



# Annual Report

2009 Annual Freedom of Information Act Report to the  
Attorney General of the United States

October 1, 2008 – September 30, 2009

February 2010



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  
Director, Disclosure & FOIA  
Privacy Office  
Department of Homeland Security  
Washington, DC 20528  
Phone: 703-235-0790; Fax: 703-235-0443

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 Catherine M. Papoi, 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 Department of Homeland Security has the primary responsibility to lead the unified national effort to secure the country and preserve our freedoms. It follows that the records maintained by the Department of Homeland Security often 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 of Homeland Security commonly invokes exemptions 6 and 7(C) to prevent unwarranted injury to the privacy interests of individuals, exemption 7(E) to protect against the disclosure of law enforcement techniques, procedures and guidelines, and exemption 2 to protect against disclosure of certain types of information the release of which is likely to risk circumvention of laws or regulations.

## **III. Acronyms, Definitions, and Exemptions**

1. Agency-specific acronyms or other terms.
  - a. CBP United States Customs and Border Protection
  - b. CRCL Office of Civil Rights & Civil Liberties
  - c. FEMA Federal Emergency Management Agency
  - d. FLETC Federal Law Enforcement Training Center
  - e. FOIA/PA Freedom of Information Act / Privacy Act
  - f. I&A Office of Intelligence and Analysis
  - g. ICE Immigration and Customs Enforcement
  - h. MGMT Management Directorate
  - i. NPPD National Protection and Programs Directorate
  - j. OIG Office of the Inspector General
  - k. OGC Office of the General Counsel
  - l. OPS Office of Operations Coordination
  - m. PRIV Privacy Office
  - n. S&T Science and Technology Directorate
  - o. TSA Transportation Security Administration
  - p. USCG United States Coast Guard
  - q. USCIS United States Citizenship and Immigration Services
  - r. USSS United States Secret Service
  - s. 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.
- 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 responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – A federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

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 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.
  - 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 proper 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
  - 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
			Component	Count	
41 U.S.C. 253b(m)	Prohibition on release of contractor proposals	Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	USCIS USCG FEMA FLETC ICE MGMT NPPD OIG TSA	3 3 4 4 15 4 1 1 13	48
49 U.S.C. 114(s)	Nondisclosure of security activities	Electronic Privacy Information Center v. DHS 384 F. Supp. 2d 100 (D.D.C. 2006); Public Citizens v. FAA, 988 F.2d 186 (D.C. Cir 1993).	CBP USCG OIG PRIV TSA	5 5 2 2 104	118
Federal Rule of Criminal Procedure 6(e) Grand Jury	Grand Jury materials	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Fund for Constitutional Gov't v. Nat'l Archives & Records Serv., 656 F.2d 856, 867-68 (D.C. Cir. 1981); Durham v. U.S. Atty. Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	USCIS ICE USSS	10 2 7	19
26 U.S.C. 6103	Tax returns and information there from	Church of Scientology v. IRS, 484 U.S. 9, 18 (1987); Long v. IRS, 891 F. 2d 222 (9 <sup>th</sup> Cir. 1989).	USCIS USCG PRIV	830 1 1	832
41 U.S.C. 423	Restricts disclosing and obtaining contractor bid or proposal information or source selection information	Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	USCIS	2	2
10 U.S.C. 103 (b)	Names of personnel identifiers of agency		USCG	5	5
33 U.S.C. 126	Security plans		USCG	1	1
10 U.S.C. 130 (b)	Information concerning personnel in overseas sensitive units or routinely deployable units	Hiken v. DOD, 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007); O'Keefe v. DOD, 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006).	USCG	3	3
Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, § 550, 120 Stat. 1355, 1388 (2006)	Chemical-terrorism Vulnerability Information (CVI)		NPPD	2	2
5 U.S.C. 551	Congress		USSS	1	1
18 U.S.C. 1461	Obscene matter		USSS	1	1
18 U.S.C. 2510	Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps	Mendoza v. DEA, No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); Lam Lek Chong v. DEA, 929 F.2d 729, 733 (D.C. Cir. 1991); Payne v. DOJ, No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).	USSS	3	3

**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
USCIS	75,023*	71,429	122,113	24,339
CBP	6,161	14,804	20,484	481
CRCL	5*	13	7	11
USCG	1,050*	5,600	6,265	385
FEMA	704	830	641	893
FLETC	14	157	135	36
I&A	0	49	41	8
ICE	68	6,746	6,736	78
MGMT	4	186	180	10
NPPD	19	58	63	14
US-VISIT	2*	26	27	1
OIG	35	163	189	9
OGC	6	20	9	17
OPS	0	32	32	0
PLCY	9	46	16	39
PRIV	41*	1,045	992	94
S&T	11	53	62	2
USSS	540*	987	1,032	495
TSA	404	849	983	270
<b>AGENCY OVERALL</b>	<b>84,096*</b>	<b>103,093</b>	<b>160,007</b>	<b>27,182</b>

\*Corrected number due to component reporting error in FY 2008

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

	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	
USCIS	12,316	81,981	137	3,749	804	323	3	2	17,260	1,728	3,717	93	122,113
CBP	2,555	9,554	109	4,938	182	80	182	10	2,577	225	39	33	20,484
CRCL	0	2	0	4	1	0	0	0	0	0	0	0	7
USCG	2,400	864	1,242	658	551	130	8	13	26	24	219	130	6,265
FEMA	145	102	11	87	34	181	4	3	73	1	0	0	641
FLETC	30	27	6	18	4	37	1	10	1	0	1	0	135
I&A	2	6	1	25	2	0	0	5	0	0	0	0	41
ICE	388	3,559	176	195	1,766	26	26	26	219	17	41	297	6,736
MGMT	32	48	2	24	53	3	5	5	3	2	1	2	180
NPPD	6	20	0	11	2	8	0	0	0	16	0	0	63
US-VISIT	6	6	2	10	0	1	0	0	1	1	0	0	27
OIG	14	100	17	37	2	6	3	0	7	1	0	2	189

	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
OGC	0	2	2	3	0	1	0	1	0	0	0	0	9
OPS	9	4	0	16	2	0	0	0	1	0	0	0	32
PLCY	4	7	2	3	0	0	0	0	0	0	0	0	16
PRIV	41	83	8	40	566	9	2	127	53	22	14	27	992
S&T	11	23	3	8	14	2	1	0	0	0	0	0	62
USSS	49	269	25	347	24	88	1	1	127	90	7	4	1,032
TSA	134	271	62	161	39	56	33	20	137	30	9	31	983
<b>AGENCY OVERALL</b>	<b>18,142</b>	<b>96,928</b>	<b>1,805</b>	<b>10,334</b>	<b>4,046</b>	<b>951</b>	<b>269</b>	<b>223</b>	<b>20,485</b>	<b>2,157</b>	<b>4,048</b>	<b>619</b>	<b>160,007</b>

