



## **Department of Defense Handbook for Annual Freedom of Information Act Reports**

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## INTRODUCTION

The Assistant to the Secretary of Defense (ATSD), Privacy, Civil Liberties, and Transparency (PCLT), is tasked with collecting, reviewing, and consolidating all Department of Defense (DoD) FOIA data as required by the Department of Justice (DOJ). ATSD (PCLT) created an annual report form, DD Form 2564, Annual Freedom of Information Act Report, to streamline the collection of FOIA data from components. **All components must prepare their Annual FOIA Report using DD Form 2564. If your component has difficulty using this form, please contact PCLT as soon as possible.**

The ATSD (PCLT) designed this handbook to assist DoD FOIA professionals who prepare their component's Annual FOIA Report each fiscal year (FY).

The DoD Annual FOIA Report Handbook covers general guidelines components need when processing requests, consults, and appeals throughout the FY and preparing and submitting the Annual FOIA Report and raw data report.

In addition, the ATSD (PCLT) encourages components regularly review the guidance and instructions in this handbook *before* preparing and submitting their Annual FOIA Report to the ATSD (PCLT). ATSD (PCLT) annually reviews this handbook and updates it as needed to reflect any changes in the law, processes, or technology related to the Annual FOIA Report.

## SECTION 1. GENERAL GUIDELINES

The DOJ requires agencies to report numerous statistics regarding their administration of the FOIA, such as the number of requests and appeals received, processed, and pending, the disposition of those requests and appeals, and the amount of time it took to process them, each FY. Properly tracking this data leads to successfully producing a component Annual FOIA Report.

## SECTION 2. SCOPE OF THE REPORT

### 2.1. Types of Requests.

The Report is designed to capture a component's FOIA activities, i.e., FOIA requests, referrals, consultations, and appeals. Therefore, do not include requests for records handled exclusively under the Privacy Act of 1974 (PA) and only include PA requests if using the FOIA in any way to process the request.<sup>1</sup> If a PA exemption applies to records responsive to a request, the component must also consider whether the FOIA allows access to the records and that request must then be included in the component's Annual FOIA Report.

If a component conducts a PA search exclusively (i.e., within a "system of records") and does not claim a PA exemption for any records located, that request was in no way processed under the FOIA and should not be included in the component's Report. Components should still give incoming requests the potential benefit of access under the PA and the FOIA. However, if, or when, a component determines a request will be processed completely and exclusively under the PA, that request should not be included in the component's Annual FOIA Report.

### 2.2. Reports.

a. General. In accordance with the Open Government Directive and DOJ Guidance, ATSD (PCLT) must publicly post the DoD Annual FOIA Report and component raw data reports.

b. DoD Annual FOIA Report. This report includes textual sections containing basic information regarding the Annual FOIA Report, information about making a FOIA request to the DoD, definitions and acronyms, a link to DoD FOIA regulations, and consolidated component Annual FOIA Report data. All requests (perfected and non-perfected), consultations, and appeals processed or pending at any time during the relevant FY (October 1st through September 30th) are captured in at least one of the nine data sections covered in the Annual FOIA Report.

c. Component Raw Data Report. This report consolidates the component's raw data elements<sup>2</sup> used to create the DoD Annual FOIA Report.

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<sup>1</sup> In other words, if a component search extends beyond a PA "systems of records," *see* 5 U.S.C. § 552a(a)(5), the search constitutes a FOIA search, and the request must be included in the component's Annual FOIA Report.

<sup>2</sup> The ATSD (PCLT) requires each component to use the template provided.

## 2.3. Component Responsibilities.

- a. Use the templates and tools the ATSD (PCLT) provided to complete their Annual FOIA Report.
- b. Ensure FOIA requests and administrative appeals are received and processed, dispositions, and processing times are accurate.
- c. Track consultation requests “received” and “closed” dates.
- d. Take steps to ensure all information necessary to complete the Annual FOIA Report throughout the FY is accurate.
- e. Ensure the tracking system produces accurate Annual FOIA Report data compliant with the law and DOJ guidance. Also, exercise due diligence in testing the system used to produce the Annual FOIA Report data and correct any identified deficiencies during the FY, rather than at report time.
- f. Submit their Annual FOIA Report data using the DD Form 2564 on time and by the due date set by ATSD (PCLT).
- g. Make necessary corrections as requested after the ATSD (PCLT) and DOJ Office of Information Policy (OIP) review their data.

## SECTION 3. REQUESTS

### 3.1. Dispositions.

There are eleven pre-established request dispositions broken down into two categories. Each is described in Table 1.1. and Table 1.2 below. **Each closed request may have precisely one disposition.** If a request cannot be classified under any of these standard dispositions, a disposition called “other” may be used.

a. Category 1 Dispositions. Components should use the dispositions in Category 1 (Table 1.1), “Full Grant, Partial Grant/Partial Denial, and Full Denial Based on Exemptions,” whenever possible. Those dispositions capture all the requests where either:

(1) Records are located and processed and either released or denied in part or in full based on FOIA exemptions; or

(2) The existence of records is either denied in full or in part based on FOIA exemptions (i.e., when a Glomar response is made).

For Annual FOIA Report purposes, the default is to use one of these three dispositions whenever possible. **If a component uses exemptions in response to a request, that request**

must be counted as either a Partial Grant/Partial Denial or a Full Denial Based on Exemptions, even if a disposition from Category 2 also applies.

Table 1.1 – Category 1, FOIA Request Dispositions and Definitions

Disposition	Description
Full Grant	A full release of all records responsive to the request is made.
Partial Grant/Denial	<p>The component provides the requester with some, but not all, information requested. This typically, but not always, means the component used exemptions in its response.</p> <p><u>Example 1:</u> In response to a request, the component releases portions of some records and withholds other portions pursuant to FOIA exemptions. This is a Partial Grant/Denial.</p> <p>Note: There may be instances where a component does not withhold any information, yet the disposition is still a Partial Grant/Denial.</p> <p><u>Example 2:</u> In response to a request for two separate documents (Document A and Document B), a component could release Document A in full and inform the requester that it has no records responsive to the request for Document B. This would constitute a Partial Grant/Denial.</p> <p><u>Example 3:</u> If, in Example 2, the component had instead located Document B but referred it to another agency, that action would also constitute a Partial Grant/Denial.</p>
Full Denial Based on Exemptions	The component withholds all the requested information pursuant to an exemption listed at 5 U.S.C. § 552(b). This includes Glomar responses where a component neither confirms nor denies the existence of responsive records based on one of the FOIA exemptions.



b. Category 2 Dispositions. A component should use one of the nine dispositions from Category 2 (Table 1.2.), “Full Denial Based on Reasons Other than Exemptions,” only if the request cannot be accounted for in one of the dispositions in Category 1. Also, a request should only be categorized as “other” if it will not fit into one of the eleven pre-established categories. Finally, although requests may involve a combination of dispositions, only one may be used.

