

## Agency Responsiveness to a Simple, Uniform FOIA Request

The Transactional Records Access Clearinghouse at Syracuse University sent identical requests to 21 federal agencies asking for those agencies' FOIA logs in a CSV or equivalent format. The requests were submitted on Jan. 22 and 23<sup>rd</sup> via the FOIA Online portal or emailed where possible, and faxed if the agency did not accommodate electronic submission. Here's a look at how the agencies performed in responding to the request. For a full report, go to <http://foiaproject.org>.

Satisfactory

Unsatisfactory

Pending

Agency	Records Released	Release Quality	Comments
ATF	No		No response.
Army	March 17	High	Good correlation with FOIA.gov reporting. All requested fields included. Original release on March 17 did not include "track" field. Follow up email sent 3/30. Data released with track field on April 2.
Bureau of Land Management	April 16	High	1/27 letter acknowledged our request, granted us media status, and put the request in BLM's "normal" request processing track. There was then a long delay without further correspondence, but the data arrived with all fields present and good correlation with FOIA.gov reporting on 4/16.
Bureau of Prisons	No		1/23 letter informed us it would take 30 days to process our request due to the number of records requested. No correspondence since.
CIA	No		Denied our request on 2/20 saying it required "unreasonable effort." CIA FOIA officer said during a 3/1 call that retrieving the information constituted "creation of a new record," which the agency was not required nor inclined to do. This contradicts the law; electronic data are records under FOIA. He asked for this in writing, which we provided 3/12. On 4/7 CIA again denied our request. We are appealing.
Customs and Border Patrol	No		On 4/1 CBP sent a "final response" saying the records were available at <a href="http://www.cbp.gov/foia-monthly-requests-log">www.cbp.gov/foia-monthly-requests-log</a> . However, these records do not provide the FOIA requests current status, cover only 3 of the requested 27 months, are missing several other requested fields, and are PDFs. We are appealing.
DEA	Feb. 12	Low	All fields present, but the case-by-case logs provided contain only half the number of requests as reported on FOIA.gov, leading to low confidence in the data's completeness. DEA's response letter helpfully provided the name and direct contact number of a paralegal to answer questions. The paralegal recommended we file a new request that notes our old request so she can research. New request filed 4/13 for corrected data updated through 3/31.
DHS HQ	Feb. 4	High	Good correlation with FOIA.gov reporting. All requested fields included.
DOJ Civil Rights Division	Feb. 5	Medium	Good correlation with FOIA.gov reporting. No request date, only received date.
DOJ EOUSA	No		No response.
DOJ Management Division	Feb. 9	High	Good correlation with FOIA.gov reporting. All requested fields included.

