



United States Access Board

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**Annual Freedom of Information Act  
(FOIA) Report Fiscal Year 2025**

## **SECTION I: BASIC INFORMATION REGARDING REPORT**

**PROVIDE NAME, TITLE, ADDRESS, AND TELEPHONE NUMBER OF PERSON(S) TO BE CONTACTED WITH QUESTIONS ABOUT THE REPORT.**

Christopher Kuczynski  
General Counsel/Chief FOIA Officer  
U.S. Access Board  
1331 F Street NW, Suite 1000  
Washington, D.C. 20004  
(202) 272-0080  
Email: foia@access-board.gov

**PROVIDE AN ELECTRONIC LINK FOR ACCESS TO THE REPORT ON THE AGENCY WEB SITE.**

<https://www.access-board.gov/about/foia-report.html>

**EXPLAIN HOW TO OBTAIN A COPY OF THE REPORT IN PAPER FORM.**

For a paper copy of this annual FOIA report, please contact, Christopher Kuczynski, US Access Board General Counsel.

## **SECTION II: MAKING A FOIA REQUEST**

**PROVIDE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL INDIVIDUAL AGENCY COMPONENTS THAT RECEIVE FOIA REQUESTS.**

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**PROVIDE A 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.**

Some requests are not granted because they do not reasonably describe requested records, seek records that are not subject to release under FOIA, or the agency has no responsive records.

**PROVIDE A FUNCTIONAL ELECTRONIC LINK TO AGENCY FOIA REGULATIONS, INCLUDING THE AGENCY'S FEE SCHEDULE.**

US. Access Board's FOIA regulations, including the fee schedule, are codified at [36 C.F.R. part 1120](https://www.access-board.gov/regulations-and-guidance/foia-regulations).

## **SECTION III: ACRONYMS, DEFINITIONS, AND EXEMPTIONS**

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

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
- l. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
- m. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
- n. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- o. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- p. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- q. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- r. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- s. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- t. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

**THE FOLLOWING IS A CONCISE DESCRIPTION OF THE NINE FOIA EXEMPTIONS REFERENCED IN THIS REPORT.**

- a. **Exemption 1:** Classified national defense and foreign relations information.
- b. **Exemption 2:** information that is related solely to the internal personnel rules and practices of an agency.
- 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

### 3. AGENCY COMPONENT ABBREVIATIONS

Component Abbreviation	Component Name
USAB	U.S. Access Board

### 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
5 U.S.C. § 13109(a)(2)	Confidential financial disclosure report pertaining to certain government employees	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Boyd v. Exec. Off. for U.S. Att'ys, 161 F. Supp. 3d 1, 7 (D.D.C. 2015); Seife v. NIH, 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012).	USAB	2	2

### V. FOIA REQUESTS

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

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
USAB	2	21	19	4
AGENCY OVERALL	2	21	19	4

## B. DISPOSITION OF FOIA REQUESTS

### (1) 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
USAB	7	8	0	4	19
AGENCY OVERALL	7	8	0	4	19

\* Number of Full Denials Based on Reasons Other than Exemptions.

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
4	0	0	0	0	0	0	0	0
4	0	0	0	0	0	0	0	0

### (2) "Other" Reasons For "Full Denials Based on Reasons Other Than Exemptions".

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
USAB	N/A	0	0
AGENCY OVERALL			0

### (3). 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
USAB	0	0	2	1	2	7	1	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	2	0	2	7	1	0	0	0	0	0	0	0

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

#### A. RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

X RECEIVED, X PROCESSED, AND X 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
USAB	0	0	0	0
AGENCY OVERALL	0	0	0	0

## B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

DISPOSITION OF ADMINISTRATIVE APPEALS - FILED PROCESSING PERIOD					
Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
USAB	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0

### C. REASONS FOR DENIAL ON APPEAL

#### **(1). Number of Times Exemptions Applied**

## (2). 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
USAB	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0

## (3). "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
USAB	N/A	0	0
AGENCY OVERALL			0

## (4). Response Time For Administrative Appeals

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
USAB	N/A	N/A	N/A	N/A
AGENCY OVERALL	N/A	N/A	N/A	N/A

## (5). Ten Oldest Pending Administrative Appeals

### USAB Component

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
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

### Agency Overall

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
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

## VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

### A. PROCESSED REQUESTS -- RESPONSE TIME FOR ALL PROCESSED REQUESTS

#### Simple

Agency/Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
USAB	21	32	5	92
AGENCY OVERALL	21	32	5	92