*Table 1.2 – Category 2, FOIA Request Dispositions and Definitions*

<b>Disposition</b>	<b>Description</b>
No Records	The component responds by informing the requester that it has no records responsive to the request.
All Records Referred to Another Component or Agency	The component responds by advising the requester it referred the request and all responsive records to another component or agency for direct response to the requester.
Request Withdrawn	The request was closed because the requester withdrew the request.  Note: A request can also be closed using this disposition when a requester fails to respond to a still-interested inquiry after a reasonable amount of time (no less than 30 working days). This is known as a “constructive withdrawal.”
Fee-Related Reason	The request was closed for fee-related reasons, such as failing to pay fees after committing to do so.
Records not Reasonably Described	The request was closed as <u>unperfected</u> because the requester failed to reasonably describe the information requested. (Components are encouraged to work with requesters to help them describe the records they seek.)
Improper FOIA Request for Other Reasons	The request was not a proper FOIA request and was <u>unperfected</u> because it was not made in accordance with the component’s or DoD’s published regulations. For example, if the purported request sought only state or local records, only asked questions, or failed to provide a certification of identity as required by the component’s regulations. Therefore, components should consult their FOIA regulations before classifying a request as Improper.

<b>Disposition</b>	<b>Description</b>
Not an Agency Record	The request was closed after searching and the only records located were not component records subject to the FOIA. For example, the component only located personal or congressional records.
Duplicate Request	<p>The request was closed because it was a duplicate of another request received by the component. Only requests from the same requester seeking the same information can be closed as duplicates.</p> <p><u>Example 1:</u> Requester A sends a request by e-mail and U.S. mail. As a result, the component inadvertently opens two request numbers. It sends out two acknowledgment letters before realizing it has received the same request from the same requester, just by different means. The request received last should be closed as a duplicate request.</p> <p><u>Example 2:</u> Requester A requests records that a component denies in full pursuant to Exemption 6. Requester B requests the same records to the same component, and the component again denies the request in full pursuant to Exemption 6. These are <i>not</i> duplicate requests for the Annual FOIA Report because the requester differs. Therefore, both requests should be counted and categorized as Full Denials Based on Exemptions.</p>

Disposition	Description
Other <sup>3</sup>	<p>The request is closed for a reason other than the eleven categories of dispositions described above. For those requests that are categorized under the “Other” disposition, components will need to provide a further description of why the request was closed. Components should standardize these descriptions as much as possible. Some examples include:</p> <ul style="list-style-type: none"> <li>o Court Sealed</li> <li>o Directed Requester to Another Entity</li> </ul> <p>[Non-DoD] Subject to the FOIA</p> <ul style="list-style-type: none"> <li>o Information Available for Sale by the U.S. Government Printing Office</li> <li>o Referred Documents Not Responsive<sup>4</sup></li> <li>o Unable to Locate or Contact Requester</li> <li>o Records not Available in Format Requested</li> <li>o Request in Litigation<sup>5</sup></li> </ul>

3.2. Exemptions.

a. General. In addition to capturing the disposition of a request, components must account for any exemptions asserted as part of a partial grant/partial denial or full denial based on exemptions. When accounting for exemptions, components only need to document which of the nine exemptions were asserted and not how many times a particular exemption was used in

<sup>3</sup> Components should use one of the eleven pre-established disposition categories described above and only use the "other" category when no other category captures what occurred with the request.

<sup>4</sup> If a component receives records via a referral and determines the records are not responsive, the disposition should be listed as “referred documents not responsive.”

<sup>5</sup> Request in Litigation: If a requester initiates litigation prior to the component completing its processing of a request, that request should generally remain open until the initial processing of the request is complete. This is the case if the component is processing the request at its own pace or in compliance with a court-mandated production schedule. Once the component completes the initial processing of its request, it should close the case and log the disposition (e.g. partial grant/partial denial if records released in part and exemptions recorded) in its tracking system. The only exception to this is if a component, because of the litigation, is not able to process the request at all. For example, if litigation was initiated to determine if a requester could make a request (e.g. a member of a foreign government to an intelligence agency). In this exception, the component cannot process the request until the outcome of whether the component should process the request is determined through litigation. Only in these exception cases should the “Other” disposition for “Request in Litigation” be used.

This differs from the handling of administrative appeals when the request is in litigation. Pending administrative appeals of requests in litigation can be closed because the court is reviewing the agency’s determination de novo, so there is no need for the component to conduct a parallel review of the component’s initial determination. Accordingly, administrative appeals of requests subject to litigation should be closed as “Closed for Other Reasons” and “Request in Litigation.”

response to a given request. Therefore, do not count each time the exemption was used in that response.

Example. Given a request in which Exemption 3 applies to one portion of the request, Exemption 5 applies to three portions of the request, and Exemption 6 applies to eight portions of the request, the component counts each exemption only once per request. Therefore, for this request, the component needs to document that Exemptions 3, 5, and 6 were asserted. The fact that Exemption 5 was used three times during the processing of the responsive records and Exemption 6 was used eight times is not relevant.

b. Exemption b(3) – Statutes.

(1) The FOIA requires components to list all statutes used when asserting Exemption 3. Therefore, it is imperative components must keep a good accounting of all statutes asserted throughout the year and the number of times those statutes were used. Cite each statute used once.

(2) ATSD (PCLT) provides a list of qualifying statutes each FY. This list is also available on [OIP's website](#). If the statute is not listed in the OIP Exemption 3 Chart, components may also check the DoD List of Previously Used Statutes, or previous annual reports for citation and description information. The ATSD (PCLT) includes statutes recently used by the DoD on the DD Form 2564. If a component has questions regarding whether a statute qualifies as an Exemption 3 statute, contact ATSD (PCLT) before using it.

### 3.3. Response Time

a. Processing Tracks.

(1) Components must break down their response times into three processing tracks: Simple, Complex, and Expedited. All agencies are required by statute to have an expedited processing track, and DoD requires all components to use the three processing tracks listed above. *See* 5 U.S.C. § 552(a)(6)(E)(i) and 32 CFR § 286.

(2) The Annual FOIA Report only tracks response times for **perfected** requests and counting begins from the received date of the **perfected** request. For additional information on calculating response times, please see paragraph b, Calculating Processing Time in the next subsection.

(3) Components must track the time it takes to process and respond to requests throughout the year. Response times are only calculated for requests that are **perfected**, meaning the request is reasonably described and made in accordance with the agency's FOIA regulations. Requests are presumed to be perfected upon receipt.

(a) Example 1. Component received a request on October 15. Five working days later, the component reviews the request and determines that it is reasonably described and made in accordance with the component's published rules. The component must begin counting days

from the date of **receipt**, not the date the request was first reviewed by component personnel. In this example, the request would count as received on October 15.

(b) Example 2. On October 15, the component received a letter that did not reasonably describe the records the requester sought. After discussions with the component, the requester provided additional information about their request on October 20, reasonably describing the records. At this point, the request becomes perfected, and the component should count this request as received on October 20.

b. Calculating Processing Time.

(1) Calculating Days. To calculate processing time for perfected requests, the FOIA statutory response time begins upon receipt of a perfected request. Additionally, unless indicated otherwise, components should only count working days in their calculation.<sup>6</sup> Therefore, “Day 1” is considered the day after a perfected request’s received date.

(2) Less than One Day (<1). Components report a response time of less than one day "<1" when it receives a request directly from the requester at the proper FOIA office, and that office completely processes the request within the same day. The day after the perfected request’s received date is "day 1" of the twenty (20) day statutory response period when calculating days pending for FOIA requests. If a component receives, processes, and responds to a request all on the same day, the time it takes to do so necessarily constitutes less than one day; however, this time shall be reported as "1" day in the Annual FOIA Report. Do not count as "0" days. When calculating averages and medians, components treat "<1" as a value of "1."

