



Department of Homeland Security

Privacy Office

2012 Freedom of Information Act Report
to the Attorney General of the United States

February 2013



Homeland
Security

Message from the Acting Chief Freedom of Information Act Officer

I am pleased to present the Department of Homeland Security's (DHS or Department) *Annual Freedom of Information Act (FOIA) Report to the Attorney General for 2012*. This is the first report produced during my tenure as the Department's Acting Chief Privacy Officer and Acting Chief FOIA Officer and the fourth to reflect President Obama's call for openness and transparency in Federal Government operations. This report highlights the unprecedented number of FOIA requests and appeals the Department received this fiscal year, and the sizable reduction of its backlog of requests and appeals.



DHS receives the largest number of FOIA requests of any federal department or agency in each fiscal year (FY). It also has the largest backlog of pending FOIA requests. Since President Obama took office, DHS has experienced a steady annual increase in the number of FOIA requests from 103,093 in FY 2009, to 130,098 in FY 2010, to 175,656 in FY 2011. This trend continued in FY 2012: DHS received a record-setting 190,589 requests, an 85 percent increase over FY 2009. Despite this increase during FY 2012, DHS processed 205,895 requests and reduced its backlog of pending requests from 42,371 to 28,553. This decrease in the backlog is even more significant since the Department closed over 47,000 more perfected requests that were placed in the complex track in FY 2012 than in FY 2011. In fact, 55 percent of all closed requests in FY 2012 were complex compared to only 44 percent in FY 2011.

The 33 percent decrease in the backlog this year, despite an increasing volume of requests, was due to the multi-pronged efforts of all components. DHS took several steps to reduce the FOIA backlog including the use of the business management strategy Six Sigma, student interns, and contractors, as well as detailing FOIA Specialists in Headquarters to the components needing assistance to reduce their backlog. Additionally, the DHS Privacy Office (or Office) met with component FOIA Officers and FOIA officials from other federal agencies to gain insight into how technology, training, and staff development can converge to reduce the backlog, particularly through day-to-day case management.

DHS also made great strides in processing FOIA appeals. Although DHS experienced a 20 percent increase in the number of FOIA appeals received in FY 2012 compared with FY 2011, the appeals backlog decreased by 50 percent, from 327 in FY 2011 to 165 in FY 2012. DHS also decreased the average processing time to close out an appeal by 56 percent, from 106 days in FY 2011 to 47 days in FY 2012. Almost every DHS component shortened the interval between the receipt of an appeal and the closing of an appeal. For example, U.S. Citizenship and Immigration Services (USCIS) received 58 percent of the Department's FOIA appeals, but was successful in reducing the average response time for appeals by 53 percent, from 52 days in FY 2011 to 24 days in FY 2012. The Office of the General Counsel (OGC) decreased its average turnaround by 60 percent, from 700 days to 278 days, while the average response time for Immigration and Customs Enforcement (ICE) dropped by 30 percent, from 40 days to 28 days.

I am proud of the great work our Department has accomplished. I direct your attention to the pages that follow and look forward to providing even better and more responsive customer service in the new year.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan R. Cantor". The signature is written in a cursive style with a large initial 'J'.

Jonathan R. Cantor
Acting Chief Freedom of Information Act Officer
U.S. Department of Homeland Security

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I. Basic Information Regarding Report

1. Questions regarding this report may be directed to:

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Deputy Chief FOIA Officer
Privacy Office
U.S. Department of Homeland Security
245 Murray Drive SW, Mail Stop 0655
Washington, DC 20528-0655
Phone: 202-343-1743; Fax: 202-343-4011

2. This report can be downloaded from the DHS FOIA website at <http://www.dhs.gov/FOIA>.

3. Requests for this report in paper form may also be directed to Delores J. Barber, as listed above.

II. Making a FOIA Request

1. Names, addresses, and contact numbers for DHS FOIA Officers can be found on our website at <http://www.dhs.gov/FOIA>.

2. Brief description why requests are not granted:

The records maintained by the Department often contain private information on individuals or involve law enforcement matters. Because law enforcement records are of such interest to subjects of investigation, victims of crime, and the public at large, these records are often requested under the Freedom of Information Act. The Department commonly invokes exemptions 6 and 7(C) to prevent unwarranted injury to the privacy interests of individuals, and exemption 7(E) to protect against the disclosure of law enforcement techniques, procedures, and guidelines.

III. Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms.

- | | |
|-----------|--|
| a. CBP | U.S. Customs and Border Protection |
| b. CFO | Chief Financial Officer |
| c. CISOMB | Citizenship and Immigration Services Ombudsman |
| d. CRCL | Office for Civil Rights & Civil Liberties |
| e. DNDO | Domestic Nuclear Detection Office |
| f. ESEC | Office of the Executive Secretary |
| g. FEMA | Federal Emergency Management Agency |
| h. FLETC | Federal Law Enforcement Training Center |
| i. I&A | Office of Intelligence and Analysis |
| j. IGA | Office of Intergovernmental Affairs |
| k. ICE | U.S. Immigration and Customs Enforcement |
| l. MGMT | Management Directorate |
| m. NCSC | National Cyber Security Center |

- n. NPPD National Protection and Programs Directorate
- o. OGC Office of the General Counsel
- p. OHA Office of Health Affairs
- q. OIG Office of Inspector General
- r. OLA Office of Legislative Affairs
- s. OPA Office of Public Affairs
- t. OPS Office of Operations Coordination and Planning
- u. PLCY Office of Policy
- v. PRIV Privacy Office
- w. S&T Science and Technology Directorate
- x. TSA Transportation Security Administration
- y. USCG United States Coast Guard
- z. USCIS United States Citizenship and Immigration Services
- aa. USSS United States Secret Service
- bb. US-VISIT United States Visitor and Immigrant Status Indicator Technology

2. Definition of terms, expressed in common terminology.

- 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, determined by dividing 24 by 3.
- 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 the 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 requests 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 provides its views on the record to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- f. **Exemption 3 Statute** – A federal statute other than FOIA 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), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., “first-party” requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term “FOIA request” also includes any such “first-party” requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. DHS applies this same interpretation of the term “FOIA request” even to “first-party” requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy provides such persons the ability to access their own records in DHS’s Privacy Act “mixed systems of records” as if they are subject to the Privacy Act’s access provisions, and DHS processes the requests under FOIA as well. Thus, all requests that require DHS to utilize 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 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 entirety 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.

* Pursuant to 5 U.S.C. § 552(b)(3) as amended by sec. 564 of Public Law 111-83, a statute enacted after October 28, 2009, can qualify as an Exemption 3 law only if it cites specifically to 5 U.S.C. § 552(b)(3).

