

FREEDOM OF INFORMATION ANNUAL REPORT FY 2005

1. AGENCY \_\_\_\_\_ Indian Health Service \_\_\_\_\_

REPORT PREPARED BY Janet Ingersoll

TITLE FOIA Coordinator

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ELECTRONIC ADDRESS FOR REPORT ON THE WORLD WIDE WEB:

<http://www.ihs.gov>

ADDRESS FOR PAPER COPIES OF REPORT:

Same as above

II. HOW TO MAKE A FOIA REQUEST: <http://www.ihs.gov>

(Describe or provide electronic address for instructions in FOIA Reference Guide.)

- A. Names , addresses, and telephone numbers of all individual agency components and offices that process FOIA requests (do not include coordinating offices; do not use persons' names – only titles):

FOIA Officer

12300 Twinbrook Parkway, Suite 450

Rockville, Maryland 20852

301-443-1116

- B. Brief description of agency's response time range(s):

Due to having to send requests for materials to Area Offices for responsive information and more voluminous requests this FY, 30 days.

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

Documents requested were protected by an exemption and release would have caused harm to the interest protected by the exemption or no records were found.

III DEFINITIONS OF TERMS AND ACRONYMS USED IN REPORT:

A. Agency-specific acronyms or other terms:

DRLA – Division of Regulatory and Legal Affairs

IHS – Indian Health Service

D. Basic terms (from FOIA UPDATE , Summer 1997):

None

FOIA/PA request – Freedom of Information/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. (All requests for access to records, regardless of which law is cited by the requester, are included in this report).

Initial Request – A request to a federal agency for access to records under the Freedom of Information Act.

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.

Processed Request or Appeal – A request or appeal for which an agency has taken a final action on the request or appeal in all respects.

Multi-track processing – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

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.

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 the records requested.

Complex request – A FOIA request that an agency using multitrack processing places in a slower track based on the volume and/or complexity of records requested.

Grant – An agency decision to disclose all records in full response to a FOIA request.

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

exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

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 FOIA exemptions or for some procedural reason (such as because no record is located in response to a FOIA request).

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).

Perfected request – A FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

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).

Median number – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

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 eight.

#### IV EXEMPTION 3 STATUTES:

A. List of Exemption 3 statutes relied on by the agency during report year:

N/A

1. Brief description of type(s) of information withheld under each statute:

N/A

2. Has a court upheld the use of each statute? If so, cite example:

N/A

#### V INITIAL FOIA/PA ACCESS REQUESTS (Include all requests, 3<sup>rd</sup> or 1<sup>st</sup> party):

A. Numbers of initial requests (line 1 + line 2 - line 3 = line 4):

1. Number of requests pending at close of preceding fiscal year: 41

2. Number of requests received during reporting fiscal year: 151,429 \*\*

3. Number of requests processed during reporting fiscal year: 151,428\*\*

4. Number of requests pending at close of reporting fiscal year: 42

(Enter this number also as Line VII.B.1.)

\*\*Privacy Act Requests 151,314

B. Disposition of Initial Requests:

1. Number granted in full 151,329

2. Number granted in part 61

3. Number of full and partial denials 21

a. Number of times each FOIA exemption was used:

Exemption 1 0

Exemption 2 3

Exemption 3 5

Exemption 4 41

Exemption 5 5

Exemption 6 28

Exemption 7 0

Exemption 8 0

Exemption 9 0

4. Other reasons for non-disclosure (total) 17

a. no records 4

b. referrals \_\_\_\_\_

c. request withdrawn 8

d. fee-related reason 2

e. records not reasonably described \_\_\_\_\_

f. not a proper FOIA request for some other reason \_\_\_\_\_

g. not an agency record 1

h. duplicate request \_\_\_\_\_

i. other (specify) 2 Glomar.

