

An Opportunity Lost

Part I

*An in-depth analysis of FOIA
performance from 1998 to 2007*

July 3, 2008

COALITION OF
JOURNALISTS FOR
OPEN GOVERNMENT

7/3/08

An Opportunity Lost

A just completed study by the Coalition of Journalists for Open Government shows that federal departments and agencies have made little if any progress in responding to Freedom of Information Act requests, despite a two-year-old presidential order to improve service.

The CJOG findings are in stark contrast to a bullish Justice Department report made public in mid-June that claims “remarkable improvements.”

The CJOG review of performance reports shows agencies did cut their record backlog but more because of a steep decline in requests than stepped up processing of requests. It also indicated scant improvement and some regression in traditional measures of response, including the amount of time requesters have to wait for an answer and whether a request or an appeal is granted.

The Justice Department based its assessment primarily on progress agencies made toward self-established process goals. The CJOG study, using reporting requirements mandated by Congress, assessed actual performance in responding to FOIA requests.

The CJOG study looked at 25 departments and agencies that handle the bulk of the third-party information requests. It looked at but did not incorporate a comparative analysis of the performance of four agencies, including the Department of Veterans Affairs and the Social Security Administration, that include large numbers of first person Privacy Act requests in their FOIA reporting. These requests are quickly and routinely handled and their inclusion would skew a meaningful analysis of FOIA response issues. Here’s what the CJOG review found:

- The 25 agencies blew an opportunity to make a significant dent in their huge backlog of requests. Those agencies received the fewest requests since reporting began in 1998 — 63,000 fewer than 2006. But they processed only 2,100 more requests than they did in 2006 when the backlog soared to a record 39%.
- The backlog did fall to 33% of requests processed, primarily because of significant reductions at Homeland Security (97% to 62%), HUD (188% to 10%), and the Securities and Exchange Commission, (126 to 55%). Eleven agencies showed no improvement or greater backlogs.
- Faced with a mandate to bring down the backlog and improve service, agencies cut FOIA personnel. The number of FOIA workers fell by 8%. Spending on FOIA processing was down 3% .
- Agencies got even stingier in granting requests. Fewer people got all the information they sought than at any time since agency reporting began in 1998. The percent of requesters getting either a full or a partial grant fell to 60%, also a record low.

- Those who did get information still had to endure lengthy delays. Fifteen of the agencies reported slower processing times than the year before in the handling of “Simple” requests and 13 showed slower times in dealing with “Complex” requests. And all 21 agencies that processed requests in the “Complex” category said they missed the 20-day statutory response deadline for at least half of the requests processed.
- Those who file administrative appeals are usually out of luck. Even more so in 2007. However, a majority of the agencies did say “no” more quickly. In 2007, the percentage of appeals granted dropped to the lowest level in 10 years. Only 13% of those who appealed got any satisfaction. Of those who appealed, only 3% got all the records requested; another 10% received a partial grant.

In its report, the Justice Department noted at one point that the executive order challenged agencies to deal with the severe backlog of unprocessed requests in a manner “consistent with available resources.” The CJOG study shows that FOIA spending at the 25 agencies studied fell by \$7 million to \$233.8 million and the agencies put 209 fewer people to work processing FOIA requests.

A few agencies did manage to find additional resources, but most did what they did with less. For instance, Homeland Security, despite a 20% reduction in FOIA personnel, processed 23,000 more requests in 2007, a 21% increase.

The rose-colored Justice report said in boldface that an increase in the number of “incoming requests” challenged agencies on backlog reduction, but that statement is dependent on counting the combination FOIA-Privacy Act requests made to Health and Human Services and the Social Security Administration by individuals seeking personal records. Those agencies have historically handled those requests quickly, with little or no backlog.

The troubled agencies, whose performance prompted the executive order, experienced a significant drop in requests in 2007, a fact ignored by Justice. The 25 agencies in the CJOG study — all of the departments except HHS, plus 12 agencies handling at least 1,000 FOIA requests a year — experienced a 13 percent drop in requests, from 494,270 in 2006 to 431,170 last year.

The Justice report also gives credit in some places where it isn’t due. In citing specific agencies for “improvements in the area of backlog reduction” it named Agriculture, Education, and Labor. Whatever gains they made, it wasn’t in actually reducing their percentage backlog. Indeed, Education and Labor showed both a numerical and percentage gain.

The CJOG study, including a variety of tables showing both full 2007 results and comparisons by reporting categories, can be found at www.cjog.net.