#### Complex

Agency/component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
USAB	N/A	N/A	N/A	N/A
AGENCY OVERALL	N/A	N/A	N/A	N/A

**Expedited**

Agency/component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
USAB	N/A	N/A	N/A	N/A
AGENCY OVERALL	N/A	N/A	N/A	N/A

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

**Simple**

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
USAB	25	37	8	92
AGENCY OVERALL	25	37	8	92

**Complex**

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
USAB	N/A	N/A	N/A	N/A
AGENCY OVERALL	0	0	N/A	N/A

**Expedited Process**

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days

USAB	N/A	N/A	N/A	N/A
AGENCY OVERALL	0	0	N/A	N/A

#### C. PROCESSED REQUESTS – RESPONSE TIME IN DAYS INCREMENT

## **(1). Processed Simple Requests**

## **(2) Processed Complex Requests**

### **(3) Processed Requests Granted Expedited Processing**

USAB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

#### D. PENDING REQUESTS – ALL PENDING REQUESTS

##### Simple

Agency / Component	Number Pending	Median Number of Days	Average Number of Days
USAB	3	37	77
AGENCY OVERALL	3	37	77

##### Complex

Agency/Component	Number Pending	Median Number of Days	Average Number of Days
USAB	0	N/A	N/A
AGENCY OVERALL	0	N/A	N/A

##### Expedited Process

Agency/Component	Number Pending	Median Number of Days	Average Number of Days
USAB	0	N/A	N/A
AGENCY OVERALL	0	N/A	N/A

#### E. PENDING REQUESTS – TEN OLDEST PENDING REQUESTS

##### USAB

USAB	10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2025-09-25	2025-08-07	2024-12-30

Number of Days Pending	0	0	0	0	0	0	0	12	37	187
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**Agency Overall**

Agency Overall	10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2025-09-25	2025-08-07	2024-12-30
Number of Days Pending	0	0	0	0	0	0	0	12	37	187

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

**A. REQUESTS FOR EXPEDITED PROCESSING**

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
USAB	0	0	N/A	N/A	0
AGENCY OVERALL	0	0	N/A	N/A	0

**B. REQUESTS FOR FEE WAIVER**

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
USAB	0	0	N/A	N/A
AGENCY OVERALL	0	0	N/A	N/A

**IX. FOIA PERSONNEL AND COSTS**

**Personnel**

Agency/Component	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"
USAB	0	0.50	0.50
AGENCY OVERALL	0	0.50	0.50

**Costs**

Agency/Component	Processing Costs	Litigation-Related Costs	Total Costs
USAB	63752.00	0.00	63752.00
AGENCY OVERALL	63752.00	0.00	63752.00

**X. FEES COLLECTED FOR PROCESSING REQUESTS**

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
USAB	0.00	0.0000
AGENCY OVERALL	0.00	0.0000

**XI. EXCLUSION USE AND PROTECTIVE DISCLOSURES**

**A. NUMBER OF TIMES SUBSECTION (C) USED**

Agency / Component	Number of Times Subsection Used
USAB	0
AGENCY OVERALL	0

**B. NUMBER OF SUBSECTION (A)(2) POSTINGS**

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
USAB	0	0
AGENCY OVERALL	0	0

**XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS****A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS**

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
USAB	2	0
AGENCY OVERALL	2	0

**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
USAB	0	1	1	0
AGENCY OVERALL	0	1	1	0

**C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY****USAB**

USAB	10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
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

#### Agency Overall

Agency Overall	10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
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

#### D. COMPARISON OF REQUESTS

##### **(1). Comparison of Numbers of Requests From Previous and Current Annual Report – Requests Received and Processed**

###### Number of Requests Received

Agency / Component	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report
USAB	42	21
AGENCY OVERALL	42	21

###### Number of Requests Processed

Agency / Component	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
USAB	41	19

AGENCY OVERALL	41	19
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**(2). Comparison of Numbers of Requests From Previous and Current Annual Report – Backlogged Requests**

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
USAB	0	2
AGENCY OVERALL	0	2

**E. COMPARISON OF ADMINISTRATIVE APPEALS**

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

**Number of Appeals Received**

Agency / Component	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report
USAB	0	0
AGENCY OVERALL	0	0

**Number of Appeals Processed**

Agency / Component	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report

USAB	0	0
AGENCY OVERALL	0	0

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

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
USAB	0	0
AGENCY OVERALL	0	0