**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
USCIS	Unable to Locate Records	93	93
CBP	Coordinated by Another Office	8	33
	Records Publicly Available	9	
	Unable to Locate Requester	16	
USCG	Coordinated by Another Office	14	130
	Nonresponsive to Requests for Additional Information	92	
	Unable to Locate Requester	24	
ICE	Fugitive	5	297
	Litigation	2	
	Nonresponsive to Requests for Additional Information	273	
	Records Publicly Available	1	
	Unable to Locate Requester	16	
MGMT	Records Publicly Available	2	2
OIG	Sent in Error	1	2
	Unable to Locate Requester	1	
PRIV	Aggregated	15	27
	Coordinated by Another Office	1	
	Follow Up	2	
	Mandatory Review Classification	1	
	Records Publicly Available	5	
	Sent in Error	2	
	Unable to Locate Requester	1	
USSS	Previously Furnished	3	4
	Unable to Locate Requester	1	
TSA	Coordinated by Another Office	5	31
	Records Publicly Available	7	
	Sent in Error	2	
	Unable to Locate Requester	17	



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

	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
USCIS	0	58,164	845	35	57,687	59,090	41	0	67,320	6	63,217	0	0	0
CBP	0	9,450	5	170	150	8,904	43	0	8,947	12	5,547	0	0	0
CRCL	0	4	0	0	8	6	1	0	2	2	0	0	0	0
USCG	3	18	18	35	1,216	810	1,292	3	225	2	7	0	0	0
FEMA	2	21	4	47	14	64	0	0	7	0	0	0	0	0
FLETC	0	14	4	8	1	19	0	0	3	0	12	1	0	0
I&A	0	3	0	1	3	4	0	0	0	0	1	0	0	0
ICE	1	2,290	17	91	290	3,323	67	14	3,120	24	452	4	0	0
MGMT	1	11	4	18	5	11	0	0	0	0	0	0	0	0
NPPD	0	10	3	8	4	16	1	0	0	0	0	0	0	0
US-VISIT	0	2	0	1	0	4	0	0	0	0	1	0	0	0
OIG	1	61	3	4	19	95	11	0	92	6	4	0	0	0
OGC	0	1	0	0	4	1	0	0	0	0	0	0	0	0
OPS	1	4	0	0	0	2	1	0	0	0	1	0	0	0
PLCY	2	9	0	0	2	12	0	0	0	0	0	0	0	0
PRIV	1	55	3	13	18	82	3	0	14	1	9	2	0	0
S&T	1	7	0	10	4	8	0	0	0	0	1	0	0	0
USSS	0	251	12	4	44	239	3	0	244	18	199	0	0	0
TSA	2	169	117	46	41	185	6	0	37	0	3	10	0	0
<b>AGENCY OVERALL</b>	<b>15</b>	<b>70,544</b>	<b>1,035</b>	<b>491</b>	<b>59,510</b>	<b>72,875</b>	<b>1,469</b>	<b>17</b>	<b>80,011</b>	<b>71</b>	<b>69,454</b>	<b>17</b>	<b>0</b>	<b>0</b>

**VI. Administrative Appeals of Initial Determinations of FOIA Requests**

**A. Received, Processed, and Pending Administrative Appeals**

	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
DHS/OGC**	381*	212	73	520
USCIS	1,978*	1,217	1,185	2,010
CBP	119	540	271	388
FLETC	0	2	2	0
TSA	6	33	37	2
USCG	33	74	38	69
USSS	22*	51	67	6
<b>AGENCY OVERALL</b>	<b>2,539*</b>	<b>2,129</b>	<b>1,673</b>	<b>2,995</b>

\*Corrected number due to component reporting error in FY 2008

\*\*DHS/OGC processes FOIA Appeals for: CRCL, FEMA, I&A, ICE, MGMT, NPPD, OHA, OPS, PLCY, NPPD, PRIV, S&T and US-VISIT.

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

	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
DHS/OGC	8	1	13	51	73
USCIS	69	470	442	210	1,191
CBP	84	90	32	137	343

	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
FLETC	2	0	0	0	2
TSA	23	3	10	15	51
USCG	22	0	5	11	38
USSS	23	15	14	24	76
<b>AGENCY OVERALL</b>	<b>231</b>	<b>579</b>	<b>516</b>	<b>448</b>	<b>1,774</b>

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

	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
DHS/OGC	0	1	0	0	0	1	2	0	1	0	2	0	0	0
USCIS	0	384	2	2	430	368	3	0	491	3	397	0	0	0
CBP	0	123	0	6	19	111	1	0	102	4	67	0	0	0
FLETC	0	1	1	1	0	0	0	0	0	0	1	0	0	0
TSA	1	3	6	1	2	5	1	0	1	0	1	0	0	0
USCG	1	4	3	0	9	19	7	0	16	2	1	0	0	0
USSS	0	5	0	0	3	10	4	0	8	1	5	0	0	0
<b>AGENCY OVERALL</b>	<b>2</b>	<b>521</b>	<b>12</b>	<b>10</b>	<b>463</b>	<b>514</b>	<b>18</b>	<b>0</b>	<b>619</b>	<b>10</b>	<b>474</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

Component	No Records	All Records Referred	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper FOIA Request	Not Agency Record	Duplicate Request	Request in Litigation	Appeal Based Solely on Denial for Expedited Processing	Other
DHS/OGC	0	0	5	1	0	0	4	7	8	0	26
USCIS	0	0	39	0	0	102	0	3	0	6	60
CBP	57	26	32	0	0	12	0	6	2	0	2
FLETC	0	0	0	0	0	0	0	0	0	0	0
TSA	9	1	0	2	0	0	1	0	0	2	0
USCG	7	0	1	2	0	0	0	0	1	0	0
USSS	18	0	0	1	0	0	0	4	1	0	0
<b>AGENCY OVERALL</b>	<b>91</b>	<b>27</b>	<b>77</b>	<b>6</b>	<b>0</b>	<b>114</b>	<b>5</b>	<b>20</b>	<b>12</b>	<b>8</b>	<b>88</b>

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

Component	Description	No. of Times Used	Total
DHS/OGC	Unable to Locate Requester	1	26
	Moot	17	
	Constructive Denial Appeal	2	
	Time Barred	6	
USCIS	Failure to Comply	60	60
CBP	Unable to Locate Requester	1	2
	Moot	1	
<b>AGENCY OVERALL</b>			<b>88</b>

