FLRA FOIA ANNUAL REPORT

October 1, 2016

to

September 30, 2017

The following Annual Freedom of Information Act report covers the
Period 10/01/2016 through 09/30/2017, as required by 5 U.S.C. 552.

I. BASIC INFORMATION REGARDING REPORT

1. Name, Title, Address, and Telephone Number:
   Fred B. Jacob  
   Chief FOIA Officer  
   Federal Labor Relations Authority  
   1400 K Street, NW  
   Washington, DC 20424  
   202-218-7999

2. Electronic address for Report on the agency web site:  http://www.flra.gov/elibrary#annual-reports

3. How to obtain a paper copy of this report: download it from the FLRA’s web site (see I.2 above) or request it from the FLRA contact person (see I.1 above).

II. MAKING A FOIA REQUEST

1. The Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by the FLRA's regulations at Part 2411 of Title 5, Chapter XIV, is a law that requires Federal agencies to disclose records after receiving a written request for them, except for those records, or portions of records, which are protected from disclosure by one of the Exemptions contained in the FOIA.

   Section 2411.5 of the FLRA’s regulations outlines the procedure for requesting information. Any person who desires to inspect or copy any records, documents, or other information shall submit an electronic written request via the FOIAOnline system at https://foiaonline.regulations.gov or a written, facsimiled, or email request. You should identify what record, or parts of a record, that you are seeking as concisely as possible and describe the records in sufficient detail that they will be able to be located with due diligence. Please include a telephone number where you may be reached during the day in case it is necessary to contact you to clarify your request.

   Requests for information, documents, and records located in the offices of: (1) the FLRA in Washington, D.C. should be submitted to the FLRA’s Solicitor; (2) the General Counsel in Washington, D.C. should be submitted to the FOIA Officer, Office of the General Counsel (OGC); (3) the Federal Service Impasses Panel should be submitted to the Executive Director of FSIP, Washington, D.C.; (4) the Office of the Inspector General should be addressed to the Inspector General; and (5) in a Regional Office should be submitted to the Regional Director.

   If you are not certain which component has the records you are seeking, you should send your request to the Office of the Solicitor, which will then forward your request to the component(s) it believes are most likely to maintain the records you seek.
That address is:

Office of the Solicitor
Federal Labor Relations Authority
1400 K Street, NW
Washington, DC 20424
Telephone: (202) 218-7770
Fax: (202) 343-1007
Email: solmail@flra.gov

See the FLRA Information Guidebook and the FLRA’s FOIA regulations, codified at 5 C.F.R. pt. 2411, for information about how to make a FOIA request. For the appropriate contact information, including names, addresses, and telephone numbers, consult the FLRA Information Guidebook, or click on one of the following agency components/offices: FOIA Contacts, in the FLRA’s FOIA page.

2. The FLRA is an adjudicatory agency, one of whose principal tasks is to decide cases arising under the Federal Service Labor-Management Relations Statute (the Statute). In order to perform the many and varied functions in administering and enforcing the Statute, the FLRA is organized into three distinct components. The Authority adjudicates disputes concerning negotiability of collective bargaining proposals, unfair labor practice allegations and representation petitions, and exceptions to grievance arbitration awards. The General Counsel investigates unfair labor practice (ULP) charges and prosecutes ULP complaints and is delegated authority to process representation petitions. The Federal Service Impasses Panel resolves bargaining impasses arising from negotiations over conditions of employment.

The most common reasons why some requests are not granted by the FLRA are that requesters seek information protected by the following FOIA exemptions:

**Exemption 5:** allows an agency to withhold “inter-agency or intra-agency memorandums or letters which would not be available to a party other than an agency in litigation with the agency.” The attorney work-product privilege and deliberative process privilege are privileges that are covered by this Exemption. Examples of documents that are covered by this Exemption are final investigative reports, various memoranda and notes to the file, chronology logs, and witness statements.

**Exemption 6:** permits the withholding of information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.”

**Exemptions (7)(A), (C), and (D):** protects information “compiled for law enforcement purposes” that could reasonably be expected to interfere with enforcement proceedings, that “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” or that “could reasonably be expected to disclose the identity of a confidential source.”