- 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 volume and/or simplicity of 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** – 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. **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.
 - 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 20 working days from receipt of a perfected FOIA request).
3. Concise descriptions of FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
 - b. **Exemption 2:** internal agency rules and practices (personnel)
 - 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 procedures, 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

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
6 U.S.C. § 133(a)(1)	Critical infrastructure information (including the identity of the submitting person or entity) that is voluntarily submitted to a covered Federal agency for use by that agency regarding the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other informational purpose, when accompanied by an express statement specified in paragraph 2		FEMA	3	4
			OIG	1	
8 U.S.C. § 1202(f) (Immigration and Nationality Act)	Certain records pertaining to the issuance or refusal of visas to enter the United States	<u>Medina-Hincapie v. Dep't of State</u> , 700 F.2d 737, 741-42 (D.C. Cir. 1983); <u>DeLaurentiis v. Haig</u> , 686 F.2d 192, 194 (3d Cir. 1982); <u>Judicial Watch, Inc. v. U.S. Dep't of State</u> , 650 F. Supp. 2d 28, 33 (D.D.C. 2009); <u>Smith v. DOJ</u> , No. 81-CV-813, 1983 U.S. Dist. LEXIS 10878, at *13-14 (N.D.N.Y. Dec. 13, 1983).	USCIS	1	1
10 U.S.C. § 130b	Personally identifiable information pertaining to members of the armed forces assigned to "routinely deployable unit[s]" and certain employees of DOD and DHS	<u>Hiken v. DOD</u> , 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007); <u>O'Keefe v. DOD</u> , 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006); <u>Windel v. United States</u> , No. A02-306, 2005 WL 846206, at *2.	USCG	3	3
10 U.S.C. § 424	Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency	<u>Physicians for Human Rights v. DOD</u> , No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011); <u>Miller v. DOJ</u> , 562 F. Supp. 2d 82, 112 (D.D.C. 2008); <u>Wickwire Gavin, P.C. v. Def. Intelligence Agency</u> , 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).	USCG	2	2
18 U.S.C. §§ 2510-20	Wiretap requests and the content of any wire, oral, or electronic communication obtained through wiretaps	<u>Mendoza v. DEA</u> , No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); <u>Lam Lek Chong v. DEA</u> , 929 F.2d 729, 733 (D.C. Cir. 1991); <u>Payne v. DOJ</u> , No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).	USSS	5	5
18 U.S.C. 2722(a)	Prohibits the disclosure of personal information from a motor vehicle record		OIG	1	1
18 U.S.C. § 3509(d) (Federal Victims' Protection and Rights Act)	Certain records containing identifying information pertaining to children involved in criminal proceedings	<u>Tampico v. EOUSA</u> , No. 04-2285, slip op. at 8 (D.D.C. Apr. 29, 2005).	ICE	1	1

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
26 U.S.C. §§ 6103, 6105	Certain tax return information and certain tax convention information	<u>Church of Scientology v. IRS</u> , 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); <u>Pac. Fisheries, Inc. v. IRS</u> , No. 09-35618, 2010 WL 3611645, at *2 (9 th Cir. September 15, 2010)(unpublished disposition); <u>Tax Analysts v. IRS</u> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).	USCIS	2,533	2,533
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	<u>Sinkfield v. HUD</u> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	FEMA FLETC ICE MGMT NPPD PRIV S&T USCG	6 2 7 4 2 2 3 2	28
42 U.S.C. § 262a	Enhanced control of dangerous biological agents and toxins/bio-terrorism information		S&T	1	1
46 U.S.C. § 70103(d)	Facility security plans, vessel security plans, and port vulnerability assessments		PLCY	1	1
49 U.S.C. § 114(s)	Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Security Act or under chapter 449 of this title	<u>Tooley v. Bush</u> , No. 06-306, 2006 WL 3783142, at *19 (D.D.C. Dec. 21, 2006), <u>aff'd on other grounds</u> , 586 F. 3d 1006 (D.C. Cir. 2009); <u>Gordon v. FBI</u> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).	CBP ICE PRIV TSA USCG	775 401 6 101 4	1,287
50 U.S.C. § 403g	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency"	<u>Larson v. Dep't of State</u> , 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); <u>Berman v. CIA</u> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <u>Makky v. Chertoff</u> , 489 F. Supp. 2d 421, 442 (D.N.J. 2007), <u>aff'd on other grounds</u> , 541 F. 3d 205 (3d Cir. 2008).	USCG USSS	3 3	6

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat.319	Certain records pertaining to grand jury proceedings	<u>Sussman v. USMS</u> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <u>Fund for Constitutional Gov't v. Nat'l Archives & Records Serv.</u> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <u>Durham v. U.S. Atty. Gen.</u> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <u>Cozen O'Connor v. U.S. Dep't of Treasury</u> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	ICE USCIS USSS	2 2 7	11

V. FOIA Requests

A. Received, Processed and Pending FOIA Requests

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
CBP	5,040**	33,243	26,571	11,712
CRCL	6	84	87	3
FEMA	547**	761	952	356
FLETC	5	109	102	12
I&A	23**	96	115	4
ICE	50	24,073	21,220	2,903
MGMT	12**	124	116	20
NPPD	100**	7,105	4,891	2,314
OGC	5	19	17	7
OIG	9	180	166	23
OPS	0	60	60	0
PLCY	0**	26	26	0
PRIV	37**	730	709	58
S&T	1	36	37	0
TSA	661	861	949	573
USCG	471**	3,700	3,256	915
USCIS	43,568**	117,787	145,278	16,077
USSS	608**	1,595	1,343	860
AGENCY OVERALL	51,143**	190,589	205,895	35,837

[†] The following information is important to interpret the FOIA request data presented in this Annual Report: 1) PRIV processes and reports on FOIA requests for itself, the Office of the Secretary (including the Military Advisor's Office and the Office of Intergovernmental Affairs), and the following components: CISOMB, DNDO, ESEC, OHA, OLA, and OPA; 2) MGMT processed and reported on FOIA requests for itself and for CFO through September 30, 2012; 3) NPPD processes and reports on FOIA requests for itself, US-VISIT and for NCSC. Readers of the Annual Report should consider the contents of this footer to apply, as appropriate, to all tables in the report.

** Corrected number due to component reporting error in FY 2011.

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

Component	No. of Full Grants	No. of Partial Grants/ Partial Denials	No. of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									Total
				No Records	All Records Referred	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper FOIA Request	Not Agency Record	Duplicate Request	Other	
CBP	2,152	10,530	53	6,282	1,231	4,541	44	5	325	1,117	200	91	26,571
CRCL	8	25	0	45	3	3	0	1	0	0	2	0	87
FEMA	152	296	18	109	20	16	0	3	3	1	11	323	952
FLETC	22	28	5	17	5	1	0	3	9	7	1	4	102
I&A	10	32	1	44	6	3	2	1	9	0	3	4	115
ICE	326	15,978	741	945	2,596	63	15	16	360	17	84	79	21,220
MGMT	30	51	2	13	9	1	3	2	2	0	2	1	116
NPPD	33	4,652	9	67	15	36	3	1	61	5	4	5	4,891
OGC	4	1	0	3	5	0	0	1	3	0	0	0	17
OIG	13	93	15	25	1	2	0	0	10	3	0	4	166
OPS	3	22	0	29	4	1	0	0	1	0	0	0	60
PLCY	3	1	4	11	4	3	0	0	0	0	0	0	26
PRIV	20	98	12	54	157	12	8	185	102	12	26	23	709
S&T	4	17	0	5	7	0	1	2	0	0	1	0	37
TSA	97	166	33	223	33	50	5	80	124	17	14	107	949
USCG	2,257	260	92	438	39	103	6	4	4	0	43	10	3,256
USCIS	16,555	86,270	102	12,536	3,146	157	162	2	14,574	4,234	7,517	23	145,278
USSS	26	199	10	762	7	35	1	0	3	35	19	246	1,343
AGENCY OVERALL	21,715	118,719	1,097	21,608	7,288	5,027	250	306	15,590	5,448	7,927	920	205,895

