

## **Agency Backlog**

In both 1998 and 2000, the combined backlog for the 26 agencies was 13 percent. By 2005, it was 31%. The early reporting for 2006 suggests the backlog is still growing.

- Requests to the Securities and Exchange Commission have nearly tripled from 2001 to 2005. The agency's backlog went from an average of 4.5% to 225 percent in 2004. It dropped back to 131% in 2005, then 126% in 2006.
- The State Department, the Agency for International Development, and the National Archives have had backlogs that exceed the government-wide average every year since reporting began. State increased its FOIA staffing in recent years and cut the backlog significantly, although it's still further behind than most. In contrast, the far smaller AID reduced FOIA personnel and its backlog has skyrocketed to 238% in 2005. At that rate, it will be two years before a request is even looked at.

## **Efficiency**

In 1998, the 26 agencies processed 520,789 FOIA requests and had a backlog of 13%. By 2005, the number of requests handled had declined to 480,306, despite an increase in requests, and the backlog had more than doubled to 31%.

- Despite the fact that the agencies processed 39,956 fewer requests in 2005 than eight years earlier, they spent 85% more doing it. That came to 83.9 million more in tax dollars.
- The average cost of processing a request rose from \$294 in 1998 to \$494 in 2005.
- The CIA had the highest per request handling cost -- \$2,685.
- Only three agencies, State and Energy and the SEC, reduced their per-request handling costs over the eight years. State's per request cost fell from \$5,438 to \$2,565; Energy's from \$1,888 to \$1,049; the SEC's from \$533 to \$517.
- The sharpest increase in cost-per-request was logged by the Justice Department. DOJ's cost-per-request rose from \$253 in 1998 to \$1,101 in 2005. It dropped back to \$793 in 2006.

## **Complex requests**

Agencies processed fewer requests overall in 2005 than eight years earlier. They processed even fewer complex requests. This suggests that the complexity of requests was not a factor in the sharp increase in agency backlog or in the longer time requesters waited for a response. .

## The Percent of Backlog and the FOIA Workforce by Agency, 1998 to 2005

Department/ Agency	1998		1999		2000		2001		2002		2003		2004		2005	
	BL	FTEs	BL	FTEs	BL	FTEs	BL	FTEs	BL	FTEs	BL	FTEs	BL	FTEs	BL	FTEs
Agriculture	2%	150	2%	263	2%	533	4%	275	3%	476	3%	608	4%	585	4%	219
Commerce	7%	19	14%	19	13%	27	10%	27	14%	21	15%	18	15%	18	15%	17
Defense	10%	806	12%	776	12%	890	16%	871	16%	719	18%	704	17%	721	19%	752
Education	8%	10	21%	10	18%	9	19%	6	13%	8	12%	7	17%	11	25%	10
Energy	32%	42	34%	56	38%	72	59%	70	31%	38	43%	75	35%	71	30%	71
Homeland Sec	<i>Department did not exist until 2003.</i>										18%	410	30%	469	65%	622
HUD	43%	16	126%	16	36%	40	50%	40	16%	41	69%	41	61%	41	127%	41
Interior	11%	132	11%	128	16%	131	19%	167	21%	127	31%	122	42%	114	30%	121
Justice	13%	954	15%	1047	14%	1069	18%	1056	18%	1076	14%	716	14%	563	17%	524
Labor	6%	113	5%	201	4%	229	6%	183	4%	201	3%	198	3%	191	3%	190
State	231%	126	137%	124	188%	136	187%	152	115%	158	52%	148	40%	182	70%	143
Transportation	25%	218	17%	182	20%	111	19%	118	22%	134	24%	55	18%	57	22%	87
Treasury	50%	14	77%	16	73%	16	76%	16	16%	337	10%	144	9%	146	9%	104
AID	38%	8	35%	7	49%	6	76%	5	67%	6	109%	6	162%	6	238%	5
CIA	66%	118	48%	65	51%	78	51%	75	51%	70	44%	272	34%	76	31%	74
CPSC	2%	17	1%	18	1%	17	1%	17	2%	16	1%	15	1%	15	2%	11
EEOC	8%	46	9%	36	7%	44	7%	43	10%	53	9%	41	10%	52	12%	49
EPA	32%	1002	37%	623	66%	630	89%	192	24%	159	18%	155	16%	176	27%	181
GSA	NR	NR	11%	19	10%	14	6%	14	10%	14	11%	18	20%	18	6%	19
NARA	19%	22	34%	40	19%	33	31%	47	41%	27	108%	26	105%	26	72%	25
NASA	11%	16	8%	19	11%	18	8%	19	8%	25	11%	19	16%	20	10%	19
NLRB	3%	10	4%	13	7%	11	4%	10	4%	11	5%	11	3%	9	3%	8
NRC	12%	16	14%	15	14%	14	12%	13	13%	12	16%	10	14%	9	23%	9
NSF	7%	2	2%	2	3%	2	2%	2	1%	1	3%	1	3%	1	6%	2
SEC	4%	20	4%	24	5%	26	5%	59	28%	61	90%	62	225%	64	131%	36
SBA	3%	165	3%	183	4%	31	5%	34	3%	38	3%	20	2%	13	1%	11
Total	13%	4042	14%	3901	13%	4185	18%	3507	16%	3828	16%	3903	20%	3651	31%	3350

BL= Percent Backlog

FTEs=Full Time Equivalents (Total number of work years)

NR= Not reported

Greater Than Average Backlog

The State Department, Agency for International Development, and the National Archives have had backlogs that exceeded the government-wide average in each year since reporting began. State has increased its FOIA staffing in recent years and cut the backlog significantly, although it's still one of the highest agencies. In contrast, the far smaller AID has reduced FOIA personnel and its backlog has skyrocketed to 238%. At that rate, a request will sit two years before being looked at.

The second worst backlog in recent years has been at the Securities and Exchange Commission, where requests have averaged 148 percent – a year and a half backlog – in each of the past three years. Despite that, the SEC cut FOIA personnel last year.

Backlogs at Energy, HUD and the CIA exceeded the agency average in seven of the eight years reported

