

# Department of Commerce FOIA Annual Report



*The* Commerce Department's mission is to help make American businesses more innovative at home and more competitive abroad.



*FY 2015*



DEPARTMENT of COMMERCE
FOIA ANNUAL REPORT FY2015



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## I. BASIC INFORMATION REGARDING REPORT

1. Person to be contacted with questions about the report.

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2. Electronic link for access to the Report on the agency Web site.

[www.osec.doc.gov/omo/FOIA/FOIAWEBSITE.htm](http://www.osec.doc.gov/omo/FOIA/FOIAWEBSITE.htm)

3. To obtain a copy of the Report in paper form.

Write to the address or contact the person listed above in section I.1.

## II. MAKING A FOIA REQUEST

1. Names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

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The FOIA Officers for the Department are also listed at:

[www.osec.doc.gov/omo/FOIA/contactfoia.htm](http://www.osec.doc.gov/omo/FOIA/contactfoia.htm)

2. Brief description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply.

A request for records may be denied if the requested record contains information which falls into one or more of the nine FOIA exemptions listed in section III, 3. If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released to the requester.



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### III. ACRONYMS, DEFINITIONS, and EXEMPTIONS

#### 1. Definitions 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.



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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.
  - i. **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.
  - ii. **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.
  - iii. **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.
- l. **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.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfect 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.



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- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **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).

### 2. 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



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## 3. Agency Component Abbreviations

<b>Component Abbreviation</b>	<b>Component Name</b>
OS	Office of the Secretary
BIS	Bureau of Industry and Security
Census	Bureau of the Census
EDA	Economic Development Administration
ESA	Economic and Statistics Administration/Bureau of Economic Analysis
ITA	International Trade Administration
MBDA	Minority Business Development Agency
NIST	National Institute of Standards and Technology
NOAA	National Oceanic and Atmospheric Administration
NTIA	National Telecommunications and Information Administration
NTIS	National Technical Information Service
OIG	Office of Inspector General
PTO	United States Patent and Trademark Office
AGC/Admin	Assistant General Counsel for Administration and Transactions

IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Agency/Component	Number of Times Relied upon by Agency/Component	Total Number of Times Relied upon by Agency Overall
13 U.S.C. § 301(g) (Collection and Publication of Foreign Commerce Act)	Shippers' export declarations or successor documents	Fund Afr. v. Mosbacher, No. 92 Civ. 289, 1993 WL 183736, at *5 (S.D.N.Y. May 26, 1993); Young Conservative Found., Inc. v. U.S. Dep't of Commerce, No. 85-3982, 1987 WL 9244, at *2-3 (D.D.C. Mar. 25, 1987).	Census	27	27
13 U.S.C. §§ 8(b), 9(a) (Census Act)	Certain Census Data	Baldrige v Shapiro, 455 U.S, 345, 355 (1982).	OS	1	29
			Census	28	
42 U.S.C. § 405(r) (Social Security Act)	Death certificates and records pertaining to deaths provided to the Commissioner of Social Security under this subsection	Int'l Diatomite Producers Ass'n v. SSA, No. 92-1634, 1993 WL 137286, at *3 (N.D. Cal. Apr. 28, 1993), appeal dismissed per stipulation, No. 93-16204 (9th Cir. Oct. 27, 1993).	NTIS	2	2



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<b>Statute</b>	<b>Type of Information Withheld</b>	<b>Case Citation</b>	<b>Agency/Component</b>	<b>Number of Times Relied upon by Agency/Component</b>	<b>Total Number of Times Relied upon by Agency Overall</b>
15 U.S.C. § 7306(d) (National Construction Safety Teams)	[A]ny information . . . receive[d] in the course of an investigation under this chapter if the Director finds that the disclosure of that information might jeopardize public safety	Quick v. Dep't of Commerce, 775 F. Supp. 2d 174, 180-81 (D.D.C. 2011).	NIST	2	2
15 U.S.C. § 7306(c)	Voluntarily provided safety-related information	N/A	NIST	1	1
16 U.S.C. 1881a(b)(1)	Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this chapter shall be confidential and shall not be disclosed except . . . (subsections A-H)	N/A	NOAA	10	10
31 U.S.C. § 3730(b)(2)	Records pertaining to civil actions for false claims against the United States Government	N/A	OIG	1	1

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Statute	Type of Information Withheld	Case Citation	Agency/Component	Number of Times Relied upon by Agency/Component	Total Number of Times Relied upon by Agency Overall
35 U.S.C. § 122 (Patent Act)	Applications for patents; certain information pertaining to applications for patents	Irons & Sears v. Dann, 606 F.2d 1215, 1220 (D.C. Cir. 1979), cert. denied, 444 U.S. 1075 (1980); Leeds v. Quigg, 720 F. Supp. 193, 194 (D.D.C. 1989), aff'd mem., No. 89-5062 (D.C. Cir. Oct. 24, 1989).	PTO	12	13
			OS	1	
41 U.S.C. § 253b(m)(1)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD. No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA. No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior. 305F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted. No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	NOAA	2	2