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Combined Agency Performance, 1998 to 2007

Year	Requests				Grants				
	Received	Processed	Backlog	Percent	Full	Partial	Percent	Denials	Other *
1998	573,772	575,198	72,076	13%	290,915	66,302	69%	23,003	169,371
1999	602,138	589,643	81,215	14%	295,246	70,430	68%	19,402	188,718
2000	653,724	648,315	84,340	13%	331,814	72,418	67%	20,999	187,123
2001	545,720	537,630	95,280	18%	278,513	76,267	73%	13,093	118,810
2002	505,390	515,860	81,081	16%	272,765	86,353	70%	13,949	142,793
2003	532,570	531,688	83,393	16%	253,109	108,375	68%	13,154	157,019
2004	547,193	524,909	105,119	20%	234,438	116,544	67%	15,383	166,227
2005	525,247	480,306	149,262	31%	198,635	106,184	63%	11,435	156,443
2006	494,546	459,044	178,837	39%	187,954	106,197	64%	12,558	130,086
2007	431,170	460,665	149,890	33%	164,147	113,042	60%	14,365	163,442
Change 1998-2007	-142,308	-114,270	77,913	164%	-159,653	41,188	-13%	-9,694	-21,113

***Other Reasons for Non-Disclosure:** A series of reasons unrelated to FOIA exemptions that explain why a request was denied, such as "no such record", "request withdrawn" and "not an agency record".

Under a presidential directive to improve service to requesters, the 25 agencies surveyed processed 2,100 more requests in 2007, the first full fiscal year following the order. That was, however, still well below all other prior years. The slight processing gain and a 13% decrease in the number of requests received made possible a 6 percentage point reduction in the backlog to 33% of the requests processed. This, however, is still the second highest backlog on record and meant that one out of three requests was not processed in the year received. At the same time, agencies got stingier in granting information requests. Full grants hit a record low, both in raw numbers and as a percent of requests processed. Only 36% of the requesters received full grants in 2007 compared with 41% in 2006 and 56% in 1998. Partial grants were up slightly, but so were outright denials.

Agency Backlog, 1998-2002-2006-2007

Department/ Agency	1998			2002			2006			2007		
	Requests Processed	Yearend Backlog	Percent	Requests Processed	Yearend Backlog	Percent	Requests Processed	Yearend Backlog	Percent	Requests Processed	Yearend Backlog	Percent
Agriculture	88,204	1,506	2%	78,062	2,012	3%	59,065	1,868	3%	31,651	1,683	5%
Commerce	2,283	157	7%	2,063	298	14%	1,987	309	16%	1,949	212	11%
Defense	106,191	10,240	10%	76,943	12,543	16%	72,266	18,216	25%	78,392	26,195	33%
Education	1,679	137	8%	1,718	219	13%	1,904	539	28%	1,670	663	40%
Energy	2,314	741	32%	3,319	1027	31%	3,861	910	24%	3,698	646	17%
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>						111,943	108,472	97%	135,297	83,661	62%
HUD	3,354	1,456	43%	4,171	671	16%	2,631	4,941	188%	7,661	764	10%
Interior	5,002	545	11%	4,378	902	21%	5,086	1,481	29%	5,437	876	16%
Justice	195,105	25,304	13%	184,928	32,545	18%	54,925	8,004	15%	53,889	7,649	14%
Labor	17,540	994	6%	18,201	809	4%	23,608	906	4%	27,581	1,269	5%
State	2,317	5,349	231%	4,636	5,343	115%	3,866	3,799	98%	4,792	4,085	85%
Transportation	17,406	4,362	25%	17,540	3,885	22%	8,758	2,197	25%	9,542	2,194	23%
Treasury	56,184	7,014	12%	47,812	7,681	16%	39,518	3,924	10%	28,785	3,066	11%
CIA	7,169	4,716	66%	3,046	1,547	51%	2,579	896	35%	3,031	776	26%
CPSC	13,467	239	2%	9,636	166	2%	4,728	84	2%	4,402	280	6%
EEOC	17,551	1,343	8%	16,735	1,701	10%	16,936	1,779	11%	14,879	1,416	10%
EPA	18,848	6,117	32%	19,259	4,567	24%	12,685	1,973	16%	12,066	1,727	14%
GSA	NR	NR		1,407	141	10%	1,454	79	5%	1,347	86	6%
Archives	5,930	1,111	19%	8,826	3,590	41%	8,884	7,193	81%	12,386	5,177	42%
NASA	2114	230	11%	1723	137	8%	1,132	241	21%	1,326	331	25%
NLRB	6133	162	3%	5550	206	4%	5,553	269	5%	4,278	158	4%
NRC	448	53	12%	426	55	13%	364	36	10%	351	34	10%
NSF	213	15	7%	254	2	1%	340	5	1%	343	2	1%
SEC	3,190	114	4%	2,888	821	28%	8,268	10,403	126%	12,564	6,909	55%
SBA	2,293	72	3%	2,117	65	3%	6,245	46	1%	3,348	31	1%
Subtotal	574,935	71,977	13%	515,638	80,933	16%	458,586	178,570	39%	460,665	149,890	33%

KEY: **Increase from prior period** **NR=Not Reported**

The overall backlog improved to 33% in fiscal 2007, aided by a sharp falloff in requests received and significant processing increases in two agencies, Homeland Security and HUD. The combined backlog was cut by 24,500 requests as 14 of the 25 agencies reduced backlog. Homeland Security geared up for the more than 135,000 requests it received in 2006 and when the volume fell well below that, it was able to bring its backlog down to 62%. HUD nearly tripled its production and cut its backlog from 188% to 10%. The next most improved was the SEC, which had a 126% backlog in 2006 but reduced that to 55% in 2007.