Agency	Records Released	Release Quality	Comments
DOJ Criminal Division	No		Request acknowledged 2/19. No further correspondence.
DOJ National Security Division	No		No response.
DOJ Office of Information Policy	No		Request acknowledged 2/20. No further correspondence.
EPA	No		On 1/27 EPA provided us with a link to its FOIA Online logs ( <a href="http://1.usa.gov/1ENcSPA">http://1.usa.gov/1ENcSPA</a> ). However, the site limits data downloads to 2,000 records and doesn't include the requested closed date. Productive series of conversations with the FOIA office ensued to discuss our problems with the FOIA Online data, and the agency's problems in querying its in-house database. On 4/16, we received a sample spreadsheet with most of the fields requested, including closing date. EPA asked if such a release would satisfy our request. We said it would, provided the records appeared complete.
FBI	No		Request acknowledged 1/23. Response dated 2/9 (received 2/23) notified us that 2,149 pages of paper records had been located and asked us to confirm that we'd pay copying fees. A 2/24 follow-up call made it clear the files located were not responsive. Besides being on paper, they did not reflect the current status of the requests. In a 3/2 letter, we notified FBI that the files were not responsive, but confirmed willingness to pay copying fees for responsive records. We also appealed the fee-waiver denial. Appeal acknowledged 3/19, the last communication from the agency.
Fish & Wildlife	Feb. 24	High	Good correlation with FOIA.gov reporting. All fields present plus a subject and a status field. (Status distinguishes between "completed" cases, where records were released or denied, and cases "closed" on some other basis.) Helpful FOIA officer answered phone and helped us understand the data.
ICE	March 10	Very Low	Original CD of Feb. 18 was damaged. Replacement CD arrived March 10. It isn't responsive as it only covers requests received in Dec. 2014. Nonetheless, the data is interesting. It shows requests sent years earlier (one each from 1982 and 2004, several from 2012, nearly 4,000 from 2013) as being "received" – which we take to mean entered into the database – in Dec. 2014. Follow up email sent April 2. Also left voice mail. No response. Appealed on 4/13.
IRS	No		Letter on 2/23 informing us they'll take until 5/24.
Navy	March 17	Unrated	2/5 letter informed us release would take more than 20 days. 3/17 release contained a spreadsheet with FY 2013 data from the Navy Headquarters Office, and a link to the FOIA Online system for newer requests. 4/2 call to the Navy FOIA Service Center to investigate was transferred directly to the FOIA officer who processed our request. She said she could not generate what we need from the FOIA Online system herself, much like EPA's initial response. We're hopeful that if EPA can furnish a solution it might be a model Navy and other FOIA Online agencies could follow.
USCIS	April 11	Medium	Call by agency on 2/3 for clarification, followed by letter same day granting our fee waiver. Data received 4/22 with a release date of 4/11. Good correlation with FOIA.gov reporting. Missing request date but otherwise looks complete.

## Definitions and Notes

The ultimate goal of these requests is to receive, validate, and make accessible on [foiaproject.org](http://foiaproject.org) case-by-case data and statistics, regularly updated, on the current backlog, processing and wait times for responses to FOIA requests by the largest federal agencies. Because our requests for this data is standardized, the agencies responses can be compared and evaluated. This both provides additional details about an agency's performance under FOIA, and provides insight into the handling of administrative FOIA requests by agencies that don't provide us with the data itself.

**Records Received** is "no" unless we:

- a) receive records we can access (not corrupt files or broken disks), that
- b) contain case-by-case FOIA log data that includes at least some of the fields requested, and
- c) are in a CSV, XLS, or other structured format (not PDFs or paper)

## **Release Quality Scoring**

- **High** = High correlation with FOIA.gov report; all fields requested
- **Medium** = High correlation with FOIA.gov report; one missing field
- **Low** = Low correlation with FOIA.gov report OR two or more missing fields
- **Very Low** = Low correlation with FOIA.gov report AND two or more missing fields

## **Overall Scoring**

- Agencies were rated as satisfactory if they provided us data that is useable for our research purposes; in other words, it was in a CSV or equivalent format, could be checked against FOIA.gov reporting, and contained the most important fields for analysis.
- Agencies were rated as unsatisfactory if they (a) failed to respond at all, (b) failed to respond beyond the basic acknowledgement, (c) sent an extension letter but then failed to meet its own deadline, (d) declined the request in violation of FOIA, or (e) provided data that was clearly insufficient and was unresponsive to follow up inquiries.
- Agencies were not rated (pending) if they have made an effort to communicate with us and work with us constructively but who have not yet provided us with usable data.

**Requested Records.** We requested "a case-by-case listing of all FOIA requests received by the FOIA office from October 1, 2012 – December 31, 2014 with the following data fields:

- Assigned request tracking number
- Office (where multiple components)
- Date of request
- Date request was received
- Track assigned
- Date closed (where closure has occurred)

Annual FOIA reports implicitly require agencies to track all these fields except "date of request." As a practical matter, an agency typically records this date as well so that it can identify the particular request when it acknowledges its receipt. Accordingly, unless an agency affirmatively stated that the field was not tracked, its omission was penalized. This date can be useful in examining the lag between when a request is sent and when an agency starts its own internal clock for responding to that request.