

**INSTITUTE OF MUSEUM AND LIBRARY SERVICES  
FREEDOM OF INFORMATION ACT (FOIA)  
ANNUAL REPORT FOR FISCAL YEAR 2007**

**TABLE OF CONTENTS**

<b>I.</b>	<b>Basic Information Regarding Report</b>	<b>2</b>
<b>II.</b>	<b>How to Make a FOIA Request</b>	<b>2</b>
<b>III.</b>	<b>Definitions of Basic Terms and Acronyms Used in the Report</b>	<b>3</b>
<b>IV.</b>	<b>Exemptions 3 Statutes</b>	<b>5</b>
<b>V.</b>	<b>Initial FOIA/PA Access Requests</b>	<b>5</b>
<b>VI.</b>	<b>Appeals of Initial Denials of FOIA/PA Requests</b>	<b>6</b>
<b>VII.</b>	<b>Compliance with Time Limits/Status of Pending Requests</b>	<b>6</b>
<b>VIII.</b>	<b>Comparison with Previous Years(s)</b>	<b>7</b>
<b>IX.</b>	<b>Cost/FOIA Staffing</b>	<b>7</b>
<b>X.</b>	<b>Fees</b>	<b>7</b>
<b>XI.</b>	<b>FOIA Regulations (Including Fee Schedule)</b>	<b>8</b>
<b>XII.</b>	<b>Report on FOIA Executive Order Implementation</b>	<b>8</b>

## **I. Basic Information Regarding Report**

### **A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report**

Mamie Bittner  
Director of Policy, Planning,  
Research and Communications  
Institute of Museum and Library Services  
1800 M Street, 9<sup>th</sup> Floor, NW  
Washington, DC 20036  
(202) 653-4630

Nancy E. Weiss, General Counsel or  
Mae L. Ridges, Paralegal Specialist  
Office of the General Counsel  
Institute of Museum and Library Service  
1800 M Street, 9<sup>th</sup> Floor, NW  
Washington, DC 20036  
(202)653-4787

### **B. Electronic address for this report on the World Wide Web.**

<http://www.ims.gov/about/foia.shtm>

### **C. How to obtain a copy of this report in paper form.**

Mae L. Ridges  
Office of the General Counsel  
Institute of Museum and Library Services  
1800 M Street, 9<sup>th</sup> Floor, NW  
Washington, DC 20036  
(202) 653-4642

## **II. How to make a FOIA Request.**

For basic information on how to make a FOIA request, visit our Website at:

<http://www.ims.gov/about/foia.shtm>

### **A. Name, title, address, and telephone numbers of all individual agency components and offices that receive FOIA requests.**

Mamie Bittner  
Director of Policy, Planning,  
Research and Communications  
Institute of Museum and Library Services  
1800 M Street, 9<sup>th</sup> Floor, NW  
Washington, DC 20036  
(202) 653-4630

Nancy E. Weiss, General Counsel or  
Mae I. Ridges, Paralegal Specialist  
Office of the General Counsel  
Institute of Museum and Library Service  
1800 M Street, 9<sup>th</sup> Floor, NW  
Washington, DC 20036  
(202) 653-4787

### **B. Brief description of the agency's response-time ranges.**

The agency's response to simple requests is approximately eleven (11) working

days. The response time for complex requests is approximately thirty-eight (38) working days.

### **C. Brief description of why some requests are not granted.**

The primary reason for not fully granting requests for which records are located is that disclosure would result in unwarranted invasions of personal privacy or confidential financial information that is privileged. Generally, small, separable portions of the records are withheld in those instances. In other cases, records do not exist that respond to the request.

## **III. Definitions of Terms and Acronyms Used in the Report.**

### **A. Agency-specific acronyms or other terms.**

IMLS - Institute of Museum and Library Services

### **B. Basic terms expressed in common terminology.**

**1. FOIA/PA Request** - Freedom of Information Act (FOIA)/Privacy Act (PA) request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A PA request is a request for records concerning oneself or first party (next of kin interests). PA requests are also treated as FOIA requests.

**2. Initial Request** - A request to a federal agency for access to records under the FOIA.

**3. Appeal** - A request to a federal agency asking that it review at a higher administrative level a full or partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.

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

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

**6. Expedited Processing** - An agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

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

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

**9. Grant** - An agency decision to disclose all records in full in response to a FOIA request.

**10. Partial Grant** - An agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempted under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold other records in part.

**11. Denial** - An agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as no record is located that is responsive to the FOIA request).