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<b>Statute</b>	<b>Type of Information Withheld</b>	<b>Case Citation</b>	<b>Agency/Component</b>	<b>Number of Times Relied upon by Agency/Component</b>	<b>Total Number of Times Relied upon by Agency Overall</b>
50 U.S.C. § 3605	Administrative Authority for NSA	N/A	NIST	1	1
50 U.S.C. app. § 2170(c) (currently at 50 U.S.C. § 4565(c))	Information on documentary material filed with the Committee on Foreign Investment in the United States	N/A	BIS	2	2
50 U.S.C. § 2411(c) (Export Administration Act of 1979)	Information pertaining to license applications under the Export Administration Act	Wis. Project on Nuclear Arms Control v. Dep't of Commerce, 317 F.3d 275, 284 (D.C. Cir. 2003); Times Publ'g Co. v. U.S. Dep't of Commerce, 236 F.3d 1286, 1292 (11th Cir. 2001).	BIS	30	30

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Statute	Type of Information Withheld	Case Citation	Agency/Component	Number of Times Relied upon by Agency/Component	Total Number of Times Relied upon by Agency Overall
<p>Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319</p>	<p>Certain records pertaining to grand jury proceedings</p>	<p>Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 207); Fund for Constitutional Gov't v. Nat'l Archives &amp; Records Serv, 656 F.2d 856, 867-68 (D.C. Cir. 1981); Durham v. U.S. Atty. Gen., No. 06-843, 2008 WI. 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).</p>	<p>OIG</p>	<p>2</p>	<p>2</p>



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**V. FOIA REQUESTS**

**V.A. FOIA Requests – Received, Processed and Pending FOIA Requests**

<b>Agency/Component</b>	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
OS	115	235	251	99
BIS	13	100	98	15
Census	24*	543	539	28
EDA	6	42	41	7
ESA	0	11	10	1
ITA	75**	69	7	137
MBDA	0	6	5	1
NIST	34	114	107	41
NOAA	172	473	498	147
NTIA	12	76	69	19
NTIS	3***	15	13	5
OIG	14	170	169	15
PTO	22	376	356	42
<b>AGENCY OVERALL</b>	<b>490****</b>	<b>2,230</b>	<b>2,163</b>	<b>557</b>

\* In the FY2014 Annual FOIA Report, Census reported the number of requests pending at the end of FY2014, as “23.” This number was reported incorrectly. The difference of “1” request is due to 1 request that was closed in FY2014, which was reopened and fulfilled in FY2015. The correct number is “24.” Therefore, the number of requests pending as of the start of FY2015 for Census has been amended to “24” in the FY2015 Annual FOIA Report.

\*\* In the FY2014 Annual FOIA Report, ITA reported the number of requests pending at the end of FY2014 as “74.” This number was reported incorrectly. The difference of “1” request is due to ITA determining in FY2015 that 1 pending Privacy Act request from FY2014 must also be processed under the FOIA. The correct number is “75.” Therefore, the number of requests pending as of the start of FY2015 for ITA has been amended to “75” in the FY2015 Annual FOIA Report.

\*\*\* In the FY2014 Annual FOIA Report, NTIS reported the number of requests pending at the end of FY2014 as “1.” This number was reported incorrectly. The difference of “2” requests is due to 2 requests pending from FY 2014 but not reported, which were fulfilled in FY 2015. The correct number is “3.” Therefore, the number of requests pending as of the start of FY2015 for NTIS has been amended to “3” in the FY2015 Annual FOIA Report.



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*\*\*\* In the FY2014 Annual FOIA Report, the agency overall number of requests pending at the end of FY2014 was reported as “486.” Due to the amendment in the number of requests pending as of the start of FY2015 for Census, ITA, and NTIS (see footnotes above), the agency overall number of requests pending as of the start of FY2015 has been amended to “490.”*



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**V.B.(1). Disposition of FOIA Requests – All Processed Requests**

Agency/ Component	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
OS	25	24	5	29	0	18	16	33	14	52	21	14	251
BIS	12	19	20	8	8	10	7	3	0	5	5	1	98
Census	227	33	53	23	5	43	15	15	45	30	27	23	539
EDA	19	9	1	6	0	1	2	3	0	0	0	0	41
ESA	2	0	0	5	0	1	0	0	0	1	0	1	10
ITA	0	2	1	2	0	1	0	0	1	0	0	0	7
MBDA	0	0	0	2	0	0	2	0	0	1	0	0	5
NIST	33	22	2	13	2	4	10	4	3	4	9	1	107
NOAA	157	113	18	36	2	74	40	7	21	6	15	9	498
NTIA	15	8	0	6	12	4	12	12	0	0	0	0	69
NTIS	3	0	4	6	0	0	0	0	0	0	0	0	13
OIG	11	95	6	16	1	8	15	4	6	5	2	0	169
PTO	92	77	20	59	2	5	15	8	70	1	1	6	356
<b>AGENCY OVERALL</b>	<b>596</b>	<b>402</b>	<b>130</b>	<b>211</b>	<b>32</b>	<b>169</b>	<b>134</b>	<b>89</b>	<b>160</b>	<b>105</b>	<b>80</b>	<b>55</b>	<b>2,163</b>