The Wait for a Response to Simple, Complex and Expedited Requests in Median Days

Department/ Agency	1998			2002			2006			2007		
	Simple	Complex	Expedited	Simple	Complex	Expedited	Simple	Complex	Expedited	Simple	Complex	Expedited
Agriculture	131	268	12	2 \ 85	9 \ 905	3 \ 76	2 \ 100	8 \ 912	2 \ 15	2 \ 45	8 \ 331	3 \ 111
Commerce	10	30	5	12	45	NR	12	45	44	13	45	14
Defense	16	39	2.5	20	58	1	17	5 \ 15	NR	11.5	45.5	1
Education	13	30	3	5 \ 35	7 \ 180	2 \ 10	15 \ 478	13 \ 279	1 \ 15	11 \ 574	0 \ 578	0
Energy	NR	184	NR	75	238	118	2 \ 108	34 \ 431	2 \ 6	9 \ 132	0 \ 286	0*23
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>						2 \ 365	17 \ 232	7 \ 233	2 \ 344	15 \ 262	9 \ 549
HUD	22	NR	NR	15 \ 59	34 \ 83	5 \ 27	60	145	9 \ 80	20 \ 45	30 \ 120	9 \ 19
Interior	18	NR	4.5	10 \ 58	NR	5 \ 33	2 \ 89	4 \ 79	2 \ 28	1 \ 917	13 \ 169	5 \ 20
Justice	1 \ 40	1 \ 292	1 \ 18	3 \ 49	13 \ 621	1 \ 190	1 \ 109	12 \ 510	3 \ 98	1 \ 131	5 \ 819	2 \ 363
Labor	10	25	3	1 \ 25	7 \ 49	2 \ 28	3 \ 30	4 \ 44	3 \ 19	3 \ 63	2 \ 65	2
State	333	NR	85	351	431	225	54	210	232	67	212	41
Transportation	14	40	9	8	39	29	1 \ 36	14 \ 142	9 \ 60	3 \ 56	20 \ 401	1 \ 184
Treasury	14	22	20	4 \ 17	6 \ 383	2 \ 5	2 \ 24	3 \ 224	1 \ 9	2 \ 35	6 \ 977	0
CIA	NR	440	NR	7	83	NR	7	59	NR	8	56	0
CPSC	7	30	NR	7	27	NR	6	45	NR	10	40	0
EEOC	15.5	NR	4	19	NR	5	19	NR	4	18	NR	8
EPA	16	20 \ 27	7	17 \ 113	31 \ 123	6 \ 75	15 \ 101	40 \ 156	8 \ 81	13 \ 49	32 \ 141	38 \ 75
GSA	NR	NR	NR	NR	14	NR	NR	16	NR	0	25	0
NARA	29	NR	NR	7	20	NR	5	20	21	9	1,603	10
NASA	17	27	20	19	29	3	5 \ 140	7 \ 91	1 \ 60	21	38	365
NLRB	10	NR	NR	12	NR	NR	6	NR	NR	6	NR	NR
NRC	15	15	NR	14	25	23	13	230	7	11	40	0
NSF	10	NR	NR	10	NR	NR	18	NR	NR	20.8	NR	NR
SEC	7	151	NR	16	137	5	15	706	NR	67	705	0
SBA	12	NR	9	1	NR	NR	7	NR	NR	7	NR	NR

KEY: Missed Response Deadline

NR=None Reported

Note: Some agencies do not report agency-wide totals, instead showing only the median response time in days for each component. In those instances, we have recorded the range — the lowest and highest component times reported within the agency. We then used the highest median day response time as our indicator of compliance.

None of the agencies that reported handling Complex requests met the 20-working day deadline. For Simple requests, 14 missed the deadline. In neither category was there an improvement from 2006. Eight of the agencies did reduce the median wait time in the handling of Complex requests but five of those appeared to do so at the expense of Simple request processing, which slipped. Overall, only 5 agencies improved their handling of Simple requests.