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B(1) Chart

Component	Description	No. of Times Used	Total
CBP	Coordinated by Another Office	49	91
	Records Publicly Available	36	
	Unable to Locate Requester	6	
CRCL	N/A	0	0
FEMA	Nonresponsive to Requests for Additional Information	323	323
FLETC	Coordinated by Another Office	1	4
	Glomar Response	3	
I&A	Aggregated	1	4
	Records Publicly Available	3	

Component	Description	No. of Times Used	Total
ICE	Fugitive	75	79
	Litigation	4	
MGMT	Records Publicly Available	1	1
NPPD	Glomar Response	3	5
	Records Publicly Available	2	
OGC	N/A	0	0
OIG	Coordinated by Another Processing Office	1	4
	Records Publicly Available	1	
	Unable to Locate Requester	2	
OPS	N/A	0	0
PLCY	N/A	0	0
PRIV	Aggregated	2	23
	Litigation	3	
	Records Publicly Available	17	
	Sent in Error	1	
S&T	N/A	0	0
TSA	Glomar Response	43	107
	Nonresponsive to Requests for Additional Information	61	
	Records Publicly Available	3	
USCG	Nonresponsive to Requests for Additional Information	10	10
USCIS	Unable to Locate Records	23	23

Component	Description	No. of Times Used	Total
USSS	Coordinated by Another Office	1	246
	Nonresponsive to Requests for Additional Information	184	
	Not Subject to FOIA	1	
	Records Referred Not Responsive	16	
	Sent in Error	16	
	Statute of Limitation Passed	22	
	Unable to Locate Requester	6	
AGENCY OVERALL			920

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

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
CBP	1	245	775	87	88	10,270	78	0	10,342	22	10,259	0	0	0
CRCL	0	0	0	0	14	25	0	0	3	0	0	0	0	0
FEMA	0	24	9	136	57	252	2	0	10	1	1	0	0	0
FLETC	0	0	2	7	1	19	1	0	4	0	3	1	0	0
I&A	7	0	0	0	2	25	3	2	6	6	31	1	0	0
ICE	1	34	411	31	2,750	13,602	81	0	13,464	33	14,013	86	0	0
MGMT	0	0	4	26	5	34	0	0	3	0	8	0	0	0
NPPD	0	1	2	28	11	219	7	0	3,874	0	4,150	6	0	0
OGC	0	0	0	0	0	1	0	0	0	0	0	0	0	0
OIG	1	4	2	4	29	94	29	0	76	7	11	1	0	0
OPS	0	0	0	1	0	95	0	0	88	0	8	1	0	0
PLCY	1	0	1	0	3	1	0	0	0	0	0	0	0	0
PRIV	2	3	8	13	43	96	0	0	26	0	21	8	0	0
S&T	0	0	4	5	4	18	0	0	4	0	5	0	0	0
TSA	1	62	101	21	42	157	1	12	32	0	19	1	0	0
USCG	5	0	14	13	74	228	100	0	73	3	7	1	0	0
USCIS	0	101	2,536	186	50,977	55,638	20	0	71,431	3	65,318	0	0	0
USSS	1	6	15	1	21	159	6	0	161	16	131	2	0	0
AGENCY OVERALL	20	480	3,884	559	54,121	80,933	328	14	99,597	91	93,985	108	0	0

VI. Administrative Appeals of Initial Determinations of FOIA Requests

A. Received, Processed, and Pending Administrative Appeals

Component	No. of Appeals Pending as of Start of Fiscal Year	No. of Appeals Received in Fiscal Year	No. of Appeals Processed in Fiscal Year	No. of Appeals Pending as of End of Fiscal Year
CBP	18	474	476	16
FLETC	0	1	1	0
ICE	40	288	303	25

OGC [‡]	150**	113	161	102
OIG	14	19	19	14
TSA	4	32	25	11
USCG	49	35	51	33
USCIS	186**	1,349	1,431	104
USSS	0	34	23	11
AGENCY OVERALL	461**	2,345	2,490	316

B. Disposition of Administrative Appeals – All Processed Appeals

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
CBP	118	120	111	127	476
FLETC	1	0	0	0	1
ICE	168	63	0	72	303
OGC	72	17	27	45	161
OIG	8	2	1	8	19
TSA	13	2	6	4	25
USCG	29	0	12	10	51
USCIS	501	605	231	94	1,431
USSS	1	1	2	19	23
AGENCY OVERALL	911	810	390	379	2,490

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

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
CBP	0	11	24	8	11	242	7	0	232	1	239	8	0	0
FLETC	0	0	0	0	0	0	0	0	0	0	1	1	0	0
ICE	0	0	0	2	4	48	6	2	45	0	35	0	0	0
OGC	1	1	1	2	10	10	1	0	26	0	24	2	0	0
OIG	0	1	0	0	1	6	1	0	5	0	0	0	0	0
TSA	0	2	1	0	0	1	0	0	0	0	0	0	0	0
USCG	0	1	1	0	26	9	14	0	2	0	0	0	0	0
USCIS	0	0	31	2	608	592	0	0	756	0	692	2	0	0
USSS	0	0	0	0	0	1	1	0	1	0	0	0	0	0
AGENCY OVERALL	1	16	58	14	660	909	30	2	1,067	1	991	13	0	0

[‡] OGC processes FOIA appeals for: CRCL, FEMA, I&A, MGMT, NPPD, OHA, OPS, PLCY, PRIV, S&T and US-VISIT.