**C. (4) Response Times for Administrative Appeals**

Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
DHS/OGC	174.00	216.63	13	1,183
USCIS	530.04	591.43	1	1,718
CBP	60.00	182.00	1	1,408
FLETC	21.00	21.00	19	23
TSA	63.00	82.86	2	404
USCG	245.50	287.92	17	953
USSS	78.00	95.67	9	406
<b>AGENCY OVERALL</b>	<b>298.00</b>	<b>481.48</b>	<b>1</b>	<b>1,718</b>

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

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal	
DHS/OGC	Date of Receipt	1/24/2006	11/22/2005	11/19/2005	11/14/2005	10/17/2005	5/2/2005	3/10/2005	3/3/2005	2/8/2005	2/8/2005	
	Number of Days Pending	927	968	969	974	993	1,109	1,146	1,151	1,167	1,167	
USCIS	Date of Receipt	9/8/2005	9/8/2005	9/8/2005	9/8/2005	9/8/2005	8/30/2005	8/29/2005	8/29/2005	8/29/2005	5/19/2003*	
	Number of Days Pending	1,019	1,019	1,019	1,019	1,019	1,025	1,026	1,026	1,026	1,615*	
CBP	Date of Receipt	9/12/2007	9/6/2007	8/31/2007	8/10/2007	8/10/2007	8/10/2007	6/22/2007	5/30/2007	4/16/2007	2/6/2007	
	Number of Days Pending	515	519	522	537	537	537	571	588	619	667	
FLETC	Date of Receipt	Not Applicable, No Pending Appeals										
	Number of Days Pending	Not Applicable, No Pending Appeals										
TSA	Date of Receipt	Not Applicable									7/24/2009	6/23/2009
	Number of Days Pending	Not Applicable									48	70
USCG	Date of Receipt	1/15/2009	1/14/2009	10/30/2008	10/6/2008	8/26/2008	7/18/2008	2/14/2008	2/14/2008	11/14/2007	10/11/2007	
	Number of Days Pending	179	180	230	247	275	302	410	410	472	495	
USSS	Date of Receipt	Not Applicable					9/28/2009	9/14/2009	1/6/2009	5/23/2008	5/23/2008	8/17/2007
	Number of Days Pending	Not Applicable					3	13	186	340	340	532
<b>AGENCY OVERALL</b>	<b>Date of Receipt</b>	<b>8/30/2005</b>	<b>8/29/2005</b>	<b>8/29/2005</b>	<b>8/29/2005</b>	<b>5/2/2005</b>	<b>3/10/2005</b>	<b>3/3/2005</b>	<b>2/8/2005</b>	<b>2/8/2005</b>	<b>5/19/2003*</b>	
	<b>Number of Days Pending</b>	<b>1,025</b>	<b>1,026</b>	<b>1,026</b>	<b>1,026</b>	<b>1,109</b>	<b>1,146</b>	<b>1,151</b>	<b>1,167</b>	<b>1,167</b>	<b>1,615*</b>	

\*Corrected due to component reporting error in FY 2008

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

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

	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
USCIS*	198.24	215.09	1	1,396	369.60	344.29	1	967	26.46	67.20	4	309
					47.46	59.75	1	542				
CBP	18.57	38.46	1	369	60.00	91.09	1	990	0	0	0	0
CRCL	38.00	38.20	12	70	91.50	91.50	81	102	0	0	0	0
USCG	6.00	15.23	1	411	195.00	378.93	1	3,265	1.00	1.78	1	8
FEMA	131.00	192.51	1	992	157.00	218.25	2	1,521	194.50	345.00	8	1,175
FLETC	23.00	40.47	<1	235	0	0	0	0	0	0	0	0
I&A	13.00	14.50	2	25	17.50	18.36	3	40	0	0	0	0
ICE	8.00	12.46	1	152	23.00	38.48	1	313	58.00	58.00	7	109
MGMT	9.00	9.40	1	62	24.50	30.63	2	186	0	0	0	0
NPPD	32.50	55.60	1	352	212.00	280.55	116	684	0	0	0	0
US-VISIT	5.00	32.86	<1	224	11.00	19.00	11	35	0	0	0	0
OIG	15.00	21.47	1	132	31.00	56.70	3	359	0	0	0	0
OGC	24.50	40.50	6	107	175.50	186.00	59	322	0	0	0	0
OPS	4.00	4.79	1	11	7.00	4.74	4	25	0	0	0	0
PLCY	7.00	10.83	6	29	96.00	107.80	20	260	0	0	0	0
PRIV	7.00	7.92	1	108	35.50	62.33	1	528	83.50	83.50	28	139
S&T	14.00	22.66	1	97	1,013.00	796.00	247	1,128	0	0	0	0
USSS	36.00	38.66	21	59	208.00	299.37	61	1,204	0	0	0	0
TSA	21.00	37.28	1	321	59.00	124.39	1	1,037	0	0	0	0
<b>AGENCY OVERALL</b>	<b>40.00</b>	<b>103.86</b>	<b>&lt;1</b>	<b>1,396</b>	<b>339.36</b>	<b>309.89</b>	<b>1</b>	<b>3,265</b>	<b>7.50</b>	<b>91.28</b>	<b>1</b>	<b>1,175</b>

\*In addition to simple and expedited tracks, USCIS has two separate complex tracks; the top row reflects complex cases, and the bottom row reflects A-file requests.

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

	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
USCIS*	222.60	244.81	1	1,396	376.32	358.99	1	932	26.46	67.20	4	309
					47.04	59.67	1	542				
CBP	17.86	39.18	1	369	60.71	91.28	1	990	0	0	0	0
CRCL	38.00	38.00	38	38	81.00	81.00	81	81	0	0	0	0
USCG	5.00	13.95	1	372	37.00	205.54	1	1,869	1.00	1.78	1	8
FEMA	141.00	187.95	1	992	185.50	229.13	7	832	157.50	159.50	8	315
FLETC	27.00	60.28	<1	235	0	0	0	0	0	0	0	0
I&A	13.00	14.50	7	25	11.00	10.60	3	17	0	0	0	0
ICE	13.00	17.76	1	111	25.00	42.01	1	313	109.00	109.00	109	109
MGMT	13.00	12.56	1	21	26.00	30.44	11	65	0	0	0	0
NPPD	57.50	87.40	3	352	218.00	294.33	116	684	0	0	0	0
US-VISIT	19.00	58.55	1	224	35.00	35.00	35	35	0	0	0	0
OIG	16.50	24.00	1	132	30.00	57.06	3	359	0	0	0	0

	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
OGC	10.50	10.50	6	15	0	0	0	0	0	0	0	0
OPS	7.50	7.50	7	8	9.00	9.00	6	12	0	0	0	0
PLCY	7.00	10.83	6	29	96.00	107.80	20	260	0	0	0	0
PRIV	6.00	14.81	1	73	45.00	74.29	1	528	139.00	139.00	139	139
S&T	22.00	29.55	2	92	1,013.00	796.00	247	1,128	0	0	0	0
USSS	**	**	**	**	**	**	**	**	**	**	**	**
TSA	30.50	40.97	1	145	201.00	201.80	1	652	0	0	0	0
<b>AGENCY OVERALL</b>	<b>79.29</b>	<b>98.09</b>	<b>&lt;1</b>	<b>1,396</b>	<b>45.00</b>	<b>141.26</b>	<b>1</b>	<b>1,869</b>	<b>34.44</b>	<b>85.38</b>	<b>1</b>	<b>315</b>

\*In addition to simple and expedited tracks, USCIS has two separate complex tracks; the top row reflects complex cases, and the bottom row reflects A-file requests.