## Comparing Agency Efficiency, 1998 v. 2005

Department/ Agency	Requests Processed		% change	Percent Backlog		FTEs		Requests per FTE		Cost per Request	
	1998	2005	98-05	1998	2005	1998	2005	1998	2005	1998	2005
Agriculture	88,204	51,922	-41%	2%	4%	150	219	587	237	\$71	\$190
Commerce	2,283	1,834	-20%	7%	15%	19	17	121	106	\$405	\$669
Defense	106,191	78,775	-26%	10%	19%	806	752	132	105	\$368	\$608
Education	1,679	2,219	32%	8%	25%	10	10	170	220	\$343	\$479
Energy	2,314	3,831	66%	32%	30%	42	71	55	54	\$1,888	\$1,049
Homeland Sec	*	126,126	*	*	65%	*	622	*	203	*	\$225
HUD	3,354	2,923	-13%	43%	127%	16	41	177	71	\$160	\$684
Interior	5,002	6,420	28%	11%	30%	132	121	38	53	\$806	\$1,194
Justice	195,105	51,435	-74%	13%	17%	954	524	204	98	\$253	\$1,101
Labor	17,540	23,284	33%	6%	3%	113	190	155	122	\$248	\$688
State	2,317	3,870	67%	231%	70%	126	143	18	27	\$5,438	\$2,565
Transportation	17,406	9,384	-46%	25%	22%	218	87	80	108	\$614	\$782
Treasury	1,775	53,987	2942%	50%	9%	14	104	127	517	\$208	\$239
AID	263	197	-25%	38%	238%	8	5	35	38	\$1,495	\$2,335
CIA	7,169	3,110	-57%	66%	31%	118	74	61	42	\$990	\$2,685
CPSC	13,467	5,387	-60%	2%	2%	17	11	792	481	\$121	\$212
EEOC	17,551	16,232	-8%	8%	12%	46	49	382	331	\$91	\$122
EPA	18,848	11,108	-41%	32%	27%	1002	181	19	61	\$239	\$851
GSA	NR	1,561		NR	6%	NR	19	NR	82	NR	\$840
NARA	5,930	8,878	50%	19%	72%	22	25	267	355	\$164	\$196
NASA	2114	1351	-36%	11%	10%	16	19	130	72	\$273	\$835
NLRB	6133	4702	-23%	3%	3%	10	8	601	613	\$18	\$166
NRC	448	345	-23%	12%	23%	16	9	28	38	\$2,490	\$2,947
NSF	213	266	25%	7%	6%	2	2	125	177	\$646	\$805
SEC	3,190	7,422	133%	4%	131%	20	36	156	206	\$533	\$517
SBA	2,293	3,737	63%	3%	1%	165	11	14	349	\$113	\$217
<b>Total</b>	<b>520,789</b>	<b>480,306</b>	<b>-8%</b>	<b>13%</b>	<b>31%</b>	<b>4042</b>	<b>3350</b>	<b>129</b>	<b>143</b>	<b>\$294</b>	<b>\$494</b>

**Improved Performance**

NR= Not reported

\*Department did not exist until 2003.

\*Most of the Treasury Department's component agencies did not report data in 1998.

### Year to Year Change in Backlog, Agency Efficiency, 1998 to 2005

	Requests Processed	% Change	Percent Backlog	% Change	Cost per Request	% Change	Requests per FTE	% Change
1998	520,789		13%		\$ 294		129	
1999	534,924	3%	14%	8%	\$ 220	-25%	137	6%
2000	604,801	13%	13%	-7%	\$ 283	29%	145	6%
2001	484,545	-20%	18%	38%	\$ 416	47%	138	-5%
2002	515,860	6%	16%	-11%	\$ 429	3%	135	-2%
2003	531,688	3%	16%	0%	\$ 444	3%	136	1%
2004	524,909	-1%	20%	25%	\$ 437	-2%	144	6%
2005	480,306	-8%	31%	55%	\$ 494	13%	143	-1%
98 to 05		-8%		138%		68%		11%
00 to 05		-21%		138%		74%		-1%

Increase from Prior Year

The cost per FOIA request has risen 68 per cent even as the number of requests declined and employees processed more requests per person, and the agencies fell further behind.

### FOIA Workforce Shrinks, Backlog Grows

	FTEs	Yr to Yr	Back-log	Yr to Yr
1998	4042		13%	
1999	3901	-3%	14%	8%
2000	4185	7%	13%	-7%
2001	3507	-16%	18%	38%
2002	3828	9%	16%	-11%
2003	3903	2%	16%	0%
2004	3650	-6%	20%	25%
2005	3350	-8%	31%	55%

The FOIA workforce in the 26 agencies studied has declined by 20 percent since the year 2000 while the percent of requests unprocessed at the end of increased by 138 percent. The year 2000 was the highpoint in FOIA workforce numbers.

### Complex Requests Processed, 1998 to 2005

	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	9,751	72,825	9,051	8,831	6,388	5,250	26,616	5,451
Commerce	950	525	852	660	937	495	465	511
Defense	17,907	17,228	15,872	17,182	13,391	10,817	12,922	11,385
Education	261	290	417	263	400	324	442	329
Energy	2361	232	375	1151	688	770	493	246
Homeland Sec	<i>The department did not exist until 2003.</i>					41,165	34,391	29,117
HUD	0	0	0	52	337	186	258	286
Interior	0	0	905	0	0	0	30	189
Justice	104,151	90,341	55,905	50,069	46,383	7,023	7,049	5,769
Labor	1,957	3,988	5,646	4,730	4,030	4,906	3,959	5,834
State	0	3,424	2,637	2,763	2,764	4,493	3,710	2,216
Transportation	1,680	4,261	3,246	7,347	9,568	4,232	4,614	3,982
Treasury	258	278	404	1,083	46,436	59,323	63,844	48,574
AID	263	157	NR	0	0	0	0	0
CIA	7,169	4,245	3,415	2,989	2,624	2,759	2,834	2,533
CPSC	795	596	777	2,018	1,826	1,572	757	528
EEOC	0	0	0	0	0	0	0	0
EPA	75	603	272	21	24	26	17	170
GSA	NR	0	1407	0	1407	1363	1561	1561
NARA	0	361	425	331	193	251	299	209
NASA	735	527	373	426	311	702	454	410
NLRB	0	0	0	0	0	0	0	0
NRC	35	17	10	21	14	34	27	28
NSF	0	0	0	0	0	0	0	0
SEC	15	15	14	12	11	66	419	1099
SBA	0	0	0	0	0	0	0	0
<b>Total</b>	<b>148,363</b>	<b>199,913</b>	<b>102,003</b>	<b>99,949</b>	<b>137,732</b>	<b>145,757</b>	<b>165,161</b>	<b>120,427</b>

NR=Not Reported

\*The 1999 spike for the Agriculture department is not explained in their annual report. That same report shows an even greater one year decline in simple requests.

\*\*The steady decline in complex requests reported by the Department of Justice reflects fewer requests to the Immigration and Naturalization Service from 1998 to 2003 when that agency was transferred to the Department of Homeland Security.

\*\*\*Most Treasury Department component units, including the Internal Revenue Service did not report until 2002.

## **Waiting Time**

Agencies continued to stretch the 20-working statutory deadline for responding to requests.

- The median response times reported in the handling “complex” requests soared. The three highest median times reported by agency components in 1998 were 268, 292 and 440 working days. In 2005, the top three wait times were 410, 863 and 1,277 working days. (There are 241 working days in the federal year. So in the case of the Agriculture Department’s Animal and Plant Health Inspection Service, which reported the 1,277 median day response time, 97 people who had made requests were still waiting for a response after five years.)
- The Justice Department failed to meet the 20-day deadline in processing either simple or complex requests in any of the eight years. It did report a median-response time under 20 days in handling expedited requests in 1998, but not since.
- In most cases, when agencies failed to make the deadline for simple requests, their median days response time was only a few days long. The State Department was the exception. Its lowest median day score was 37 days; the highest 351 days
- Only one agency reported in 2005 that it met the deadline in handling complex requests – GSA.
- The Energy Department’s achieved some kind of record in 2003 when its Rocky Flats office failed to respond to more than half its “simple” requests for 985 days kept half of its “complex” requests unprocessed for 2,143 days.