** Corrected number due to component reporting error in FY 2011.

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

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 for Expedited Processing	Other *Explain in chart below
CBP	51	8	3	13	0	20	0	12	1	0	19
FLETC	0	0	0	0	0	0	0	0	0	0	0
ICE	0	0	4	0	0	58	0	1	2	0	7
OGC	21	1	13	5	2	2	0	2	8	0	23
OIG	0	0	0	0	0	0	0	0	0	3	5
TSA	2	0	0	0	0	4	0	0	0	0	3
USCG	8	0	1	1	0	0	0	0	0	0	0
USCIS	0	0	0	0	0	72	0	22	0	0	0
USSS	3	0	0	0	0	0	0	0	1	15	0
AGENCY OVERALL	85	9	21	19	2	156	0	37	12	18	57

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

Component	Description	No. of Times Used	Total
CBP	Constructive Denial	18	19
	Moot	1	
FLETC	N/A	0	0
ICE	Moot	7	7
OGC	Adequacy of Search	13	23
	Constructive Denial	3	
	Coordinated by Another Processing Office	2	
	Need Additional Information to Process Appeal	4	
	Vaughn Index Not Provided by FOIA Office	1	
OIG	Moot	2	5
	Not an Appeal	3	
TSA	Constructive Denial	1	3
	Glomar Response	2	
USCG	N/A	0	0
USSS	N/A	0	0
AGENCY OVERALL			57

C. (4) Response Times for Administrative Appeals

Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CBP	12.5	17.87	1	208
FLETC	18	18	18	18
ICE	25	28.85	1	86
OGC	230	278.81	2	1,299
OIG	104	194.16	7	903
TSA	72.5	73.21	15	168
USCG	243	273	22	639
USCIS	23	24.59	1	123
USSS	26	26.83	11	76
AGENCY OVERALL	23	47.15	1	1,299

C. (5) Ten Oldest Pending Administrative Appeals

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CBP	Date of Receipt	2012-09-18	2012-09-18	2012-09-14	2012-09-12	2012-09-10	2012-09-10	2012-09-10	2012-09-10	2012-09-10	2012-09-06
	Number of Days Pending	9	9	10	13	15	15	15	15	15	17
FLETC	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2012-09-28	2012-09-15	2012-09-12	2012-09-12	2012-09-11	2012-09-10	2012-09-07	2012-09-06	2012-09-04	2012-09-04
	Number of Days Pending	1	10	13	13	14	15	16	17	19	19
OGC	Date of Receipt	2010-08-27	2010-08-20	2010-08-10	2008-11-13	2008-03-04	2008-02-26	2007-08-10	2007-05-21	2007-05-01	2006-09-20
	Number of Days Pending	528	533	541	972	1,149	1,154	1,288	1,345	1,359	1,511
OIG	Date of Receipt	2012-07-05	2012-07-03	2012-06-28	2012-06-14	2012-05-24	2011-03-09	2010-11-10	2010-09-15	2009-01-14	2008-11-14
	Number of Days Pending	61	62	65	75	89	398	477	516	931	971
TSA	Date of Receipt	2012-09-06	2012-08-07	2012-07-25	2012-07-18	2012-03-27	2012-03-15	2012-02-02	2012-01-30	2012-01-25	2012-01-04
	Number of Days Pending	17	38	47	52	131	139	168	171	174	188
USCG	Date of Receipt	2010-09-17	2010-06-30	2010-06-18	2010-06-10	2010-06-09	2010-05-10	2010-01-25	2009-12-01	2009-11-16	2009-03-10
	Number of Days Pending	514	569	577	583	584	605	675	711	721	895
USCIS	Date of Receipt	2012-09-11	2012-09-10	2012-09-04	2012-09-04	2012-08-30	2012-08-29	2012-08-29	2012-08-29	2012-08-29	2012-08-29
	Number of Days Pending	14	15	19	19	21	22	22	22	22	22

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
USSS	Date of Receipt	2012-09-27	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-05
	Number of Days Pending	2	5	5	5	5	5	5	5	5	18
AGENCY OVERALL	Date of Receipt	2009-03-10	2009-01-14	2008-11-14	2008-11-13	2008-03-04	2008-02-26	2007-08-10	2007-05-21	2007-05-01	2006-09-20
	Number of Days Pending	895	931	971	972	1,149	1,154	1,288	1,345	1,359	1,511

VII. FOIA Requests: Response Time for Processed and Pending Requests

A. Processed Requests – Response Time for All Processed Perfected Requests

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	118	106.83	1	462	87.5	84.25	1	324	1	1	1	1
CRCL	6	5.86	2	16	13	23.54	3	132	4	4	4	4
FEMA	146	247.98	1	1,780	86	359.38	1	1,075	8	8	8	8
FLETC	6	15.29	1	194	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I&A	8	9	6	14	23	60.82	1	348	N/A	N/A	N/A	N/A
ICE	19	24.34	1	180	26	42.83	1	373	8	12.29	8	23
MGMT	9.5	13.67	1	40	30	35.61	1	162	50	50	30	70
NPPD	33	27.37	1	159	61	100.35	1	387	39	39	39	39
OGC	4.5	4.8	2	9	21	129	2	380	N/A	N/A	N/A	N/A
OIG	12	14.78	2	55	39	51.87	11	211	35	35	35	35
OPS	2	2.5	1	7	6.5	8.77	3	33	N/A	N/A	N/A	N/A
PLCY	2	4.8	1	12	10	12.1	1	37	N/A	N/A	N/A	N/A
PRIV	7	9.6	1	53	55	70.18	7	412	189	189	189	189
S&T	12	11	1	50	58	81	35	228	N/A	N/A	N/A	N/A
TSA	7	8.56	1	20	158	200.79	21	773	N/A	N/A	N/A	N/A
USCG	7	10.09	1	494	39	65.31	3	491	N/A	N/A	N/A	N/A
USCIS	103	86.41	1	480	101	98.5	1	579	23	49.64	3	285
USSS	19	17.75	3	20	44	129.87	21	1,648	235.5	324.5	14	813
AGENCY OVERALL	44	72	1	1,780	98	98.60	1	1,648	22	59.67	1	813

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	101	88.69	1	462	104	91.63	1	324	1	1	1	1
CRCL	2.5	2.75	2	4	15	28.67	3	132	4	4	4	4
FEMA	151	236.13	0	1780	86	319.03	1	1280	0	0	0	0
FLETC	9	23.9	1	194	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I&A	N/A	N/A	N/A	N/A	48	101.93	1	348	N/A	N/A	N/A	N/A
ICE	24	28.2	1	181	38	52.37	1	373	8	12.29	8	23
MGMT	7.5	10.79	1	33	30	38	1	162	50	50	30	70

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
NPPD	24	31.02	1	159	103	124.15	3	309	N/A	N/A	N/A	N/A
OGC	7	7	7	7	5	58.8	2	223	N/A	N/A	N/A	N/A
OIG	12.5	16.63	2	55	40	54.15	12	211	35	35	35	35
OPS	1	1.5	1	3	8	11.5	3	33	N/A	N/A	N/A	N/A
PLCY	N/A	N/A	N/A	N/A	16	18	8	37	N/A	N/A	N/A	N/A
PRIV	11	16.82	1	36	67	81.53	8	412	189	189	189	189
S&T	14	15	1	50	58	81	35	228	N/A	N/A	N/A	N/A
TSA	9	10.2	1	18	245.5	261.9	21	707	N/A	N/A	N/A	N/A
USCG	7	10.31	1	494	37	65.34	9	491	N/A	N/A	N/A	N/A
USCIS	129	105.86	1	390	126	118.96	1	579	23	46.87	4	285
USSS	15	12.86	3	19	112.5	224.9	21	1648	235.5	324.5	14	813
AGENCY OVERALL	46	71.72	1	1,780	125	118.41	1	1,648	22	58.57	1	813

