	123	91	20	16	23	19	31		5541
DoDEA	4	32	1	1	3	4	2						47
DoD IG	19	181	44	67	42	5	1		5	11	2		377
DSS	40	17	2	15		1			4				79
DTIC	10		2	7	29	3							51
DTRA	7	56	1	28	3	22			4	10	2	20	153
EUCOM	3	8	3	5	6								25
JFCOM	2	2	6	2									12
NAVY	4910	3737	401	1091	2623	538	288	180	542	212	271	135	14928
NGA	8	2	11	7	4	6	2	9	5		4	1	59
NORTHCOM	4	15		1	16							2	38
NRO	17	64	12	42		4	3	2	24	7			175
NSA	40	296	751	86		26	16	7			26	110	1358
OSD/JS	385	446	103	202	308	321	65	61	67	198	86	80	2322
PACOM	25	16	10	6	64	16				2	6		145
SOCOM	32	15	1	19	39	33	2	6	4	10	9	28	198
SOUTHCOM	6	75	17	58	10	1	1						168
STRATCOM	2	17	7	9	7								42
TRANSCOM	24	35		15	3	3	4					1	85
TRICARE	32	29	3	10	1	8	3			2			88
DoD Totals	28,451	14,901	2,554	7,245	8,574	2,796	978	904	2,413	944	1,108	831	71,699

Table 4 - “Other” Reasons for Closing FOIA Initial Requests Based on Reasons Other than Exemptions

Component	Description of “Other” Reason for Denial	Relied on	Total
AF			283
	Data base error, details not available	283	
ARMY			89
	Misdirected referral	53	
	Publicly sold documents	36	
CENTCOM			22
	Administratively closed	6	
	Misdirected referral	12	
	Requester didn't respond or unknown forwarding address	4	
DIA			60
	Misdirected referral	7	
	No response to still interested letter	33	
	Administratively closed	20	
DTRA			20
	Administratively closed	7	
	Misdirected referral	12	
	Document publicly available on Internet	1	
NAVY			135
	Administratively closed	1	
	Misdirected referral	119	
	Document publicly available	2	
	Requester didn't respond or unknown forwarding address	13	
NGA			1
	Administratively closed	1	
NORTHCOM			2
	Misdirected referral	2	
NSA			110
	Not agency equity	23	
	Administratively closed	87	
OSD/JS			80
	Litigation	16	
	Requester address problems	12	
	Administratively Closed	3	
	Web site	49	
SOCOM			28
	Administratively closed	22	
	Misdirected referral	2	
	Requester did not respond for additional information	1	
	Published on Web Site	3	
TRANSCOM			1
	Misdirected referral	1	
DoD Total			831

Table 5 – Disposition of FOIA Requests – Number of Times Exemptions Applied

Number of Times Exemptions Applied to Initial Requests															
Exemptions 5 U.S.C. §552(b)															
Components	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	Total
AF	58	94	136	269	212	614	68	4	336	8	10	2		1	1812
ASBCA			1	1											2
ARMY	354	1691	197	615	717	6303	340	22	2644	70	23	12	8	4	13000
CENTCOM	9	10	15		10	20									64
DCAA				5	2	17	3								27
DCMA				9											9
DeCA			1	5	14				4	2					26
DFAS					2	41									43
DIA	238	244	228	4	10	112			4	1	1				842
DISA	3	14	5	39	2	26									89
DLA		17	35	70	351	49	7		19		1				549
DoDEA		16	12	13	3	20			6		4				74
DoD IG	7	46	3	23	36	162	43	2	117	1	8				448
DSS		2			1	15									18
DTIC		1			1										2
DTRA	5	30	5	29	3	53			1						126
EUCOM	4		5		2	4			1						16
JFCOM	5	2	4			4			1						16
NAVY	64	169	285	243	500	2475	116		1997	36	23	2		3	5913
NGA	5	2	5	1		3									16
NORTHCOM	3	1			6	5			1						16
NRO	58	6	59	3	1	21		2	8						158
NSA	974	81	1047	44	36	178	3		15	15	6	1			2400
OSD/JS	252	157	103	108	126	250	8		11	3	5				1023
PACOM	19	3	5		2	4									33
SOCOM	5	7	13	2	1	13									41
SOUTHCOM	73	60	72	1	17	68			3						294
STRATCOM	12	5	8	1	7	16			1						50
TRANSCOM	2	6	3	15	2	35									63
TRICARE				27		5									32
DoD Totals	2,150	2,664	2,247	1,527	2,064	10,513	588	30	5,169	136	81	17	8	8	27,202
% Used	7.9%	9.8%	8.3%	5.6%	7.6%	38.7%	2.2%	0.1%	19.0%	0.5%	0.3%	0.6%	0.03%	0.03%	100.0%

VI. Administrative Appeals of Initial Determinations of FOIA Requests

- 1 Not all components process administrative appeals. OSD/JS FOIA Appeals Branch processes the following components' appeals: CENTCOM, DoDEA, DTIC, EUCOM, JFCOM, NORTHCOM, OSD/JS, PACOM, SOCOM, SOUTHCOM, TRANSCOM, and TRICARE.
- 2 The following components had no appeals to report: ASBCA, DCAA, DCMA, DeCA, and DSS.