(3) Effect of Weather-Related Dismissals, Furlough Days, etc. For Annual FOIA Report compiling purposes, components must include all days, other than Saturdays, Sundays, and legal public holidays, in their request and appeal processing and pending time calculations. For reporting purposes, the component must count all days, including entire component FOIA office closures due to weather conditions, furloughed employees, or other circumstances. Components are free to include in their Chief FOIA Officer Report an explanation of any situations they might have faced during the FY affecting FOIA processing and/or pending time calculations.

(4) Remanded Requests. If an administrative appeal reverses the component’s initial action in full, or in part, components must track any time spent on remanded requests. Components may assign the remanded request a new tracking number, or annotate the original tracking number, to properly track a remanded request, and capture processing time. Components treat a remanded request as a new request for reporting purposes and includes the processing time in the component's Annual FOIA Report. For processing purposes, however, components should place remanded requests in the front of their queues, as the requester has already moved through the queue once.

Example. A component receives and closes as a full denial based on exemptions, a FOIA request, assigned Request No. 123456, in FY A. In FY A, the requester administratively appeals the component's action. In FY B, the component's administrative appellate authority remands the request for further processing. In FY B, the component, on remand, opens an annotated request number, 123456-1, which remains pending at the end of FY B. Report the initial request, Request No. 123456, as received and closed in full denial based on exemptions in the FY A’s Annual FOIA Report. For its FY B Annual FOIA Report, the component includes the remanded request, Request No. 123456-1, as a new request received in FY B and pending at the end of FY B.

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<sup>6</sup> DoD consolidates component reports into one report for DoD; therefore, components MUST use the Holiday table provided by DoD when calculating days.

c. Calculating the Median Age and Average Age for Components.

(1) Median Age Calculation. The median is the value in the middle of a data set, meaning that 50% of data points have a value smaller or equal to the median, and 50% of data points have a value higher or equal to the median. To find the median: Arrange the data points from smallest to largest. If the number of data points is odd, the median is the middle data point in the list. If the number of data points is even, the median is the average of the two middle data points in the list. If using Excel, the formula is: =Median(Cell range).

(a) Example 1. Given seven requests with ages 10, 25, 35, 65, 75, 80, and 400 days from the date the perfected request was received, the median age of these requests is 65 days, i.e., the middle number.

(b) Example 2. Given six requests with ages 10, 20, 30, 50, 120, and 200 days from the date the perfected request was received, the median age of these requests is 40 days (the average of the two middle numbers).

(2) Average Age Calculation. Average is a single number taken as representative of a list of numbers, usually the sum of the numbers divided by how many numbers are in the list. Example: Given six requests with ages 10, 20, 30, 50, 120, and 200 days from the date the perfected request was received to the date the request is closed. The total of these six numbers is 430 divided by 6 (the number of requests), making the average processing days 71.7 days. If using Excel, the formula is: =Average(Cell range).

d. Interim Responses. Do not report interim responses on the Annual FOIA Report. Instead, interim responses and any exemptions used, are internally tracked but only reported in the year the request is finally closed.

e. Referrals. A referral is tracked and counted as an incoming request. Referrals are included in all relevant sections of the receiving component's Annual FOIA Report.

f. Misdirected Requests. Misdirected requests arise when a FOIA request is mistakenly addressed to a component designated to receive FOIA requests but not the proper component to process that request. The component receiving the misdirected request, provided it is an authorized component to receive requests, has ten working days to route the FOIA request to the appropriate component. The twenty working-day response time begins<sup>7</sup> once the appropriate component receives the FOIA request. However, if the request is not routed within ten working days, the twenty working-day time commences on the tenth day, regardless of whether the proper component received the request. NOTE: The mistaken component will not count the request in their Annual FOIA Report data.

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<sup>7</sup> The twenty working-day time commences "on the date on which the request is first received by the appropriate component of the agency, but...not later than ten days after the request is first received by any component of the agency designated in the agency's regulations under this section to receive requests" (5 U.S.C. § 552(a)(6)(A)(ii)).

(1) Example 1. Component A receives a request but is not the proper DoD FOIA office. Component A forwards the request to Component B, the proper office. Component does not count this request in their Annual FOIA Report data. If the proper DoD FOIA office receives, processes, and responds to a request on the same day, and that day is the tenth day of the routing period, or earlier, the proper FOIA office should report the response time for that request as "<1" day.

If the proper DoD FOIA office receives the misdirected request on the eleventh day of the routing period (rather than on or before the tenth day). The eleventh day will constitute "day 1" of the twenty-day response period. In this example, if the proper FOIA office processed and responded to the request on the same day, it would report its response time as one day, *not less than one day*. If the proper FOIA office instead takes eleven days to process and respond, it would report this as twelve days, the eleven days it took to process and respond to the request, plus the one day that accrued due to the delayed routing.

(2) Example 2. Component A receives a request but is not the proper FOIA office. Component A forwards the request to Another Federal Agency. Component A will count this request in their Annual FOIA Report data and closes the request using the Disposition "Other" using the "Directed Requester to Another Entity [Non-DoD] Subject to the FOIA" disposition.

## SECTION 4. APPEALS

The FOIA provides requesters with the right to administratively appeal any adverse determination made by a component on their initial request. Appellate authorities must account for the dispositions of these appeals in their Annual FOIA Report, and any exemptions used by the component's administrative appellate authority. To ensure a component produces an accurate Annual FOIA Report, it is important for the component handling appeals to properly classify the final disposition of these appeals, and to account for any exemptions used as part of that disposition. Only those components adjudicating administrative appeals should enter data for this section of the Annual FOIA Report. All other components will skip this section.

### 4.1. Appeal Dispositions.

a. General. For purposes of the Annual FOIA Report, the appeal dispositions differ from those made at the initial request level. On appeal, the appellate authority is reviewing an action that already occurred and so the disposition selections capture whether that initial action was upheld by the appellate authority.

b. Dispositions. The four appeal dispositions associated with adjudicating administrative appeals are described in Table 1.3 below:



Table 1.3 - Appeal Dispositions

<b>Disposition</b>	<b>Description</b>
Affirmed	<p>The component's administrative appellate authority affirms the component's initial action on the request. This includes instances when the initial action is affirmed on modified grounds.</p> <p><u>Example:</u> Component denies all records responsive to a FOIA request pursuant to Exemption 7(C) of the FOIA. On appeal, the appellate authority determines that the records were correctly withheld under Exemption 6, but not Exemption 7(C), and advises the requester that it is affirming the initial decision on modified grounds. The disposition of this appeal should be that the component's initial determination was <i>affirmed</i>.</p>
Partially Affirmed & Partially Reversed/Remanded	<p>On appeal, portions of the component's initial action on the request are affirmed, but other aspects are either reversed or remanded.</p> <p><u>Example:</u> Component responds to a request by partially withholding portions of the documents it located pursuant to Exemption 6. On appeal, the requester challenges both the agency's withholding and the adequacy of its search. Upon review of the initial determination, the appellate authority affirms the withholding but determines that a further search is necessary and remands the request. Accordingly, the disposition of this appeal should be partially affirmed and partially remanded.</p>
Completely Reversed/Remanded	<p>On appeal, the component's initial determination is completely reversed and/or the request is completely remanded for further action.</p>
Closed for Other Reasons	<p>The appellate authority neither affirms nor reverses/remands (entirely or partially) the initial request determination but instead closes the appeal for other reasons (e.g., the request was in litigation, the appeal was a duplicate appeal, the appeal was premature, etc.).</p>

c. Reasons for Denial on Appeal. In addition to capturing the final dispositions of appeals, appellate authorities need to account for *why the* information was denied on appeal. These reasons are grouped into two overall categories:

(1) Exemptions. Appellate authorities must account for any exemptions relied upon on appeal to withhold information. The exemptions used *on appeal* are what must be captured.