C. Processed Requests – Response Time in Day Increments

(1) Simple Requests

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
CBP	3,993	2,157	1,052	1,122	1,454	3,472	3,895	2,628	2,276	1,439	1,834	20	1	25,343
CRCL	49	0	0	0	0	0	0	0	0	0	0	0	0	49
FEMA	56	70	84	58	30	27	43	32	21	16	71	62	190	760
FLETC	36	6	1	1	1	0	0	0	0	3	0	0	0	48
I&A	4	0	0	0	0	0	0	0	0	0	0	0	0	4
ICE	10,397	5,353	2,947	511	198	64	25	18	8	0	0	0	0	19,521
MGMT	19	5	0	0	0	0	0	0	0	0	0	0	0	24
NPPD	1,947	1,682	1,065	29	7	5	1	2	0	0	0	0	0	4,738
OGC	6	0	0	0	0	0	0	0	0	0	0	0	0	6
OIG	72	9	7	0	0	0	0	0	0	0	0	0	0	88
OPS	24	0	0	0	0	0	0	0	0	0	0	0	0	24
PLCY	5	0	0	0	0	0	0	0	0	0	0	0	0	5
PRIV	239	25	1	0	0	0	0	0	0	0	0	0	0	265
S&T	26	2	1	0	0	0	0	0	0	0	0	0	0	29
TSA	297	0	0	0	0	0	0	0	0	0	0	0	0	297
USCG	2,625	106	30	4	6	2	5	2	5	0	3	1	1	2,790
USCIS	7,151	1,231	1,216	1,210	803	1,202	4,038	5,974	352	164	377	40	547	24,305
USSS	136	0	0	0	0	0	0	0	0	0	0	0	0	136
AGENCY OVERALL	27,082	10,646	6,404	2,935	2,499	4,772	8,007	8,656	2,662	1,622	2,285	123	739	78,432

(2) Complex Requests

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
CBP	190	128	75	51	37	129	139	52	43	39	24	1	0	908
CRCL	29	2	9	1	0	0	1	0	0	0	0	0	0	42

FEMA	8	13	24	21	39	5	2	0	0	0	4	1	75	192
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	43	28	0	3	0	5	4	3	3	0	7	3	0	99
ICE	659	429	212	115	93	75	30	20	23	22	12	2	0	1,692
MGMT	15	44	17	2	3	1	0	0	1	0	0	0	0	83
NPPD	34	20	18	20	8	12	10	6	5	4	26	2	0	165
OGC	5	1	0	0	0	0	0	0	0	0	1	3	0	10
OIG	9	27	11	7	4	5	3	0	0	0	1	0	0	67
OPS	28	2	0	0	0	0	0	0	0	0	0	0	0	30
PLCY	17	4	0	0	0	0	0	0	0	0	0	0	0	21
PRIV	28	34	19	20	12	7	6	7	11	2	1	0	1	148
S&T	0	1	3	2	0	0	0	0	0	0	1	0	0	7
TSA	0	153	53	38	26	30	35	20	22	32	109	88	100	706
USCG	15	221	65	53	24	20	14	13	9	10	10	5	2	461
USCIS	20,603	3,681	4,849	10,461	10,953	7,449	9,411	14,459	15,121	1,761	2,254	68	4,986	106,056
USSS	0	519	208	120	65	22	14	15	7	20	36	23	75	1,124
AGENCY OVERALL	21,683	5,307	5,563	10,914	11,264	7,760	9,669	14,595	15,245	1,890	2,486	196	5,239	111,811

(3) Requests Granted Expedited Processing

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
CBP	5	0	0	0	0	0	0	0	0	0	0	0	0	5
CRCL	1	0	0	0	0	0	0	0	0	0	0	0	0	1
FEMA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ICE	5	2	0	0	0	0	0	0	0	0	0	0	0	7
MGMT	0	1	0	1	0	0	0	0	0	0	0	0	0	2
NPPD	0	1	0	0	0	0	0	0	0	0	0	0	0	1
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	1	0	0	0	0	0	0	0	0	0	0	0	1
OPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLCY	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIV	0	0	0	0	0	0	0	0	0	1	0	0	0	1
S&T	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCIS	29	2	0	2	0	0	0	0	0	0	0	0	0	33
USSS	1	0	0	0	0	0	0	1	0	0	0	1	1	4
AGENCY OVERALL	42	7	0	3	0	0	0	1	0	1	0	1	1	56

D. Pending Requests – All Pending Perfected Requests

Component	Simple			Complex			Expedited		
	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days
CBP	11,628	84	92.08	84	61	59.62	0	N/A	N/A
CRCL	0	N/A	N/A	3	21	20	0	N/A	N/A

Component	Simple			Complex			Expedited		
	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days
FEMA	149	237	320.97	117	63	129.62	0	N/A	N/A
FLETC	12	12.5	14.25	0	N/A	N/A	0	N/A	N/A
I&A	0	N/A	N/A	4	37	49.75	0	N/A	N/A
ICE	2783	32	31	120	29	75	0	N/A	N/A
MGMT	0	N/A	N/A	20	44.5	54.05	0	N/A	N/A
NPPD	2265	23	24.69	49	45	44.37	0	N/A	N/A
OGC	0	N/A	N/A	7	212	138.57	0	N/A	N/A
OIG	2	8	8	21	40	66.05	0	N/A	N/A
OPS	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
PLCY	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
PRIV	10	5	5.1	41	15	28.2	0	N/A	N/A
S&T	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
TSA	20	11.5	11	542	212.5	269.17	1	604	604
USCG	109	7	10.08	799	175	228.5	0	N/A	N/A
USCIS	942	27	46	14,734	34	40	0	N/A	N/A
USSS	94	11	11.87	774	170	308.66	1	397	397
US-VISIT	7	14	40.00	0	N/A	N/A	0	N/A	N/A
AGENCY OVERALL	18,021	45	72.49	16,918	37	69.44	2	501	500.50