Table 6 - Administrative Appeals

Received, Processed and Pending Administrative Appeals				
Components	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
AF	48	63	96	15
ASBCA	0	0	0	0
ARMY	98	123	156	65
DCAA	0	0	0	0
DCMA	0	0	0	0
DeCA	0	0	0	0
DFAS	0	2	2	0
DIA	164	47	20	191
DISA	0	2	2	0
DLA	2	20	16	6
DoD IG	1	19	13	7
DSS	0	0	0	0
DTRA	1	1	2	0
NAVY	2	398	355	45
NGA	9	1	3	7
NRO	3	3	2	4
NSA	8	50	50	8
OSD/JS	349	135	145	339
DoD	685	864	862	687

Table 7 – Disposition of Administrative Appeals

Disposition of Administrative Appeals					
Components	Number Affirmed on Appeal	Number of Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/ Remanded on Appeal	Number of Appeals Closed Other Reasons	Total
AF	20	32	0	44	96
ASBCA	0	0	0	0	0
ARMY	49	41	13	53	156
DCAA	0	0	0	0	0
DCMA	0	0	0	0	0
DeCA	0	0	0	0	0
DFAS	1	0	0	1	2
DIA	14	0	0	6	20
DISA	1	1	0	0	2
DLA	6	2	1	7	16
DoD IG	5	6	0	2	13
DSS	0	0	0	0	0
DTRA	0	1	0	1	2
NAVY	126	26	7	196	355
NGA	3	0	0	0	3
NRO	2	0	0	0	2
NSA	13	1	0	36	50
OSD/JS	5	28	16	96	145
DoD	245	138	37	442	862

Table 8 – Reasons for Denial on Appeal

Reasons for Denial on Appeal – Number of Times Exemptions Applied															
Exemptions 5 U.S.C. §552(b)															
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	Total
AF	10	5	10	2	8	14	0	1	6	1	0	0	0	0	57
ASBCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARMY	3	4	2	4	20	57	0	0	22	7	1	2	0	0	122
DCAA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DCMA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DeCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DFAS	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
DIA	14	12	7	0	0	1	0	0	0	0	0	0	0	0	34
DISA	0	1	0	0	0	1	0	0	0	0	0	0	0	0	2
DLA	0	0	2	2	4	0	2	0	0	0	0	0	0	0	10
DoD IG	0	1	0	0	1	6	0	0	0	0	0	0	0	0	8
DSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DTIC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DTRA	1	0	1	0	0	1	0	0	0	0	0	0	0	0	3
NAVY	7	16	9	1	38	63	10	3	42	2	2	0	0	0	193
NGA	3	0	2	0	1	0	0	0	0	0	0	0	0	0	6
NRO	1	0	2	0	0	0	0	0	0	1	1	0	0	0	5
NSA	16	0	16	0	0	1	0	0	0	0	0	0	0	0	33
OSD/JS	27	12	9	3	16	14	0	0	0	0	0	0	0	0	81
DoD	82	51	60	13	88	158	12	4	70	11	4	2	0	0	555
% of Total Times Used	14.8%	9.2%	10.8%	2.3%	15.9%	28.5%	2.2%	.7%	12.6%	2.0%	.7%	.4%	.0%	.0%	100.0%

Table 9 – Reason for Denial on Appeal Others than Exemptions

Reasons Other Than Exemptions											
Component	No Records	Records Referred at Initial Level	Request Withdrawn	Fee Related Reasons	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request on Appeal	Appeal in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *See Table 10 Below
AF	15	0	3	0	0	0	0	1	0	0	25
ASBCA	0	0	0	0	0	0	0	0	0	0	0
ARMY	19	1	0	5	9	0	0	0	2	0	17
DCAA	0	0	0	0	0	0	0	0	0	0	0
DCMA	0	0	0	0	0	0	0	0	0	0	0
DeCA	0	0	0	0	0	0	0	0	0	0	0
DFAS	1	0	0	0	0	0	0	0	0	0	0
DIA	2	0	1	0	1	0	0	0	0	0	2
DISA	0	0	0	0	0	0	0	0	0	0	0
DLA	1	0	4	0	0	2	0	0	0	0	0
DoD IG	2	0	0	0	0	0	0	0	0	0	0
DSS	0	0	0	0	0	0	0	0	0	0	0
DTIC	0	0	0	0	0	0	0	0	0	0	0
DTRA	1	0	0	0	0	0	0	0	0	0	0
NAVY	33	6	2	2	1	7	1	2	1	0	141
NGA	1	0	0	0	0	0	0	0	0	0	0
NRO	0	0	0	0	0	0	0	0	0	0	0
NSA	5	0	0	3	0	0	0	0	0	0	28
OSD/JS	14	6	13	2	12	4	3	2	30	10	0
DoD	94	13	23	12	23	13	4	5	33	10	213

The AF and NSA had reporting difficulties with their automated systems and were unable to provide more details.

Table 10 – Appeals “Other”

Component	Description of "Other" Reason for Denial on Appeal from Table 9	Relied Upon	Total
AF	Data not captured	25	25
ARMY	Appeal rendered moot by IDA providing responsive records	9	17
	Beyond appeal time limit	8	
DIA	Administratively closed	2	2
NAVY	Request for reconsideration, not appeal	8	141
	Beyond appeal time limit	2	
	Administratively closed	2	
	Privacy Act, not FOIA	3	
	Foreign Language	1	
	Data not captured	125	
NSA	Not Agency Equity	2	28
	Administratively closed	6	
	Data not captured	20	
DoD			213

Table 11 – Response Times for Administrative Appeals

Administrative Appeals Statistics				
Components	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AF	48	268	1	1510
ARMY	27	107	1	644
DFAS	13	13	1	25
DIA	631	765	39	3278
DISA	105	105	30	180
DLA	N/A	44	1	103
DoD IG	15	18	5	46
DTRA	37	37	36	38
NAVY	68	46	2	302
NGA	854	801	309	1364
NRO	43	44	40	47
NSA	29	33	5	102
OSD/JS	78	364	2	2897
DoD	N/A ¹⁰	153	1	3,278

¹⁰ Components marked N/A have multiple feeder sub-components and were not able to compute medians.