(a) Example 1. Suppose the component relied on Exemptions 6 and 7(C) at the initial request level, but on appeal, the action was affirmed solely on Exemption 7(C). In that case, Exemption 7(C) should be entered into the appellate authority's tracking system for the appeal. When accounting for exemptions, appellate authority components count each exemption only once per appeal.

(b) Example 2. Given a request in which the component's administrative appellate authority affirms the uses of Exemption 2 for one portion of the request, Exemption 5 for three portions of the request, and Exemption 6 for eight portions of the request, count Exemptions 3, 5, and 6 once each. Do not count Exemption 5 three times and Exemption 6 eight times.

(2) Reasons Other than Exemptions. Appellate authorities also need to document any reasons, other than exemptions, that resulted in a denial (or closure) on appeal. Table 1.4 provides eleven pre-established reasons, other than exemptions, for denying information on appeal that should be captured for this section. Appellate authorities may cite more than one of the reasons below for each appeal. Additionally, the reasons in this section can be cited regardless of whether an appellate authority affirmed its initial determination, partially affirmed and partially reversed/remanded the initial determination, or closed the appeal for other reasons. Sometimes that will be the same reason used at the initial level, but other times the appellate authority may have a different reason.

Example. Component locates a document in response to a FOIA request. The component refers the document to another agency or component because the responsive document originated with that other agency or component. The requester appeals the component's decision to refer the document to another agency or component. If the component's administrative appellate authority determines on appeal the referral of the document was appropriate, it should track the reason as part of its handling of that appeal. In other words, the reason for denial on appeal should be the determination that records were properly referred to the other agency or component.

(3) Appeals that Include Both Exemptions and Reasons Other than Exemptions. If an appeal results in the denial of information based on exemptions *and* any reasons other than exemptions, appellate authorities need to track both the exemptions applied and any other reasons.

Example. Component locates two documents (Document A and Document B) in response to a FOIA request. The component releases Document A in part but withholds certain information under Exemption 5. The component refers Document B to another agency or component because the responsive document originated with that other agency or component.

The requester appeals the withholdings on Document A and appeals the component's decision to refer Document B to another agency or component. If the component's administrative appellate authority determines on appeal that both the withholding of Document A and the referral of Document B were appropriate, it should track both these reasons as part of its handling of that appeal. In other words, the reasons for denial on appeal should be Exemption 5 and the determination that records were properly referred to the other agency or component.

*Table 1.4. - Reasons for Denial on Appeal - Reasons Other Than Exemptions*

<b>Reason Other than Exemptions</b>	<b>Description</b>
No Record	On appeal, the appellate authority determined there are no records responsive to the request.
Records Referred at Initial Request Level	On appeal, the appellate authority determined responsive records were properly referred to another agency or agency component for direct response to the requester.
Request Withdrawn	The request was withdrawn by the requester either at the initial request level or on appeal.
Fee-Related Reason	On appeal, a fee-related reason was cited for denying the request.
Records not Reasonably Described	On appeal, the appellate authority determined the records sought were not reasonably described.
Improper Request for Other Reasons	On appeal, the appellate authority determined the request was not a proper FOIA request for a reason other than the request was not reasonably described (because it was not made in accordance with agency FOIA regulations).
Not an Agency Record	On appeal, the appellate authority determined that some of the requested records were not agency records subject to the FOIA.
Duplicate Request or Appeal	On appeal the appellate authority determines that an appeal is a duplicate of another appeal. For an appeal to be a duplicate it must be from the same requester addressing the same issue and request. This reason is also used when, on appeal, the appellate authority determines a request was properly closed at the initial level as a duplicate request.

Reasons Other than Exemptions	Description
Request in Litigation	The appeal was closed because the request was in litigation.
Appeal Based Solely on Denial of Request for Expedited Processing	On appeal, the appellate authority affirmed its initial determination denying a request for expedited processing.
Other	Any other reasons not described above for denying information on appeal. A brief description of these other reasons will need to be provided.

4.2. Calculating Processing Time.

See Section 3.3 on how to calculate processing times.

SECTION 5. CONSULTATIONS

5.1. General.

DOJ requires components to report information about their consultations from other agencies and components within their agency. Do not include consultations sent to other agencies or components. Information regarding consultations should not be included in other sections of the Annual FOIA Report.

5.2. Required Information.

Components must track the date of each consultation received from other agencies or components within their agency.

- a. The Annual FOIA Report requires components to report the number of consultations they:
  - (1) Received from other agencies or components that were pending at the start of the FY;
  - (2) The number of consultations they received during the FY;
  - (3) The number of consultations they processed during the FY; and
  - (4) The number of consultations they received that were still pending at the end of the FY.

b. Components must also list the received dates and number of days pending for the ten oldest consultations they received from other agencies or components that are still pending at the end of the FY. The "received date" is the date your component received the consultation and not the date the request was received by the agency or component sending the consultation request.

c. The agency or component sending the consultation separately reports the request in its Annual FOIA Report. The "number of days pending" accounts for the days your component took to review the consultation after receiving it from the other agency or component (i.e., count working days from the day the consultation was received by your component through the date the consultation was closed).

## SECTION 6. REQUESTS FOR EXPEDITED PROCESSING

### 6.1. General.

Components must provide information on the requests for expedited processing adjudicated during the FY. However, components should not include data in this section for those expedited processing requests which became moot for various reasons and, as a result, were neither granted nor denied.

a. Components account for the number of requests for expedited processing they granted and denied, and the number of days taken to determine whether to grant or deny expedited processing. Components must track this information for any request for expedited processing adjudicated at the initial request level or, when applicable, at the administrative appeal level.

b. The FOIA statute requires agencies to determine whether to provide expedited processing" within ten calendar days. This does not cover the time taken to process the FOIA request, which has been granted expedited status and placed in the "expedited processing" track.

c. All determinations processed during the relevant FY to either grant or deny an expedited processing or fee waiver request must be included.

### 6.2. Calculating Days.

Components begin counting calendar days from the day the request for expedited processing is received until the day the component provides notice to the requester of its determination to either grant or deny the request.

Example: The component receives an initial request in FY 2019 asking for expedited processing. The component grants expedited processing in FY 2019 and completes processing of the request in FY 2020. The decision to grant expedited processing is reported in the component's FY 2019 Annual FOIA Report but the closed request is reported in the component's FY 2020 Annual FOIA Report.

## SECTION 7. FEE WAIVER REQUESTS

### 7.1. General.

Components must provide information on the determinations made on requests for fee waivers during the FY. Components should not include data in this section for those fee waiver requests which became moot for various reasons and, as a result, were neither granted nor denied. If the component determines the request will not involve fees, processing or counting a fee waiver request is unnecessary.

a. Components count the number of fee waiver requests the component granted and denied and the number of workdays taken to determine whether to grant or deny the fee waiver requests. Components must track this information for any fee waiver requests adjudicated at the initial request level or the administrative appeal level.

b. The FOIA statute requires agencies to determine whether to grant a fee waiver within ten workdays.

c. All determinations made during the relevant FY to either grant or deny a fee waiver request must be included.