**V.B.(2). Disposition of FOIA Requests – "Other" Reasons for "Full Denials Based on Reasons Other than Exemptions"**

<b>Agency/ Component</b>	<b>Description of "Other" Reasons for Denials from Chart B(1)</b>	<b>Number of Times "Other" Reason Was Relied Upon</b>	<b>TOTAL</b>
OS	Publicly available information	13	14
	Request opened in error	1	
BIS	Publicly available information	1	1
Census	Publicly available information	20	23
	Aggregate cases	3	
ESA	Publicly available information	1	1
NOAA	Publicly available information	9	9
NIST	Information available for purchase through NIST vendors	1	1
PTO	Request opened in error	6	6
EDA	N/A	0	0
ITA	N/A	0	0
MBDA	N/A	0	0
NTIA	N/A	0	0
NTIS	N/A	0	0
OIG	N/A	0	0
<b>AGENCY OVERALL</b>			<b>55</b>



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**V.B.(3). Disposition of FOIA Requests – Number of Times Exemptions Applied**

Agency/ Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
OS	1	2	2	1	7	25	1	1	9	0	0	0	0	0
BIS	2	0	32	3	14	6	4	1	5	1	3	0	0	0
Census	0	3	55	5	1	15	0	0	1	0	0	0	0	0
EDA	0	0	0	2	5	5	0	0	0	0	0	0	0	0
ESA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ITA	1	0	0	0	0	2	0	0	1	0	0	0	0	0
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	0	1	4	12	10	15	0	0	1	0	1	0	0	0
NOAA	0	0	12	31	41	58	6	1	10	0	6	0	0	0
NTIA	0	2	0	2	4	5	0	0	0	0	0	0	0	0
NTIS	0	0	2	4	0	0	0	0	0	0	0	0	0	0
OIG	0	0	3	4	21	86	9	0	68	0	6	1	0	0
PTO	0	5	12	9	28	49	3	0	3	0	4	0	0	0
<b>AGENCY OVERALL</b>	<b>4</b>	<b>13</b>	<b>122</b>	<b>73</b>	<b>131</b>	<b>266</b>	<b>23</b>	<b>3</b>	<b>98</b>	<b>1</b>	<b>20</b>	<b>1</b>	<b>0</b>	<b>0</b>

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

### VI.A. Received, Processed, and Pending Administrative Appeals

Agency/ Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
AGC/Admin*	37	51	32	56
OIG**	0	6	6	0
PTO	0	29	26	3
<b>AGENCY OVERALL</b>	<b>37</b>	<b>86</b>	<b>64</b>	<b>59</b>

\* AGC/Admin processes the appeals for all of the Department of Commerce, except for OIG and PTO.

\*\* IN FY 2015, OIG began processing its own appeals.



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**VI.B. Disposition of Administrative Appeals – All Processed Appeals**

<b>Agency/ Component</b>	<b>Number Affirmed on Appeal</b>	<b>Number Partially Affirmed &amp; Partially Reversed/Remanded on Appeal</b>	<b>Number Completely Reversed/Remanded on Appeal</b>	<b>Number of Appeals Closed for Other Reasons</b>	<b>TOTAL</b>
AGC/Admin	24	5	0	3	<b>32</b>
OIG	3	2	0	1	<b>6</b>
PTO	21	2	0	3	<b>26</b>
<b>AGENCY OVERALL</b>	<b>48</b>	<b>9</b>	<b>0</b>	<b>7</b>	<b>64</b>

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VI.C.(1). Reasons for Denials on Appeal – Number of Times Exemptions Applied

Agency/ Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
AGC/Admin	0	0	5	2	4	4	2	0	3	0	0	0	0	0
OIG	0	0	0	0	0	1	0	0	1	0	0	0	0	0
PTO	0	1	2	0	11	5	1	0	1	0	3	0	0	0
<b>AGENCY OVERALL</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>15</b>	<b>10</b>	<b>3</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>



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**VI.C.(2). Reasons for Denials on Appeal – Reasons Other than Exemptions**

Agency/ Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee- Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
AGC/Admin	0	0	3	6	0	0	0	0	12	1	5
OIG	2	0	1	0	0	0	0	0	0	0	0
PTO	6	0	0	0	0	0	0	1	0	0	0
<b>AGENCY OVERALL</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>12</b>	<b>1</b>	<b>5</b>

**VI.C.(3). Reasons for Denials on Appeal – "Other" Reasons**

Agency/ Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
AGC/Admin	Agency performed adequate search	5	5
OIG	N/A	0	0
PTO	N/A	0	0
<b>AGENCY OVERALL</b>			<b>5</b>