Table 12 – Dates of Receipt and Number of Days Open of Ten Oldest Pending Administrative Appeals by Component

Ten Oldest Administrative Appeals by Dates Received										
Components	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
AF	08/06/08	06/13/08	06/13/08	06/13/08	05/19/08	01/28/08	11/19/07	01/31/05	05/07/03	03/03/03
Number of Days Pending	39	76	76	76	94	173	218	921	1353	1400
ARMY	07/18/07	06/05/07	05/31/07	05/25/07	03/26/07	02/06/07	09/14/06	08/04/06	03/21/06	03/13/06
Number of Days Pending	303	333	336	339	383	416	512	540	636	642
DIA	11/24/03	10/06/03	03/13/03	03/06/03	01/29/03	02/01/01	11/20/98	07/08/98	08/11/97	10/26/95
Number of Days Pending	1215	1248	1392	1397	1422	1920	2470	2564	2790	3239
DLA					09/09/08	09/10/08	06/04/08	05/30/08	07/26/07	05/11/07
Number of Days Pending					16	15	83	86	297	349
DoD IG				09/26/08	08/05/08	07/08/08	07/08/08	06/25/08	11/05/07	08/21/06
Number of Days Pending				3	40	60	60	68	227	529
NAVY	04/08/08	03/28/08	02/29/08	02/29/08	02/29/08	11/15/07	07/16/07	07/16/07	07/16/07	02/16/07
Number of Days Pending	123	130	150	150	150	220	305	305	305	408
NGA				11/20/06	06/08/06	06/14/06	06/14/06	06/30/06	07/06/06	07/06/06
Number of Days Pending				467	580	576	576	564	561	561
NRO							08/13/08	10/24/07	07/14/03	06/17/03
Number of Days Pending							34	235	1307	1325
NSA			09/30/08	09/04/08	08/28/08	07/08/08	06/30/08	06/04/08	05/30/08	04/30/08
Number of Days Pending			1	19	23	60	65	83	86	107
OSD/JS	10/27/98	10/21/98	09/02/98	06/09/98	12/17/97	12/03/97	10/15/97	06/16/97	03/17/97	12/03/96
Number of Days Pending	2487	2491	2524	2584	2702	2712	2745	2829	2893	2963
DoD	09/02/98	06/09/98	12/17/97	12/03/97	10/15/97	08/11/97	06/16/97	03/17/97	12/03/96	10/26/95
Number of Days Pending	2,524	2,584	2,702	2,712	2,745	2,790	2,829	2,893	2,963	3,239

VII. FOIA Requests: Response Time for Processed and Pending FOIA Requests

Due to the decentralized processing and tracking of FOIA requests within the DoD and because the DoD does not have the means to centrally capture all the required data, it is not possible to calculate DoD medians and the medians for some components that have more than one FOIA requester service center. Air Force database problems led to the exclusion of some data. The DoD is currently working on having a new data collection system in place for the FY 09 Report.

Table 13 – All Processed Perfected Requests

Response Time for All Processed Perfected Requests												
	Simple				Complex				Expedited			
Component	Median Number of Days¹¹	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
AF	12	13	N/A	N/A	17	86	N/A	N/A	44	20	N/A	N/A
ASBCA	2	2	1	3	8	13	2	37				
ARMY	6	36	1	1725	30	41	1	1579	5	21	1	290
CENTCOM	19	34	1	135	23	138	1	819				
DCAA	7	7	1	22	13	24	1	249	7	7	7	7
DCMA	5	8	1	31	66	71	20	371				
DeCA	4	5	1	17	26	28	18	43				
DFAS	14	18	1	187	32	39	2	111				
DIA	10	10	1	20	277	516	21	3200				
DISA	36	110	1	625	276	94	1	316				
DLA	N/A	15	1	573	N/A	30	1	603				
DoDEA	24	24	3	59	82	90	57	166				
DoD IG	15	18	5	46								
DSS	30	25	1	101								
DTIC	13	12	1	21								
DTRA	6	7	1	24	24	50	1	1017				
EUCOM	65	71	3	247	254	266	245	300				
JFCOM	108	184	8	608	31	31	28	41				
NAVY	15	33	1	868	26	133	1	2477	2	8	1	37
NGA	149	194	118	655	362	370	88	845				
NORTHCOM	13	11	1	24								
NRO	9	13	1	47	96	219	41	1011				
NSA	9	78	1	2361	2012	1785	191	4277	12	114	5	399
OSD/JS	3	11	1	669	237	486	1	4213	687	687	687	687
PACOM	N/A	138	1	1724	N/A	489	2	2694	N/A	11	11	12
SOCOM	6	162	1	1553	305	598	2	2797	539	523	484	545
SOUTHCOM	140	163	15	420								
STRATCOM	13	14	1	49	29	38	5	92	5	13	5	29
TRANSCOM	7	8	1	24	43	51	29	138				
TRICARE	8	22	1	164	47	89	21	382				
DoD	N/A	30	1	2361	N/A	190	1	4277	N/A	23	1	687

¹¹ Components marked N/A have multiple feeder sub-components and were not able to compute medians. AF database problem did not capture this information.