\*\*USSS is currently unable to extract this subset of information from its tracking system. USSS will update its tracking system to meet this requirement for FY 2010.

### C. Processed Requests – Response Time in Day Increments

#### Simple Requests

	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
USCIS	1,880	854	707	187	107	390	1,000	1,617	1,344	1,281	5,289	1,232	3,095	18,983
CBP	8,680	1,550	1,697	1,381	2,573	421	134	62	64	27	173	24	0	16,786
CRCL	2	1	1	1	0	0	0	0	0	0	0	0	0	5
USCG	4,090	324	109	69	37	50	23	13	14	7	33	12	1	4,782
FEMA	25	19	8	19	14	7	9	8	9	3	33	11	30	195
FLETC	80	15	7	4	4	2	2	1	5	2	2	0	0	124
I&A	6	2	0	0	0	0	0	0	0	0	0	0	0	8
ICE	4,139	968	111	50	28	5	3	1	0	0	0	0	0	5,305
MGMT	89	6	0	1	0	0	0	0	0	0	0	0	0	96
NPPD	22	10	6	2	3	3	1	0	1	0	3	1	0	52
US-VISIT	16	2	1	1	0	0	0	0	0	0	2	0	0	22
OIG	65	30	10	3	0	0	2	0	0	0	0	0	0	110
OGC	2	1	0	0	0	1	0	0	0	0	0	0	0	4
OPS	14	0	0	0	0	0	0	0	0	0	0	0	0	14
PLCY	5	1	0	0	0	0	0	0	0	0	0	0	0	6
PRIV	632	9	5	3	0	1	0	0	0	0	0	0	0	650
S&T	36	14	3	4	2	0	0	0	0	0	0	0	0	59
USSS	0	78	52	0	0	0	0	0	0	0	0	0	0	130
TSA	127	51	33	15	9	9	2	3	2	2	4	1	0	258
<b>AGENCY OVERALL</b>	<b>19,910</b>	<b>3,935</b>	<b>2,750</b>	<b>1,740</b>	<b>2,777</b>	<b>889</b>	<b>1,176</b>	<b>1,705</b>	<b>1,439</b>	<b>1,322</b>	<b>5,539</b>	<b>1,281</b>	<b>3,126</b>	<b>47,589</b>

#### Complex Requests

	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
USCIS*	2,937	1,331	1,234	205	120	75	80	1,929	2,567	2,646	13,218	18,110	33,814	78,266
	1,135	1,957	1,939	1,074	419	199	121	84	65	53	148	71	321	7,586
CBP	343	132	82	74	173	51	17	24	32	51	67	54	11	1,111

**Complex Requests**

	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
CRCL	0	0	0	0	1	1	0	0	0	0	0	0	0	2
USCG	111	239	94	67	63	54	26	18	23	25	137	105	459	1,421
FEMA	33	31	23	21	15	16	17	24	18	19	50	27	61	355
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	17	11	0	0	0	0	0	0	0	0	0	0	0	28
ICE	524	276	104	81	58	28	25	16	15	3	10	1	0	1,141
MGMT	26	33	13	3	0	0	0	0	0	1	0	0	0	76
NPPD	0	0	0	0	0	1	1	0	1	1	3	3	1	11
US-VISIT	2	1	0	0	0	0	0	0	0	0	0	0	0	3
OIG	21	25	8	4	1	0	0	2	2	1	4	1	0	69
OGC	0	0	0	1	0	0	0	1	0	0	1	1	0	4
OPS	15	2	0	0	0	0	0	0	0	0	0	0	0	17
PLCY	1	1	1	2	0	1	1	1	0	1	1	0	0	10
PRIV	60	26	21	9	11	4	11	4	4	4	3	2	1	160
S&T	0	0	0	0	0	0	0	0	0	0	1	0	2	3
USSS	0	0	0	72	62	54	59	45	52	29	198	41	162	774
TSA	182	119	65	48	36	31	25	19	14	12	69	61	44	725
<b>AGENCY OVERALL</b>	<b>5,407</b>	<b>4,184</b>	<b>3,584</b>	<b>1,661</b>	<b>959</b>	<b>515</b>	<b>383</b>	<b>2,167</b>	<b>2,793</b>	<b>2,846</b>	<b>13,910</b>	<b>18,477</b>	<b>34,876</b>	<b>91,762</b>

\*In addition to simple and expedited tracks, USCIS has two separate complex tracks; the top row reflects complex cases, and the bottom row reflects A-file requests.

**Requests Granted Expedited Processing**

	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
USCIS	7	3	0	1	2	0	0	0	0	0	1	1	1	16
CBP	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CRCL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCG	23	0	0	0	0	0	0	0	0	0	0	0	0	23
FEMA	1	0	0	1	0	0	2	0	0	1	2	1	2	10
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	1	0	0	0	0	1	0	0	0	0	0	0	0	2
MGMT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NPPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
US-VISIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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	1	0	0	0	0	1	0	0	0	0	0	0	2
S&T	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USSS	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
<b>AGENCY OVERALL</b>	<b>32</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>53</b>