**VI.C.(4). Response Time for Administrative Appeals**

Agency/ Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGC/Admin	78.00	161.87	14.00	702.00
OIG	19.00	17.67	<1	33.00
PTO	17.50	16.73	6.00	21.00
<b>AGENCY OVERALL</b>	<b>20.00</b>	<b>88.24</b>	<b>&lt;1</b>	<b>702.00</b>



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**VI.C.(5). Ten Oldest Pending Administrative Appeals**

Agency/ Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
AGC/Admin	Date of Appeal	2013-12-16	2013-09-17	2013-09-05	2013-07-22	2013-05-02	2013-04-29	2013-01-28	2012-11-30	2012-11-02	2010-03-23
	Number of Days Pending	450	511	519	552	607	610	674	712	730	1389
OIG	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PTO	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2015-09-23	2015-09-21	2015-09-14
	Number of Days Pending	0	0	0	0	0	0	0	5	7	12
<b>AGENCY OVERALL</b>	Date of Appeal	2013-12-16	2013-09-17	2013-09-05	2013-07-22	2013-05-02	2013-04-29	2013-01-28	2012-11-30	2012-11-02	2010-03-23
	Number of Days Pending	450	511	519	552	607	610	674	712	730	1389

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VII. FOIA REQUESTS

VII.A. Response Time for All Processed Perfected Requests

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
OS	16	76.49	<1	503	253	292.38	<1	976	117	145	8	338
BIS	5	7.23	<1	20	27	56	7	234	N/A	N/A	N/A	N/A
Census	4	5.34	<1	23	7	11.67	<1	67	5	6.25	<1	18
EDA	11	10.67	1	20	24.5	35.3	21	145	N/A	N/A	N/A	N/A
ESA	6	12	<1	48	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ITA	12	12	9	15	157	177.8	65	434	N/A	N/A	N/A	N/A
MBDA	25	19.4	1	30	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NIST	5	6.03	<1	18	56	170	21	2020	N/A	N/A	N/A	N/A
NOAA	66	124.23	<1	1163	75	108.47	12	96	17	27.8	2	60
NTIA	3	5.84	1	25	23	46.23	2	335	149	193	27	403
NTIS	5	6.03	<1	31	65	65	65	65	N/A	N/A	N/A	N/A
OIG	13	13.68	<1	63	27	32.47	5	177	1	9.67	<1	90
PTO	16	14.56	<1	60	33	38.32	10	96	N/A	N/A	N/A	N/A
AGC/Admin	N/A	N/A										
<b>AGENCY OVERALL</b>	<b>11</b>	<b>45.41</b>	<b>&lt;1</b>	<b>1163</b>	<b>36</b>	<b>133.72</b>	<b>&lt;1</b>	<b>2020</b>	<b>6</b>	<b>32.58</b>	<b>&lt;1</b>	<b>403</b>

Due to a system limitation, the charts in this section may contain information about unperfected requests.



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**VII.B. Response Time for All Processed 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
OS	32	75.29	<1	415	247	279.52	33	623	153	190.67	81	338
BIS	13	10.9	3	17	38	77.71	16	234	N/A	N/A	N/A	N/A
Census	6	6.31	<1	23	17	15.4	3	32	3	3.95	<1	18
EDA	13	12.5	4	20	23.5	29.94	21	145	N/A	N/A	N/A	N/A
ESA	28	28	8	48	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ITA	15	15	15	15	65	65	65	65	N/A	N/A	N/A	N/A
MBDA	N/A	N/A										
NIST	7	7.72	<1	18	100	235.88	23	2020	N/A	N/A	N/A	N/A
NOAA	252	251	<1	588	302	289	12	615	17	28	2	60
NTIA	10	10.43	3	25	160	211.35	24	658	149	224	120	403
NTIS	20.5	20.2	13	28	65	65	65	65	N/A	N/A	N/A	N/A
OIG	16.5	16.18	<1	63	39	43.24	14	177	1	2.36	<1	7
PTO	18	17.33	1	60	37	39.91	17	96	N/A	N/A	N/A	N/A
AGC/Admin	N/A	N/A										
<b>AGENCY OVERALL</b>	<b>16</b>	<b>48.84</b>	<b>&lt;1</b>	<b>588</b>	<b>51</b>	<b>139.45</b>	<b>3</b>	<b>2020</b>	<b>4</b>	<b>25.42</b>	<b>&lt;1</b>	<b>338</b>

*Due to a system limitation, the charts in this section may contain information about unperfected requests.*

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**VII.C. Processed Simple Requests – Response Time in Day Increments**