Comparing Agency Grants of FOIA Requests, 1998-2002-2006-2007

Department/ Agency	1998			2002			2006			2007		
	Granted in Full	Partial Grant	Percent	Granted in Full	Partial Grant	Percent	Granted in Full	Partial Grant	Percent	Granted in Full	Partial Grant	Percent
Agriculture	84,144	1,908	98%	70,965	2,339	94%	53,472	2,225	94%	27,046	1,793	91%
Commerce	1,332	240	69%	855	380	60%	672	382	53%	769	395	60%
Defense	65,164	9,998	71%	40,458	11,133	67%	35,452	12,886	67%	37,642	12,691	64%
Education	1,144	319	87%	1,079	344	83%	795	772	82%	639	583	73%
Energy	1,183	355	66%	2,227	277	75%	2,913	306	83%	2,909	278	86%
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>						13,296	53,222	59%	13,608	62,832	56%
HUD	2,631	313	88%	1,686	384	50%	1,212	371	60%	2,171	719	38%
Interior	3,225	647	77%	2,212	764	68%	2,443	1,186	71%	2,578	949	65%
Justice	65,135	31,036	49%	81,426	40,571	66%	19,537	7,045	48%	22,036	6,562	53%
Labor	5,556	2,179	44%	5,514	6,442	66%	9,046	6,954	68%	12,617	6,608	70%
State	650	572	53%	634	818	31%	418	864	33%	437	929	29%
Transportation	8,918	2,047	63%	8,803	2,171	63%	3,401	2,274	65%	3,135	2,236	56%
Treasury	34,054	5,604	71%	21,144	4,622	54%	22,966	2,959	66%	15,238	2,950	63%
CIA	3,188	1,652	68%	391	999	46%	267	939	47%	344	1,100	48%
CSPC	12,586	470	97%	8561	531	94%	3,753	465	89%	3,467	379	87%
EEOC	3,623	11,372	85%	1,335	11,853	79%	973	10,787	69%	800	9,643	70%
EPA	16,718	746	93%	9,080	603	50%	4,204	612	38%	4,613	624	43%
GSA	NR	205		945	169	79%	905	161	73%	929	125	78%
NARA	5,423	157	94%	8,141	48	93%	454	161	7%	863	339	10%
NASA	1,156	534	80%	693	592	75%	387	334	64%	408	380	59%
NLRB	5,342	180	90%	4304	455	86%	3,402	478	70%	3,201	387	84%
NRC	232	93	73%	175	110	67%	141	108	68%	147	98	70%
NSF	69	92	76%	51	157	82%	29	245	81%	39	255	86%
SEC	889	416	41%	522	333	30%	2,065	181	27%	5,691	187	47%
SBA	1,438	719	94%	1487	213	80%	5,678	202	94%	2,820	168	89%
All	323,800	71,854	69%	272,688	86,308	70%	187,881	106,119	64%	164,147	113,042	60%

KEY: Average and Below

NR= Not Reported

In 2007, full grants awarded by agencies fell to a record low number, and were only half that in 1998, when reporting began. Partial grants did increase by 6% but this was not enough to offset the decline in full grants as Combined grants fell to 60% of the requests processed. Eleven of the 24 agencies granted fewer requests overall in 2007 than in 2006.

FOIA Grants, Initial Requests and Appeals, 1998 to 2007

Initial Requests	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Percent Change 1998-2007
Requests Processed	574,935	589,387	648,087	537,423	515,638	531,448	524,697	480,109	458,586	460,665	-20%
Full Grants	323,800	327,817	353,062	302,480	272,688	253,014	234,387	198,565	187,881	164,147	-42%
Partial Grants	71,854	76,373	78,558	81,013	86,308	108,320	116,482	106,126	106,119	113,042	48%
Total Full/Partial	395,654	404,190	431,620	383,493	358,996	361,334	350,869	304,691	294,000	277,189	-26%
Percent Granted	69%	69%	67%	71%	70%	68%	67%	63%	64%	60%	
Appeals	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Percent Change 1998-2007
Appeals Processed	9,481	10,433	9,881	9,595	7,561	8,181	7,280	6,636	6,601	9,073	-4%
Full Grants	570	462	366	504	373	335	282	299	229	290	-49%
Partial Grants	1,304	1,731	1,391	1,094	1,094	823	946	938	842	899	-31%
Total Full/Partial	1,874	2,193	1,757	1,598	1,467	1,158	1,228	1,237	1,071	1,189	-37%
Percent Granted	20%	21%	18%	17%	19%	14%	17%	19%	17%	13%	

The number of requests processed annually declined by 114,270 over the 10 years. And the requests granted has fallen by an even greater number, 118,465, or 30%. The numbers also show the dramatic shift by agencies from full to partial grants of information, giving requesters increasingly less of the information sought. The trend began in the Bush administration's first full fiscal year, 2002. Between a slow down in processing and more restrictive grant policies, 159,653 fewer requesters got full grants in 2007 than in 1998, and 118,465 fewer got a grant of any kind. Also, fewer people were successful in their appeals, with the number receiving either a full or partial appeal grant falling by 37%.