Table 14 – Statistics for Granted Perfected Requests

Response Time for Perfected Requests for Which Information Was Granted												
Component	Simple				Complex				Expedited			
	Median Number of Days¹²	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
AF ¹³	12	13	N/A	N/A	17	86	N/A	N/A	44	20	N/A	N/A
ASBCA	2	2	1	3	8	13	2	37				
ARMY	3	25	1	1748	3	50	1	804	3	11	1	151
CENTCOM	34	66	17	215	207	263	12	819				
DCAA	10	10	1	20	36	47	1	249				
DCMA	9	10	1	26	47	58	21	215				
DeCA	4	5	1	17	26	28	18	43				
DFAS	11	15	1	187	46	39	7	73				
DIA	6	9	1	16	351	546	23	3200				
DISA	165	163	1	359	45	106	1	316				
DLA	N/A	4	1	484	N/A	36	1	499				
DoDEA	26	27	4	59	80	90	57	166				
DoD IG	15	20	5	46								
DSS	30	25	1	101								
DTIC	16	15	11	19								
DTRA	6	9	2	24	48	59	1	308				
EUCOM	78	103	6	247	254	266	245	300				
JFCOM	383	343	38	608	33	33	33	33				
NAVY	14	37	1	868	32	138	1	1825	6	9	1	37
NGA	449	380	174	533	532	502	286	631				
NORTHCOM	11	12	1	20								
NRO	9	15	6	37	89	89	41	130				
NSA	120	270	2	2361	699	1508	191	4277	12	206	12	399
OSD/JS	11	28	1	270	283	534	2	4213				
PACOM	N/A	232	1	1724	N/A	835	7	2694				
SOCOM	14	40	2	183	120	306	3	2795				
SOUTHCOM	38	77	8	210								
STRATCOM	19	22	13	38	42	52	20	92	29	29	29	29
TRANSCOM	7	11	1	21	43	51	29	138				
TRICARE	8	26	1	164	60	94	1	382				
DoD	N/A	30	1	2,361	N/A	190	1	4,277	N/A	23	1	399

¹²Components marked N/A have multiple feeder sub-components and were not able to compute medians.

¹³ AF database problem did not capture this information.

Table 15 - Processed Perfected Simple Requests

Processed Perfected Requests Simple -- Response Times in Day Increments														
Component	1-20 Days	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401 + Days	Totals
AF	5578	1183												6761
ASBCA	15													15
ARMY	15384	2051	837	513	388	407	281	188	141	73	263	171	244	20941
CENTCOM	34	20	10	1			1							66
DCAA	70	1												71
DCMA	105	8												113
DeCA	60													60
DFAS	150	44	13	3	1									211
DIA	218													218
DISA	139	12	9	5	2	1	5	1	7	6	14	15	6	222
DLA	4941	30	8	10	15	19	19	28	25	19	92	20	6	5232
DoDEA	12	17	4											33
DoD IG	264	35	3	6	2		1		1		1		8	321
DSS	40	21	12	4	1	1								79
DTIC	50	1												51
DTRA	24	1												25
EUCOM	8		1	5	1	4		2						21
JFCOM	2	1		1			1				1	1	1	8
NAVY	8014	1116	956	378	277	184	54	41	24	23	52	17	29	11165
NGA	8	2					1				1		1	13
NORTHCOM	37	1												38
NRO	109	27	1											137
NSA	961	75	29	22	14	14	17	15	12	4	24	20	74	1281
OSD/JS	811	34	10	6	3	4	6	5	1	1	4		1	886
PACOM	40	3	3	1	2	3				2	3	1	41	99
SOCOM	20		1	2			4		7	1	7	6	1	49
SOUTHCOM	4		27		55		7		10		33	29	3	168
STRATCOM	23	7												30
TRANSCOM	34	3												37
TRICARE	31	2				1	1	1		1				37
DoD	37,186	4,696	1,924	957	761	638	398	281	228	130	495	280	415	48,388

Table 16 – Processed Perfected Complex Requests

Processed Perfected Requests Complex-- Response Times in Day Increments														
Component	1-20 Days	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401 + Days	Totals
AF			452	248	140	98	78	43	53	49	153	87	155	1556
ASBCA	4	1												5
ARMY	10524	1573	415	268	220	232	183	122	92	48	171	111	159	14118
CENTCOM	54	9	5	3	3	0	2	4	0	1	10	7	14	112
DCAA	31	7	4	1	1						1			45
DCMA	1	6	11	6	2	1					1	1		29
DeCA	1	2	1											4
DFAS	8	6	5	4	2									25
DIA		75	48	42	39	19	25	15	13	16	86	57	290	725
DISA	28	44	8	6	6	4	1	1	3	6	17	11		135
DLA	133	93	29	20	2	3	3	1	1	1	3	5	15	309
DoDEA			1	6	3	1		1	1					13
DoD IG	26	11	6	3	3	1	2				3	1		56
DSS														0
DTIC														0
DTRA	72	23	14	2	7	6					1	2	1	128
EUCOM											4			4
JFCOM		3	1											4
NAVY	1187	707	533	229	125	68	61	34	29	334	147	65	205	3724
NGA	4	1	4	4		3	2	1	1	2	9		15	46
NORTHCOM														0
NRO			9	6	5	4	1	1			5	3	4	38
NSA										1	2	4	44	51
OSD/JS	211	126	77	68	46	41	26	37	31	27	102	111	532	1435
PACOM	2	1	5	3	1	3	1		1	1	3	5	18	44
SOCOM	5	22	16	37	5	9	1	4	7	4	22	19	6	157
SOUTHCOM														0
STRATCOM	2	2	3	1	2									10
TRANSCOM		12	8	3	4	1	4							32
TRICARE	8	14	7	5		3	3	1	2	1	5	2		51
DoD	12,301	2,738	1,662	965	616	497	393	265	234	491	745	491	1,458	22,856

Table 17 – Processed Expedited Requests

Processed Expedited Requests - Response Times in Day Increments														
Component	1-20 Days	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401 + Days	Totals
AF	34													34
ASBCA														0
ARMY	231	28	11	7	6	6	5	3	2	1	4	3	4	311
CENTCOM														0
DCAA	1													1
DCMA														0
DeCA														0
DFAS														0
DIA														0
DISA														0
DLA														0
DoDEA														0
DoD IG														0
DSS														0
DTIC														0
DTRA														0
EUCOM														0
JFCOM														0
NAVY	37	2												39
NGA														0
NORTHCOM														0
NRO														0
NSA	2	1										1		4
OSD/JS													1	1
PACOM	2													2
SOCOM	1				1	0								2
SOUTHCOM														0
STRATCOM	1	1												2
TRANSCOM														0
TRICARE														0
DoD	309	32	11	7	7	6	5	3	2	1	4	4	5	396