E. Pending Requests – Ten Oldest Pending Perfected Requests

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2011-10-06	2011-10-06	2011-05-27	2011-05-26	2011-05-26	2011-05-26	2011-05-26	2011-05-25	2011-05-25	2011-05-25
	Number of Days Pending	248	248	341	342	342	342	342	343	343	343
CRCL	Date of Receipt	N/A	2012-09-26	2012-09-18	2012-09-13						
	Number of Days Pending	0	0	0	0	0	0	0	3	9	12
FEMA	Date of Receipt	2010-02-03	2010-01-26	2010-01-20	2010-01-08	2009-11-27	2009-11-12	2009-10-21	2009-10-05	2009-03-06	2007-09-07
	Number of Days Pending	668	674	678	685	713	723	738	749	897	1,269
FLETC	Date of Receipt	2012-09-25	2012-09-21	2012-09-17	2012-09-12	2012-09-11	2012-09-06	2012-09-06	2012-09-06	2012-08-15	2012-07-26
	Number of Days Pending	4	6	10	13	14	17	17	17	32	46
I&A	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-13	2012-08-07	2012-07-24	2012-04-24
	Number of Days Pending	0	0	0	0	0	0	12	38	48	111
ICE	Date of Receipt	2011-11-30	2011-11-29	2011-11-28	2011-11-28	2011-11-28	2011-10-06	2011-10-05	2011-10-05	2011-07-25	2010-11-22
	Number of Days Pending	212	213	214	214	214	248	249	249	301	470
MGMT	Date of Receipt	2012-08-06	2012-07-25	2012-07-23	2012-07-16	2012-07-07	2012-06-01	2012-05-31	2012-05-07	2012-04-27	2012-04-12
	Number of Days Pending	39	47	49	54	59	78	85	102	108	119
NPPD	Date of Receipt	2012-07-09	2012-06-27	2012-05-23	2012-05-22	2012-05-21	2012-05-07	2012-05-07	2012-05-07	2012-04-25	2012-04-12
	Number of Days Pending	59	66	90	91	92	102	102	102	110	119
OGC	Date of Receipt	N/A	N/A	N/A	2012-09-25	2012-09-05	2012-05-09	2011-11-30	2011-11-30	2011-11-30	2011-11-30
	Number of Days Pending	0	0	0	4	18	100	212	212	212	212

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
OIG	Date of Receipt	2012-07-16	2012-05-21	2012-04-24	2012-04-24	2012-04-23	2012-04-16	2012-04-05	2012-03-23	2012-02-07	2011-12-08
	Number of Days Pending	54	92	111	111	112	117	124	133	165	206
OPS	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PLCY	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	2012-08-22	2012-08-21	2012-08-21	2012-08-21	2012-08-21	2012-08-07	2012-05-18	2012-04-25	2012-03-16	2011-12-13
	Number of Days Pending	27	28	28	28	28	38	93	110	138	203
S&T	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2009-10-26	2009-09-01	2009-07-06	2009-06-10	2009-01-02	2008-12-18	2008-10-29	2008-06-19	2004-11-01	2004-10-27
	Number of Days Pending	735	772	813	830	939	948	982	1,073	1,986	1,989
USCG	Date of Receipt	2009-12-08	2009-12-01	2009-11-30	2009-11-25	2009-11-23	2009-10-01	2009-09-25	2009-07-22	2009-07-21	2009-01-12
	Number of Days Pending	706	711	712	714	716	751	755	801	802	933
USCIS	Date of Receipt	2011-07-07	2011-07-05	2011-06-29	2011-06-17	2011-05-10	2011-05-02	2011-03-09	2011-03-07	2011-03-07	2011-03-03
	Number of Days Pending	313	315	319	327	354	360	398	400	400	402
USSS	Date of Receipt	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17
	Number of Days Pending	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493
AGENCY OVERALL	Date of Receipt	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2004-11-01	2004-10-27
	Number of Days Pending	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,986	1,989

VIII. Requests for Expedited Processing and Requests for Fee Waivers

A. Requests for Expedited Processing

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
CBP	5	2	1	27	6
CRCL	1	0	1	1	1
FEMA	1	1	8	8	2
FLETC	0	0	N/A	N/A	N/A
I&A	0	0	N/A	N/A	N/A
ICE	7	98	1	2.75	101
MGMT	2	0	1.5	1.5	2
NPPD	1	0	8	8	1
OGC	0	0	N/A	N/A	N/A
OIG	1	14	3	4.73	15
OPS	0	0	N/A	N/A	N/A
PLCY	0	0	N/A	N/A	N/A
PRIV	1	6	8	8.86	6
S&T	0	0	N/A	N/A	N/A
TSA	3	32	2	2.8	35
USCG	0	0	N/A	N/A	N/A

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
USCIS	33	901	5	6.77	786
USSS	4	68	10	10.63	36
AGENCY OVERALL	59	1,122	4	6.63	991

B. Requests for Fee Waiver

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
CBP	12	2	11	20.79
CRCL	0	0	N/A	N/A
FEMA	0	1	6	6
FLETC	0	0	N/A	N/A
I&A	1	6	2	2
ICE	29	63	2	4.05
MGMT	5	0	1	1.2
NPPD	0	0	N/A	N/A
OGC	0	0	N/A	N/A
OIG	0	22	2	2.82
OPS	0	0	N/A	N/A
PLCY	0	0	N/A	N/A
PRIV	4	8	10.5	14.92
S&T	0	3	7	7
TSA	20	52	2	2.8
USCG	0	0	N/A	N/A
USCIS	60	88	1	1
USSS	0	0	N/A	N/A
AGENCY OVERALL	131	245	1	3.35

IX. FOIA Personnel and Costs

Component	Personnel			Costs		
	Number of "Full Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff" (Col. 1 + Col. 2)	Processing Costs	Litigation - Related Costs	Total Costs
CBP	39	15.38	54.38	\$4,500,687.17	\$4,393.58	\$4,505,080.75
CRCL	1	0	1	\$105,211.00	\$0.00	\$105,211.00
FEMA	9	8	17	\$4,259,260.51	\$70,120.69	\$4,329,381.20
FLETC	1	0.3	1.3	\$128,275.00	\$0.00	\$128,275.00
I&A	2	0	2	\$186,000.00	\$0.00	\$186,000.00
ICE	29.5	0	29.5	\$3,653,919.00	\$1,058,905.00	\$4,712,824.00
MGMT	0.75	0	0.75	\$88,500.00	\$0.00	\$88,500.00
NPPD	4	1	5	\$433,508.00	\$6,219.32	\$439,727.32
OGC	0.5	0	0.5	\$50,000.00	\$150,000.00	\$200,000.00
OIG	2	1.25	3.25	\$330,721.33	\$104,336.70	\$435,058.03
OPS	0	0.33	0.33	\$38,000.00	\$1,000.00	\$39,000.00

Component	Personnel			Costs		
	Number of "Full Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff" (Col. 1 + Col. 2)	Processing Costs	Litigation - Related Costs	Total Costs
PLCY	0	0.2	0.2	\$21,000.00	\$0.00	\$21,000.00
PRIV	14.5	1.25	15.75	\$2,330,524.70	\$0.00	\$2,330,524.70
S&T	1	0	1	\$77,368.00	\$0.00	\$77,368.00
TSA	10	2	12	\$1,078,019.00	\$29,173.10	\$1,107,192.10
USCG	11	7.5	18.5	\$1,313,855.00	\$0.00	\$1,313,855.00
USCIS	210	3	213	\$15,993,127.16	\$368,504.10	\$16,361,631.26
USSS	18	4.15	22.15	\$2,160,152.71	\$92,221.14	\$2,252,373.85
AGENCY OVERALL	353.25	44.36	397.61	\$36,748,128.58	\$1,884,873.63	\$38,633,002.21

X. Fees Collected for Processing Requests

Component	Total Amount of Fees Collected	Percentage of Total Costs
CBP	\$329,416.94	6.70%
CRCL	\$0.00	0.00%
FEMA	\$7,331.60	0.03%
FLETC	\$330.70	0.57%
I&A	\$0.00	0.12%
ICE	\$2,676.50	0.22%
MGMT	\$0.00	1.18%
NPPD	\$25.00	0.00%
OGC	\$0.00	0.00%
OIG	\$277.90	0.08%
OPS	\$0.00	0.00%
PLCY	\$0.00	0.00%
PRIV	\$0.00	0.00%
S&T	\$900.60	0.00%
TSA	\$0.00	0.00%
USCG	\$83,336.34	0.78%
USCIS	\$11,595.23	0.07%
USSS	\$0.00	0.00%
AGENCY OVERALL	\$435,890.81	1.19%

XI. FOIA Regulations – The Department of Homeland Security FOIA Implementing Regulations are codified at 6 C.F.R. Part 5, and also can be found at http://www.dhs.gov/xlibrary/assets/FOIA_FedReg_Notice.pdf.