## 7.2. Calculating Days.

Fee waiver request adjudication time does not necessarily begin with receipt of the fee waiver request itself, nor does it necessarily conclude with a separate letter sent to the requester.

a. Components may only know whether fees will be assessed until after it has begun processing the request or receiving the records.

b. Components should begin counting workdays when they determine fees will be assessed for the request rather than the date the fee waiver was received. The counting stops for this metric once the component determines whether to grant or deny the fee waiver request.

(1) Example 1. Component received a fee waiver request on April 1, 2022, the same day it received the request. A search is completed on May 1, 2022, locating records, and the component determines there will not be fees. Therefore, please do not count the fee waiver request nor adjudicate it.

(2) Example 2. Component received a fee waiver request on April 1, 2022, the same day it received the request. A search is completed on May 1, 2022, locating records, and the component determines there will be fees involved. The component begins counting workdays from May 1, 2022, the date the component determined there would be fees until the component provides notice to the requester of its determination to either grant or deny the request. Therefore, the component would not use April 1, 2022, when the request was received.

## SECTION 8. FOIA PERSONNEL, COSTS, AND COLLECTIONS

### 8.1. FOIA Personnel.

a. Components must provide the number of full-time and full-time equivalent FOIA employees (Military, Civilian, and Contractor).

(1) A "full-time FOIA employee" is a full-time employee who performs FOIA duties 100% of the time.

(2) A full-time equivalent FOIA employee includes employees performing less than full-time FOIA duties that are either:

(a) Part-time employees who perform FOIA duties all, or part, of the time, or

(b) Full-time employees who perform FOIA duties less than 100% of the time.

b. An "equivalent full-time FOIA employee" is created by adding the percentages of time dedicated to FOIA duties by employees performing less than fulltime FOIA work. Each time 100% is reached, the time expended is counted as one "equivalent full-time FOIA employee." The number of such "equivalent" employees should be reported in this category. ATSD (PCLT) provides a template, "Full and part time plus cost calculations FOIA" each year to assist components in calculating this number and these costs. The following examples illustrate calculating the number of "equivalent full-time FOIA employees."

(1) Example 1. Assume three full-time employees with part-time or occasional FOIA duties. If Employee #1 performs FOIA duties 50% of the time, and Employees #2 and #3 each perform FOIA duties 25% of the time, together they perform 100% (50+25+25) FOIA duties. Therefore, the FOIA duties of these three employees are the equivalent of 1 "full-time FOIA employee" because a "full-time FOIA employee" equals 100%. This component would report that it has one equivalent full-time FOIA employee.

(2) Example 2. Assume six full-time employees with part-time or occasional FOIA duties. If Employees #1, #2, #3, and #4 each perform FOIA duties 50% of the time, Employee #5 performs FOIA duties 75% of the time, and Employee #6 performs FOIA duties 10% of the time, together they perform 285% (50x4 + 75+10) FOIA duties. Because a "full-time FOIA employee" is equal to 100%, the FOIA duties of these six employees are the equivalent of 2.85 "full-time FOIA employees." Therefore, this component would report that it has 2.85 equivalent full-time FOIA employees.

(3) Example 3.

(a) Assume Employee #1 is a part-time employee who works twenty hours per week and performs FOIA duties half of his time. As a part-time employee who works twenty hours per week, the most FOIA work Employee #1 could perform is 50%. Because Employee #1 performs FOIA duties for only half of his part-time schedule, he performs 25% of FOIA duties (i.e., half of the 50% maximum).

(b) Assume Employee #2 is a part-time employee who works thirty-two hours per week and performs FOIA during all her time. As a part-time employee who works thirty-two hours

per week, the most FOIA work Employee #2 could perform is 80%. Because Employee #2 performs FOIA duties during all her time, she performs 80% of FOIA duties.

(c) Together, the two employees perform 105% (25+80) of FOIA duties. Therefore, their combined FOIA duties are the equivalent of 1.05 "full-time FOIA employees," this component would report that it has 1.05 equivalent full-time FOIA employees.

## 8.2. FOIA Costs.

a. Processing Costs. Provide the sum of all costs the component expends for processing FOIA requests at the initial request and administrative appeal levels. Include FOIA personnel salaries, overhead, and any other FOIA-related expenses. (An agency's budget will often be a useful resource for this information.)

b. Litigation-Related Costs. Provide the sum of all costs expended by the component in litigating FOIA requests. Include personnel salaries involved in FOIA litigation, litigation overhead, attorney fees and costs, and any other FOIA litigation-related expenses. (As with Processing Costs, an agency's budget will often be a useful resource for this information.)

## 8.3. Fees Collected.

Components report the fees collected in processing requests during the FY. This includes fees received from a FOIA requester for search, review, duplication, and any other direct cost that is permitted by DoD regulations. Component FOIA professionals must track this information throughout the year.

# SECTION 9. PROACTIVE DISCLOSURES

## 9.1. Subsection (c) Use.

a. Components must include in their Annual FOIA Report the number of times they have invoked a FOIA subsection (c) exclusion. The FOIA provides special protection for a narrow category of sensitive law enforcement records. For these three specifically defined categories of records, Congress provided that federal law enforcement agencies "may treat the records as not subject to the requirements of [the FOIA]." *See* 5 U.S.C. § 552(c). These provisions, referred to as "exclusions," protect three limited sets of circumstances where publicly acknowledging even the existence of the records could cause harm to law enforcement or national security interests.

b. In 2012, OIP issued guidance on exclusions. Components must have authorization from DoD and DOJ before using an exclusion. Therefore, unless a request to use an exclusion was submitted to DOJ for approval, this section is almost always "0." Also, based on experience collecting this data, most components and agencies do not use exclusions.

## 9.2. Subsection (a)(2) Records Posted.



a. Subsection (a)(2) of the FOIA requires components to proactively make available to the public non-exempt information from certain categories of records without waiting for a specific request to be received. These categories are:

- (1) Final agency opinions and orders rendered in the adjudication of cases;
- (2) Specific policy statements that are not published in the Federal Register;
- (3) Administrative staff manuals and instructions to staff that affect a member of the public, and
- (4) Records that have become or are likely to become the subject of subsequent requests or those records that have been requested three or more times – commonly referred to as frequently requested records.

b. In accordance with [5 U.S.C. § 552\(e\)\(1\)\(Q\)](#), components are required to include in their Annual FOIA Report “the number of records that were made available for public inspection in an electronic format under subsection (a)(2) of the FOIA.”

c. The first three categories of subsection (a)(2) records concern the operational documents of the component and are often posted outside the agency's FOIA office. Component program offices post a wide variety of records that fall within these categories in various locations throughout component websites. FOIA offices are necessarily better equipped to provide more precise numbers for the records that are posted on their component’s FOIA webpage, which are most often “frequently requested records” but can include operational records as well. This provision is designed to capture the number of “records” posted by agencies under (a)(2), so both figures should be reported in terms of records posted by the component.

d. Subsection (a)(2) records are posted in a variety of formats. This metric captures the number of records posted, not the total number of pages, for reporting purposes. Components should take a practical approach to calculate this metric by considering how the information is posted on their websites. Below is a non-exhaustive list of examples to illustrate how agencies may count various types of (a)(2) disclosures:

(1) **One** record: One PDF file containing 175 pages of emails, spanning the dates of March 28, 2018, to March 15, 2019.

(2) **One** record: One HTML page containing a new or updated component policy with embedded hyperlinks.

(3) **One** record: One PDF investigative report totaling 25 pages containing charts and photographs within the report.

