Home | En Español | Contact Us | A to Z





2001 FOIA Annual Report

I. Basic Information Regarding Report

A. Questions about this report should be directed to:

Marylea W. Byrd Assistant General Counsel Freedom of Information Act Division Office of General Counsel Room 10248 451 Seventh Street, SW Washington, DC 20410 (202) 708-3866

- B. The World Wide Web address to obtain an electronic copy of the Freedom of Information Act (FOIA) report is www.hud.gov. The report can then be accessed by clicking HUD annual FOIA report 2001.
- C. A paper copy of the report can be obtained by submitting a request to:

The Assistant General Counsel Freedom of Information Act Division 451 Seventh Street, SW, Room 10248 Washington, DC 20410

II. How to Make a FOIA Request.

For basic information about how to make a FOIA request, please visit our Web site at www.hud.gov.

- A. For the names, addresses, and telephone numbers of all offices that receive FOIA requests, visit our Web site at www.hud.gov.
- B. Brief description of HUD's response time ranges.

Because the FOIA process is decentralized at HUD, the response time will vary from office to office depending on the complexity of the request and on the FOIA workload of the office which is processing the request. The response time for the majority of requests handled by the HUD field offices is within the 20 working days provided by statute. In HUD Headquarters, there is a backlog of between 250 and 300 FOIA requests. Requests are processed on a multi-track system. Some routine requests are processed within 20 working days, but the average processing time for such requests is 45 days. The average time for processing complex requests is between 60 and 90 days.

C. Brief description of why FOIA requests are not granted.

The most frequent reason that a FOIA request is not granted is that no documents responsive to the request were located.

The primary reasons for not granting a request where documents could be located is that disclosure would result in an unwarranted invasion of personal privacy or that the records are protected by the deliberative process, attorney-client, or attorney work product privilege.

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

- A. Agency-specific acronyms or other terms are as follows.
 - 1. HUD Department of Housing and Urban Development

- 2. OIG Office of Inspector General
- B. Basic terms expressed in common terminology.
 - 1. FOIA/PA request Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report).
 - 2. Initial Request a request to 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 denial 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. 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 that warrants prioritization of his or her request over other requests that were made earlier.
 - 6. Routine/Simple request a FOIA request that is processed based on the simplicity of records requested.
 - 7. Complex request a FOIA request that is processed based on the volume and/or complexity of records requested.
 - 8. Grant an agency decision to disclose all records in full in response to a FOIA request.
 - 9. Partial grant an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more FOIA exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
 - 10. 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 exempted under one or more of the FOIA exemptions, or for some procedural reason.
 - 11. No Documents no records are located in response to a FOIA request.
 - 12. Time limits the time period for an agency to respond to a FOIA request, is ordinarily 20 working days from the receipt of the FOIA request.
 - 13. 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).
 - 14. Median number the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
 - 15. 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.

IV. Exemption 3 Statutes.

Statute/Rule	Type of Information Withheld	Times Invoked	Case Citation
§ 103 HUD Reform Act of 1989, Pub. L. 101-235	Funding information in advance of award	7	None
42 USC § 3601(d)	Information related to conciliation under the Fair Housing Act	10	None
26 USC § 6103(a)	Tax return information		Church of Scientology v. IRS, 484 U.S. 9 (1987)

Fed. R.Cr. P. 6(e)	Grand Jury Information		Senate of P.R. v. United States Dep't of Justice, 823 F.2d 574 (D.C.Cir. 1987)
41 USC § 253b(m)	Proposals received from unsuccessful offerors and successful offerors not incorporated into the contract	5	None

V. Initial FOIA/PA Access Requests.

A. Number of initial requests.

	Headquarters	Field	OIG	TOTAL
Number of requests pending at end of previous year	237	785	0	1022*
Number of requests received during current year	1108	2586	167	3861
Number of requests processed during current year	1027	2083	141	3251
Number of requests pending at end of year	318	1288	26	1632

^{*} During prior reporting period this number was not broken down by HQ and field offices.