## Median Days Response Time, Simple Requests, 1998 to 2005

Department/ Agency	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	131	11	26	30	2 \ 85	1 \ 91	14 \ 77	2 \ 90
Commerce	10	16	14	14	12	13	13	12
Defense	16	20	25	23	19.5	20.5	17	15.5
Education	13	19.5	16	17	5 \ 35	2 \ 90	3 \ 30	35
Energy	0	16	133	211	75	4 \ 985	10 \ 152	5 \ 106
Homeland Sec.						15 \ 155	8 \ 84	16 \ 61
HUD	22	53	43	27 \ 266	15 \ 59	11 \ 62	21 \ 95	21 \ 65
Interior	18	19	18	13 \ 157	10 \ 58	13 \ 177	15 \ 834	2 \ 43
Justice	1 \ 40	1 \ 228	1 \ 78	1 \ 137	3 \ 49	1 \ 71	1 \ 137	2 \ 139
Labor	10	10	13	13	1 \ 25	2 \ 25	2 \ 30	6 \ 28
State	333	48	37	157	351	8	6	14
Transportation	14	16	14	8	8	14	1 \ 68	1 \ 30
Treasury	13	11	11	2	4 \ 17	3 \ 32	2 \ 10	2 \ 86
AID	0	10	45	31	52	42	54	55
CIA	0	7	7	7	7	8	7	7
CPSC	7	7	7	7	7	6	6	6
EEOC	15.5	18	15	19	19	20	18	18
EPA	16	14	19	17 \ 36	17 \ 113	16 \ 120	15 \ 27	13 \ 32
GSA	NR	20	0	14	0	0	0	0
NARA	29	53	33	140	7	31	35	13.5
NASA	17	15	24	19	19	6 \ 135	18	19
NLRB	10	16	13.5	10	11.5	9	9	9
NRC	15	17	19	17	14	13	11	12
NSF	10	12	13.5	13.17	10.39	14	20	14
SEC	7	10	11	9	16	152	30	26
SBA	12	8	3	2	1	2	5	7

Missed Response Deadline

NR=Not Reported

Agencies are required by the FOIA to respond to all requests within 20 working days.

Those that reported a median response time beyond the 20 days are highlighted.

If an agency reported performance of component units but did not report agency totals, we show the lowest and highest wait times reported. Deadline performance is based on the latter.

In 1998, five agencies reported that they, or their component agencies, had exceeded the statutory deadline in responding to simple FOIA requests at least half of the time.

In 2005, 13 of the 26 agencies said they failed to meet the standard set by law.

## Median Days Response Wait Time, Complex Requests, 1998 to 2005

Department/ Agency	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	268	20	45	49	9\ 905	4 \ 467	54 \ 800	12 \ 1,277
Commerce	30	30	30	54	45	30	41	40
Defense	39	66	69	84	57.5	64	59	85
Education	30	27	51.15	44.67	7\ 180	9 \ 165	2 \ 134	66
Energy	184.1	55	531	1788	238	13 \ 2143	18 \ 916	10 \ 170
Homeland Sec.	Not an agency until 2003					6 \ 240	5 \ 111	3 \ 242
HUD	0	0	0	67	34\ 83	95	30 \ 161	35 \ 160
Interior	0	0	NR	0	0	0	56 \ 90	28 \ 89
Justice	1 \ 292	8\ 1148	12\ 2097	16\ 1311	13\ 621	8 \ 471	15 \ 636	12 \ 863
Labor	25	25	43	39	7\ 49	15 \ 40	18 \ 60	14 \ 60
State	0	308	694	742	431	671	209	142
Transportation	40	45	39	23	39	52	23 \ 135	20 \ 134
Treasury	97	237	19	232	5.5\ 383	6 \ 176	4 \ 172	3 \ 251
AID	36	70	NR	0	0	0	0	0
CIA	440	187	176	86	83	60	63	68
CPSC	30	30	30	27	27	20	25	35
EEOC	0	0	0	0	0	0	0	0
EPA	20 \ 27	25\ 55	31	24\ 333	31\ 123	9 \ 182	19 \ 353	4 \ 166
GSA	NR	0	14	0	14	14	14	14
NARA	0	267	28.5	541	20	312	354	252.4
NASA	27	29	38	45	29	8 \ 50	33	49
NLRB	0	0	0	0	0	0	0	0
NRC	15	75	25.5	20	25	35	47	75
NSF	0	0	0	0	0	0	0	0
SEC	151	141	127	82	137	24	202	410
SBA	0	0	0	0	0	0	0	0

Missed Response Deadline

NR=Not Reported

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Those that reported a median response time beyond the 20 days are highlighted.

If an agency reported performance of component units but did not report agency totals, we show the lowest and highest wait times reported. Deadline performance is based on the latter.

Some agencies do not use multi-track processing and record all requests as "Simple."

Only one agency, GSA, has been able to consistently meet the statutory deadline for FOIA responses to complex requests.

## **Full and Partial Grants**

The percent of requests fully or partially granted dropped from 69% of those processed in 1998 to 63% in 2005. The agencies granted 92,280 fewer full grants but more partial grants, with the result that overall, 52,398 fewer requesters got any of the information sought.

- The State Department, the CIA and the Department of Justice granted a less than average percentage of requests in all eight years reported.
- The EPA got increasingly stingy with its records. In 1998, it provided information to 93% of those who filed a FOIA request. By 2005, that had dropped to 53% and in 2006 to 38%.
- The Securities and Exchange Commission granted 95% of the requests received in 2000 but only 43% the following year. In 2005, only 30% of the requesters got all or some of the information sought. The 2006 percentage fell further, to 27%.

## **Appeals**

Over the 1998-2005 period, only one person in five who filed an appeal had any success, and in most of those cases it was only a partial victory.

- The Justice Department was consistently the least likely to grant an appeal, either in part or in full, averaging only 6% combined in the last three years. It granted only four percent in 2006.

### FOIA Grants, Initial Requests and Appeals, 1998 to 2005

Initial Requests	1998	1999	2000	2001	2002	2003	2004	2005	% Ch. 98-05
Requests Processed	520,789	534,924	604,801	484,545	515,860	531,688	524,909	480,306	-8%
Full Grants	290,915	295,246	331,814	278,513	272,765	253,109	234,438	198,635	-32%
Partial Grants	66,302	70,430	72,418	76,267	86,353	108,375	116,544	106,184	60%
Total Full/Partial	357,217	365,676	404,232	354,780	359,118	361,484	350,982	304,819	-15%
% Granted	69%	68%	67%	73%	70%	68%	67%	63%	

Appeals	1998	1999	2000	2001	2002	2003	2004	2005	% Ch. 98-05
Appeals Processed	7,106	8,445	8,344	7,538	7,619	8,229	7,325	6,669	-6%
Full Grants	438	359	274	398	373	335	283	299	-32%
Partial Grants	1,138	1,476	1,158	897	1,096	826	947	938	-18%
Total Full/Partial	1,576	1,835	1,432	1,295	1,469	1,161	1,230	1,237	-22%
% Granted	22%	22%	17%	17%	19%	14%	17%	19%	

The number of requests processed annually declined by 40,483 over the eight years. There was an even greater decline in the number of requests granted. The percent of requests fully or partially granted dropped to 63 percent; in raw