The Results of FOIA Appeals by Agency, 1998-2002-2006-2007

Department/ Agency	1998		2002		2006		2007	
	Appeals Processed	Percent Granted	Appeals Processed	Percent Granted	Appeals Processed	Percent Granted	Appeals Processed	Percent Granted
Agriculture	186	48%	164	59%	165	40%	125	42%
Commerce	56	41%	78	24%	84	21%	59	14%
Defense	1,098	14%	928	21%	747	18%	1,046	17%
Education	15	20%	13	15%	29	31%	41	31%
Energy	115	35%	71	24%	50	16%	51	25%
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>				950	13%	1,188	17%
HUD	33	18%	58	14%	35	14%	43	16%
Interior	209	62%	165	50%	167	17%	284	10%
Justice	3,626	15%	3,491	8%	1,970	4%	4,255	4%
Labor	458	32%	319	44%	303	37%	389	36%
State	179	63%	184	68%	138	42%	110	74%
Transportation	334	20%	184	18%	136	31%	160	27%
Treasury	2,421	13%	1,010	19%	360	14%	332	14%
CIA	195	20%	224	13%	203	19%	216	72%
CPSC	43	14%	12	0%	29	17%	19	5%
EEOC	326	46%	416	40%	321	44%	291	73%
EPA	38	24%	105	16%	202	26%	127	37%
GSA	17	41%	11	73%	27	44%	18	56%
NARA	14	14%	19	37%	13	23%	47	49%
NASA	24	29%	21	38%	13	23%	29	41%
NLRB	40	15%	43	28%	23	22%	25	24%
NRC	17	35%	15	20%	11	45%	7	57%
NSF	3	67%	7	14%	7	14%	4	100%
SEC	28	11%	55	31%	334	15%	207	27%
SBA	30	53%	20	45%	33	27%	10	110%
All	9,505	20%	7,613	19%	6,350	17%	9,073	13%

KEY:

Average and Below

"Percent Granted" includes both full and partial grants.

While the 25 agencies as a whole reported a significant increase in the number of appeals processed, that combined shift was almost exclusively the result of the Justice Department playing catch-up from 2006. Overall, 12 of the 25 agencies processed fewer appeals than in 2006. The percent of full and partial appeals granted dropped to an all-time low of 13% of the appeals processed. Justice led the turndowns, granting only 4% of the more than 4,200 appeals it recorded.

Use of Exemptions by 25 Agencies in Denying Requests, 1998 to 2007

Year	Exemption Cited										
	1	3	6	7a	7b	7c	7d	7e	7f	8	9
1998	4,643	9,808	25,696	12,211	341	28,717	14,671	5,044	2,111	24	7
1999	4,354	9,865	26,230	10,839	216	28,859	11,537	4,686	1,686	77	19
2000	4,612	11,188	61,623	17,026	136	51,866	13,388	11,015	2,157	5	8
2001	3,598	6,255	93,853	11,319	128	84,764	7,655	13,615	1,631	117	6
2002	2,446	8,586	187,803	16,916	135	196,528	11,773	16,446	1,686	89	5
2003	3,607	11,082	55,484	12,282	123	48,006	8,476	11,902	1,658	80	5
2004	3,416	8,135	60,318	10,119	883	55,374	8,351	12,835	2,016	108	188
2005	2,940	9,354	48,696	8,034	427	44,883	6,674	19,161	1,039	102	11
2006	4,299	9,974	54,689	6,424	272	68,549	7,395	28,173	966	119	39
2007	4,150	10,136	63,789	5,754	324	79,193	5,730	40,661	997	160	27
Total	38,065	94,383	678,181	110,924	2,985	686,739	95,650	163,538	15,947	881	315
Change 1998-2007	-11%	3%	148%	-53%	-5%	176%	-61%	706%	-53%	567%	286%

The Nine Exemptions:

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

In memoranda in 2001 and 2002, former Attorney General Ashcroft and White House Chief of Staff Card told agencies to make greater use of Exemptions 2, 4 and 5 in handling "sensitive" information. The chart at right shows the increases in the use of each since 2001. The increases in the use of Exemptions 6 and 7c reflect the transfer of INS from the Justice Department to Homeland Security.

Use of Exemptions in Denying Requests

Year	Exemption Cited			
	2	4	5	All
1998	11,516	6,606	34,587	156,032
1999	7,839	5,880	27,735	139,725
2000	9,203	6,368	32,945	222,188
2001	12,005	4,987	18,578	258,511
2002	13,483	8,404	43,240	507,540
2003	10,385	9,254	37,127	209,472
2004	30,176	9,332	52,766	254,056
2005	41,211	9,185	55,205	246,884
2006	45,133	9,033	56,695	287,311
2007	56,341	10,136	67,561	344,663
Total	237,292	79,185	426,439	
Change 1998-2007	389%	53%	95%	84%

Other Reasons for Nondisclosure, 1998 to 2007

In reporting on the disposition of requests, agencies often cite "other" reasons to explain a non-disclosure decision that was not based on one of the exemptions. Here's a look at how often each of those reasons was cited by the 25 agencies. The most frequent reason cited is "no records" matching the request. Second is "referrals," meaning the request is sent to another agency and the process starts over.