XII. Backlogs, Consultations, and Comparisons

A. Backlogs of FOIA Requests and Administrative Appeals

Component	Number of Backlogged Requests as of the End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
CBP	10,648	0
CRCL	0	N/A

Component	Number of Backlogged Requests as of the End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
FEMA	306	N/A
FLETC	2	0
I&A	3	0
ICE	2,443	0
MGMT	13	N/A
NPPD	2,288	N/A
OGC	5	99
OIG	11	13
OPS	0	N/A
PLCY	0	N/A
PRIV	5	N/A
S&T	0	N/A
TSA	542	10
USCG	782	33
USCIS	10,727	10
USSS	778	0
AGENCY OVERALL	28,553	165

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

Component	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at Your Agency as of the End of the Fiscal Year
CBP	1	50	46	5
CRCL	0	4	4	0
FEMA	2**	9	9	2
FLETC	0	4	4	0
I&A	1**	24	22	3
ICE	0	88	84	4
MGMT	0	0	0	0
NPPD	0	0	0	0
OGC	0	1	1	0
OIG	0	2	2	0
OPS	0	5	5	0
PLCY	0	13	13	0
PRIV	0	24	21	3
S&T	0	6	6	0
TSA	16	16	22	10
USCG	14	6	14	6
USCIS	0	75	72	3
USSS	9	11	11	9
AGENCY OVERALL	43**	338	336	45

** Corrected number due to component reporting error in FY 2011.

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2012-07-19	2012-06-28	2012-05-31	2012-04-10	2012-04-09
	Number of Days Pending	0	0	0	0	0	51	65	85	121	122
CRCL	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FEMA	Date of Receipt	N/A	2011-08-23	2011-03-27							
	Number of Days Pending	0	0	0	0	0	0	0	0	280	385
FLETC	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A	2012-09-18	2012-08-29	2012-04-03						
	Number of Days Pending	0	0	0	0	0	0	0	9	22	126
ICE	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-07	2012-07-30	2012-07-19	2012-05-04
	Number of Days Pending	0	0	0	0	0	0	16	44	51	103
MGMT	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
NPPD	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OGC	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OIG	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OPS	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PLCY	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	N/A	2012-09-26	2012-08-16	2011-11-20						
	Number of Days Pending	0	0	0	0	0	0	0	3	31	218
S&T	Date of Receipt	N/A									
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2012-07-23	2012-04-10	2012-03-30	2011-09-16	2011-09-16	2011-09-15	2011-04-20	2010-10-28	2010-09-03	2010-06-15
	Number of Days Pending	49	121	128	262	262	263	368	486	523	580
USCG	Date of Receipt	N/A	N/A	N/A	N/A	2012-06-06	2012-05-03	2012-01-26	2011-05-05	2011-03-21	2010-10-05
	Number of Days Pending	0	0	0	0	81	104	173	357	390	502
USCIS	Date of Receipt	N/A	2012-09-26	2012-09-24	2012-08-24						
	Number of Days Pending	0	0	0	0	0	0	0	3	5	25

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USSS	Date of Receipt	N/A	2012-02-08	2012-02-08	2012-01-13	2012-01-13	2011-09-21	2011-05-10	2010-10-08	2010-10-08	2010-10-08
	Number of Days Pending	0	164	164	181	181	259	354	499	499	499
AGENCY OVERALL	Date of Receipt	2011-05-05	2011-03-27	2011-03-21	2010-10-28	2010-10-08	2010-10-08	2010-10-08	2010-10-05	2010-09-03	2010-06-15
	Number of Days Pending	357	385	390	486	499	499	499	502	523	580

D. (1) Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

Component	Number of Requests Received		Number of Requests Processed	
	Received During Fiscal Year from Last Year's Annual Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year from Last Year's Annual Report	Processed During Fiscal Year from Current Annual Report
CBP	32,107	33,243	27,818	26,571
CRCL	73	84	74	87
FEMA	820	761	1,100**	952
FLETC	134	109	141	102
I&A	71	96	54	115
ICE	16,502	24,073	16,488	21,220
MGMT	180	124	182	116
NPPD	2,886**	7,105	2,951	4,891
OGC	43	19	58	17
OIG	175	180	170	166
OPS	37	60	37	60
PLCY	26	26	24	26
PRIV	1,317	730	1,327	709
S&T	33	36	33	37
TSA	926	861	694	949
USCG	3,882	3,700	3,708	3,256
USCIS	115,545	117,787	89,835	145,278
USSS	897	1,595	898	1,343
AGENCY OVERALL	175,654**	190,589	145,592**	205,895

D. (2) Comparison of Backlogged Requests from Previous and Current Annual Report

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
CBP	4,356	10,648
CRCL	6	0
FEMA	485	306
FLETC	5	2
I&A	22**	3
ICE	18	2,443
MGMT	3	13
NPPD	65**	2,288

** Corrected number due to components reporting error in FY 2011.

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
OGC	5	5
OIG	0	11
OPS	0	0
PLCY	0	0
PRIV	4	5
S&T	0	0
TSA	580	542
USCG	471**	782
USCIS	35,780	10,727
USSS	571**	778
AGENCY OVERALL	42,371**	28,553

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

Component	Number of Appeals Received		Number of Appeals Processed	
	Received During Fiscal Year from Last Year's Annual Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year from Last Year's Annual Report	Processed During Fiscal Year from Current Annual Report
CBP	338	474	343	476
FLETC	1	1	1	1
ICE	245	288	230	303
OGC	114	113	164	161
OIG	12	19	14	19
TSA	41	32	46	25
USCG	44	35	41	51
USCIS	1,079	1,349	1,049	1,431
USSS	43	34	45	23
AGENCY OVERALL	1,917	2,345	1,933	2,490

(2) Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report

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
CBP	0	0
FLETC	0	0
ICE	18	0
OGC	141	99
OIG	12	13
TSA	2	10
USCG	49	33
USCIS	105	10
USSS	0	0
AGENCY OVERALL	327	165

APPENDIX A: Composition of the Department of Homeland Security

The Office of the Secretary oversees Department of Homeland Security (DHS) efforts to counter terrorism and enhance security, secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws, safeguard and secure cyberspace, build resilience to disasters, and provide essential support for national and economic security - in coordination with federal, state, local, international, tribal and private sector partners.