Agency/ Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
OS	109	20	10	17	7	1	2	4	3	4	7	10	11	<b>205</b>
BIS	57	0	0	0	0	0	0	0	0	0	0	0	0	<b>57</b>
Census	469	1	0	0	0	0	0	0	0	0	0	0	0	<b>470</b>
EDA	21	0	0	0	0	0	0	0	0	0	0	0	0	<b>21</b>
ESA	6	2	1	0	0	0	0	0	0	0	0	0	0	<b>9</b>
ITA	2	0	0	0	0	0	0	0	0	0	0	0	0	<b>2</b>
MBDA	2	1	2	0	0	0	0	0	0	0	0	0	0	<b>5</b>
NIST	61	0	0	0	0	0	0	0	0	0	0	0	0	<b>61</b>
NOAA	160	95	53	38	20	19	7	13	10	4	27	11	9	<b>466</b>
NTIA	43	1	0	0	0	0	0	0	0	0	0	0	0	<b>44</b>
NTIS	7	5	0	0	0	0	0	0	0	0	0	0	0	<b>12</b>
OIG	74	21	2	1	0	0	0	0	0	0	0	0	0	<b>98</b>
PTO	301	29	1	0	0	0	0	0	0	0	0	0	0	<b>331</b>
<b>AGENCY OVERALL</b>	<b>1,312</b>	<b>175</b>	<b>69</b>	<b>56</b>	<b>27</b>	<b>20</b>	<b>9</b>	<b>17</b>	<b>13</b>	<b>8</b>	<b>34</b>	<b>21</b>	<b>20</b>	<b>1,781</b>

*Due to a system limitation, the charts in this section may contain information about unperfected requests.*



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**VII.C. Processed Complex Requests – Response Time in Day Increments**

Agency/ Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
OS	4	2	2	1	0	2	3	1	3	0	7	8	9	<b>42</b>
BIS	9	20	1	1	3	1	2	0	1	0	3	0	0	<b>41</b>
Census	37	5	0	1	0	0	0	0	0	0	0	0	0	<b>43</b>
EDA	0	16	2	1	0	0	0	1	0	0	0	0	0	<b>20</b>
ESA	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
ITA	0	0	0	2	0	0	0	2	0	0	0	0	1	<b>5</b>
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
NIST	0	14	6	4	2	1	3	1	1	0	2	1	4	<b>39</b>
NOAA	2	2	3	4	0	0	3	1	0	1	5	6	18	<b>45</b>
NTIA	10	5	4	0	1	0	0	1	0	0	0	1	0	<b>22</b>
NTIS	0	0	0	1	0	0	0	0	0	0	0	0	0	<b>1</b>
OIG	16	15	11	1	1	0	0	0	1	0	0	0	0	<b>45</b>
PTO	4	14	3	3	1	0	0	0	0	0	0	0	0	<b>25</b>
<b>AGENCY OVERALL</b>	<b>82</b>	<b>93</b>	<b>32</b>	<b>19</b>	<b>8</b>	<b>4</b>	<b>11</b>	<b>7</b>	<b>6</b>	<b>1</b>	<b>17</b>	<b>16</b>	<b>32</b>	<b>328</b>

*Due to a system limitation, the charts in this section may contain information about unperfected requests.*

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VII.C. Processed Granted Expedited Requests – Response Time in Day Increments

Agency/ Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
OS	1	0	0	0	1	0	0	1	0	0	0	1	0	4
BIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Census	23	1	0	0	0	0	0	0	0	0	0	0	0	24
EDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ESA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ITA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MBDA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIST	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOAA	3	0	2	0	0	0	0	0	0	0	0	0	0	5
NTIA	0	1	0	0	0	0	0	1	0	0	0	0	1	3
NTIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	11	0	0	0	1	0	0	0	0	0	0	0	0	12
PTO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>AGENCY OVERALL</b>	<b>38</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>48</b>

Due to a system limitation, the charts in this section may contain information about unperfected requests.



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**VII.D. Pending Requests – All Pending Perfected Requests**

Agency/Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
OS	71	126	164.77	26	87.5	138.27	2	271.5	271.5
BIS	4	15	12.75	8	54.5	112.25	0	N/A	N/A
Census	17	8	8.59	11	12	21.82	0	N/A	N/A
EDA	2	13.5	13.5	5	42	57.8	0	N/A	N/A
ESA	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
ITA	0	N/A	N/A	136	264	375	1	852	852
MBDA	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
NIST	13	15	13.31	28	403	480.43	0	N/A	N/A
NOAA	106	139	147.89	27	34	47.42	0	N/A	N/A
NTIA	1	10	10	17	176	223	1	120	120
NTIS	5	26	90.6	0	N/A	N/A	0	N/A	N/A
OIG	5	2	1.6	7	8	21.43	0	N/A	N/A
PTO	21	8	11.05	2	13.5	13.5	0	N/A	N/A
<b>AGENCY OVERALL</b>	<b>245</b>	<b>32</b>	<b>115.58</b>	<b>267</b>	<b>176</b>	<b>291.95</b>	<b>4</b>	<b>272.5</b>	<b>378.75</b>

*Due to a system limitation, the charts in this section may contain information about unperfected requests.*

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VII.E. Pending Requests – Ten Oldest Pending Perfected Requests