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

	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
USCIS*	4,094	83.00	103.90	15,334	93.00	99.44	5	62.00	79.00
				1,513	38.00	45.82			
CBP	474	4.29	29.94	7	15.71	86.57	0	0	0
CRCL	1	33.00	33.00	10	306.00	295.00	0	0	0
USCG	335	42.00	67.22	47	45.00	78.85	3	11.00	11.67
FEMA	342	88.00	153.58	524	273.00	302.92	10	350.00	449.50
FLETC	36	48.00	47.69	0	0	0	0	0	0
I&A	2	17.00	17.00	6	18.00	22.83	0	0	0
ICE	44	6.00	8.91	34	8.50	22.88	0	0	0
MGMT	0	0	0	10	10.00	18.50	0	0	0
NPPD	4	37.50	61.00	10	64.50	64.60	0	0	0
US-VISIT	0	0	0	1	64.00	64.00	0	0	0
OIG	0	0	0	9	49.00	96.44	0	0	0
OGC	9	86.00	93.78	8	206.00	253.13	0	0	0
OPS	0	0	0	0	0	0	0	0	0
PLCY	4	44.00	44.25	19	243.00	79.70	0	0	0
PRIV	23	7.00	7.83	71	109.00	124.17	0	0	0
S&T	2	31.00	31.00	0	0	0	0	0	0
USSS	84	21.00	26.88	411	621.00	715.08	0	0	0
TSA	16	91.00	147.81	254	127.00	195.81	0	0	0
<b>AGENCY OVERALL</b>	<b>5,470</b>	<b>72.00</b>	<b>95.62</b>	<b>18,268</b>	<b>91.00</b>	<b>116.16</b>	<b>18</b>	<b>267.00</b>	<b>335.73</b>

\*In addition to simple and expedited tracks, USCIS has two separate complex tracks; the top row reflects complex cases, and the bottom row reflects A-file requests.

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

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USCIS	Date of Receipt	3/21/2008	2/20/2008	2/1/2008	1/31/2008	1/29/2008	1/2/2008	11/13/2007	8/22/2007	8/1/2007	7/31/2006
	Number of Days Pending	385	407	419	420	422	440	473	529	544	796
CBP	Date of Receipt	4/8/2008	4/3/2008	4/2/2008	3/6/2008	2/11/2008	2/5/2008	2/5/2008	12/28/2007	11/21/2007	10/11/2007
	Number of Days Pending	373	376	377	396	413	417	417	442	467	495
CRCL	Date of Receipt	8/28/2009	8/7/2009	5/30/2009	4/10/2009	3/3/2009	1/15/2009	12/9/2008	11/17/2008	9/29/2008	9/25/2008
	Number of Days Pending	23	38	86	121	149	179	204	219	252	254
USCG	Date of Receipt	3/10/2009	2/19/2009	12/30/2008	12/24/2008	12/19/2008	12/11/2008	12/8/2008	8/20/2008	4/8/2008	9/17/2007
	Number of Days Pending	144	157	190	193	196	202	205	279	373	512
FEMA	Date of Receipt	4/11/2006	3/15/2006	3/14/2006	3/3/2006	12/28/2005	10/28/2005	10/3/2005	9/5/2005	5/4/2005	11/9/2004
	Number of Days Pending	873	892	893	900	944	984	1,002	1,021	1,107	1,229
FLETC	Date of Receipt	6/23/2009	6/23/2009	6/23/2009	6/9/2009	6/4/2009	5/29/2009	5/22/2009	5/20/2009	5/11/2009	4/14/2009
	Number of Days Pending	70	70	70	80	83	87	91	93	100	119

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
I&A	Date of Receipt	Not Applicable		9/21/2009	9/10/2009	9/10/2009	9/4/2009	9/4/2009	9/4/2009	9/3/2009	7/28/2009
	Number of Days Pending	Not Applicable		8	15	15	18	18	18	19	46
ICE	Date of Receipt	9/2/2009	8/28/2009	8/18/2009	8/10/2009	7/20/2009	7/8/2009	6/24/2009	5/14/2009	3/16/2009	1/21/2009
	Number of Days Pending	20	23	31	37	52	60	69	97	140	177
MGMT	Date of Receipt	9/28/2009	9/25/2009	9/25/2009	9/23/2009	9/22/2009	9/9/2009	8/7/2009	8/7/2009	8/7/2009	8/3/2009
	Number of Days Pending	3	4	4	6	7	16	38	38	38	42
NPPD	Date of Receipt	9/2/2009	7/30/2009	7/28/2009	7/13/2009	6/19/2009	6/3/2009	6/3/2009	6/3/2009	3/18/2009	2/27/2009
	Number of Days Pending	20	44	46	57	72	84	84	84	138	151
US-VISIT	Date of Receipt	Not Applicable									7/30/2009
	Number of Days Pending	Not Applicable									44
OIG	Date of Receipt	Not Applicable	9/30/2009	9/22/2009	8/28/2009	8/25/2009	7/23/2009	4/13/2009	1/16/2009	11/18/2008	10/7/2008
	Number of Days Pending		1	7	23	26	49	120	178	218	246
OGC	Date of Receipt	5/18/2009	5/11/2009	3/2/2009	2/24/2009	2/4/2009	1/22/2009	12/25/2008	9/19/2008	2/25/2008	11/1/2007
	Number of Days Pending	95	100	150	154	167	176	192	258	404	480
OPS	Date of Receipt	Not Applicable, No Pending Requests									
	Number of Days Pending	Not Applicable, No Pending Requests									
PLCY	Date of Receipt	1/30/2009	1/2/2009	1/2/2009	12/18/2008	12/15/2008	12/11/2008	12/11/2008	11/28/2008	11/5/2008	9/12/2008
	Number of Days Pending	170	188	188	197	200	202	202	211	226	263
PRIV	Date of Receipt	1/16/2009	1/12/2009	12/18/2008	12/15/2008	11/18/2008	11/18/2008	9/19/2008	3/25/2008	6/13/2007	5/16/2007
	Number of Days Pending	178	182	197	200	218	218	258	383	578	597
S&T	Date of Receipt	Not Applicable								9/1/2009	8/3/2009
	Number of Days Pending	Not Applicable								21	42
USSS	Date of Receipt	3/16/2005	1/13/2005	1/13/2005	1/13/2005	4/20/2004	4/20/2004	3/29/2002	3/29/2002	3/29/2002	3/29/2002
	Number of Days Pending	1,142	1,183	1,183	1,183	1,374	1,374	1,911	1,911	1,911	1,911
TSA	Date of Receipt	1/25/2007	1/17/2007	12/12/2006	10/25/2006	8/2/2006	2/10/2006	2/3/2006	1/31/2006	11/1/2004	10/27/2004
	Number of Days Pending	675	681	704	736	794	914	919	922	1,235	1,238
AGENCY OVERALL	Date of Receipt	1/13/2005	11/9/2004	11/1/2004	10/27/2004	4/20/2004	4/20/2004	3/29/2002	3/29/2002	3/29/2002	3/29/2002
	Number of Days Pending	1,183	1,229	1,235	1,238	1,374	1,374	1,911	1,911	1,911	1,911

### VIII. Requests for Expedited Processing and Requests for Fee Waivers

#### A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
USCIS	16	1,019	1.00	2.21	998
CBP	0	3	11.00	10.00	1
CRCL	0	1	13.00	13.00	0
USCG	0	0	0.00	0.00	0
FEMA	1	4	5.00	15.20	3
FLETC	0	0	0.00	0.00	0