### Full Grants by Department and Agency, 1998 to 2005

	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	84,144	75,348	111,263	75,811	70,965	61,092	55,465	46,352
Commerce	1,332	1,022	1,189	1,181	855	875	950	652
Defense	65,164	57,221	56,836	44,531	40,458	37,802	37,914	36,587
Education	1,144	1,145	1,034	949	1,079	1,137	1,007	806
Energy	1,183	1,365	1,546	1,790	2,227	1,400	1,590	3,126
Homeland Sec	<i>Department did not exist until 2003.</i>					63,403	49,835	28,631
HUD	2,631	1,839	1,412	1,855	1,686	1,613	1,824	1,165
Interior	3,225	3,626	2,837	2,578	2,212	2,117	1,809	2,145
Justice	65,135	82,582	92,134	94,058	81,426	17,712	19,186	18,539
Labor	5,556	8,519	8,533	6,969	5,514	7,282	7,378	8,938
State	650	1,203	850	572	634	1,086	837	437
Transportation	8,918	12,670	10,670	10,536	8,803	4,276	4,435	3,695
Treasury	1,052	640	696	147	21,144	27,094	30,114	25,451
AID	117	109	87	78	77	95	51	70
CIA	3,188	2,503	1,084	502	391	422	427	334
CPSC	12,586	12,261	11,682	10,483	8,561	7,725	5,755	4,447
EEOC	3,623	3,011	1,936	1,808	1,335	1,001	1,109	1,191
EPA	16,718	16,271	10,178	9,319	9,080	7,925	7,540	5,385
GSA	NR	775	945	1,125	945	905	823	1,014
NARA	5,423	4,778	8,386	6,638	8,141	1,075	476	434
NASA	1,156	753	676	643	693	793	579	469
NLRB	5,342	4,833	4,418	4,206	4,304	4,016	3,980	3,560
NRC	232	162	171	149	175	179	155	108
NSF	69	46	64	67	51	43	36	29
SEC	889	823	893	658	522	765	1,090	1,898
SBA	1,438	1,741	2,294	1,860	1,487	1,276	73	3,172
<b>Total</b>	<b>290,915</b>	<b>295,246</b>	<b>331,814</b>	<b>278,513</b>	<b>272,765</b>	<b>253,109</b>	<b>234,438</b>	<b>198,635</b>

NR= Not reported

### Partial Grants, 1998 to 2005

	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	1,908	1,909	2,043	3,750	2,339	2,447	1,953	2,277
Commerce	240	180	200	367	380	327	277	296
Defense	9,998	11,742	11,551	11,371	11,133	10,276	11,779	15,307
Education	319	298	331	342	344	325	659	732
Energy	355	428	328	445	277	342	258	269
Homeland Sec	<i>Department did not exist until 2003.</i>					52,726	60,612	48,564
HUD	313	549	473	447	384	486	587	485
Interior	647	629	761	798	764	995	854	2,873
Justice	31,036	31,231	32,010	32,325	40,571	8,144	8,495	7,066
Labor	2,179	4,784	5,591	7,104	6,442	7,661	7,551	6,959
State	572	817	822	728	818	1,581	1,370	905
Transportation	2,047	2,340	2,302	2,493	2,171	1,965	2,170	2,180
Treasury	181	215	234	375	4,622	3,502	3,413	3,366
AID	76	75	65	54	45	55	62	58
CIA	1,652	1,029	1,287	1,306	999	1,178	1,242	1,051
CPSC	470	477	704	386	531	396	385	454
EEOC	11,372	9,945	10,830	10,958	11,853	13,347	12,384	11,018
EPA	746	847	628	588	603	564	635	518
GSA	NR	251	169	173	169	180	131	184
NARA	157	503	285	268	48	92	110	101
NASA	534	533	457	560	592	485	390	367
NLRB	180	616	551	560	455	478	523	386
NRC	93	86	90	100	110	125	101	99
NSF	92	76	61	123	157	151	226	197
SEC	416	466	407	395	333	324	209	294
SBA	719	404	238	251	213	223	168	178
<b>Total</b>	<b>66,302</b>	<b>70,430</b>	<b>72,418</b>	<b>76,267</b>	<b>86,353</b>	<b>108,375</b>	<b>116,544</b>	<b>106,184</b>

NR= Not reported

### Initial Requests Granted, All or in-Part, 1998 to 2005

	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	98%	97%	81%	96%	94%	93%	94%	94%
Commerce	69%	63%	69%	69%	60%	61%	60%	52%
Defense	71%	71%	71%	70%	67%	65%	64%	66%
Education	87%	84%	81%	83%	83%	79%	80%	69%
Energy	66%	75%	71%	84%	75%	73%	76%	89%
Homeland Sec	<i>Department did not exist until 2003.</i>					72%	73%	61%
HUD	88%	68%	65%	71%	50%	75%	61%	56%
Interior	77%	76%	72%	68%	68%	67%	63%	78%
Justice	49%	51%	53%	65%	66%	47%	49%	50%
Labor	44%	66%	63%	71%	66%	71%	68%	68%
State	53%	53%	54%	39%	31%	46%	44%	35%
Transportation	63%	74%	67%	67%	63%	59%	61%	63%
Treasury	69%	58%	58%	38%	54%	51%	52%	53%
AID	73%	72%	67%	64%	55%	63%	53%	65%
CIA	68%	57%	53%	49%	46%	49%	50%	45%
CPSC	97%	94%	94%	97%	94%	97%	96%	91%
EEOC	85%	82%	79%	79%	79%	82%	77%	75%
EPA	93%	103%	73%	69%	50%	59%	61%	53%
GSA	NR	67%	608%	85%	79%	80%	81%	77%
NARA	94%	96%	10%	89%	93%	24%	11%	6%
NASA	80%	77%	295%	69%	75%	68%	62%	62%
NLRB	90%	91%	13%	90%	86%	86%	85%	84%
NRC	73%	65%	41%	65%	67%	70%	66%	60%
NSF	76%	72%	518%	79%	82%	84%	85%	85%
SEC	41%	43%	95%	42%	30%	31%	34%	30%
SBA	94%	86%	82%	80%	80%	79%	13%	90%
Average	69%	68%	67%	73%	70%	68%	67%	63%

**Below Average**

NR= Not reported

The State Department, the CIA and the Department of Justice granted a less than average percentage of requests in all of the years reported. The Securities and Exchange Commission had a better grant rate than average only once in the eight years.

## Appeals Granted in Full, 1998 to 2005

	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	38	41	28	51	49	44	36	29
Commerce	7	4	7	3	7	7	7	0
Defense	38	50	39	34	57	41	30	25
Education	2	3	4	3	0	0	1	3
Energy	4	6	1	1	0	1	0	0
Homeland Sec	<i>DHS did not exist until 2003</i>					7	6	38
HUD	3	2	2	0	1	0	3	2
Interior	87	12	6	125	66	62	32	52
Justice	115	131	104	58	81	89	33	13
Labor	48	30	9	26	10	11	16	10
State	20	12	11	6	11	6	9	11
Transportation	34	16	3	16	12	17	9	14
Treasury	1	0	1	1	30	12	9	14
AID	2	5	0	1	0	0	1	0
CIA	2	2	2	6	0	0	0	3
CPSC	0	0	0	0	0	2	0	0
EEOC	22	24	19	25	15	7	39	34
EPA	1	1	22	20	4	8	9	6
GSA	3	4	0	0	0	2	0	4
NARA	1	0	1	0	5	2	0	1
NASA	2	1	2	2	2	2	0	4
NLRB	3	1	3	4	5	3	2	3
NRC	3	1	3	4	3	2	0	4
NSF	0	0	0	0	0	0	2	0
SEC	1	9	4	10	14	6	39	28
SBA	1	4	3	2	1	4	0	1
<b>Total</b>	<b>438</b>	<b>359</b>	<b>274</b>	<b>398</b>	<b>373</b>	<b>335</b>	<b>283</b>	<b>299</b>

The Justice Department is the agency least likely to fully grant a requester's FOIA appeal. The odds of a Justice grant were 53 percent worse in the past four years than in the last three years of the Clinton Administration. An average of 54 appeals were granted in full in each of the past four years compared with an average of 116 from 1998 to 2000. Overall, agencies granted an average of 10 percent fewer appeals-in-full. (Note: the transition fiscal year of 2001 is excluded in the comparison.)