(4) **One** record: One video recording, lasting 5 minutes and 16 seconds, linking numerous non-continuous video clips lasting 30 seconds to 1 minute, each of footage from multiple recording devices, compiled into one continuous video posting.

(5) **One** record: One Excel FOIA Log which includes two sheets within the one posted Excel file.

(6) **Multiple** records: One response to a request for records that is split into three separate postings, for instance, if the request involves multiple topics.

(7) **Multiple** records: A dynamic database that periodically updates multiple entries. Each entry or uploaded file in the database is counted as one record.

## SECTION 10. BACKLOGS

### 10.1. General.

Components report the number of backlogged requests and appeals they have pending at the end of the FY. A request or appeal is backlogged when pending beyond the statutory time for a response.

a. FOIA Requests. The statutory time is twenty working days from receipt of the **perfected** request. *See* 5 U.S.C. § 552(a)(6)(A)(i). Unless there are "unusual circumstances," in which case the time may be extended for an additional ten working days. *See* § 552(a)(6)(A)(i), § (B)(i).

b. Administrative Appeal. The statutory time is twenty working days from receipt of the appeal. *See* § 552(a)(6)(B)(ii). Unless there are "unusual circumstances," in which case the time may be extended for an additional ten working days. *See* § 552(a)(6)(B)(i), § (B)(ii).

### 10.2. Unusual Circumstances.

Although requesters might agree to an alternate time for the component to respond, or the component may advise the requester that the "unusual circumstances" presented will require more than ten additional days to process, for purposes of the Annual FOIA Report, the request should be counted as backlogged once it is past the basic twenty-day (or, if applicable, the thirty-day) statutory response date.

## SECTION 11. SUBMITTING THE ANNUAL FOIA REPORT

### 11.1. DD Form 2564.

The ATSD requires components submit their Annual FOIA Report data using the DD Form 2564. **See the Enclosure for detailed instructions on completing the DD Form 2564.**

### 11.2. Review/Approval Process.

a. Component.

(1) Review. Each component is responsible for the quality of its data. Therefore, before submitting the component Annual FOIA Report to ATSD (PCLT), components must carefully review all their data and compare it to the raw data used to create the Annual FOIA Report to ensure accuracy.

(2) Verify. The same raw data used to create the Annual FOIA Report is submitted to ATSD (PCLT) for public posting; therefore, the raw data used must match the data submitted. Errors and discrepancies cause needless delays requiring multiple resubmissions until the issue(s) are resolved and confuse the public.

(3) Submit. After completing the Annual FOIA Report form, reviewing its contents for accuracy, and verifying the data against the raw data report, email the completed DD Form 2564 and raw data used to prepare the Annual FOIA Report to [OATSD \(PCLT\)](#).

(4) Deadline. ATSD (PCLT) allows components up to and including October 31 to submit their Annual FOIA Report data and raw data report. Components must make every effort to comply with this set deadline.

b. ATSD (PCLT) Review Process.

(1) Review. Although each component is responsible for its Annual FOIA Report data quality, ATSD (PCLT) is ultimately responsible for DoD's Annual FOIA Report data quality; therefore, ATSD (PCLT) reviews component Annual FOIA Report data against component raw data.

(2) Verify. ATSD (PCLT) verifies that the raw data used to create the Annual FOIA Report matches the data submitted on the Annual FOIA Report form. If ATSD (PCLT) finds errors or discrepancies, ATSD will reach out to the component to clarify.

(3) Submit. After reviewing the component's submission for accuracy and verifying the data against the raw data report, ATSD (PCLT) enters the component's data into the DOJ Annual FOIA Reporting tool.

(4) Deadline. ATSD (PCLT) allows components up to and including October 31 to submit their Annual FOIA Report data and raw data report so that ATSD (PCLT) can comply with the DOJ set deadline for that FY.

(5) Subsequent Reviews/Submissions. If OIP returns the Annual FOIA Report to ATSD (PCLT) for errors or discrepancies, DoD contacts the appropriate component(s), if needed, to make corrections or answer the questions. Once errors and discrepancies are resolved, DoD resubmits the Annual FOIA Report for OIP clearance.

c. DOJ OIP.

(1) Review. OIP reviews the DoD Annual FOIA Report data submission for completeness and discrepancies. If OIP identifies areas requiring additional follow-up, they notify ATSD (PCLT) and return the Annual FOIA Report for corrections. Although each component is responsible for its Annual FOIA Report data quality, ATSD (PCLT) is ultimately responsible for DoD's Annual FOIA Report data quality; therefore, ATSD (PCLT) reviews component Annual FOIA Report data against component raw data.

(2) Verify. ATSD (PCLT) verifies that the raw data used to create the Annual FOIA Report matches the data submitted on the Annual FOIA Report form. If ATSD (PCLT) finds errors or discrepancies, ATSD will reach out to the component to clarify.

(3) Submit. After reviewing the component's submission for accuracy and verifying the data against the raw data report, ATSD (PCLT) enters the component's data into the DOJ Annual FOIA Reporting tool.

(4) Approval. **NO FURTHER CHANGES ARE ALLOWED** once OIP clears the Annual FOIA Report data. OIP provides ATSD (PCLT) with a cleared Annual FOIA Report and ATSD (PCLT) uses the cleared Annual FOIA Report to prepare the written version posted to the DoD website.

### 11.3. Raw Data Report.

a. General. Components must provide the underlying data elements behind each request, administrative appeal, and consultation, received and closed, used to create their Annual FOIA Report after each FY.<sup>8</sup> This data is used to create the DoD Annual FOIA Report data tables for the written Annual FOIA Report and contains such fields as the date the request or appeal was received, the request or appeal disposition, and the date closed.

b. Format. OIP created a Raw Data Template containing all the raw data fields used in making the Annual FOIA Report. **All components MUST use the raw data template provided by ATSD (PCLT) when preparing their raw data report.**

c. Checklist. Please note the following “do’s” and “don’t’s” when creating the raw data report:

(1) Do.

(a) Use the most recent raw data template ATSD (PCLT) provided. ATSD (PCLT) consolidates component's raw data reports to calculate DoD aggregate data and then posts the consolidated spreadsheet to the DoD public website. Only include the information requested in the format requested. It is very time-consuming to edit each component's raw data report when they do not use the provided template or include information not requested.

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<sup>8</sup> The FOIA requires components to provide the raw data used in preparing their Annual FOIA Report and that ATSD (PCLT) post this data publicly to their website (5 U.S.C. § 552(e)(3)(A)-(C)).

(b) Include pending and closed requests, appeals, and consultations.

(c) Verify the raw data is correct and complete, i.e. ensure cases processed have a perfected date, if applicable. For example, if a request is closed with any disposition, except “Not Reasonably Described” or “Improper Request,” it MUST have a perfected date.

(d) Ensure consultation data includes the tracking number, date received, and date closed. Currently, consultation processing days are not tracked in the Annual FOIA Report; therefore, there is no need to calculate or include this data in the raw data report.

(2) Don't.

(a) Include data not requested on the template. The template includes the data used to create the Annual FOIA Report. Information such as request subject, requester fee status, etc., is unnecessary so please do not include it. Only have the information in the raw data report template.

(b) Use codes as a Final Disposition. The public, nor ATSD (PCLT), know your internal codes. As stated previously, ATSD (PCLT) consolidates component raw data reports into one spreadsheet, verifies your data against the data entered on the Annual FOIA Report form, and then publicly posts one spreadsheet to our public website.