Agency/ Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
OS	Date of Receipt	2014-04-04	2014-03-25	2014-02-12	2013-12-13	2013-09-18	2013-09-06	2013-08-28	2013-03-18	2012-12-04	2011-12-24
	Number of Days Pending	375	382	411	451	510	518	524	639	709	988
BIS	Date of Receipt	2015-09-09	2015-09-09	2015-08-29	2015-08-19	2015-07-22	2015-07-21	2015-07-08	2015-05-04	2014-10-14	2014-05-30
	Number of Days Pending	15	15	29	29	49	50	59	104	242	336
Census	Date of Receipt	2015-08-19	2015-08-11	2015-08-11	2015-08-05	2015-07-30	2015-07-29	2015-07-29	2015-06-18	2015-01-29	2014-10-28
	Number of Days Pending	30	36	36	40	44	45	45	73	171	233
EDA	Date of Receipt	N/A	N/A	N/A	2015-09-18	2015-09-02	2015-08-26	2015-08-26	2015-07-30	2015-07-30	2015-01-12
	Number of Days Pending	0	0	0	8	19	23	23	42	42	159
ESA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0



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Agency/ Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
ITA	Date of Receipt	2011-11-09	2011-09-02	2011-08-03	2011-07-14	2011-07-13	2011-06-14	2011-06-08	2011-05-26	2011-04-05	2010-12-29
	Number of Days Pending	977	1023	1045	1059	1060	1080	1084	1092	1129	1195
MBDA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
NIST	Date of Receipt	2012-09-24	2012-09-24	2012-09-24	2012-09-05	2012-08-22	2012-04-09	2012-02-27	2011-10-31	2011-10-20	2009-09-22
	Number of Days Pending	756	756	756	768	777	872	902	981	985	1505
NOAA	Date of Receipt	2012-09-24	2012-09-24	2012-09-24	2012-09-05	2012-08-22	2012-04-09	2012-02-27	2011-10-31	2011-10-20	2009-09-22
	Number of Days Pending	344	363	374	386	392	422	479	660	669	708
NTIA	Date of Receipt	2015-03-31	2015-01-21	2014-09-29	2014-09-15	2014-07-09	2014-04-03	2014-03-27	2014-03-25	2013-08-14	2013-02-23
	Number of Days Pending	129	177	253	263	309	376	381	383	535	655
NTIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2015-07-21	2014-04-21
	Number of Days Pending	0	0	0	0	0	0	0	0	51	364

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Agency/ Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
OIG	Date of Receipt	2015-09-28	2015-09-28	2015-09-28	2015-09-28	2015-09-22	2015-09-21	2015-09-18	2015-08-27	2015-07-22	2015-06-23
	Number of Days Pending	2	2	2	2	6	7	8	9	49	69
PTO	Date of Receipt	2015-09-15	2015-09-11	2015-09-11	2015-09-09	2015-09-08	2015-09-04	2015-09-04	2015-08-19	2015-08-17	2015-08-13
	Number of Days Pending	11	13	13	15	16	17	17	29	31	33
AGENCY OVERALL	Date of Receipt	2011-09-02	2011-08-03	2011-07-14	2011-07-13	2011-06-14	2011-06-08	2011-05-26	2011-04-05	2010-12-29	2009-09-22
	Number of Days Pending	1023	1045	1059	1060	1080	1084	1092	1129	1195	1505



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**VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER**

**VIII.A. Requests for Expedited Processing**

<b>Agency/ Component</b>	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>	<b>Number Adjudicated Within Ten Calendar Days</b>
OS	3	9	6	8	8
BIS	0	4	2	3	4
Census	22	26	3	4	47
EDA	0	0	N/A	N/A	N/A
ESA	0	0	N/A	N/A	N/A
ITA	0	4	87	86	1
MBDA	0	0	N/A	N/A	N/A
NIST	0	0	N/A	N/A	N/A
NOAA	5	39	3	5	35
NTIA	1	1	28	28	1
NTIS	0	0	N/A	N/A	N/A
OIG	11	5	2	3	15
PTO	0	2	4	4	2
<b>AGENCY OVERALL</b>	<b>42</b>	<b>90</b>	<b>3</b>	<b>8</b>	<b>113</b>

VIII.B. Requests for Fee Waiver

Agency/ Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
OS	15	11	13	213
BIS	9	8	3	8
Census	2	13	9	13
EDA	11	0	1	1
ESA	0	0	N/A	N/A
ITA	0	4	43	50
MBDA	0	0	N/A	N/A
NIST	0	3	2	3
NOAA	127	68	16	95
NTIA	3	8	15	17
NTIS	2	1	5	6
OIG	0	4	3	3
PTO	1	0	1	1
<b>AGENCY OVERALL</b>	<b>170</b>	<b>120</b>	<b>7</b>	<b>17</b>



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**IX. FOIA PERSONNEL AND COSTS**