Table 18 - All Pending Perfected Requests

All Pending Perfected Requests									
Component	Simple			Complex			Expedited		
	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
AF	859	35	63	251	383	494			
ASBCA	0	0	0	0	0	0			
ARMY	2870	14	22	1866	89	153	48	10	17
CENTCOM	32	93	103	158	339	370			
DCAA	3	4	4	0	0	0			
DCMA	21	20	20	17	115	237			
DeCA	60	4	5	1	26	28			
DFAS	11	8	11	0	0	0			
DIA	43	11	11	2898	627	788			
DISA	115	373	600	42	278	265			
DLA	76	N/A	34	33	N/A	46			
DoDEA	5	0	6	1	106	106			
DoD IG	52	33	163	0	0	0			
DSS	2	55	55	0	0	0			
DTIC	5	12	14	0	0	0			
DTRA	3	9	10	15	38	98			
EUCOM	7	65	81	22	93	199			
JFCOM	47	299	274	2	382	382			
NAVY	806	15	84	994	95	132			
NGA	12	396	325	230	280	273			
NORTHCOM	38	13	11	0	0	0			
NRO	28	110	131	10	421	507			
NSA	190	122	295	103	597	1150			
OSD/JS	57	174	153	2179	476	745	2	618	618
PACOM	3	N/A	834	44	N/A	983			
SOCOM	22	469	520	150	415	561	6	698	660
SOUTHCOM	97	152	142	0	0	0			
STRATCOM	2	8	10	2	10	1597			
TRANSCOM	0	0	0	16	23	60			
TRICARE	1	23	23	10	24	52			
DoD	5,369	N/A	70	9,043	N/A	536	56	N/A	107

Table 19 – Ten Oldest Perfected Requests

Ten Oldest Pending Perfected Requests										
Component	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
AF	1/3/02	8/1/01	1/21/00	1/4/00	11/9/99	11/17/98	6/27/97	5/16/97	4/28/97	4/9/97
Number of Days Pending	1690	1794	2179	2191	2227	2473	2820	2849	2863	2876
ASBCA	*									*
Number of Days Pending	none									none
ARMY	8/12/03	6/23/03	6/2/03	2/4/03	1/28/03	7/9/02	6/10/02	4/16/02	2/8/02	6/5/97
Number of Days Pending	1286	1321	1336	1418	1423	1561	1581	1619	1665	2836
CENTCOM	7/8/05	5/23/05	5/18/05	5/4/05	3/24/05	12/1/04	7/6/04	3/15/04	2/27/04	1/12/04
Number of Days Pending	810	842	845	855	884	961	1063	1141	1152	1184
DCAA	*									*
Number of Days Pending	None									none
DCMA	6/5/08	5/16/08	6/19/07	6/13/07	2/5/07	2/1/07	1/18/07	11/20/06	11/20/06	11/20/06
Number of Days Pending	82	95	323	327	417	419	429	467	467	467
DeCA	*									*
Number of Days Pending	none									none
DFAS	9/30/08	9/25/08	9/24/08	9/22/08	9/19/08	9/17/08	9/11/08	9/10/08	9/5/08	8/7/08
Number of Days Pending	1	4	5	7	8	10	14	15	18	38
DIA	9/17/97	6/18/97	6/6/97	6/6/97	5/8/97	9/25/96	8/12/96	8/12/96	6/18/96	12/16/94
Number of Days Pending	2764	2827	2835	2835	2855	3009	3040	3040	3078	3455
DISA	12/23/05	10/3/05	12/23/04	10/8/04	5/18/04	5/10/04	5/7/04	5/4/04	12/19/03	11/13/03
Number of Days Pending	694	750	945	996	1095	1101	1102	1105	1197	1222
DLA	8/14/08	8/8/08	8/1/08	8/1/08	5/19/08	3/25/08	1/28/08	11/16/07	4/4/07	2/6/07
Number of Days Pending	33	37	42	42	94	133	173	219	376	416
DoDEA								8/26/08	8/26/08	5/1/08
Number of Days Pending								25	25	106
DoD IG	4/24/07	10/23/06	8/28/06	4/26/06	3/29/06	3/8/06	3/8/06	8/11/05	6/17/05	1/10/05
Number of Days Pending	362	486	524	610	630	645	645	786	824	935
DSS									9/8/08	8/18/08
Number of Days Pending									17	31
DTIC						9/23/08	9/22/08	9/18/08	9/10/08	9/5/08
Number of Days Pending						6	7	9	15	18