## Partial Grants of Appeals, 1998 to 2005

	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	51	47	42	77	48	49	47	54
Commerce	16	10	22	32	12	13	10	5
Defense	118	177	193	176	141	104	162	149
Education	1	3	1	2	2	0	9	7
Energy	36	36	24	34	17	1	4	5
Homeland Sec	<i>Department did not exist until 2003</i>					33	30	67
HUD	3	5	6	12	7	7	4	3
Interior	42	45	40	20	17	12	6	11
Justice	425	709	432	96	190	183	157	126
Labor	98	115	98	165	130	100	92	48
State	93	90	61	47	115	70	165	137
Transportation	32	37	32	34	22	23	12	24
Treasury	4	3	4	5	165	37	30	39
AID	4	1	0	0	2	3	1	0
CIA	37	39	33	36	29	38	45	59
CPSC	6	8	5	1	0	0	0	0
EEOC	129	88	106	115	151	87	91	135
EPA	8	1	18	15	13	31	9	24
GSA	4	15	8	1	8	6	1	4
NARA	1	20	13	2	2	2	1	5
NASA	5	3	5	5	6	4	8	2
NLRB	3	5	6	6	7	7	11	7
NRC	3	4	2	4	0	1	4	3
NSF	2	2	0	0	1	0	1	1
SEC	2	0	3	3	3	10	34	15
SBA	15	13	4	9	8	5	13	8
<b>Total</b>	<b>1,138</b>	<b>1,476</b>	<b>1,158</b>	<b>897</b>	<b>1,096</b>	<b>826</b>	<b>947</b>	<b>938</b>

Overall, the agencies granted an average 24 percent fewer partial appeals in each of the Bush Administration years than in the last three years of the Clinton Administration. The most pronounced decline was that of the Justice Department, which granted, on average, 47% fewer appeals each year.

(Note: The transition fiscal year of 2001 is excluded from the comparison)

## Percent of Appeals Granted, All and in-Part, 1998 to 2005

	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	48%	43%	42%	45%	59%	53%	52%	51%
Commerce	41%	35%	29%	35%	24%	27%	25%	13%
Defense	14%	21%	22%	23%	21%	19%	21%	22%
Education	20%	25%	26%	33%	15%	0%	17%	26%
Energy	35%	51%	30%	40%	24%	4%	14%	11%
Homeland Sec	<i>Department did not exist until 2003.</i>					10%	5%	12%
HUD	18%	17%	15%	32%	14%	15%	16%	15%
Interior	62%	20%	17%	61%	50%	49%	57%	40%
Justice	15%	17%	11%	4%	8%	6%	6%	6%
Labor	32%	40%	31%	44%	44%	49%	35%	31%
State	63%	68%	58%	58%	68%	48%	59%	61%
Transportation	20%	24%	18%	24%	18%	31%	21%	28%
Treasury	38%	43%	56%	46%	19%	7%	8%	13%
AID	67%	46%	0%	20%	33%	100%	25%	0%
CIA	20%	16%	13%	22%	13%	16%	16%	27%
CPSC	14%	31%	22%	4%	0%	13%	0%	0%
EEOC	46%	30%	32%	33%	40%	27%	35%	49%
EPA	24%	6%	31%	47%	16%	26%	17%	27%
GSA	41%	59%	73%	13%	73%	57%	25%	62%
NARA	14%	80%	24%	5%	37%	36%	12%	21%
NASA	29%	40%	39%	39%	38%	30%	36%	27%
NLRB	15%	14%	25%	23%	28%	40%	28%	26%
NRC	35%	38%	42%	42%	20%	23%	33%	58%
NSF	67%	50%	0%	0%	14%	0%	50%	17%
SEC	11%	35%	23%	32%	31%	22%	36%	18%
SBA	53%	43%	22%	50%	45%	39%	46%	56%
<b>Total Average</b>	<b>22%</b>	<b>22%</b>	<b>17%</b>	<b>17%</b>	<b>19%</b>	<b>14%</b>	<b>17%</b>	<b>19%</b>

### Below the Average

Eight of the agencies have granted more appeals than the overall average in each of the years on record.

The Justice Department has ranked below the average in the percent of appeals granted in every year on record.

The Department of Homeland Security has been below average in each of the three years it has been operating.

## **The Use of Exemptions**

As agencies moved to withhold increasing amounts of information after 9/11, they turned most often to those exemptions based on administrative rules, law enforcement and personal privacy for support.

- The use of Exemption 6, allowing agencies to withhold information because release would violate someone's personal privacy, surged in the early Bush Administration years before falling back in 2005 to a level almost double that in 1998.
- The use of the combined law enforcement exemptions rose 31 percent overall in the eight years since record keeping began. The most dramatic surge was in the use of 7e, which protects information on investigations and procedures. It was cited 327% more frequently in 2005 than in 1998.
- Agency attention was focused on Exemptions 2, 4, and 5 by former Attorney General John Ashcroft and then White House Chief of Staff Andrew Card in fiscal 2002. They urged agencies to use those exemptions to safeguard sensitive security information. Exemptions 2 and 5, providing exclusions for agency rules and internal memorandums, were cited 279% and 83% more frequently in 2005 than back in 2001. Exemption 4, covering proprietary and trade secret information, was cited 27 percent more often.

## Use of Exemptions in Denying Requests, 1998 to 2005

	Exemption Cited										
	1	3	6	7a	7b	7c	7d	7e	7f	8	9
1998	4,638	6,891	24,645	11,988	340	27,350	14,672	4,484	2,084	78	7
1999	4,343	6,341	25,302	10,635	216	27,565	11,223	4,580	1,686	77	19
2000	4,599	7,197	60,841	16,384	136	49,638	12,979	7,487	2,157	5	8
2001	3,598	6,386	94,882	12,269	115	88,513	10,276	11,762	1,608	52	6
2002	2,954	8,598	187,820	16,918	135	196,536	11,775	16,446	1,686	91	5
2003	3,607	11,088	55,517	12,284	123	48,008	8,476	11,902	1,658	80	5
2004	3,419	8,154	60,349	10,124	883	55,378	8,351	12,835	2,016	108	188
2005	2,940	9,366	48,722	8,037	427	44,887	6,677	19,161	1,039	102	11
<b>Total</b>	<b>30,098</b>	<b>64,021</b>	<b>558,078</b>	<b>98,639</b>	<b>2,375</b>	<b>537,875</b>	<b>84,429</b>	<b>88,657</b>	<b>13,934</b>	<b>593</b>	<b>249</b>
<b>Change</b>											
<b>1998-2005</b>	<b>-37%</b>	<b>36%</b>	<b>98%</b>	<b>-33%</b>	<b>26%</b>	<b>64%</b>	<b>-54%</b>	<b>327%</b>	<b>-50%</b>	<b>31%</b>	<b>57%</b>

	Exemption Cited		
	2	4	5
1998	10,166	6,059	33,654
1999	6,813	5,880	27,735
2000	9,203	6,368	32,945
2001	10,849	7,096	32,344
2002	13,485	8,417	43,253
2003	10,386	9,293	37,147
2004	30,177	9,372	52,779
2005	41,211	9,185	55,205
<b>Total</b>	<b>132,290</b>	<b>61,670</b>	<b>315,062</b>
<b>Change</b>			
<b>1998-2005</b>	<b>305%</b>	<b>52%</b>	<b>64%</b>

### The Nine Exemptions

- 1 National Security
- 2 Internal Agency Rules
- 3 Statutory
- 4 Proprietary Information, Trade Secrets
- 5 Internal Agency Memorandum
- 6 Personal Privacy
- 7 Law Enforcement Records
- 8 Bank Reports
- 9 Oil and Gas Well Data

In their memorandums to agencies on Oct. 12, 2001 and March 19, 2002 former Attorney General John Ashcroft and then White House Chief of Staff Andrew Card suggested agencies make greater use of Exemptions 2, 4 and 5 in making non-disclosure decisions on sensitive information. Those directives would be reflected beginning in 2002.