**12. Time Limits** - The time period in the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

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

**14. Exemption 3 Statute** - A separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

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

**16. Average Number** - The number obtained by dividing the sum of a group of numbers by the quantity of the numbers in the group. For example, of 3, 7, and 14, the average number is 8.

#### IV. Exemption 3 Statutes

No exemption 3 statutes were used by the agency during fiscal year 2007.

#### V. Initial FOIA/PA Access Request

##### A. Numbers of Initial Requests.

1. Number of requests pending as of end of proceeding fiscal year	<u>2</u>
2. Number of requests received in current fiscal year	<u>58</u>
3. Number of requests processed during current fiscal year	<u>56</u>
4. Number of requests pending as of end of current fiscal year	<u>4</u>

##### B. Disposition of initial requests.

1. Number of total grants	<u>17</u>
2. Number of partial grants	<u>27</u>
3. Number of denials	<u>1</u>
a. Number of times each FOIA exemption used	
(1) Exemption 1	<u>0</u>
(2) Exemption 2	<u>0</u>
(3) Exemption 3	<u>0</u>
(4) Exemption 4	<u>24</u>
(5) Exemption 5	<u>3</u>
(6) Exemption 6	<u>3</u>
(7) Exemption 7(A)	<u>0</u>
(8) Exemption 7(B)	<u>0</u>
(9) Exemption 7(C)	<u>0</u>
(10) Exemption 7(D)	<u>0</u>
(11) Exemption 7(E)	<u>0</u>
(12) Exemption 7(F)	<u>0</u>
(13) Exemption 8	<u>0</u>
(14) Exemption 9	<u>0</u>
4. Other reasons for nondisclosure (total)	<u>11</u>
a. No records	<u>4</u>
b. Referrals	<u>0</u>
c. Request withdrawn	<u>1</u>
d. Fee-related	<u>0</u>
e. Records not reasonably described	<u>0</u>
f. Not a "perfected request" for other reasons	<u>2</u>
g. Not an agency record	<u>4</u>
h. Duplicated request	<u>0</u>

i. Other (Directed to the IMLS Website) 0

**VI. Appeals of Initial Denials of FOIA/PA Requests**

**A. Number of Appeals.**

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

**B. Disposition of appeals.**

1. Number completely upheld 0  
2. Number partially reversed 0  
3. Number completely reversed 0  
    a. Number of times each FOIA exemption used  
        (1) Exemption 1 0  
        (2) Exemption 2 0  
        (3) Exemption 3 0  
        (4) Exemption 4 0  
        (5) Exemption 5 0  
        (6) Exemption 6 0  
        (7) Exemption 7(A) 0  
        (8) Exemption 7(B) 0  
        (9) Exemption 7(C) 0  
        (10) Exemption 7(D) 0  
        (11) Exemption 7(E) 0  
        (12) Exemption 7(F) 0  
        (13) Exemption 8 0  
        (14) Exemption 9 0  
4. Other reasons for nondisclosure (total) 0  
    a. No records 0  
    b. Referrals 0  
    c. Request withdrawn 0  
    d. Fee-related 0  
    e. Records not reasonably described 0  
    f. Not a "perfected request" for other reasons 0  
    g. Not an agency record 0  
    h. Duplicated request 0  
    i. Other (Improperly cited regulation) 0

**VII. Compliance with Time Limits/Status of Pending Requests**

**A. Average processing time for requests processed during the year.**

1. Simple requests  
    a. Number of requests processed 52

b. Average number of days to process	<u>11</u>
2. Complex requests	
a. Number of request processed	<u>4</u>
b. Average number of days to process	<u>38</u>
3. Request accorded expedited processing	
a. Number of requests processed	<u>0</u>
b. Median number of days to process	<u>0</u>

**B. Status of pending requests.**

1. Number of requests pending as of end of current fiscal year	<u>4</u>
2. Median number of days that such requests were pending as of that date	<u>4</u>

**VIII. Comparison with Previous Year(s) (Optional)**

1. Number of requests for expedited processing received	<u>0</u>
2. Number of requests for expedited processing granted	<u>0</u>

**IX. Costs/FOIA Staffing**

**A. Staffing levels**

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

**B. Total costs (including staff and all resources)**

1. FOIA processing (including appeals)	<u>\$11,850.00</u>
2. Litigation-related activities (estimated)	<u>0</u>
3. Total costs	<u>\$11,850.00</u>

**C. Statement of additional resources needed for FOIA compliance (optional)**

N/A

**X. Fees**

<b>A. Total amount of fees collected by agency for processing requests</b>	<u>0</u>
--	----------