(c) Use different colors or sort data into different sections. Remember, ATSD (PCLT) consolidates component raw data reports into one spreadsheet and publicly posts one spreadsheet to our public website.

(d) Use acronyms without defining them. These reports are published for public awareness, so they must be user-friendly.

(e) Include FOIA Personnel and Costs, Regulations, Grade Level/Pay Rates/Types of Hours Worked, or Remarks/Footnotes in the raw data report.

## ENCLOSURE. DD FORM 2564 INSTRUCTIONS.

Components must adhere to the guidance described in this handbook for the data-oriented sections of the Annual FOIA Report. If a component cannot comply with a specific reporting requirement, needs to explain a discrepancy, or provide greater context for their data to the public, an explanatory remark must be included in the Annual FOIA Report in Section XIV. Use clear and concise wording and clarify to which data the remark applies.

### SECTION I - COMPONENT INFORMATION

ANNUAL FREEDOM OF INFORMATION ACT REPORT		
SUBCOMPONENT/COMPONENT OR AGENCY REPORTING		REPORT FOR FISCAL YEAR
SECTION I - BASIC INFORMATION REGARDING REPORT		
1. PERSON(S) TO CONTACT WHO CAN ANSWER QUESTIONS ABOUT THE REPORT		
a. NAME (Last, First, Middle Initial)	b. TITLE	c. ADDRESS
d. TELEPHONE	e. EMAIL ADDRESS	
2. PROVIDE AN ELECTRONIC LINK FOR ACCESS TO THE REPORT ON THE AGENCY WEB SITE. Privacy, Civil Liberties, and Transparency (PCLT).		3. EXPLAIN HOW TO OBTAIN A COPY OF THE REPORT IN PAPER FORM PCLT will satisfy this requirement.

*Screenshot of the DD Form 2564, Section I*

Component/Agency Reporting – self-explanatory  
Report for Fiscal Year – FY ##

**Block 1a. Name.** Name of the contact person who can answer questions about the Annual FOIA Report. Please do not enter the name of your component's IDA unless he/she can answer questions on the Annual FOIA Report.

**Block 1b. Title.** Self-explanatory

**Block 1c. Telephone.** The telephone number of the person listed in Block 1a is not the general office telephone number. No one sees this Annual FOIA Report except ATSD (PCLT).

**Block 1d. Email.** The email address of the person listed in Block 1a is not the general email address for the office.

### SECTION II – ACRONYMS, DEFINITIONS, AND EXEMPTIONS

ATSD (PCLT) completes this section. However, we may contact your office for assistance if we need help in this section.

### SECTION III – (THIS SECTION IS NOT USED.)

## SECTION IV – EXEMPTION 3 STATUTES

SECTION IV - EXEMPTION 3 STATUTES (Attach additional pages if necessary)			
(1) List all Exemption 3 statutes. (2) The PCLT will satisfy this requirement. (3) The PCLT will satisfy this requirement. (4) For each request, report the number of times each statute was relied upon, however, count each statute only once per request.			Total Number of Unique Uses of Exempt 3 Statutes (including Total on Page 11)
1. STATUTE List all Exemption 3 statutes.	2. TYPE OF INFORMATION WITHHELD PCLT will satisfy this requirement.	3. CASE CITATION PCLT will satisfy this requirement.	4. NUMBER OF TIMES RELIED UPON
<input type="text"/>	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
<input type="text"/>	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
<input type="text"/>	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
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<input type="text"/>	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
<input type="text"/>	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
Other: <input type="text"/>	Provide this information in Section XIV.	Provide this information in Section XIV.	
Other: <input type="text"/>	Provide this information in Section XIV.	Provide this information in Section XIV.	

*Screenshot of the DD Form 2564, Section IV*

**Block 1. Statute.** Select the Exemption 3 statute(s) relied upon by your component to withhold information. Each statute cited should only be listed once. The dropdown statutes are listed in numerical order, with statutes listed first, then Congressional Acts, and lastly, Public Laws. Please be advised some statutes may have changed numbers and names, incorporated into new statutes, or possibly rescinded. Always check the validity of a statute before using it.

**Example.** If a component relied on Rule 6(e) of the Federal Rules of Criminal Procedure, the citation should be "Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319."

**Block 2. Type of Information Withheld.** ATSD (PCLT) will satisfy this requirement. However, we provided two free text lines if a statute is not listed in the dropdown list. Add the proper statute citation and include a brief description of the types of information withheld and any case citation(s) located in Section XIV of this form.

**Block 3. Case Citation.** ATSD (PCLT) will satisfy this requirement subject to the NOTE below.

**Block 4. Number of Times Relied Upon per Agency/Component.** Provide the number of times your component relied upon each statute, but only count once per request.

## SECTION V.: FOIA REQUESTS

For Section V., include all FOIA requests, both perfected and non-perfected.

### Section V.A.: Received, Processed, and Pending FOIA Requests

SECTION V - FOIA REQUESTS			
A. RECEIVED, PROCESSED, AND PENDING FOIA REQUESTS.			
Provide the numbers of received, processed, and pending requests, <u>both perfected and non-perfected</u> . The number in column 1 must match the number of "Requests Pending as of End of Fiscal Year" from the previous year's Annual FOIA Report. The sum of columns 1 and 2 minus the number in column 3 must equal the number in column 4. NOTE: If number in column 1 is different from the previous year's Annual FOIA Report, add a remark in Section XIV.			
1. NUMBER OF REQUESTS PENDING AS OF START OF FISCAL YEAR	2. NUMBER OF REQUESTS RECEIVED IN FISCAL YEAR	3. NUMBER OF REQUESTS PROCESSED IN FISCAL YEAR	4. NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR

*Screenshot of the DD Form 2564, Section V*

**Block 1. Number of Requests Pending as of Start of Fiscal Year.** Provide the number of requests pending as of the start of the relevant FY. If the number reported in this section does not match the number reported as pending on the prior FY's Annual FOIA Report, include a remark in Section XIV briefly explaining the discrepancy.

**Block 2. Number of Requests Received in Fiscal Year.** Provide the number of requests received in the relevant FY. This includes all (perfected and non-perfected) requests received from October 1 through September 30 of the relevant FY, including when September 30 falls on a non-working day. Do not include appeals and consults, except for remanded appeals.

**Block 3. Number of Requests Processed in Fiscal Year.** Provide the number of requests closed in the relevant FY. This includes all (perfected and non-perfected) requests closed from October 1 through September 30 of the relevant FY, including when September 30 falls on a non-working day. Do not include appeals and consults, except for remanded appeals.

**Block 4. Number of Requests Pending as of End of Fiscal Year.** This block automatically calculates. The number reported in the last field must reflect the actual number pending at your component as of the end of the FY. Your raw data must support this number.



## Section V.B.: Disposition of FOIA Requests

### Section V.B.(1): Disposition of FOIA Requests – All Processed Requests

All fields are required, therefore, if a component did not close any requests in that category, enter "0" for that field. Please provide the number of request dispositions for each category in Table 1.1 or Table 1.2.