Offices:

The Privacy Office (PRIV) works to preserve and enhance privacy protections for all individuals and to promote transparency of Department operations.

The Office for Civil Rights and Civil Liberties (CRCL) provides legal and policy advice to Department leadership on civil rights and civil liberties issues, investigates and resolves complaints, and provides leadership to Equal Employment Opportunity Programs.

The Office of Inspector General (OIG) is responsible for conducting and supervising audits, investigations, and inspections relating to the programs and operations of the Department, and recommends ways for the Department to carry out its responsibilities in the most effective, efficient, and economical manner possible.

The Citizenship and Immigration Services Ombudsman (CISOMB) provides recommendations for resolving individual and employer problems with the United States Citizenship and Immigration Services in order to ensure national security and the integrity of the legal immigration system.

The Office of Legislative Affairs (OLA) serves as primary liaison to members of Congress and their staffs.

The Office of the General Counsel (OGC) integrates approximately 1700 lawyers from throughout the Department comprised of a headquarters office with subsidiary divisions and the legal programs for eight Department components.

The Office of Public Affairs (OPA) coordinates the public affairs activities of all of the Department's components and offices.

The Office of the Executive Secretariat (ESEC) assures the accurate and timely dissemination of information and written communications from throughout the Department and our homeland security partners to and from the Secretary and Deputy Secretary.

The Military Advisor's Office advises on facilitating, coordinating, and executing policy, procedures, preparedness activities, and operations between the Department and the Department of Defense.

The Office of Intergovernmental Affairs (IGA) promotes an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

Department Components and Directorates:

The Directorate for National Protection and Programs (NPPD) leads the national effort to protect and enhance the resilience of the Nation's physical and cyber infrastructure.

The Directorate for Science and Technology (S&T) strengthens America's security and resiliency by providing knowledge products and innovative technology solutions for the Homeland Security Enterprise.

The Directorate for Management (MGMT) is responsible for Department budgets and appropriations, expenditure of funds, accounting and finance, procurement, human resources, information technology systems, facilities and equipment, and the identification and tracking of performance measurements.

The Office of Policy (PLCY) develops Department-wide policies, programs and planning to promote and ensure quality, consistency and integration across all homeland security missions.

The Office of Health Affairs (OHA) coordinates all medical activities of the Department of Homeland Security to ensure appropriate preparation for and response to incidents having medical significance.

The Office of Intelligence and Analysis (I&A) is responsible for equipping the Homeland Security Enterprise with the information and intelligence it needs to keep the United States safe, secure, and resilient.

The Office of Operations Coordination and Planning (OPS) provides Departmental Leadership situational awareness, promotes information sharing, integrates and synchronizes strategic operations and planning, and administers the DHS continuity program.

The Federal Law Enforcement Training Center (FLETC) provides career-long training to law enforcement professionals to help them fulfill their responsibilities safely and proficiently.

The Domestic Nuclear Detection Office (DNDO) works to enhance the nuclear detection efforts of federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.

The Transportation Security Administration (TSA) protects the nation's transportation systems to ensure secure freedom of movement for people and commerce.

United States Customs and Border Protection (CBP) is responsible for securing the border against all transnational threats and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

United States Citizenship and Immigration Services (USCIS) grants immigration and citizenship benefits, promotes awareness and understanding of citizenship, and ensures the integrity of our immigration system.

United States Immigration and Customs Enforcement (ICE) promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.

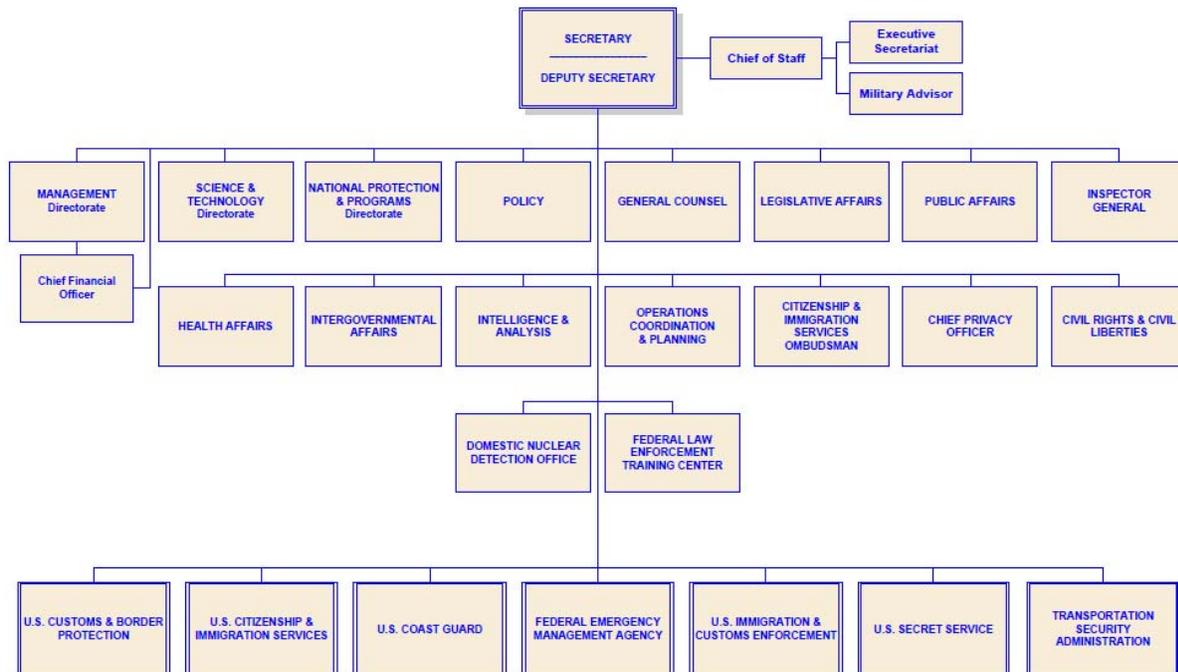
The United States Coast Guard (USCG) is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

The Federal Emergency Management Agency (FEMA) supports our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

The United States Secret Service (USSS) safeguards the nation's financial infrastructure and payment systems to preserve the integrity of the economy, and protects national leaders, visiting heads of state and government, designated sites, and National Special Security Events.

APPENDIX B: Organization of the Department of Homeland Security Chart

U.S. DEPARTMENT OF HOMELAND SECURITY



APPENDIX C: Names, Addresses, and Contact Information for DHS FOIA Officers

Department of Homeland Security Chief FOIA Officer

Jonathan R. Cantor
Acting Chief FOIA Officer
Privacy Office
U.S. Department of Homeland Security
245 Murray Drive, SW, Mail Stop 0655
Washington, DC 20528-0655

Delores J. Barber
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