**B. Percentage of total costs**

0

**XI. FOIA Regulations (Including Fee Schedule)**

<http://www.ims.gov/about/foia.shtm>

**XII. Report on FOIA Executive Order Implementation**

**A. Description of supplementation/modification of agency improvement plan (if applicable). N/A**

**B. Report on Agency implementation of its plan, including its performance in milestones, with respect to each improvement area.**

As instructed by requirements outlined in Executive Order 13,392 (December 14, 2005), in 2006, the agency conducted an initial assessment of its FOIA operation. The following are areas of improvement:

1. Automate FOIA Request Form
2. Redesign FOIA Database
3. Enhance Electronic Reading Room

In 2006, the agency put all proposed FOIA improvements on hold due to challenges related to the availability of resources. As such, all agency FOIA goals and objectives outlined in the agency's 2006 FOIA Improvement Plan were held in abeyance and re-targeted for improvement in the agency 2007 FOIA Improvement Plan.

To date, IMLS has succeeded in implementing FOIA improvement in all areas identified above. The following goals and objectives outlined in the 2007 FOIA Improvement Plan were accomplished:

1. **Automated FOIA Request Form** – This goal was completed in July 2007. The IMLS Automated FOIA Request Form has been in use since July 2007. To date, IMLS has received 17 FOIA requests with 14 being submitted electronically (82.3%) which currently exceeds the 2008 success measurement goal of 25%.

2. **Enhanced Electronic Reading Room** - This goal was achieved in August 2007. Between March - June 2007, the IMLS FOIA coordinators received staff input and copies of documents which are most requested by IMLS clients. Upon receipt, the IMLS FOIA Officer in conjunction with the OGC and Chief Information Officer reviewed each document for appropriateness during July - August of 2007. In August 2007, after determining which documents submitted by staff were appropriate for release, IMLS FOIA coordinators met with the IMLS webmaster to expeditiously place the relevant FOIA documents in the Electronic Reading Room. At that meeting, it was determined that all new information received or deemed appropriate for placement in the

Electronic Reading Room would be added to the website immediately and thereafter on a continuous basis.

3. **Redesign of FOIA Database** - During July 2007, staff members from Information Technology and the agency's FOIA coordinators met on several different occasions to discuss redesigning the agency FOIA database and possible integration of the Automated FOIA Request Form. After working with the database during August 2007, IT informed the IMLS FOIA coordinators that though it was possible to redesign the FOIA Database, integration of the Automated FOIA Request Form would require more IT resources (i.e., software and personnel). After accessing the amount of FOIA requests received at IMLS during past years and the nature of the information requested, the agency determined that contracting additional staff and/or acquiring new software would not be cost effective. The IMLS decided to redesign its current database to include additional data field that would capture all relevant FOIA related information needed to better serve its requestors.

The redesigned database was completed in September 2007 and placed in production at the start of FY2008.

**C. Identification and discussion of any deficiency in meeting plan milestones (if applicable). N/A**

**D. Additional narrative statement regarding other executive order-related activities (optional).**

The agency has allowed for FOIA requests to be submitted online via the Internet at <http://www.imls.gov/about/foia.shtm> and has created a database that stores the information from these requests. Further analysis of this process has identified that it would not be cost effective to integrate the two.

**E. Concise description of FOIA exemptions**

The nine exemptions to FOIA authorized for federal agencies to withhold information are as follows: Exemption 1: Records classified in the interest of national defense or foreign policy. Exemption 2: Records solely to the internal personnel rules and practices of IMLS. Exemption 3: Records specifically prohibited from disclosure by statute. Exemption 4: Trade secrets and commercial or financial information. Exemption 5: Inter-agency or intra-agency memoranda or letters protected through the deliberative process privilege, the attorney work-product privilege and the attorney-client privilege. Exemption 6: Personnel, medical and similar files which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7: Investigatory records compiled for law enforcement purposes (includes regulatory or personnel investigations. Exemption 8: Matters contained in or related to regulation or supervision of financial institutions. Exemption 9: Geological and geophysical information concerning wells.

**F. Additional Statistics:**

**1. Ten Oldest Pending FOIA Requests**

<b>Calendar Year</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>Requests</b>	<b>0</b>	<b>Dec 27</b>								

**2. Consultations**

**a.) Number of Consultations Received, Processed and Pending**

<b>Consultations Received From Other Agencies During FY07</b>	<b>Consultations Received from Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)</b>	<b>Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1 2007 (includes those received prior to FY07)</b>
<b>0</b>	<b>0</b>	<b>0</b>

**b.) Ten Oldest Pending Consultations Received From Other Agencies**

<b>Calendar Year</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>Consults Received</b>	<b>0</b>									

**G. Agency Improvement Plan (See Attachment)**