Agency/ Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
OS	2	3.59	5.59	\$511,432.32	\$0.00	\$511,432.32
BIS	0	1	1	\$86,564.00	\$0.00	\$86,564.00
Census	0	3	3	\$490,251.22	\$0.00	\$490,251.22
EDA	0	1	1	\$131,633.00	\$0.00	\$131,633.00
ESA	0	0.15	0.15	\$21,000.00	\$0.00	\$21,000.00
ITA	0	0.5	0.5	\$48,439.00	\$0.00	\$48,439.00
MBDA	0	1	1	\$1,310.00	\$0.00	\$1,310.00
NIST	0	2	2	\$302,142.00	\$0.00	\$302,142.00
NOAA	1	16	17	\$12,348,717.32	\$0.00	\$12,348,717.32
NTIA	0	2.75	2.75	\$245,448.00	\$0.00	\$245,448.00
NTIS	0	0.1	0.1	\$15,500.00	\$0.00	\$15,500.00
OIG	0	1.01	1.01	\$256,233.50	\$152.44	\$256,385.94
PTO	2	1.5	3.5	\$359,508.00	\$0.00	\$359,508.00
AGC/Admin	0	3.91	3.91	\$401,260.88	\$157,173.60	\$558,434.48
<b>AGENCY OVERALL</b>	<b>5</b>	<b>37.51</b>	<b>42.51</b>	<b>\$15,219,439.24</b>	<b>\$157,326.04</b>	<b>\$15,376,765.28</b>

## X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency/ Component	Total Amount of Fees Collected	Percentage of Total Costs
OS	\$0.00	0.00%
BIS	\$0.00	0.00%
Census	\$691.80	0.14%
EDA	\$913.12	0.69%
ESA	\$0.00	0.00%
ITA	\$9,380.22	19.37%
MBDA	\$0.00	0.00%
NIST	\$1,448.00	0.48%
NOAA	\$25,004.64	0.20%
NTIA	\$3,165.00	1.29%
NTIS	\$0.00	0.00%
OIG	\$711.27	0.28%
PTO	\$2,880.59	0.80%
AGC/Admin	\$0.00	0.00%
<b>AGENCY OVERALL</b>	<b>\$44,194.64</b>	<b>0.29%</b>



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**XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS**

**XII.A. Backlogs of FOIA Requests and Administrative Appeals**

<b>Agency/ Component</b>	<b>Number of Backlogged Requests as of End of Fiscal Year</b>	<b>Number of Backlogged Appeals as of End of Fiscal Year</b>
OS	72	0
BIS	8	0
Census	2	0
EDA	5	0
ESA	0	0
ITA	135	0
MBDA	1	0
NIST	28	0
NOAA	70	0
NTIA	13	0
NTIS	5	0
OIG	2	0
PTO	2	3
AGC/Admin	0	56
<b>AGENCY OVERALL</b>	<b>343</b>	<b>59</b>

*AGC/Admin processes the appeals for all the Department of Commerce components, except for PTO. Data provided by AGC/Admin.*

*AGC/Admin processed the appeals for OIG prior to November 19, 2014. Any backlogged appeals for OIG prior to November 19 are being processed by AGC/Admin.*

*OIG began processing its own appeals on November 19, 2014. Any backlogged appeals for OIG after November 19 were reported by OIG.*

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**XII.B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations**

Agency/Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
OS	0	9	7	2
BIS	0	10	10	0
Census	0	5	5	0
EDA	0	0	0	0
ESA	0	0	0	0
ITA	32*	20	5	47
MBDA	0	1	1	0
NIST	0	15	15	0
NOAA	1	12	13	0
NTIA	0	6	6	0
NTIS	0	0	0	0
OIG	0	0	0	0
PTO	0	1	1	0
<b>AGENCY OVERALL</b>	<b>33**</b>	<b>79</b>	<b>63</b>	<b>49</b>

\* In the FY2014 Annual FOIA Report, ITA reported “26” consultations pending as of the end of the Fiscal Year. This number was reported incorrectly. The difference of “6” consultations is due to 6 consultations being reported incorrectly as referrals in FY 2014. The correct number is “32.” Therefore, the number of consultations pending as of the start of FY2014 for ITA has been amended to “32” in the FY2015 Annual FOIA Report.

\*\* In the FY2014 Annual FOIA Report, the agency overall number of consultations pending at the end of FY2014 was reported as “27.” Due to the amendment in the number of consultations pending as of the start of FY2015 for ITA (see footnote above), the agency overall number of consultations pending as of the start of FY2015 has been amended to “33.”