	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
I&A	0	0	0.00	0.00	0
ICE	2	36	5.00	9.00	25
MGMT	0	0	0.00	0.00	0
NPPD	0	0	0.00	0.00	0
US-VISIT	0	0	0.00	0.00	0
OIG	0	17	6.00	5.24	16
OGC	0	0	0.00	0.00	0
OPS	0	0	0.00	0.00	0
PLCY	0	0	0.00	0.00	0
PRIV	2	32	8.00	6.94	34
S&T	0	0	0.00	0.00	0
USSS	0	0	0.00	0.00	0
TSA	0	0	0.00	0.00	0
<b>AGENCY OVERALL</b>	<b>21</b>	<b>1,112</b>	<b>1.00</b>	<b>5.65</b>	<b>1,077</b>

### B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
USCIS	0	7	5.00	7.25
CBP	0	1	3.00	3.00
CRCL	1	0	13.00	13.00
USCG	0	2	338.00	338.00
FEMA	0	2	7.00	7.00
FLETC	0	0	0.00	0.00
I&A	0	0	0.00	0.00
ICE	24	9	50.00	57.21
MGMT	3	0	1.00	11.66
NPPD	0	0	0.00	0.00
US-VISIT	0	0	0.00	0.00
OIG	0	2	9.00	9.00
OGC	0	0	0.00	0.00
OPS	0	0	0.00	0.00
PLCY	0	0	0.00	0.00
PRIV	15	3	6.00	6.06
S&T	0	0	0.00	0.00
USSS	0	33	13.00	12.48
TSA	0	0	0.00	0.00
<b>AGENCY OVERALL</b>	<b>43</b>	<b>59</b>	<b>13.00</b>	<b>37.39</b>

**IX. FOIA Personnel and Costs**

	Personnel			Costs		
	Number of "Full Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation - Related Costs	Total Costs
USCIS	211	4.60	215.60	\$ 24,807,460.00	\$ 192,675.00	\$ 25,000,135.00
CBP	29	9.63	38.63	\$ 5,542,313.00	\$ 421,733.00	\$ 5,964,046.00
CRCL	0	.30	.30	\$ 39,900.00	\$ 0.00	\$ 39,900.00
USCG	14	21.25	35.25	\$ 1,509,934.41	\$ 0.00	\$ 1,509,934.41
FEMA	7	2.90	9.90	\$ 1,008,741.00	\$ 15,191.00	\$ 1,023,932.00
FLETC	0	.75	.75	\$ 87,292.00	\$ 0.00	\$ 87,292.00
I&A	1	.75	1.75	\$ 146,252.00	\$ 0.00	\$ 146,252.00
ICE	26	4	30	\$ 2,902,371.20	\$ 1,278,235.52	\$ 4,180,606.72
MGMT	1	0	1	\$ 83,063.00	\$ 0.00	\$ 83,063.00
NPPD	1	0	1	\$ 86,927.00	\$ 0.00	\$ 86,927.00
US-VISIT	1	.05	1.05	\$ 142,096.00	\$ 0.00	\$ 142,096.00
OIG	4	.50	4.50	\$ 288,649.80	\$ 85,200.00	\$ 373,849.80
OGC	1	.25	1.25	\$ 75,395.25	\$ 75,000.00	\$ 150,395.25
OPS	0	.33	.33	\$ 28,976.00	\$ 0.00	\$ 28,976.00
PLCY	0	.05	.05	\$ 42,000.00	\$ 0.00	\$ 42,000.00
PRIV	14	.60	14.60	\$ 1,428,861.00	\$ 0.00	\$ 1,428,861.00
S&T	0	1.20	1.20	\$ 96,760.00	\$ 0.00	\$ 96,760.00
USSS	12	4.15	16.15	\$ 1,530,585.90	\$ 97,022.00	\$ 1,627,607.90
TSA	9	0	9	\$ 1,023,855.00	\$ 43,295.67	\$ 1,067,150.67
<b>AGENCY OVERALL</b>	<b>331</b>	<b>51.31</b>	<b>382.31</b>	<b>\$ 40,871,432.56</b>	<b>\$ 2,208,352.19</b>	<b>\$ 43,079,784.75</b>

**X. Fees Collected for Processing Requests**

	Total Amount of Fees Collected	Percentage of Total Costs
USCIS	\$ 7,200.80	0.029
CBP	\$ 270,767.68	4.54
CRCL	\$ 0.00	0
USCG	\$ 48,185.44	3.191
FEMA	\$ 3,051.00	.302
FLETC	\$ 0.00	0
I&A	\$ 0.00	0
ICE	\$ 6,073.40	0.145
MGMT	\$ 444.00	0.535
NPPD	\$ 410.20	0.472
US-VISIT	\$ 0.00	0
OIG	\$ 49.10	0.013
OGC	\$ 0.00	0
OPS	\$ 0.00	0
PLCY	\$ 0.00	0
PRIV	\$ 0.00	0
S&T	\$ 871.86	0.009

	Total Amount of Fees Collected	Percentage of Total Costs
USSS	\$ 311.90	0.019
TSA	\$ 2,463.05	0.231
<b>AGENCY OVERALL</b>	<b>\$ 339,828.43</b>	<b>.789%</b>

**XI. FOIA Regulations** – The Department of Homeland Security FOIA Implementing Regulation is codified at 6 CFR § 5 and can be found at 68 Fed. Reg. 4056 (January 27, 2003) or <http://www.dhs.gov/FOIA>.

**XII. Backlogs, Consultations, and Comparisons**

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

	Number of Backlogged Requests as of the End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
USCIS	16,801	1,821
CBP	88	331
CRCL	11	N/A
USCG	385	69
FEMA	803	N/A
FLETC	36	0
I&A	8	N/A
ICE	10	N/A
MGMT	4	N/A
NPPD	11	N/A
US-VISIT	1	N/A
OIG	7	N/A
OGC	17	520
OPS	0	N/A
PLCY	30	N/A
PRIV	66	N/A
S&T	2	N/A
USSS	426	4
TSA	212	2
<b>AGENCY OVERALL</b>	<b>18,918</b>	<b>2,747</b>

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

	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
USCIS	17*	66	72	11
CBP	3	43	46	0
CRCL	2	2	2	2
USCG	7	27	30	4
FEMA	10*	18	15	13
FLETC	0	1	1	0
I&A	0	28	16	12
ICE	0*	205	205	0
MGMT	0	9	5	4
NPPD	1*	22	21	2

	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
US-VISIT	2*	14	15	1
OIG	0	6	6	0
OGC	0*	3	0	3
OPS	0*	7	7	0
PLCY	0	8	7	1
PRIV	3*	11	13	1
S&T	0	13	12	1
USSS	0	2	2	0
TSA	2*	25	22	5
<b>AGENCY OVERALL</b>	<b>47*</b>	<b>510</b>	<b>497</b>	<b>60</b>