B. Disposition of initial requests.

	Headquarters	Field	OIG	TOTAL
Total Grants	306	1516	33	1855
Partial Grants	218	185	44	447
Full Denials	30	75	42	147
Withdrawn	120	54	3	177
Other:	353	253	19	625
TOTALS	1027	2083	141	3251

C. Number of times each FOIA exemption used.

Exemption	Headquarters	Field	OIG	TOTAL
1	0	0	0	0
2	8	9	1	18
3	6	24	1	31
4	112	53	7	172
5	56	86	30	172
6	167	127	32	326
7a	6	28	27	61
7b	0	2	0	2
7c	1	29	24	54
7d	1	2	1	4
7e	0	1	1	2
7f	0	0	0	0
8	4	0	0	4

9 0 0 0 0 0 0

D. Other reasons

	Headquarters	Field	OIG	TOTAL
No records	251	71	14	336
No Fee Agreement or fees not paid	3	27	0	30
Duplicate request	8	33	0	41
Referred	91	122	5	218
TOTALS	353	253	19	625

VI. Appeals of Initial Denials of FOIA/PA Request.

A. Number of Appeals Processed

	Headquarters	Field	OIG	TOTAL
Received	39	7	10	56
Affirmed	17	3	3	23
Reversed	0	0	0	0
Affirmed in part / Reversed in part	2	3	7	12
Dismissed / moot	2	0	0	2
Referred for futher processing	4	1	0	5
Pending decision	14	0	0	14

B. Number of times each FOIA exemption was used on appeal.

Exemption	Headquarters	Field	OIG	TOTAL
1	0	0	0	0
2	1	1	0	2
3	0	0	1	1
4	0	2	0	2
5	3	4	7	14
6	7	1	4	12
7a	1	0	1	2
7b	0	0	0	0
7c	1	0	4	5
7d	0	0	0	0
7e	0	0	0	0
7f	0	0	0	0
8	0	0	0	0
9	0	0	0	0

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

A. Median number of days to process different type of completed requests.

	Routine		Complex*		Expedited	
II II '	lo. of equests	Modian dave	No. of requests	Median davs	No. of requests	Median days
HQ	924	77	52	67	51	18

FIELD	2051	266	0	n/a	32	10
OIG	138	27	0	n/a	3	5

^{*} Prior to April 23, 2001, the effective date of the HUD FOIA regulations, all FOIA cases were processed on a single track. Only cases received on or after that date by HUD Headquarters were assigned to the Complex track.

B. Status of pending requests.

	Routine		Complex*		Expedited	
	No. of Requests	Median dave	No. of Requests	Median days	No. of Requests	Median days
HQ	267	77	51	52	0	n/a
FIELD	1259	266	0	n/a	0	n/a
OIG	26	11	0	n/a	0	n/a

^{*} Prior to April 23, 2001, the effective date of the HUD FOIA regulations, all FOIA cases were processed on a single track. Only cases received on or after that date by HUD Headquarters were assigned to the Complex track.

VIII. Comparisons with Previous Year.

A. Comparison of numbers of requests received.

In FY 2001, HUD received 3694 new FOIA requests compared to 3408 in FY 2000. This is an increase of 8.4% over the previous year.

B. Comparison of numbers of requests processed.

In FY 2001, HUD processed 3111 FOIA requests compared to 2878 processed in FY 2000. This is an increase of 8.1% over the previous year.

C. Comparison of median number of days requests were pending as of end of year.

Varies by component.

D. Other significant statistics.

In FY 2001, HUD Headquarters received 381 FOIA requests via e-mail through the HUD FOIA website.

During FY 2001 HUD Headquarters conducted training through interactive distance-learning for over 200 field and headquarters program staff with responsibilities for processing FOIA requests. This training included a review of the new FOIA regulations as well as legal and processing considerations.

IX. Costs/FOIA Staffing.

A. Staffing levels.

	Headquarters	Field	OIG	TOTAL
Full time FOIA staff	17	0	1	18
FTEs for part time FOIA (Estimated)	8.2	12.9	0.7	21.8
TOTAL FTEs (Estimated)	25.2	12.9	1.7	39.8

B. Costs (Estimated)

Processing Costs	Headquarters	Field	OIG	TOTAL
FOIAs and Appeals	1631905	915368	117362	2664635
Litigation	26892	744	0	27636
TOTAL COSTS	1658797	916112	117362	2692271

X. Fees.

	Headquarters	Field	OIG	TOTAL
Fees Billed	11819	20457	373	32649
Fees Collected	8137	7228	290	15655
Fee Waivers Requested	64	36	4	104
Fee Waivers Granted	52	34	3	89
Amount of Fees Waived	2392	9638	1189	13219

XI. FOIA Regulations (Including Fee Schedule).

The World Wide Web internet address to obtain the Department of Housing and Urban Development FOIA Regulation is: www.hud.gov.

Content Archived: July 19, 2010



Web Policies and Important Links **FOIA Privacy**





U.S. Department of Housing and Urban Development 451 7th Street S.W. Washington, DC 20410 Telephone: (202) 708-1112 TTY: (202) 708-1455