## Expedited Requests, 2002 to 2005

Federal reporting began in 1998 but agencies didn't begin to list total expedited requests until 2002.

Some still do not. GSA, NLRB and SBA did not report any expedited requests from 2002 to 2005.

The numbers reported indicate agencies on average grant less than 50% of expedited requests received.

In calculating the average of expedited requests granted, shown below, we excluded instances where the agency did not report both the total expedited requests received and the total processed.

**2002 25%**      **2003 56%**      **2004 51%**      **2005 41%**

Even when the answer was "yes", the reported numbers show, "expedited" didn't necessarily mean "fast."

- Some agencies showed median response times as high as 136, 185 and 195 working days.
- Defense showed a steady increase in expedited grants, from 50% in 2002 to 78% in 2005.
- Treasury went from an 87% grant rate in 2003 to 17% in 2005.
- The State Department approved only 9% in 2002 and just 4% in 2005.

Department/ Agency	2002			2003			2004			2005		
	T	P	%	T	P	%	T	P	%	T	P	%
Agriculture	NR	797		1526	840	55%	1840	526	29%	940	325	35%
Commerce	0	0		0	0		6	6	100%	2	2	100%
Defense	1238	677	55%	1358	817	60%	1057	841	80%	528	411	78%
Education	25	25	100%	76	76	100%	74	74	100%	NR	16	
Energy	66	46	70%	8	4	50%	40	40	100%	54	19	35%
Homeland Sec	*	*		194	187	96%	NR	692		NR	1,016	
HUD	71	50	70%	NR	150		180	60	33%	NR	85	
Interior	53	46	87%	79	24	30%	133	63	47%	54	25	46%
Justice	2677	120	4%	290	123	42%	257	134	52%	536	177	33%
Labor	NR	529		594	406	68%	NR	130		NR	174	
State	117	10	9%	177	13	7%	95	8	8%	170	7	4%
Transportation	NR	162		400	103	26%	180	59	33%	208	74	36%
Treasury	108	91	84%	77	67	87%	12	3	25%	6	1	17%
AID	0	0		2	2	100%	3	3	100%	12	NR	
CIA	0	0		0	0		18	1	6%	53	0	0%
CPSC	0	0		0	0		0	0		0	0	
EEOC	NR	343		NR	292		324	321	99%	485	215	44%
EPA	50	14	28%	40	4	10%	39	21	54%	NR	5	
NARA	0	0		0	0		0	0		2	0	0%
NASA	NR	4		51	51	100%	NR	44		5	3	60%
NRC	18	9	50%	23	10	43%	29	5	17%	34	14	41%
NSF	0	0		1	0	0%	2	0	0%	0	0	
SEC	5	4	80%	11	11	100%	10	10	100%	1	1	100%

T= Total Requests      P= Number Processed      %= Percent Processed      NR= Not Reported

\*The Department of Homeland Security did not exist until 2003.

## Other Reasons for Nondisclosure, 1998 to 2005

In reporting on the disposition of requests, agencies often cite "Other" to explain a non-disclosure decision not based on one of the exemptions. Here's a look at how often those reasons were cited by the 26 agencies. All categories cited increased in usage except "records not reasonably described." The total number of requests rejected for "other reasons" was 107% greater in 2005 than 1998.

- The greatest increase, 754%, was in the citation of "not a proper request."
- "Duplicate requests" was cited 554% more often in 2005 than in 1998.

	1998	1999	2000	2001	2002	2003	2004	2005
No Records	35,217	45,115	52,881	50,915	52,090	63,819	70,001	70,809
Referrals	15,527	18,189	20,334	18,168	16,835	19,973	27,107	22,671
Request Withdrawn	6,526	8,744	8,095	7,947	14,248	10,373	9,040	8,827
Fee Related Reason	2,084	4,687	2,927	3,827	4,941	4,411	5,087	7,367
Not Reasonably Described	5,226	8,850	5,407	3,097	3,295	12,735	4,506	4,057
Not a Proper Request	2,476	10,919	10,283	13,291	23,101	16,188	21,760	20,958
Not an Agency Record	2,585	7,121	4,169	4,010	4,397	3,468	4,503	3,219
Duplicate Request	2,706	7,861	9,098	10,327	13,279	12,804	5,705	17,691
Other	6,508	53,977	53,782	7,031	12,227	13,278	10,864	7,801
<b>TOTAL</b>	<b>78,855</b>	<b>165,463</b>	<b>166,986</b>	<b>118,613</b>	<b>144,413</b>	<b>157,049</b>	<b>158,573</b>	<b>163,400</b>

## Year to Year Change in Other Reasons for Nondisclosure, 1998 to 2005

	1998 to 1999	1999 to 2000	2000 to 2001	2001 to 2002	2002 to 2003	2003 to 2004	2004 to 2005	1998 to 2005	2001 to 2005
No Records	28%	17%	-4%	2%	23%	10%	1%	101%	39%
Referrals	17%	12%	-11%	-7%	19%	36%	-16%	46%	25%
Request Withdrawn	34%	-7%	-2%	79%	-27%	-13%	-2%	35%	11%
Fee Related Reason	125%	-38%	31%	29%	-11%	15%	45%	254%	93%
Not Reasonably Described	69%	-39%	-43%	6%	286%	-65%	-10%	-22%	31%
Not a Proper Request	341%	-6%	29%	74%	-30%	34%	-4%	746%	58%
Not an Agency Record	175%	-41%	-4%	10%	-21%	30%	-29%	25%	-20%
Duplicate Request	191%	16%	14%	29%	-4%	-55%	210%	554%	71%
Other	729%	0%	-87%	74%	9%	-18%	-28%	20%	11%
<b>TOTAL</b>	<b>110%</b>	<b>1%</b>	<b>-29%</b>	<b>22%</b>	<b>9%</b>	<b>1%</b>	<b>3%</b>	<b>107%</b>	<b>38%</b>

## **The Cost of FOIA**

The cost of processing FOIA requests rose \$84 million, or 55 between 1998 and 2005, even though the number of requests actually processed decreased and the backlog increased.

- Costs at the Environmental Protection Agency more than doubled from \$4.5 million to \$9.4 million in 2005 even though the number of requests processed fell 41%, from 18,848 in 1998 to 11,108 in 2005. The cost for each request handled jumped from \$239 to \$851.
- The Defense Department spent \$39 million in 1998 to process 106,191 requests. That's \$368 for each request. In 2005, it spent almost \$48 million but processed only 78,775 requests, or \$608 for each one. In 2006, the cost per request reached \$888 as processing costs hit \$64 million.
- Interior spent \$4 million in 1998 to process 5,002 requests, or \$808 per request. In 2005, it handled 6,420 requests at \$1,194 per request, a total cost of \$ 7.7 million.
- Only two agencies showed a lower per request cost in 2005 than eight years earlier. However, the 2005 cost at the State Department, \$2,565 per request, was still the third highest of all agencies. The SEC dropped its cost per request by \$16 but at the expense of its backlog, which rose from 4% in 1998 to 225% in 2004, 131% in 2005, and 126% in 2006.

## **Costs and Fees, a Wide Gap**

Requester fees are an insignificant means of recovering the costs of FOIA, a little over 1% of what the agencies spend. The gulf between costs and fees collected has grown deeper since 1998. Fees were 1.4% of the total processing costs in 1998; 1.2% in 2005. Costs rose 55% in the eight years; fees 29%.

