

**REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY,
INCLUDING THE AUTHORITY, THE GENERAL COUNSEL,
AND THE FEDERAL SERVICE IMPASSES PANEL**

**PUBLIC INFORMATION REQUESTS -- FOR THE PERIOD OCTOBER 1, 1998
THROUGH SEPTEMBER 30, 1999**

This report of the Authority, the General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel with regard to public information requests during the period October 1, 1998 through September 30, 1999 is made in accordance with section 552(e) of Title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996, 5 U.S.C. § 552 (e) (Supp. III 1997).

I. Basic Information Regarding This Report

A. FLRA contact person for questions about the FLRA's Annual FOIA Report for Fiscal Year 1999 (10/1/98-9/30/99): David M. Smith, Solicitor, Federal Labor Relations Authority, Suite 330, 607 14th Street, N.W., Washington, D.C. 20424, Tel: 202-482-6620; FAX: 202-482-6636.

B. Electronic address for this report on the FLRA's World Wide Web site:

<http://www.flra.gov/reports/foia1999.html>.

C. How to obtain a paper copy of this report: download it from the FLRA's web site (see I.B. above) or request it from the FLRA contact person (see I.A. above).

II. How to Make a FOIA Request

A. See the [FLRA Information Guidebook](#) and the FLRA's FOIA regulations, codified at [5 C.F.R. part 2411](#), for information about how to make a FOIA request, including names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

B. The FLRA response time for FOIA requests generally ranged from 1 calendar day to 31 calendar days.

C. Like all federal agencies, the FLRA is required under FOIA to disclose records upon receiving a written request for them, except for those records that are protected from disclosure by the nine exemptions and three exclusions of the FOIA. The FLRA, for example, will not grant requests for documents that relate solely to internal personnel rules and practices of the agency or documents the release of which would constitute a clearly unwarranted invasion of personal privacy (see V.B.3. below).

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms and other terms

1. FLRA -- Federal Labor Relations Authority
2. FY -- Fiscal Year
3. FOIA -- Freedom of Information Act (5 U.S.C. § 552)
4. PA -- Privacy Act (5 U.S.C. § 552a)

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. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial Request -- a request to the FLRA for access to records under the FOIA.
3. Appeal -- a request to the FLRA asking that it review at a higher administrative level a full denial or partial denial of a FOIA request, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal -- a request or appeal for which the FLRA 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 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. Note: The FLRA does not have multi-track processing as it generally responds to requests on a timely basis and does not have any FOIA backlog. A requester who has an urgent need for records may request expedited processing (see III.B.6. directly below).
6. Expedited Processing -- the FLRA will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records that 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 (nonexpedited) track based on the volume and/or simplicity of records requested. As noted above, the FLRA does not have multi-track processing.
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. As noted above, the FLRA does not have multi-track processing.
9. Grant -- a FLRA decision to disclose all records in full in response to a FOIA request.
10. Partial Grant -- a FLRA 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 entireties, but to withhold others in whole or in part.

11. Denial -- a FLRA 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 FLRA 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 FOIA for an agency to respond to a FOIA request, ordinarily 20 "working days" from proper receipt of a "perfected" FOIA request (see III.B.13. & 17. below). Note: The FLRA response times in Part VII below are, in accordance with the Justice Department Guidelines, given in calendar days; the overall working day equivalent can be approximately calculated by multiplying the calendar day total by .7 (e.g., 10 calendar days equates to about 7 working days).
13. "Perfected" Request -- a FOIA request for records that adequately describes the records sought, that has been received by the FLRA 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.
17. Working Days -- days except Saturdays, Sundays, and legal public holidays. As noted, the FLRA's response times in Part VII below are given in median calendar days (the number of "working days" being about a third less).

IV. Exemption 3 Statutes

A. The FLRA relied on the following Exemption 3 statute during the fiscal year covered by this report (FY 99): National Defense Authorization Act for Fiscal Year 1997, Pub. L. No. 104-201, § 821, 110 Stat. 2422.