VI APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS (include all access requests whether first or third party):

A. Numbers of Appeals:

1. Number of appeals received during the fiscal year   0
2. Number of appeals processed during the fiscal year   0

B. Disposition of Appeals:

1. Number completely upheld \_\_\_\_\_
2. Number partially reversed \_\_\_\_\_
3. Number completely reversed \_\_\_\_\_

a. Number of times each FOIA exemption used (counting each exemption used once per appeal)

Exemption 1 \_\_\_\_\_

Exemption 2 \_\_\_\_\_

Exemption 3 \_\_\_\_\_

Exemption 4 \_\_\_\_\_

Exemption 5 \_\_\_\_\_

Exemption 6 \_\_\_\_\_

Exemption 7 \_\_\_\_\_

Exemption 7(A) \_\_\_\_\_

Exemption 7(B) \_\_\_\_\_

Exemption 7 (C ) \_\_\_\_\_

Exemption 7(D) \_\_\_\_\_

Exemption 7(E) \_\_\_\_\_

Exemption 7(F) \_\_\_\_\_

Exemption 8 \_\_\_\_\_

Exemption 9 \_\_\_\_\_

4. Other reasons for non-disclosure (total) \_\_\_\_\_

a. no records \_\_\_\_\_

b. referrals \_\_\_\_\_

c. request withdrawn \_\_\_\_\_

d. fee-related reason \_\_\_\_\_

- e. records not reasonably described \_\_\_\_\_
- f. not a proper FOIA request for some other reason \_\_\_\_\_
- g. not an agency record \_\_\_\_\_
- h. duplicate request \_\_\_\_\_
- i. other (specify) \_\_\_\_\_

VII COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS:

A. Median Processing Time for Requests Processed During the Year.

1. Simple Requests (if multiple tracks used):
    - a. number of requests processed \_\_\_\_\_
    - b. median number of days to process \_\_\_\_\_
  2. Complex Requests (specify for any and all tracks used):
    - a. number of requests processed \_\_\_\_\_
    - b. median number of days to process \_\_\_\_\_
  3. Requests Accorded Expedited Processing:
    - a. number of requests processed \_\_\_\_\_
    - b. median number of days to process \_\_\_\_\_
  4. Requests Accorded (Single track system):
    - a. number of requests processed 151428\*\*
    - b. median number of days to process 32
- B. Status of Pending Requests (if multiple tracks are being used, report for each track as well as totals).
1. Number of requests pending as of the end of the fiscal year covered in this report (from Line V.A.4) 42
  2. Median number of days that such requests were pending as of that date 32

\*\*Total number includes first and third party requests for information for all twelve of the IHS Area Offices.

VIII COMPARISONS WITH PREVIOUS YEARS(S) (Optional):

With the help of the implementation of the Release of Information (ROI) program used in most service units, hospitals, and clinics, it has made the reporting component of this report much easier at the end of each fiscal year. In last year's annual report, we saw an increase in numbers far greater than in years past and this year's data is even higher.

Another strategy of the Agency's to improve the timeliness and efficiency of reporting, was the constant support of the Headquarters personnel to the Area FOIA Coordinators in meetings, several site visits, and other conferences throughout the year. This gave them the opportunity to consult with the FOIA team from HQ East in order to keep the lines of communication open at all times.

Another factor to consider is the implementation of HIPAA and the change in the Authorization for Consent (Form 810).

#### IX COSTS/FOIA STAFFING:

##### A. Staffing levels:

1. Number of full-time FOIA personnel 2
2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 13
3. Total number of personnel (in work years) 15

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

1. FOIA processing (including appeals) \$492,533.80
2. Litigation-related activities (estimated) 0
3. Total costs \$492,533.80
4. Comparison with previous year(s) (including percentage of change) (optional) \_\_\_\_\_

#### X. FEES:

A. Total amount of fees collected by agency for processing requests:  
\$4,069.20

B. Percentage of total costs: 1%

#### XI. FOIA REGULATIONS (including fee schedule):