## The Escalating Cost Per FOIA Request

	Cost Per Request							
	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	\$ 71	\$ 83	\$ 56	\$ 255	\$ 212	\$ 130	\$ 185	\$ 190
Commerce	\$ 405	\$ 614	\$ 612	\$ 567	\$ 669	\$ 633	\$ 675	\$ 669
Defense	\$ 368	\$ 332	\$ 365	\$ 492	\$ 514	\$ 576	\$ 606	\$ 608
Education	\$ 343	\$ 317	\$ 268	\$ 251	\$ 187	\$ 271	\$ 389	\$ 479
Energy	\$ 1,888	\$ 1,526	\$ 922	\$ 927	\$ 866	\$ 1,302	\$ 1,351	\$ 1,049
HUD	\$ 160	\$ 167	\$ 572	\$ 820	\$ 557	\$ 134	\$ 135	\$ 225
Homeland Sec						\$ 833	\$ 502	\$ 684
Interior	\$ 806	\$ 826	\$ 1,016	\$ 1,104	\$ 1,424	\$ 1,583	\$ 1,719	\$ 1,194
Justice	\$ 253	\$ 103	\$ 279	\$ 363	\$ 419	\$ 1,173	\$ 959	\$ 1,101
Labor	\$ 248	\$ 220	\$ 231	\$ 249	\$ 652	\$ 719	\$ 670	\$ 688
State	\$ 5,438	\$ 2,600	\$ 3,784	\$ 3,709	\$ 2,999	\$ 2,097	\$ 2,550	\$ 2,565
Transportation	\$ 614	\$ 346	\$ 403	\$ 459	\$ 532	\$ 609	\$ 700	\$ 782
Treasury	\$ 208	\$ 248	\$ 203	\$ 389	\$ 215	\$ 210	\$ 210	\$ 239
AID	\$ 1,495	\$ 1,654	\$ 1,348	\$ 1,582	\$ 2,039	\$ 1,901	\$ 2,061	\$ 2,335
CIA	\$ 990	\$ 1,269	\$ 1,804	\$ 2,063	\$ 2,331	\$ 2,337	\$ 2,443	\$ 2,685
CPSC	\$ 121	\$ 106	\$ 107	\$ 140	\$ 167	\$ 180	\$ 254	\$ 212
EEOC	\$ 91	\$ 99	\$ 104	\$ 112	\$ 129	\$ 109	\$ 124	\$ 122
EPA*	\$ 239	\$ 371	\$ 511	\$ 840	\$ 501	\$ 607	\$ 840	\$ 851
GSA	NR	NR	\$ 572	\$ 527	\$ 572	\$ 605	\$ 740	\$ 840
NARA	\$ 164	\$ 300	\$ 143	\$ 249	\$ 175	\$ 281	\$ 273	\$ 196
NASA	\$ 273	\$ 328	\$ 406	\$ 399	\$ 409	\$ 529	\$ 984	\$ 835
NLRB	\$ 18	\$ 20	\$ 24	\$ 36	\$ 137	\$ 157	\$ 133	\$ 166
NRC	\$ 2,490	\$ 3,536	\$ 3,666	\$ 3,217	\$ 2,988	\$ 2,940	\$ 2,897	\$ 2,947
NSF	\$ 646	\$ 825	\$ 797	\$ 710	\$ 68	\$ 745	\$ 581	\$ 805
SEC*	\$ 533	\$ 622	\$ 1,069	\$ 967	\$ 1,016	\$ 3,515	\$ 670	\$ 517
SBA	\$ 113	\$ 113	\$ 110	\$ 129	\$ 168	\$ 262	\$ 391	\$ 217
Average	\$ 294	\$ 220	\$ 283	\$ 416	\$ 429	\$ 444	\$ 437	\$ 494

The cost per request has risen 68 percent in the past eight years. Only two agencies show a lower cost in 2005 than in 1998, and one of those, State, still has the third highest overall cost. The other, the SEC, has shown significantly higher costs in most of the eight years.

### Total Processing Costs by Department and Agency, 1998 to 2005

	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	\$ 6,292,615	\$ 6,626,448	\$ 7,823,328	\$ 21,192,010	\$ 16,515,516	\$ 8,833,920	\$ 11,324,192	\$ 9,862,348
Commerce	\$ 923,904	\$ 1,166,872	\$ 1,240,553	\$ 1,266,595	\$ 1,380,586	\$ 1,253,641	\$ 1,373,355	\$ 1,227,066
Defense	\$ 39,086,265	\$ 32,277,433	\$ 35,243,410	\$ 39,497,106	\$ 39,528,693	\$ 42,536,165	\$ 46,783,592	\$ 47,876,973
Education	\$ 576,613	\$ 541,989	\$ 454,379	\$ 389,658	\$ 321,159	\$ 498,339	\$ 809,158	\$ 1,063,860
Energy	\$ 4,369,353	\$ 3,641,888	\$ 2,442,974	\$ 2,478,599	\$ 2,874,379	\$ 3,086,455	\$ 3,297,469	\$ 4,020,094
Homeland Sec	<i>Department did not exist until 2003.</i>					\$ 21,514,060	\$ 20,585,515	\$ 28,343,072
HUD	\$ 451,688	\$ 586,627	\$ 1,645,000	\$ 2,664,635	\$ 2,322,395	\$ 2,322,395	\$ 1,998,632	\$ 1,998,632
Interior	\$ 4,030,094	\$ 4,630,260	\$ 5,044,570	\$ 5,475,634	\$ 6,233,400	\$ 7,406,231	\$ 7,252,721	\$ 7,666,403
Justice	\$ 49,314,198	\$ 23,018,806	\$ 65,661,649	\$ 70,599,889	\$ 77,448,577	\$ 64,039,375	\$ 54,531,828	\$ 56,610,612
Labor	\$ 4,350,000	\$ 4,450,000	\$ 5,200,000	\$ 4,950,000	\$ 11,865,900	\$ 15,242,160	\$ 14,645,397	\$ 16,027,360
State	\$ 12,600,000	\$ 9,943,435	\$ 11,616,361	\$ 12,347,045	\$ 13,904,439	\$ 12,107,000	\$ 12,656,689	\$ 9,926,300
Transportation	\$ 10,682,433	\$ 7,003,081	\$ 7,778,682	\$ 8,968,024	\$ 9,331,748	\$ 6,413,295	\$ 7,629,310	\$ 7,334,051
Treasury	\$ 369,381	\$ 362,605	\$ 324,465	\$ 538,362	\$ 10,296,453	\$ 12,586,700	\$ 13,577,037	\$ 12,920,599
AID	\$ 393,200	\$ 423,400	\$ 307,400	\$ 327,400	\$ 452,600	\$ 456,200	\$ 437,000	\$ 460,000
CIA	\$ 7,100,000	\$ 7,900,000	\$ 8,100,000	\$ 7,600,000	\$ 7,100,000	\$ 7,600,000	\$ 8,150,000	\$ 8,350,000
CPSC	\$ 1,626,500	\$ 1,443,892	\$ 1,407,044	\$ 1,580,413	\$ 1,611,755	\$ 1,513,924	\$ 1,627,309	\$ 1,142,756
EEOC	\$ 1,602,254	\$ 1,555,180	\$ 1,674,183	\$ 1,802,423	\$ 2,158,160	\$ 1,910,866	\$ 2,162,500	\$ 1,976,105
EPA	\$ 4,500,000	\$ 6,203,195	\$ 7,582,116	\$ 12,005,482	\$ 9,657,646	\$ 8,773,710	\$ 11,215,170	\$ 9,449,572
GSA	NR	NR	\$ 805,000	\$ 800,000	\$ 805,000	\$ 825,000	\$ 875,000	\$ 1,311,000
NARA	\$ 970,540	\$ 1,642,970	\$ 1,336,087	\$ 1,924,522	\$ 1,544,160	\$ 1,354,911	\$ 1,425,774	\$ 1,741,987
NASA	\$ 578,088	\$ 547,545	\$ 671,027	\$ 696,088	\$ 703,986	\$ 993,669	\$ 1,541,496	\$ 1,128,410
NLRB	\$ 112,072	\$ 120,540	\$ 128,859	\$ 191,110	\$ 759,923	\$ 824,963	\$ 706,148	\$ 779,187
NRC	\$ 1,115,402	\$ 1,350,659	\$ 1,381,965	\$ 1,235,303	\$ 1,273,026	\$ 1,275,998	\$ 1,127,003	\$ 1,016,677
NSF	\$ 137,620	\$ 139,465	\$ 146,710	\$ 171,753	\$ 17,396	\$ 172,137	\$ 179,567	\$ 214,166
SEC	\$ 1,700,621	\$ 1,859,700	\$ 3,052,213	\$ 2,443,098	\$ 2,933,058	\$ 12,237,000	\$ 2,564,726	\$ 3,835,658
SBA	\$ 259,922	\$ 281,428	\$ 338,812	\$ 341,902	\$ 356,578	\$ 499,774	\$ 753,750	\$ 812,729
<b>Total</b>	<b>\$ 153,142,763</b>	<b>\$ 117,717,418</b>	<b>\$ 171,406,786</b>	<b>\$ 201,487,051</b>	<b>\$ 221,396,534</b>	<b>\$ 236,277,888</b>	<b>\$ 229,230,338</b>	<b>\$ 237,095,617</b>