Ten Oldest Pending Perfected Requests

Component	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
DTRA	8/13/08	7/31/08	7/28/08	7/8/08	5/30/08	5/30/08	5/2/08	8/5/08	8/28/06	4/12/06
Number of Days Pending	34	43	46	60	86	86	105	40	524	620
EUCOM	12/20/07	12/18/07	12/19/07	10/23/07	9/24/07	8/17/07	1/12/07	11/22/06	11/13/06	10/20/06
Number of Days Pending	196	198	197	236	256	281	432	465	472	487
JFCOM	5/14/07	3/7/07	11/8/06	10/25/06	10/3/06	8/15/06	6/20/06	5/15/06	3/11/06	8/17/05
Number of Days Pending	348	396	474	484	499	533	572	597	642	782
NAVY	6/24/04	6/24/04	3/23/04	9/23/03	1/15/03	2/1/00	8/13/99	7/27/99	11/23/98	1/30/98
Number of Days Pending	1070	1070	1135	1257	1431	2172	2287	2300	2469	2674
NGA	7/7/06	7/6/06	7/6/06	7/6/06	6/30/06	6/14/06	6/14/06	6/8/06	6/8/06	6/8/06
Number of Days Pending	560	561	561	561	564	576	576	580	580	580
NORTHCOM	*									*
Number of Days Pending	none									none
NRO	3/30/07	3/23/07	3/15/07	2/27/07	2/20/07	2/5/07	2/5/07	8/2/06	5/31/06	7/15/04
Number of Days Pending	379	384	390	402	407	417	417	542	586	1056
NSA	5/16/96	5/2/96	4/22/96	3/29/96	3/28/96	11/16/95	7/13/95	3/15/94	2/24/94	1/5/93
Number of Days Pending	3100	3110	3118	3134	3135	3225	3312	3646	3659	3944
OSD/JS	1/27/94	1/25/94	12/27/93	12/3/93	11/23/93	11/23/93	8/17/93	7/19/93	3/16/93	12/1/92
Number of Days Pending	3678	3680	3699	3714	3721	3721	3788	3809	3896	3968
PACOM	10/13/04	8/9/04	6/21/04	6/21/04	10/20/03	10/14/03	8/18/03	4/8/03	8/20/02	10/8/99
Number of Days Pending	994	1039	1073	1073	1239	1243	1282	1374	1531	2248
SOCOM	12/13/02	7/9/02	9/5/01	9/4/01	3/27/01	9/25/00	4/12/00	3/23/00	3/16/00	5/9/96
Number of Days Pending	1452	1561	1770	1771	1883	2007	2122	2136	2141	3105
SOUTHCOM	2/4/08	1/8/08	11/15/07	10/9/07	9/27/07	8/24/07	8/1/07	7/19/07	6/4/07	5/25/07
Number of Days Pending	168	186	220	246	253	276	293	302	334	339
STRATCOM							9/30/08	9/30/08	9/30/08	6/5/96
Number of Days Pending							1	1	1	3087
TRANSCOM	10/30/07	2/26/08	4/22/08	6/12/08	6/16/08	6/24/08	6/25/08	7/14/08	7/28/08	7/30/08
Number of Days Pending	231	153	113	77	75	69	68	56	46	44
TRICARE	9/30/08	9/25/08	9/23/08	8/28/08	8/26/08	7/29/08	7/24/08	5/15/08	3/17/08	3/7/08
Number of Days Pending	1	4	6	23	25	45	48	96	139	145
DoD	1/25/94	12/27/93	12/3/93	11/23/93	11/23/93	8/17/93	7/19/93	3/16/93	1/5/93	12/1/92
Number of Days Pending	3,680	3,699	3,714	3,721	3,721	3,788	3,809	3,896	3,944	3,968

VIII. Requests for Expedited Processing and Requests for Fee Waivers

AF, NSA, and OSD/JS were unable track the data necessary to compute the median and average numbers of days for expedited processing adjudication during FY08. Components not listed did not have Expedited or Fee Waiver requests.

Table 20 - Expedited Requests

Request for Expedited Processing					
Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within 10 days
AF	34	0	16	N/A	N/A
ARMY	113	416	6	11	85
DCAA	1	3	9	20	2
DIA	0	6	1	2	6
NAVY	24	24	2	6	4
NORTHCOM	0	3	3	5	3
NSA	16	8	N/A	8	19
OSD/JS	2	96	N/A	N/A	98
PACOM	0	2	10	N/A	2
SOCOM	0	2	14	14	1
STRATCOM	2	0	5	17	1
TRANSCOM	1	3	1	1	4
DoD	193	563	N/A¹⁴	10¹⁵	225

¹⁴ Components marked N/A have multiple feeder sub-components and were not able to compute medians.

¹⁵ Components marked N/A were unable to provide data, DoD average computed using data reported.

Table 21 – Fee Waivers

Requests for Fee Waivers				
Component	Number Granted	Number Denied	Median Days	Average Number of Days to Adjudicate
ARMY	352	251	32	75
DCAA	1	15	13	14
DCMA	1	0	1	1
DeCA	0	1	1	1
DoDEA	1	0	8	8
NAVY	938	30	243	285
NORTHCOM	0	3	3	5
NSA	11	13	24	45
OSD/JS	0	50	N/A	N/A
SOCOM	0	2	65	65
STRATCOM	2	1	9	11
TRANSCOM	0	3	1	1
TRICARE	5	0	23	49
DoD	1,311	369	N/A¹⁶	198¹⁷

¹⁶ OSD/JS information technology system was unable to collect the data for this requirement in FY08. Due to DoD decentralized system, DoD is not able to compute median.

¹⁷ Component marked N/A was unable to provide data, DoD average computed using data reported.