\*Corrected number due to component reporting error in FY 2008

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

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
USCIS	Date of Receipt	8/6/2009	8/6/2009	6/4/2009	6/3/2009	4/2/2009	3/19/2009	8/20/2008	8/20/2008	7/21/2008	11/27/2007
	Number of Days Pending	39	39	83	84	127	137	279	279	301	464
CBP	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending	Not Applicable, No Pending Consultations									
CRCL	Date of Receipt	Not Applicable								3/3/2009	8/8/2008
	Number of Days Pending	Not Applicable								149	287
USCG	Date of Receipt	Not Applicable						7/28/2009	5/22/2009	12/16/2008	12/11/2008
	Number of Days Pending	Not Applicable						46	91	199	202
FEMA	Date of Receipt	8/6/2009	7/13/2009	6/22/2009	4/29/2009	11/25/2008	9/19/2008	9/19/2008	7/28/2008	4/23/2008	10/30/2007
	Number of Days Pending	39	57	71	108	213	258	258	296	362	482
FLETC	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending	Not Applicable, No Pending Consultations									
I&A	Date of Receipt	9/23/2009	6/25/2009	6/4/2009	5/1/2009	4/28/2009	4/28/2009	4/15/2009	4/14/2009	4/14/2009	4/7/2009
	Number of Days Pending	6	68	83	106	109	109	118	119	119	124
ICE	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending	Not Applicable, No Pending Consultations									
MGT	Date of Receipt	Not Applicable						9/30/2009	9/29/2009	9/23/2009	8/31/2009
	Number of Days Pending	Not Applicable						1	2	6	22
NPPD	Date of Receipt	Not Applicable								7/23/2009	3/31/2009
	Number of Days Pending	Not Applicable								49	129
US-VISIT	Date of Receipt	Not Applicable									7/30/2009
	Number of Days Pending	Not Applicable									44
OIG	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending	Not Applicable, No Pending Consultations									

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
OGC	Date of Receipt	Not Applicable							4/22/2009	4/16/2009	3/26/2009
	Number of Days Pending	Not Applicable							113	117	132
OPS	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending	Not Applicable, No Pending Consultations									
PLCY	Date of Receipt	Not Applicable									7/30/2009
	Number of Days Pending	Not Applicable									44
PRIV	Date of Receipt	Not Applicable									8/24/2009
	Number of Days Pending	Not Applicable									27
S&T	Date of Receipt	Not Applicable									5/9/2009
	Number of Days Pending	Not Applicable									100
USSS	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending	Not Applicable, No Pending Consultations									
TSA	Date of Receipt	Not Applicable					9/17/2009	9/14/2009	6/4/2009	4/10/2008	10/18/2007
	Number of Days Pending	Not Applicable					10	13	83	371	489
<b>AGENCY OVERALL</b>	<b>Date of Receipt</b>	<b>8/20/2008</b>	<b>8/20/2008</b>	<b>8/8/2008</b>	<b>7/28/2008</b>	<b>7/21/2008</b>	<b>4/23/2008</b>	<b>4/10/2008</b>	<b>11/27/2007</b>	<b>10/30/2007</b>	<b>10/18/2007</b>
	<b>Number of Days Pending</b>	<b>279</b>	<b>279</b>	<b>287</b>	<b>296</b>	<b>301</b>	<b>362</b>	<b>371</b>	<b>464</b>	<b>482</b>	<b>489</b>

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

	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
USCIS	78,985	71,429	84,424	122,113
CBP	13,943	14,804	8,639	20,484
CRCL	36	13	32	7
USCG	5,174	5,600	5,273	6,265
FEMA	705	830	330	641
FLETC	166	157	159	135
I&A	44	49	59	41
ICE	4,223*	6,746	4,461	6,736
MGMT	192	186	194	180
NPPD	64	58	59	63
US-VISIT	25*	26	23*	27
OIG	186	163	249	189
OGC	19	20	13	9
OPS	36	32	39	32
PLCY	36	46	27	16
PRIV	849	1,045	844	992
S&T	77	53	88	62
USSS	1,378	987	1,427	1,032
TSA	758	849	634	983
<b>AGENCY OVERALL</b>	<b>106,896*</b>	<b>103,093</b>	<b>106,974*</b>	<b>160,007</b>

\*Corrected number due to component reporting error in FY 2008

	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
USCIS	67,545	16,801
CBP	4,794	88
CRCL	5	11
USCG	1,044	385
FEMA	544	803
FLETC	7	36
I&A	0	8
ICE	8	10
MGMT	1	4
NPPD	13	11
US-VISIT	2	1
OIG	23	7
OGC	5	17
OPS	0	0
PLCY	7	30
PRIV	22	66
S&T	6	2
USSS	504	426
TSA	349	212
<b>AGENCY OVERALL</b>	<b>74,879</b>	<b>18,918</b>

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

	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
DHS/OGC	214	212	75	73
USCIS	1,180	1,217	2,146	1,185
CBP	132	540	209	271
FLETC	4	2	4	2
TSA	25	33	34	37
USCG	33	74	22	38
USSS	104	51	100	67
<b>AGENCY OVERALL</b>	<b>1,692</b>	<b>2,129</b>	<b>2,590</b>	<b>1,673</b>

	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
USCIS	1,913	1,821
CBP	100	331
CRCL	0	N/A
USCG	33	69
FEMA	0	N/A
FLETC	0	0
I&A	0	N/A
ICE	0	N/A

	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
MGMT	0	N/A
NPPD	0	N/A
US-VISIT	0	N/A
OIG	0	N/A
OGC	325	520
OPS	0	N/A
PLCY	0	N/A
PRIV	0	N/A
S&T	0	N/A
USSS	28	4
TSA	4	2
<b>AGENCY OVERALL</b>	<b>2,401</b>	<b>2,747</b>

## **APPENDIX A: COMPOSITION OF THE DEPARTMENT OF HOMELAND SECURITY**

The Office of the Secretary oversees activities with other federal, state, local, and private entities as part of a collaborative effort to strengthen our borders, provide for intelligence analysis and infrastructure protection, improve the use of science and technology to counter weapons of mass destruction, and to create a comprehensive response and recovery system. The Office of the Secretary includes multiple offices that contribute to the overall Homeland Security mission. These are:

The mission of the Privacy Office (PRIV) is to preserve and enhance privacy protections for all individuals, to promote transparency of Department of Homeland Security (DHS) operations, and to serve as a leader in the privacy community.

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, recommending 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, increase efficiencies in administering citizenship and immigration services, and improve customer service.