1. Type of information withheld: The FLRA relied on the Defense Authorization Act to withhold information concerning the prices bid by court reporting firms that were not selected by the FLRA to provide court reporting services for the agency.
2. Court review: There has been no court review of the FLRA's reliance on the Defense Authorization Act.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests

1. Number of requests pending as of the end of the preceding fiscal year (FY 98): 4

2. Number of requests received during the fiscal year covered by this report (FY 99): 128
3. Number of requests processed during FY 99: 131
4. Number of requests pending as of the end of FY 99: 1

B. Disposition of initial requests

1. Number of total grants: 72
2. Number of partial grants: 21
3. Number of denials: 38
 - a. Number of times each FOIA exemption used (counting each exemption once per request)
 - (1) Exemption 1: 0
 - (2) Exemption 2: 1
 - (3) Exemption 3: 1
 - (4) Exemption 4: 1
 - (5) Exemption 5: 12
 - (6) Exemption 6: 4
 - (7) Exemption 7(A): 7
 - (8) Exemption 7(B): 0
 - (9) Exemption 7(C): 10
 - (10) Exemption 7(D): 10
 - (11) Exemption 7(E): 0
 - (12) Exemption 7(F): 0
 - (13) Exemption 8: 0
 - (14) Exemption 9: 0
 4. Other reasons for nondisclosure (total): 30
 - a. No records: 16
 - b. Referrals: 9
 - c. Request withdrawn: 2

- d. Fee-related reason: 0
- e. Records not reasonably described: 0
- f. Not a proper FOIA request for some other reason: 2
- g. Not an agency record: 0
- h. Duplicate request: 1
- i. Other (specify): 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals

- 1. Number of appeals received during FY 99: 8
- 2. Number of appeals processed during FY 99: 8

B. Disposition of appeals

- 1. Number of responses to initial requests completely upheld: 4
- 2. Number of responses to initial requests partially reversed: 4
- 3. Number of responses to initial requests completely reversed: 0
 - a. Number of times each FOIA exemption used (counting each exemption once per appeal)
 - (1) Exemption 1: 0
 - (2) Exemption 2: 1
 - 3) Exemption 3: 0
 - (4) Exemption 4: 0
 - (5) Exemption 5: 5
 - (6) Exemption 6: 1
 - (7) Exemption 7(A): 2
 - (8) Exemption 7(B): 0
 - (9) Exemption 7(C): 2
 - (10) Exemption 7(D): 2

(11) Exemption 7(E): 0

(12) Exemption 7(F): 0

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for nondisclosure (total): 1

a. No records: 0

b. Referrals: 0

c. Request withdrawn: 0

d. Fee-related reason: 0

e. Records not reasonably described: 0

f. Not a proper FOIA request for some other reason: 0

g. Not an agency record: 0

h. Duplicate request: 0

i. Other (specify): 1 (untimely)

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during FY 99

1. Total for all requests (note: the FLRA does not have multi-track processing)

a. Number of requests processed: 131

b. Median number of calendar days to process: 10

2. Requests accorded expedited processing

a. Number of requests processed: 0

b. Median number of calendar days to process: 0

B. Status of pending requests

1. Number of requests pending as of the end of FY 99: 1

2. Median number of calendar days that such requests were pending as of that date: 14

VIII. *Costs/FOIA Staffing*

A. Staffing levels

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time or occasional FOIA duties (in estimated total work-years):
.15
3. Total number of personnel (in estimated work-years): .15

B. Total costs (including staff and all resources)

1. FOIA processing (estimated -- including appeals): \$ 10,784.00
2. Litigation-related activities (estimated): \$1031.00
3. Total costs (estimated): \$ 11,815.00

IX. *Fees*

A. Total amount of fees collected by the FLRA for processing requests: \$ 828.13

B. Percentage of total estimated costs: 7%

X. *FOIA Regulations (Including Fee Schedule)*

The FLRA's FOIA regulations, including the fee schedule, are codified at [5 C.F.R. part 2411](#).