Reason Cited	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
No Records	59,022	50,537	57,966	59,890	52,054	63,794	69,964	70,786	67,946	63,836
Referrals	19,785	20,448	22,479	20,820	16,835	19,972	27,107	22,671	24,006	18,466
Request Withdrawn	9,880	9,536	8,692	8,578	14,225	10,347	9,021	8,819	9,520	11,055
Fee Related Reason	3,715	4,926	3,255	4,138	4,926	4,400	5,068	7,343	4,222	4,027
Not Reasonably Described	8,219	9,111	5,537	3,307	3,289	12,729	4,499	4,057	4,004	10,641
Not a Proper Request	15,945	16,700	15,612	21,122	23,101	16,188	21,760	20,958	9,593	11,549
Not an Agency Record	9,706	7,121	4,284	4,108	4,396	3,467	4,503	3,219	12,135	3,912
Duplicate Request	7,809	7,861	9,222	10,327	13,279	12,804	5,705	17,691	14,219	11,935
Other	50,661	55,133	55,003	9,636	12,223	13,273	10,864	7,801	11,362	32,183
Total	134,081	181,373	182,050	141,926	144,328	156,974	158,491	163,345	157,521	168,665

Year-to-Year Change in Other Reasons for Nondisclosure, 1998 to 2006

Reason Cited	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	1998-2007
No Records	-14%	15%	3%	-13%	23%	10%	1%	-4%	-6%	8%
Referrals	3%	10%	-7%	-19%	19%	36%	-16%	6%	-23%	-7%
Request Withdrawn	-3%	-9%	-1%	66%	-27%	-13%	-2%	8%	16%	12%
Fee Related Reason	33%	-34%	27%	19%	-11%	15%	45%	-43%	-5%	8%
Not Reasonably Described	11%	-39%	-40%	-1%	287%	-65%	-10%	-1%	166%	29%
Not a Proper Request	5%	-7%	35%	9%	-30%	34%	-4%	-54%	20%	-28%
Not an Agency Record	-27%	-40%	-4%	7%	-21%	30%	-29%	277%	-68%	-60%
Duplicate Request	1%	17%	12%	29%	-4%	-55%	210%	-20%	-16%	53%
Other	9%	0%	-82%	27%	9%	-18%	-28%	46%	183%	-36%
Total	35%	0%	-22%	2%	9%	1%	3%	-4%	7%	26%

Comparing FOIA Processing Costs, Workforce and Efficiency, 2006 to 2007

Department/ Agency	2006					2007				
	Processing Costs	Requests Processed	Cost per Request	FTEs	Requests per FTE	Processing Costs	Requests Processed	Cost per Request	FTEs	Requests per FTE
Agriculture	\$10,990,198	59,065	\$186	206	287	\$9,690,365	31,651	\$306	170	186
Commerce	\$1,742,222	1,987	\$877	19	105	\$1,329,011	1,949	\$682	19	105
Defense	\$64,181,003	72,266	\$888	824	88	\$64,598,467	78,392	\$824	971	81
Education	2,502,689	1,904	\$1,314	27	71	\$2,334,654	1,670	\$1,398	23	73
Energy	\$3,992,699	3,861	\$1,034	67	58	\$4,135,034	3,698	\$1,118	21	176
Homeland Sec.	\$27,384,371	111,943	\$245	1,031	109	\$22,618,918	135,297	\$167	811	167
HUD	\$2,408,504	2,631	\$ 915	41	64	\$3,704,736	7,661	\$484	69	112
Interior	\$7,895,813	5,086	\$1,552	125	41	\$9,797,472	5,437	\$1,802	184	30
Justice	\$43,529,174	54,925	\$793	459	120	\$39,951,271	53,889	\$741	421	128
Labor	\$15,787,200	23,608	\$669	179	132	\$17,757,759	27,581	\$644	225	123
State	\$5,471,349	3,866	\$1,415	108	36	\$4,294,328	4,792	\$896	104	46
Transportation	\$7,500,350	8,758	\$856	72	122	\$7,181,964	9,542	\$753	84	114
Treasury	\$12,231,174	39,518	\$310	116	449	\$11,628,542	28,785	\$404	122	236
CIA	\$8,870,000	2,579	\$3,439	75	34	\$9,000,000	3,031	\$2,969	82	37
CPSC	\$1,011,376	4,728	\$214	10	473	\$912,869	4,402	\$207	10	440
EEOC	\$2,499,564	16,936	\$148	46	368	\$2,492,130	14,879	\$167	41	366
EPA	\$10,075,991	12,685	\$794	277	46	\$9,841,145	12,066	\$777	119	101
GSA	\$1,334,000	1,454	\$917	18	81	\$1,440,000	1,347	\$1,069	24	56
NARA	\$2,622,615	8,884	\$295	32	278	\$2,719,652	12,386	\$220	30	413
NASA	\$1,473,386	1,132	\$1,302	22	51	\$1,920,656	1,326	\$1,448	24	56
NLRB	\$734,538	5,553	\$132	7	761	\$724,834	4,278	\$169	10	450
NRC	\$1,060,923	364	\$2,915	5	73	\$1,109,456	351	\$3,161	7	50
NSF	\$241,816	340	\$711	2	227	\$236,187	343	\$689	2	229
SEC	\$4,283,262	8,268	\$518	40	207	\$3,509,418	12,564	\$279	32	393
SBA	\$1,050,777	6,245	\$168	15	414	\$954,169	3,348	\$285	12	274
Subtotal	\$240,874,994	458,586	\$526	3,823	120	\$9,690,365	460,665	\$508	3,614	127
KEY:	Average and Above			Average and Below						

