

An Opportunity Lost

Part I

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

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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.