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**XII.C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at the Agency**

Agency/ Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
OS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2015-06-16	2015-02-03
	Number of Days	0	0	0	0	0	0	0	0	74	167
BIS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Census	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
EDA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
ESA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
ITA	Date	2013-12-19	2013-11-15	2013-08-22	2013-08-12	2013-07-26	2013-06-14	2013-06-10	2013-05-29	2013-03-25	2013-03-25
	Number of Days	448	471	529	537	548	577	581	589	635	635
MBDA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0

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Agency/ Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
NIST	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
NOAA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
NTIA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
NTIS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
OIG	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
PTO	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
<b>AGENCY OVERALL</b>	<b>Date</b>	<b>2013-12-19</b>	<b>2013-11-15</b>	<b>2013-08-22</b>	<b>2013-08-12</b>	<b>2013-07-26</b>	<b>2013-06-14</b>	<b>2013-06-10</b>	<b>2013-05-29</b>	<b>2013-03-25</b>	<b>2013-03-25</b>
	<b>Number of Days</b>	<b>448</b>	<b>471</b>	<b>529</b>	<b>537</b>	<b>548</b>	<b>577</b>	<b>581</b>	<b>589</b>	<b>635</b>	<b>635</b>



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**XII.D.(1). Comparisons of Numbers of Requests from Previous and Current Annual Report – Requests Received and Processed**

Agency/Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
OS	231	235	191	251
BIS	88	100	80	98
Census	407	543	400*	539
EDA	40	42	35	41
ESA	6	11	6	10
ITA	53	69	20**	7
MBDA	6	6	6	5
NIST	128	114	128	107
NOAA	447	473	425	498
NTIA	60	76	63	69
NTIS	8	15	8	13
OIG	115	170	104	169
PTO	307	376	308	356
<b>AGENCY OVERALL</b>	<b>1,896</b>	<b>2,230</b>	<b>1,774***</b>	<b>2,163</b>



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*\* In the FY2014 Annual FOIA Report, Census reported the number of requests processed during the Fiscal Year as "401." This number was reported incorrectly. The difference of "1" request is due to 1 request that was closed in FY2014, which was reopened and fulfilled in FY2015. Therefore, the number of requests processed as of the end of FY2014 for Census was actually "400."*

*\*\* In the FY2014 Annual FOIA Report, ITA reported the number of requests processed during the Fiscal Year as "21." This number was reported incorrectly. The difference of "1" request is due to ITA determining in FY2015 that 1 Privacy Act request from FY2014 must also be processed under the FOIA. Therefore, the number of requests processed as of the end of FY2014 for ITA was actually "20."*

*\*\*\* In the FY2014 Annual FOIA Report, the agency overall number of requests processed during the Fiscal Year as "1776." Due to the amendment in the number of requests processed for Census and ITA in FY2014 (see footnotes above), the agency overall number of requests processed during FY2014 for the agency overall was actually "1774."*



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**XII.D.(2). Comparisons of Numbers of Requests from Previous and Current Annual Report – Backlogged Requests**

<b>Agency/Component</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
OS	103	72
BIS	6	8
Census	1*	2
EDA	2	5
ESA	0	0
ITA	68	135
MBDA	0	1
NIST	28	28
NOAA	138	70
NTIA	9	13
NTIS	1	5
OIG	3	2
PTO	1**	2
AGC/Admin	0	0
<b>AGENCY OVERALL</b>	<b>360***</b>	<b>343</b>

\* In the FY204 Annual FOIA Report, Census reported the number of requests backlogged at the end of FY 2014 as “2.” This number was reported incorrectly. The difference of “1” request is due to a request fulfilled in FY 2014, but not documented until FY2015. Therefore, the number of requests backlogged as of the end of FY2014 for Census was actually “1.”

\*\* In the FY2014 Annual FOIA Report, PTO reported the number of requests backlogged at the end of FY 204 as “2.” This number was reported incorrectly. The difference of “1” request is due to a request fulfilled in FY 2014, but not documented until FY2015. Therefore, the number of requests backlogged as of the end of FY2014 for PTO was actually “1.”

\*\*\* In the FY2014 Annual FOIA Report, the agency overall number of requests backlogged at the end of FY2014 was reported as “362.” Due to the amendment in the number of requests backlogged as of the end of FY2014 for Census and PTO (see footnote above), the agency overall number of requests backlogged as of the end of FY2014 for the agency overall was actually “360.”



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**XII.E.(1). Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received and Processed**

Agency/Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
AGC/Admin	56	51	55	32
OIG*	0	6	0	6
PTO	13	29	14	26
<b>AGENCY OVERALL</b>	<b>69</b>	<b>86</b>	<b>69</b>	<b>64</b>

*\* On November 19, 2014, OIG began processing its own appeals. OIG appeals received before November 19, 2014 were processed by AGC/Admin and are reflected in the AGC/Admin figures in the FY2015 Report.*



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**XII.E.(2). Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Backlogged Appeals**

<b>Agency/Component</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
OS	4	0
BIS	2	0
Census	4	0
EDA	0	0
ESA	0	0
ITA	1	0
MBDA	0	0
NIST	2	0
NOAA	18	0
NTIA	0	0
NTIS	0	0
OIG	4	0
PTO	0	3
AGC/Admin	0	56
<b>AGENCY OVERALL</b>	<b>35</b>	<b>59</b>

*Last fiscal year, appeals were listed by the component that processed the initial determination, not the component that processed the appeal in DOC's FY 14 Annual Report. Since AGC/Admin processes the appeals for all of the Department of Commerce, except for OIG and PTO, appeals for the components are listed under AGC/Admin for the FY 15 Annual Report.*