NR= Not Reported

## Costs and Fees, a Wide Gap, 1998 to 2005

	Total Cost	Total Fees	% of Total Cost
1998	\$ 153,142,763	\$ 2,186,000	1.4%
1999	\$ 117,717,418	\$ 2,503,230	2.1%
2000	\$ 171,406,786	\$ 2,363,152	1.4%
2001	\$ 201,487,051	\$ 2,774,094	1.4%
2002	\$ 221,396,534	\$ 2,788,451	1.3%
2003	\$ 236,277,888	\$ 3,147,123	1.3%
2004	\$ 229,230,338	\$ 3,065,809	1.3%
2005	\$ 237,095,617	\$ 2,795,643	1.2%

Costs have risen 55 percent since 1998. Fees have increased 29 percent.

## FOIA Fees Collected by Department, Agency, 1998 to 2005

Depts/Agencies	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture	\$ 140,913	\$ 132,718	\$ 117,530	\$ 109,332	\$ 124,190	\$ 140,461	\$ 134,229	\$ 104,408
Commerce	\$ 33,939	\$ 38,119	\$ 15,163	\$ 55,560	\$ 48,867	\$ 42,758	\$ 36,271	\$ 26,540
Defense	\$ 689,155	\$ 834,816	\$ 666,363	\$ 652,516	\$ 522,301	\$ 518,815	\$ 537,741	\$ 470,829
Education	\$ 31,518	\$ 30,955	\$ 22,409	\$ 13,057	\$ 9,691	\$ 15,538	\$ 13,732	\$ 32,825
Energy	\$ 6,414	\$ 20,956	\$ 57,079	\$ 82,365	\$ 13,786	\$ 18,906	\$ 57,027	\$ 25,588
Homeland Sec	<i>Department did not exist until 2003.</i>					\$ 270,384	\$ 320,154	\$ 280,663
HUD	\$ 27,203	\$ 7,715	\$ 2,067	\$ 32,649	\$ 26,588	\$ 26,588	\$ 54,614	\$ 40,696
Interior	\$ 95,672	\$ 105,666	\$ 123,985	\$ 102,726	\$ 70,474	\$ 109,749	\$ 177,734	\$ 134,114
Justice	\$ 82,057	\$ 89,432	\$ 126,339	\$ 179,086	\$ 239,040	\$ 125,915	\$ 108,013	\$ 95,855
Labor	\$ 187,537	\$ 199,766	\$ 227,731	\$ 218,802	\$ 207,365	\$ 225,232	\$ 198,246	\$ 180,690
State	\$ 11,567	\$ 5,822	\$ 5,822	\$ 6,352	\$ 18,889	\$ 16,443	\$ 30,767	\$ 15,218
Transportation	\$ 113,942	\$ 266,540	\$ 328,356	\$ 366,592	\$ 284,214	\$ 215,818	\$ 214,496	\$ 216,269
Treasury	\$ 5,095	\$ 3,099	\$ 2,789	\$ 3,479	\$ 513,309	\$ 422,773	\$ 472,323	\$ 520,021
AID	\$ 443	\$ 7,000	\$ 2,470	\$ 780	\$ 2,466	\$ 4,400	\$ 2,340	\$ 5,500
CIA	\$ 1,269	\$ 1,395	\$ 1,759	\$ 1,012	\$ 1,228	\$ 1,250	\$ 1,870	\$ 1,258
CPSC	\$ 17,080	\$ 23,418	\$ 17,002	\$ 10,642	\$ 4,187	\$ 2,511	\$ 2,494	\$ 5,119
EEOC	\$ 49,801	\$ 50,342	\$ 35,962	\$ 262,201	\$ 116,154	\$ 181,225	\$ 69,609	\$ 27,379
EPA	\$ 524,841	\$ 457,534	\$ 394,970	\$ 440,064	\$ 341,325	\$ 324,203	\$ 350,871	\$ 325,812
GSA	NR	\$ 30,655	\$ 29,247	\$ 32,552	\$ 29,247	\$ 23,521	\$ 20,147	\$ 58,876
NARA	\$ 327	0	0	\$ 2,030	0	\$ 2,482	\$ 3,588	0
NASA	\$ 24,240	\$ 33,003	\$ 34,578	\$ 44,428	\$ 41,459	\$ 24,713	\$ 27,658	\$ 21,362
NLRB	\$ 81,856	\$ 81,311	\$ 91,270	\$ 83,588	\$ 94,423	\$ 86,381	\$ 95,903	\$ 82,383
NRC	\$ 25,170	\$ 34,513	\$ 23,059	\$ 21,036	\$ 40,559	\$ 28,140	\$ 38,225	\$ 43,081
NSF	\$ 3,680	\$ 6,462	\$ 1,491	\$ 1,227	\$ 746	\$ 974	\$ 194	\$ 1,475
SEC	\$ 23,885	\$ 30,534	\$ 24,795	\$ 31,156	\$ 21,304	\$ 306,098	\$ 83,059	\$ 63,431
SBA	\$ 8,397	\$ 11,458	\$ 10,917	\$ 20,862	\$ 16,640	\$ 11,847	\$ 14,503	\$ 16,250
<b>Total</b>	<b>\$ 2,186,000</b>	<b>\$ 2,503,230</b>	<b>\$ 2,363,152</b>	<b>\$ 2,774,094</b>	<b>\$ 2,788,451</b>	<b>\$ 3,147,123</b>	<b>\$ 3,065,809</b>	<b>\$ 2,795,643</b>

NR= Not reported

Only one of the component agencies of the Treasury Department reported FOIA data prior to 2002.

The SEC provided no explanation for the reported 2003 spike. If accurate, it means the agency charged 12 times as much per request in 2003 as it did in 2002 and 4.5 times as much as it charged per request in 2004.

The Justice Department decrease in 2003 reflects the transfer of INS to Homeland Security.