IX. FOIA Personnel and Costs

Table 22 – Personnel and Estimated Costs

Personnel				Costs		
Component	Number Full-Time FOIA Employees	Number of Equivalent Full-Time FOIA Employees	Total Number of Full Time FOIA Staff (Sum of column 1 and 2)	Processing Costs (At initial request and appeal level)	Litigation Related Costs	Total Costs
AF	113	0	113.00	7,585,999.60	433,400.00	8,019,399.60
ASBCA	1	0	1.00	1,200.00	0.00	1,200.00
ARMY	110	125.29	235.29	23,668,279.00	377,414.00	24,045,693.00
CENTCOM	3	6.40	9.40	2,634,833.00	176,750.00	2,811,583.00
DCAA	1	3.00	4.00	160,664.25	0.00	160,664.25
DCMA	3	1.00	4.00	706,600.00	1,960.00	708,560.00
DeCA	0	1.25	1.25	15,006.75	0.00	15,006.75
DFAS	0	5.00	5.00	188,598.00	0.00	188,598.00
DIA	16	2.00	18.00	2,764,886.60	406,263.39	3,171,149.99
DISA	3	0	3.00	219,449.00	0.00	219,449.00
DLA	8	4.60	12.60	1,844,540.00	28,976.00	1,873,516.00
DoDEA	1	0	1.00	69,000.00	0.00	69,000.00
DoD IG	4	0	4.00	360,615.00	66,000.00	426,615.00
DSS	1	0	1.00	125,907.00	0.00	125,907.00
DTIC	0	0.30	0.30	44,958.00	0.00	44,958.00
DTRA	4	0	4.00	699,163.00	0.00	699,163.00
EUCOM	0	0.50	0.50	22,472.00	0.00	22,472.00
JFCOM	1	0.85	1.85	162,505.00	0.00	162,505.00
NAVY	50	95.00	145.00	11,352,016.00	83,567.00	11,435,583.00
NGA	1	0.02	1.02	100,000.00	0.00	100,000.00
NORTHCOM	1	0	1.00	80,000.00	0.00	80,000.00
NRO	4	0.50	4.50	500,000.00	1,500.00	501,500.00
NSA	17	20.64	37.64	6,113,410.00	124,144.00	6,237,554.00
OSD/JS	52	6.25	58.25	6,835,567.00	1,037,300.00	7,872,867.00
PACOM	0	1.75	1.75	166,445.00	0.00	166,445.00
SOCOM	9	2.65	11.65	719,282.32	0.00	719,282.32
SOUTHCOM	2	1.45	3.45	275,000.00	500,000.00	775,000.00
STRATCOM	0	1.00	1.00	38,560.00	0.00	38,560.00
TRANSCOM	1	3.00	4.00	52,000.00	0.00	52,000.00
TRICARE	1	0.20	1.20	10,947.45	0.00	10,947.45
DoD	407	282.65	689.65	\$67,517,903.97	\$3,237,274.39	\$70,755,178.36

X. Fees Collected For Processing Requests

Table 23 – Fees Collected and Percent of Cost Recovered

Fees Collected for Processing Requests		
Component	Total Amount of Fees Collected	Percentage of Total Costs
AF	76,035.47	1.0023131
ASBCA	0.00	0.0000000
ARMY	223,683.00	0.9450751
CENTCOM	0.00	0.0000000
DCAA	2,559.90	1.5933227
DCMA	6,471.45	0.9158576
DeCA	2,527.06	16.8394889
DFAS	4,596.83	2.4373694
DIA	0.00	0.0000000
DISA	8,101.65	3.6918145
DLA	29,359.00	1.5916706
DoDEA	417.14	0.6045507
DoD IG	0.00	0.0000000
DSS	0.00	0.0000000
DTIC	0.00	0.0000000
DTRA	2,238.10	0.3201113
EUCOM	0.00	0.0000000
JFCOM	0.00	0.0000000
NAVY	204,017.00	1.7971874
NGA	0.00	0.0000000
NORTHCOM	0.00	0.0000000
NRO	206.10	0.0412200
NSA	10,001.00	0.1635912
OSD/JS	16,512.39	0.2415658
PACOM	486.00	0.2919883
SOCOM	796.30	0.1107076
SOUTHCOM	23,456.00	8.5294545
STRATCOM	0.00	0.0000000
TRANSCOM	4,707.70	9.0532692
TRICARE	1,706.00	15.5835377
DoD	\$617,878.09	0.9151322%

XI. FOIA Regulations

- A. The Department of Defense (DoD) Freedom of Information Act Program Regulation, DoD 5400.7-R, September 4, 1998, which provides guidance regarding administration of FOIA Program within the DoD, can be found at:

<http://www.dtic.mil/whs/directives/corres/pdf/540007r.pdf>

- B. The Fee Schedule is Chapter 6 of the above regulation and as modified at:

<http://www.defenselink.mil/pubs/foi/foiafees.pdf>

- C. Additional Department of Defense FOIA documents and hyperlinks can be found by accessing the following Universal Resource Locator:

<http://www.dod.mil/pubs/foi/dfoipo/>

XII. Backlogs, Consultations, and Comparisons

- 1 Not all components process administrative appeals. OSD/JS FOIA Appeals Branch processes the following components' appeals: CENTCOM, DoDEA, DTIC, EUCOM, JFCOM, NORTHCOM, PACOM, SOCOM, SOUTHCOM, TRANSCOM, and TRICARE.

- 2 The following components had no appeals to report: ASBCA, DCAA, DCMA, DeCA, and DSS.

Table 24 – Backlogged Requests

Backlogs of FOIA Requests and Administrative Appeals		
Component	Number of Backlogged Requests as of End of Fiscal Year 08	Number of Backlogged Appeals as of End of Fiscal Year 08
AF	789	13
ASBCA	0	0
ARMY	2950	55
CENTCOM	182	0
DCAA	0	0
DCMA	25	0
DeCA	0	0
DFAS	0	0
DIA	2898	191
DISA	157	0
DLA	27	6
DoDEA	3	0
DoD IG	28	7
DSS	2	0
DTIC	0	0
DTRA	10	0
EUCOM	53	1
JFCOM	48	0
NAVY	1277	45
NGA	221	7
NORTHCOM	0	0
NRO	0	0
NSA	282	7
OSD/JS	2245	339
PACOM	37	0
SOCOM	240	1
SOUTHCOM	0	0
STRATCOM	1	0
TRANSCOM	47	3
TRICARE	11	0
DoD	11,533	675

Historically, the DoD has not tracked “consultations” separately from FOIA requests. The Department of Justice directed agencies to track and report on consultations separately beginning July 1, 2008, if feasible. On that date, some DoD components were able to retroactively determine which of their open FOIA requests were “consultations;” however, most did not. At the end of FY 08, some components still were not able to configure their data tracking systems to account for consultations. All components are now tracking consultations separately.