3. The following is a link to the FLRA’s FOIA regulations, including the FLRA’s fee schedule:

https://www.ecfr.gov/cgi-bin/text-idx?SID=7585e69295d1277d6ca3297d08297b88&node=5:3.0.8.6.2&rgn=div5
III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. **Acronyms used:**

<table>
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<tr>
<th>Acronym</th>
<th>Definition</th>
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<tr>
<td>ATRO</td>
<td>Atlanta Regional Office</td>
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<td>AUTHORITY</td>
<td>includes the Authority Members, the Administrative Law Judges, and the Solicitor</td>
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<td>FOIA</td>
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<td>OGC</td>
<td>Office of the General Counsel</td>
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<td>PA</td>
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<tr>
<td>SFRO</td>
<td>San Francisco Regional Office</td>
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<tr>
<td>WARO</td>
<td>Washington Regional Office</td>
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2. **Definition of terms used in this report:**

   a. **Administrative Appeal** - a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

   b. **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.

   c. **Backlog** - the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

   d. **Component** - for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

   e. **Consultation** - the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
f. **Exemption 3 Statute** - a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

g. **FOIA Request** - a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

h. **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request

i. **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

j. **Median Number** - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

l. **Expedited Processing** - an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

m. **Simple Request** - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

n. **Complex Request** - a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

o. **Partial Grant/Partial Denial** - in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

p. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.

q. **Perfected Request** - a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

r. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.

s. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.

t. **Time Limits** - the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. Concise descriptions of the nine FOIA exemptions:
   a. **Exemption 1** - classified national defense and foreign relations information
   b. **Exemption 2** - internal agency rules and practices
   c. **Exemption 3** - information that is prohibited from disclosure by another federal law
   d. **Exemption 4** - trade secrets and other confidential business information
   e. **Exemption 5** - inter-agency or intra-agency communications that are protected by legal privileges
   f. **Exemption 6** - information involving matters of personal privacy
   g. **Exemption 7** - records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
   h. **Exemption 8** - information relating to the supervision of financial institutions
   i. **Exemption 9** - geological information on wells
## Agency Component Abbreviations

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<th>Component Abbreviation</th>
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### IV. EXEMPTION 3 STATUTES

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### V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

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<th>Number of Requests Pending as of Start of Fiscal Year</th>
<th>Number of Requests Received in Fiscal Year</th>
<th>Number of Requests Processed in Fiscal Year</th>
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V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

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<th>Agency / Component</th>
<th>Number of Full Grants / Partial Denials</th>
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<th>Number of Full Denials Based on Reasons Other than Exemptions</th>
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### V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

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<th>Agency / Component</th>
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V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

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### VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

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### VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

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VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

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## VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

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## VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

| Agency / Component | SIMPLE | | | | | | COMPLEX | | | | | | | EXPEDITED PROCESSING | | | | | |
|-------------------|-------|---|---|---|---|---|---|-------|---|---|---|---|---|---|---|---|---|---|---|---|
| | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| ATRO | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 4 | 4 | 1 | 7 |
| BORO | 6 | 6.33 | 5 | 8 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| CHRO | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| DARO | 16 | 14.33 | 8 | 19 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| DERO | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| FSIP | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| OGC | 1 | 1 | 1 | 1 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| IG | 4 | 4.67 | 3 | 7 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| SFRO | 2 | 2 | 2 | 2 | N/A | N/A | N/A | N/A | 5 | 5 | 5 | 5 |
| WARO | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| AUTHORITY | 6 | 8.46 | <1 | 22 | N/A | N/A | N/A | N/A | 9 | 9 | 2 | 16 |
| AGENCY OVERALL | 6 | 8.06 | <1 | 22 | N/A | N/A | N/A | N/A | 5 | 6 | 1 | 16 |
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Agency OVERALL represents agency results across all components, which are represented in the table for each component.
### VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

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### X. FEES COLLECTED FOR PROCESSING REQUESTS

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### XI.A. NUMBER OF TIMES SUBSECTION USED

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### XI.B. NUMBER OF SUBSECTION POSTINGS

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### XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

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### XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

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