Despite the presidential directive to improve service, agencies cut both overall FOIA spending and the number of employees who respond to requests. The overall cost per request fell for the 25 agencies surveyed and the efficiency rate — requests handled per employee — improved. Fifteen agencies spent well above the average, led by the Nuclear Regulatory Agency, the CIA and the Department of the Interior. The most efficient agencies were the National Labor Relations Board, Consumer Product Safety Commission and National Archives.

Changes in Backlog and Agency Efficiency, 1998 to 2007

Year	Requests Processed	Percent Change	Backlog	Percent Change	Cost per Request	Percent Change	Requests per FTE	Percent Change
1998	574,935	—	13%	—	\$300	—	136	—
1999	589,387	3%	14%	8%	\$220	-27%	137	1%
2000	648,087	10%	13%	-7%	\$283	29%	145	6%
2001	537,423	-17%	18%	38%	\$416	47%	138	-5%
2002	515,638	-4%	16%	-11%	\$429	3%	135	-2%
2003	531,448	3%	16%	0%	\$444	3%	136	1%
2004	524,697	-1%	20%	25%	\$437	-2%	144	6%
2005	480,109	-8%	31%	55%	\$494	13%	143	-1%
2006	458,586	-4%	39%	26%	\$526	6%	120	-16%
2007	460,665	0%	33%	-15%	\$508	-3%	127	6%
1998-2007	-114,270	-20%	—	153%	\$207	69%	-7	-5%
2000-2007	-187,422	-30%	—	153%	\$225	80%	-16	-11%

The backlog of FOIA requests has risen 138% and the cost per request 69% even as the number of requests has fallen since reporting began in 1998. The agencies improved their efficiency ratings over 2006, however.

FOIA Workforce Changes as Backlog Grows

Year	FTEs	Year to Year Change	Backlog	Year to Year Change
1998	4,239	—	13%	—
1999	3,901	-8%	14%	8%
2000	4,185	7%	13%	-7%
2001	3,507	-16%	18%	38%
2002	3,828	9%	16%	-11%
2003	3,903	2%	16%	0%
2004	3,650	-6%	20%	25%
2005	3,350	-8%	31%	55%
2006	3,830	14%	39%	26%
2007	3,614	-6%	33%	-15%

The FOIA workforce in the 25 agencies studied fell in 2007 after a sharp increase the year before. Agencies were able to reduce backlog because the number of requests received declined.

The Growing Gap in FOIA Costs, Fees Collected, 1998 to 2007

Year	Total Cost	Percent Change	Total Fees	Percent of Total Cost
1998	\$172,314,911	—	\$2,671,831	1.6%
1999	\$127,735,832	-26%	\$2,956,815	2.3%
2000	\$183,570,211	44%	\$2,907,388	1.6%
2001	\$212,981,503	16%	\$3,353,280	1.6%
2002	\$220,943,934	4%	\$2,785,985	1.3%
2003	\$235,821,688	7%	\$3,142,723	1.3%
2004	\$228,793,338	-3%	\$3,063,469	1.3%
2005	\$236,635,617	3%	\$2,790,143	1.2%
2006	\$240,874,994	2%	\$3,140,836	1.3%
2007	\$233,883,037	-3%	\$2,993,792	1.3%

Costs have risen 36% since 1998, while fee revenues are up only 12%.