Table 25 - Consultations on FOIA Requests

Consultations for FY08				
Component	Number of Consultations Received from Other Agencies Pending at Start of FY08	Number of Consultations Received from Other Agencies	Number of Consultations Processed by DoD	Number of Consultations Pending at End of FY08
AF	0	0	0	0
ASBCA	0	0	0	0
ARMY	80	191	193	78
CENTCOM	0	5	0	5
DCAA	0	0	0	0
DCMA	0	1	1	0
DeCA	0	0	0	0
DFAS	0	7	7	0
DIA	268	149	155	262
DISA	0	1	0	1
DLA	0	0	0	0
DoDEA	0	2	2	0
DoD IG	0	2	2	0
DSS	0	0	0	0
DTIC	0	0	0	0
DTRA	0	0	0	0
EUCOM	0	2	0	2
JFCOM	0	3	3	0
NAVY	82	384	320	146
NGA	98	80	35	143
NORTHCOM	0	2	2	0
NRO	0	3	1	2
NSA	77	170	206	41
OSD/JS	0	52	24	28
PACOM	0	8	4	4
SOCOM	17	10	14	13
SOUTHCOM	0	0	0	0
STRATCOM	0	1	1	0
TRANSCOM	38	23	27	34
TRICARE	0	0	0	0
DoD	660	1096	997	759

Table 26 – Ten Oldest Consultations

Ten Oldest Consultations Pending										
Component	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
ARMY	11/6/07	10/29/07	10/29/07	10/29/07	10/29/07	9/18/07	8/27/07	3/20/07	9/21/06	9/14/06
Number of Days Pending	226	232	232	232	232	260	275	387	507	512
CENTCOM						8/22/08	8/7/08	7/30/08	7/30/08	7/30/08
Number of Days Pending						27	38	44	44	44
DIA	1/6/03	12/10/02	9/27/02	9/13/02	5/13/02	3/12/03	2/6/02	1/24/02	12/17/01	12/17/01
Number of Days Pending	1438	1455	1504	1514	1600	1393	1667	1676	1700	1700
DISA										5/20/08
Number of Days Pending										93
EUCOM									6/10/08	2/6/08
Number of Days Pending									79	166
NAVY							8/8/08	7/2/08	6/27/08	3/24/08
Number of Days Pending							37	63	66	134
NGA	9/14/06	9/1/06	8/28/06	8/28/06	8/15/06	7/31/06	7/12/06	6/27/06	4/25/06	12/21/05
Number of Days Pending	512	520	524	524	533	544	557	567	611	696
NRO									9/25/08	8/13/08
Number of Days Pending									4	34
NSA	3/27/07	6/22/06	5/30/06	5/26/06	2/16/06	12/15/06	5/22/03	11/21/01	7/27/01	11/24/98
Number of Days Pending	382	570	587	588	658	449	1342	1717	1797	2468
OSD/JS	7/28/08	7/25/08	7/16/08	7/9/08	7/9/08	7/9/08	7/8/08	7/8/08	7/3/08	7/3/08
Number of Days Pending	46	47	54	59	59	59	60	60	62	62
PACOM							9/22/08	9/22/08	9/5/08	7/1/08
Number of Days Pending							7	7	18	64
SOCOM	7/7/08	6/30/08	6/18/08	1/7/08	6/22/07	6/20/07	4/16/07	2/12/07	2/9/07	11/3/06
Number of Days Pending	61	65	73	187	320	322	368	412	413	477
TRANSCOM	11/28/00	12/1/99	11/23/99	6/23/97	2/28/97	1/31/97	7/22/96	6/30/95	6/29/95	12/29/94
Number of Days Pending	1964	2213	2218	2824	2904	2923	3055	3320	3321	3447
DoD	12/1/99	11/23/99	11/24/98	6/23/97	2/28/97	1/31/97	7/22/96	6/30/95	6/29/95	12/29/94
Number of Days Pending	2213	2218	2468	2824	2904	2923	3055	3320	3321	3447

Table 27 – Comparison with Previous Year’s FOIA Workload

Comparing FY07 and FY08 Performance				
Component	Number of Requests Received		Number of Requests Processed	
	Number Received from FY07 Report¹⁸	Number Received from FY08 Report	Number Processed from FY07 Report	Number Processed from FY08 Report
AF	8126	8287	8395	8351
ASBCA	16	20	17	20
ARMY	34589	35688	33496	35370
CENTCOM	328	220	380	178
DCAA	86	114	94	117
DCMA	179	180	169	172
DeCA	76	64	101	64
DFAS	2577 / 232	238	2487 / 223	236
DIA	830	1089	532	943
DISA	305	339	314	357
DLA	7490	5516	7513	5541
DoDEA	77	47	69	47
DoD IG	303	386	308	377
DSS	10347 / 0	81	3773 / 0	79
DTIC	43	54	49	51
DTRA	126	159	147	153
EUCOM	37	37	20	25
JFCOM	53	28	53	12
NAVY	15674	14405	15542	14928
NGA	183	132	92	59
NORTHCOM	52	38	52	38
NRO	156	188	172	175
NSA	1175	1305	1325	1358
OSD/JS	2786	2002	2589	2322
PACOM	80	93	71	145
SOCOM	259	158	201	198
SOUTHCOM	165	138	261	168
STRATCOM	37	42	37	42
TRANSCOM	69	88	66	85
TRICARE	76	92	67	88
DoD	86,299 / 73,608	71,228	78,392 / 72,355	71,699

¹⁸ Column one and three should be the same number as the number of received and processed FOIA requests reported by each Component at the end of FY 07. However, the DoD total and some Component totals have two numbers in columns one and three. In these cases, the first number of each pair includes both FOIA and PA pending requests. Due to the change in DOJ reporting requirements concerning PA requests, as indicated on page 12, these Components have reported a second number, which includes only FOIA requests and not PA requests.