

**NATIONAL ENDOWMENT FOR THE HUMANITIES
FREEDOM OF INFORMATION ACT (FOIA)
ANNUAL REPORT FOR FISCAL YEAR 2001**

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I. Basic Information Regarding Report

A. Name, title, address, and telephone number of person(s) to be contacted with questions about report.

Lynne Munson
Deputy Chairman
National Endowment for the Humanities
1100 Pennsylvania Avenue, NW
Room 503
Washington, DC 20506
(202) 606-8273

Laura S. Nelson
Acting General Counsel
National Endowment for the Humanities
1100 Pennsylvania Avenue, NW
Room 529
Washington, DC 20506
(202) 606-8322

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

<http://www.neh.gov/howeare/foiamain.html>

C. How to obtain a copy of this report in paper form.

Laura S. Nelson
Acting General Counsel
National Endowment for the Humanities
1100 Pennsylvania Avenue, NW, Room 529
Washington, DC 20506
(202) 606-8322

II. How to Make a FOIA Request

For basic information on how to make a FOIA request, visit our Website at

<http://www.neh.gov/howeare/foiamain.html>

A. Names, addresses, and telephone numbers of all individual agency components and offices that received FOIA requests.

Office of the General Counsel
National Endowment for the Humanities
1100 Pennsylvania Avenue, NW, Room 529
Washington, DC 20506
(202) 606-8322

B. Brief description of the agency's response-time ranges.

The agency responded to simple requests in approximately twenty (20) working days and complex requests in approximately sixty (60) working days.

C. Brief description of why some requests are not granted.

The primary reason for not fully granting requests for which records are located is that disclosure would result in unwarranted invasions of personal privacy. Generally, small, segregable portions of the records are withheld in those instances. Requests are not granted also due to the lack of existence of any records responsive to the request.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

NEH - National Endowment for the Humanities

B. Basic terms, expressed in common terminology.

1. FOIA/PA request
Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests.
2. Initial Request
A request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal
A request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal
A request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing
A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more

other tracks. Requests in each track are processed on a first-in/first-out basis. A requestor who has an urgent need for records may request expedited processing.

6. Expedited processing
An agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request
A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex request
A FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant
An agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant
An agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold other in whole or in part.
11. Denial
An agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits
The time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request
A FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

- 14. Exemption 3 statute
A separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
- 15. Median number
The middle, not average number. For example, of 3, 7, and 14, the median number is 7.
- 16. Average number
The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

No exemption 3 statutes were used by the agency during fiscal year 2001.

V. Initial FOIA/PA Access Requests

A. Numbers of Initial Requests.

1. Number of requests pending as of end of preceding fiscal year	<u>7</u>
2. Number of requests received in current fiscal year	<u>55</u>
3. Number of requests processed during current fiscal year	<u>53</u>
4. Number of requests pending as of end of current fiscal year	<u>9</u>

B. Disposition of initial requests.

1. Number of total grants	<u>27</u>
2. Number of partial grants	<u>10</u>
3. Number of denials	<u>0</u>
a. Number of times each FOIA exemption used	
Exemption 1	<u>0</u>
Exemption 2	<u>0</u>
Exemption 3	<u>0</u>
Exemption 4	<u>4</u>
Exemption 5	<u>4</u>
Exemption 6	<u>7</u>
Exemption 7	<u>0</u>
Exemption 8	<u>0</u>
Exemption 9	<u>0</u>

4. Other reasons for nondisclosure (total)	
a. no records	<u>16</u>
b. referrals	<u>0</u>
c. request withdrawn	<u>0</u>
d. fee-related reason	<u>1</u>
e. records not reasonably described	<u>1</u>
f. not a proper FOIA request for some other reason	<u>0</u>
g. not an agency record	<u>0</u>
h. duplicated request	<u>0</u>
i. other (specify)	<u>0</u>

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of Appeals.

1. Number of appeals received during fiscal year	<u>4</u>
2. Number of appeals processed during fiscal year	<u>4</u>

B. Disposition of appeals.

1. Number completely upheld	<u>4</u>
2. Number of partially reversed	<u>0</u>
3. Number of completely reversed	<u>0</u>
a. number of times each FOIA exemption used	<u>NA</u>
4. Other reasons for nondisclosure (total)	<u>0</u>
a. no records	<u>1</u>
b. referrals	<u>0</u>
c. request withdrawn	<u>0</u>
d. fee-related reason	<u>0</u>
e. records not reasonably described	<u>1</u>
f. not a proper FOIA request for some other reason	<u>0</u>
g. not an agency record	<u>1</u>
h. duplicated request	<u>0</u>
i. other (specify) Request granted in full	<u>1</u>

VII. Compliance with Time Limits/Status of Pending Requests

A. Average processing time for requests processed during the year.

1. Simple requests	
a. number of requests processed	<u>37</u>
b. average number of days to process	<u>20</u>

2. Complex requests	
a. number of requests processed	<u>18</u>
b. average number of days to process	<u>60</u>
3. Requests accorded expedited processing.	
a. number of requests processed	<u>0</u>
b. average number of days to process	<u>0</u>

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year	<u>9</u>
2. Average number of days that such requests were pending as of that date	<u>14</u>

VIII. Comparisons with Previous Year(s)

In fiscal year 2001 the number of FOIA requests processed by the NEH remained at the high level of fiscal year 2000, which represented a significant increase (150%) over the previous two fiscal years. In addition, the types of FOIA requests received by the agency continued to be more complex than in previous years. Despite the increase in requests overall and the greater complexity of requests, the agency processed FOIA requests at the same staffing level as in fiscal years 1999 and 2000. Accordingly, the number or days to respond to such requests have risen while the costs of responding to such requests have remained roughly at fiscal year 2000 levels.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel	<u>0</u>
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	<u>4</u>
3. Total number of personnel (in work-years)	<u>0.58</u>

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

1. FOIA processing (including appeals)	<u>\$40,000</u>
2. Litigation-related activities (estimated)	<u>0</u>
3. Total costs	<u>\$40,000</u>

C. Statement of additional resources needed for FOIA compliance (optional)

X. Fees

A. Total amount of fees collected by agency for processing requests	<u>0</u>
B. Percentage of total costs	<u>0</u>

XI. FOIA Regulations (Including Fee Schedule)

<http://www.neh.gov/whoweare/foia/foiaguide.html>