The Non-Granting of Requests for Expedited Handling, 2002 to 2007

Department/ Agency	2002			2003			2004			2005			2006			2007		
	R	P	%	R	P	%	R	P	%	R	P	%	R	P	%	R	P	%
Agriculture	NR	797	—	1,526	840	55%	1,840	526	29%	940	325	35%	NR	255	—	NR	57	—
Commerce	0	0	—	0	0	—	6	6	100%	2	2	100%	8	8	100%	5	2	40%
Defense	1,238	677	55%	1,358	817	60%	1,057	841	80%	528	411	78%	955	708	74%	1575	1304	83%
Education	25	25	100%	76	76	100%	74	74	100%	NR	16	—	NR	15	—	NR	11	—
Energy	66	46	70%	8	4	50%	40	40	100%	54	19	35%	NR	58	—	NR	5	—
Home. Sec.	*	*	*	194	187	96%	NR	692	—	NR	1,016	—	1,674	1,229	73%	294	200	68%
HUD	71	50	70%	NR	150	—	180	60	33%	NR	85	—	NR	90	—	NR	1356	—
Interior	53	46	87%	79	24	30%	133	63	47%	54	25	46%	NR	39	—	140	97	69%
Justice	2,677	120	4%	290	123	42%	257	134	52%	536	177	33%	845	341	40%	572	183	32%
Labor	NR	529	—	594	406	68%	NR	130	—	NR	174	—	NR	113	—	NR	108	—
State	117	10	9%	177	13	7%	95	8	8%	170	7	4%	NR	16	—	NR	8	—
Trans.	NR	162	—	400	103	26%	180	59	33%	208	74	36%	NR	81	—	208	80	—
Treasury	108	91	84%	77	67	87%	12	3	25%	6	1	17%	NR	9	—	NR	0	—
CIA	0	0	—	0	0	—	18	1	6%	53	0	0%	40	0	0%	NR	0	—
CPSC	0	0	—	0	0	—	0	0	—	0	0	—	4	0	0%	0	0	—
GSA	NR	343	—	NR	292	—	324	321	99%	485	215	44%	748	428	57%	814	520	64%
EEOC	50	14	28%	40	4	10%	39	21	54%	NR	5	—	NR	18	—	30	5	17%
EPA	0	0	—	0	0	—	0	0	—	0	0	—	0	0	—	0	0	—
NARA	0	0	—	0	0	—	0	0	—	2	0	0%	8	2	25%	NR	2	—
NASA	NR	4	—	51	51	100%	NR	44	—	5	3	60%	NR	9	—	12	12	100%
NLRB	NR	0	—	NR	0	—	NR	0	—	NR	0	—	0	0	—	NR	NR	—
NRC	18	9	50%	23	10	43%	29	5	17%	34	14	41%	NR	2	—	14	0	—
NSF	0	0	—	1	0	0%	2	0	0%	0	0	—	0	0	—	NR	NR	—
SEC	5	4	80%	11	11	100%	10	10	100%	1	1	100%	NR	0	—	0	0	—
SBA	0	0	—	0	0	—	0	0	—	0	0	—	0	0	—	NR	NR	—
Average			25%			56%			51%			41%			64%			71%

KEY: R=Requests

P=Number Processed

%=Percent Processed

NR=Not Reported

* Department of Homeland Security was established in 2003.

The percentage of expedited requests granted rose to 71% among those reporting, with the Defense Department at the top at 83%. However, the failure of the State Department to report on the number of requests received in either of the past two years may provide a slightly misleading picture. It granted only 4% when it last reported.

Departments and Agencies Included in Study	
Agriculture	Department of Agriculture
Commerce	Department of Commerce
Defense	Department of Defense
Education	Department of Education
Energy	Department of Energy
Homeland Sec.	Department of Homeland Security
HUD	Department of Housing and Urban Development
Interior	Department of the Interior
Justice	Department of Justice
Labor	Department of Labor
State	Department of State
Transportation	Department of Transportation
Treasury	Department of the Treasury
CIA	Central Intelligence Agency
CPSC	Consumer Product Safety Commission
EEOC	Equal Employment Opportunity Commission
EPA	Environmental Protection Agency
GSA	General Services Administration
NARA	National Archives and Records Administration
NASA	National Aeronautics and Space Administration
NLRB	National Labor Relations Board
NRC	Nuclear Regulatory Commission
NSF	National Science Foundation
SEC	Securities and Exchange Commission
SBA	Small Business Administration
HHS	Department of Health and Human Services
OPM	Office of Personnel Management
SSA	Social Security Administration
VA	Department of Veterans Affairs

The 25 agencies listed in the top section and shown in all of the Coalition comparisons in this study are those included in frequent Government Accountability Office reports on FOIA, and several others with a high number of third-party FOIA requests.

The four agencies listed in the section at the bottom are also regularly included in GAO studies but are shown only for reference here, because most requests are from individuals seeking personal records filed jointly under the Privacy Act and are routinely granted with minimal delay.