The Office of Legislative Affairs (OLA) serves as primary liaison to members of Congress and their staffs, the White House and Executive Branch, and to other federal agencies and governmental entities that have roles in assuring national security.

The Office of the General Counsel (OGC) integrates approximately 1700 lawyers from throughout the Department into an effective, client-oriented, full-service legal team and comprises 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, and serves as the federal government's lead public information office during a national emergency or disaster. Led by the Assistant Secretary for Public Affairs, it comprises the press office, incident and



strategic communications, speechwriting, Web content management, and employee communications.

The Office of Counternarcotics Enforcement (CNE) coordinates policy and operations to stop the entry of illegal drugs into the United States, and to track and sever the connections between illegal drug trafficking and terrorism.

The Office of the Executive Secretariat (ESEC) provides all manner of direct support to the Secretary and Deputy Secretary, as well as related support to leadership and management across the Department. This support takes many forms, the most well known being accurate and timely dissemination of information and written communications from throughout the Department and our homeland security partners to 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.

#### Department Components:

The Directorate for National Protection and Programs (NPPD) works to advance the Department's risk-reduction mission. Reducing risk requires an integrated approach that encompasses both physical and virtual threats and their associated human elements.

The Directorate for Science and Technology (S&T) is the primary research and development arm of the Department. It provides federal, state and local officials with the technology and capabilities to protect the homeland.

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) is the primary policy formulation and coordination component for the Department of Homeland Security. It provides a centralized, coordinated focus to the development of Department-wide, long-range planning to protect the United States.

The Office of Health Affairs (OHA) serves as the Department's principal authority for all medical and health issues. OHA provides medical, public health, and scientific expertise in support of the DHS mission to prepare for, respond to, and recover from all threats.

The Office of Intelligence and Analysis (I&A) is responsible for using information and intelligence from multiple sources to identify and assess current and future threats to the United States.

The Office of Operations Coordination (OPS) is responsible for monitoring the security of the United States on a daily basis and coordinating activities within the Department and with governors, Homeland Security Advisors, law enforcement partners, and critical infrastructure operators in all 50 states and more than 50 major urban areas nationwide.

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 freedom of movement for people and commerce.

United States Customs and Border Protection (CBP) is responsible for protecting our nation's borders in order to prevent terrorists and terrorist weapons from entering the United States, while facilitating the flow of legitimate trade and travel.

United States Citizenship and Immigration Services (USCIS) is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities.

United States Immigration and Customs Enforcement (ICE), the largest investigative arm of the Department of Homeland Security, is responsible for identifying and shutting down vulnerabilities in the nation's border, economic, transportation and infrastructure security.

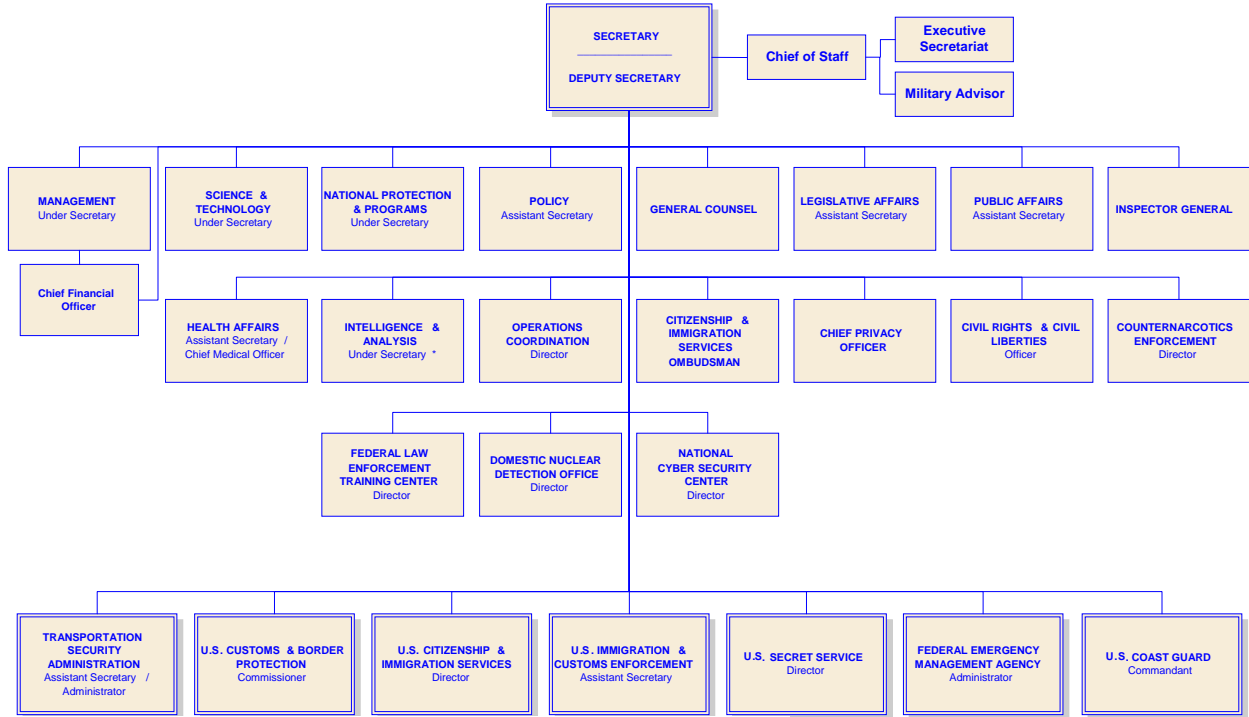
The United States Coast Guard (USCG) protects the public, the environment, and U.S. economic interests in the nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.

The Federal Emergency Management Agency (FEMA) prepares the nation for hazards, manages Federal response and recovery efforts following any national incident, and administers the National Flood Insurance Program.

The United States Secret Service (USSS) protects the President and other high-level officials and investigates counterfeiting and other financial crimes, including financial institution fraud, identity theft, computer fraud; and computer-based attacks on our nation's financial, banking, and telecommunications infrastructure.

# APPENDIX B: DHS COMPONENT CHART

## U.S. DEPARTMENT OF HOMELAND SECURITY



\*Under Secretary for Intelligence & Analysis title created by Public Law 110-53, Aug. 3, 2007

Approved 3/20/08

## **APPENDIX C: NAMES, ADDRESSES, AND CONTACT NUMBERS FOR DHS FOIA OFFICERS**

### ***Department of Homeland Security Chief FOIA Officer***

Mary Ellen Callahan  
Chief FOIA Officer  
The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive SW, Building 410  
STOP-0550  
Washington, DC 20528-0550

Catherine M. Papoi, J.D., CIPP/G  
Deputy Chief FOIA Officer  
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