B. DISPOSITION OF FOIA REQUESTS.											
1. All Processed Requests. Provide the number of request dispositions as described below. Use only one column to report each request. Use the nine "Full Denial Based on Reasons Other than Exemptions" columns only if the request cannot be counted in columns 1 through 3. The numbers in column 5, "Total", must match the numbers in Section V. A., column 3.											
(1) NUMBER OF FULL GRANTS	(2) NUMBER OF PARTIAL GRANTS/ PARTIAL DENIALS	(3) NUMBER OF FULL DENIALS BASED ON EXEMPTIONS	(4) NUMBER OF FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS (Each case may only be counted once)								(5) TOTAL
			a. NO RECORDS	b. ALL RECORDS REFERRED TO ANOTHER COMPONENT/ AGENCY	c. REQUEST WITHDRAWN	d. FEE-RELATED REASON	e. RECORDS NOT REASONABLY DESCRIBED	f. IMPROPER FOIA REQUEST FOR OTHER REASON	g. NOT AGENCY RECORD	h. DUPLICATE REQUEST	

*Screenshot of the DD Form 2564, Section V.B.1.*

**Block 1-Number of Full Grants.** Any request closed in this category must have a perfected date on the raw data report.

**Block 2-Number of Partial Grants/Partial Denials.** Any request closed in this category must have a perfected date on the raw data report. This category would also apply to any request that used exemptions.

**Block 3-Number of Full Denials Based on Exemptions.** Any request closed in this category must have a perfected date on the raw data report. This category is used for requests closed only using exemptions, for example, a request denied in full because all the records found are properly and completely classified. NOTE: If a component uses exemptions in response to a request, that request must be counted as either a Partial Grant/Partial Denial or a Full Denial Based on Exemptions.

#### **Block 4. Number of Full Denials Based on Reasons Other Than Exemptions.**

**Block 4a-No Records.** Any request closed in this category must have a perfected date on the raw data report.

**Block 4b-All Records Referred to Another Component/Agency.** Any request closed in this category must have a perfected date on the raw data report.

**Block 4c-Request Withdrawn.** Any request closed in this category may or may not have a perfected date on the raw data report. Please note in Section XIV how many of these requests did not have a perfected date.

**Block 4d-Fee-Related Reason.** Any request closed in this category may or may not have a perfected date on the raw data report. Please note in Section XIV how many of these requests did not have a perfected date.

**Block 4e-Records Not Reasonably Described.** Any request closed in this category will not have a perfected date on the raw data report.

**Block 4f-Improper FOIA Request for Other Reason.** Any request closed in this category will not have a perfected date on the raw data report.

**Block 4g-Not Agency Record.** Any request closed in this category may or may not have a perfected date on the raw data report. Please note in Section XIV how many of these requests did not have a perfected date.

**Block 4h-Duplicate Request.** Any request closed in this category may or may not have a perfected date on the raw data report. Please note in Section XIV how many of these requests did not have a perfected date.

**Block 4i-Other.** This Block will automatically fill directly from Section V.B.(2).

**Block 5-Total.** This block automatically calculates. *Please note that the numbers in this block must match those listed in Section V.A. Block 3. Requests Processed in Fiscal Year.*

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

2. Other Reasons for "Full Denials Based on Reasons Other than Exemptions". For any request marked "Other", provide descriptions of other reasons for full denials and the number of times each reason was relied upon. "Total" must equal "Other" column in B.1.

(1) DESCRIPTION OF "OTHER" REASONS FOR DENIALS	(2) NO. OF TIMES
▼	
▼	
▼	
▼	
▼	
3. Number of Times Exemptions Applied. Count each exemption only once per FOIA request.	(3) TOTAL

*Screenshot of the DD Form 2564, Section V.B.2.*

**Block 1-Description of Other Reasons for Denials.** Select the reason for denial from the dropdown menu. Each "Other" disposition is listed separately. If the disposition is not listed in the dropdown menu, select "Other (See Section XIV for details)" and enter the disposition reason in Section XIV. This disposition reason may or may not be approved by DOJ.

**Block 2-Number of Times Other Reason Was Relied Upon.** Enter the number of times each disposition reason was relied upon. However, a request may only be counted once. If the component did not use "Other" reasons, enter "0."

**Block 3-Total.** This block automatically calculates and will feed Section V.B.1.(4)(i).

### Section V.B.(3): Disposition of FOIA Requests – Number of Times Exemptions Applied

The number of times each exemption was applied in response to a request must be captured for this section. For each request, report all exemptions applied; however, **count each exemption only once per request**. If a component did not use an exemption, enter "0" or leave it blank.

3. Number of Times Exemptions Applied. Count each exemption only once per FOIA request.											(3) TOTAL		
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

*Screenshot of the DD Form 2564, Section V.B.3.*

## SECTION VI: ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

For this section of the Annual FOIA Report, only those components adjudicating administrative appeals should enter data in Section VI.

### Section VI.A.: Received, Processed, and Pending Administrative Appeals

SECTION VI - ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS			
A. RECEIVED, PROCESSED AND PENDING ADMINISTRATIVE APPEALS.			
Provide the number of administrative appeals received, processed, and pending as described in columns 1 through 4. The sum of columns 1 and 2 minus the number in column 3 must equal the number in column 4. The number in column 1 must match the number of "Appeals Pending as of End of Fiscal Year" from the previous year's Annual FOIA Report. NOTE: If number in column 1 is different from the previous year's Annual FOIA Report, add a remark in Section XIV.			
1. NUMBER OF APPEALS PENDING AS OF START OF FISCAL YEAR	2. NUMBER OF APPEALS RECEIVED IN FISCAL YEAR	3. NUMBER OF APPEALS PROCESSED IN FISCAL YEAR	4. NUMBER OF APPEALS PENDING AS OF END OF FISCAL YEAR

*Screenshot of the DD Form 2564, Section VI.A.*

**Block 1-Number of Appeals Pending as of Start of Fiscal Year.** Provide the number of appeals pending as of the start of the relevant FY. If the number reported in this section does not match what was reported as pending as of the end of the FY from the prior year's Annual FOIA Report, the component must include a remark briefly explaining the discrepancy in Section XIV.

**Block 2-Number of Appeals Received in Fiscal Year.** Provide the number of appeals received in the relevant FY. This includes all appeals received from October 1 through September 30 of the relevant FY, including when September 30 falls on a non-working day.

**Block 3-Number of Appeals Processed in Fiscal Year.** Provide the number of appeals closed in the relevant FY.

**Block 4-Number of Appeals Pending as of End of Fiscal Year.** This block automatically calculates (B1+B2-B3=B4). If the number reported in the last field does not reflect the actual number pending at your component as of the end of the FY, one of the other numbers must be inaccurate, and you must review and correct this discrepancy. Also, this number must be supported by your raw data.

**Section VI.B.: Disposition of Administrative Appeals – All Processed Appeals**

Each processed appeal should have a single entry in this section. For additional information about the dispositions, please see Section I, Disposition of Administrative Appeals – All Processed Appeals.

INITIAL DETERMINATIONS OF FOIA REQUESTS				
B. DISPOSITION OF ADMINISTRATIVE APPEALS - ALL PROCESSED APPEALS.				
Provide the number of administrative appeal adjudications as described in the columns below. The number in the "Total" column must match the number in Section VI. A., column 3. In column 4, report the number of appeals which neither affirmed nor reversed/remanded the FOIA request determination, but were closed for other reasons (see DOJ Instructions at <a href="https://www.justice.gov/oip/page/file/1438431/download">https://www.justice.gov/oip/page/file/1438431/download</a> ).				
1. NUMBER AFFIRMED ON APPEAL	2. NUMBER PARTIALLY AFFIRMED AND PARTIALLY REVERSED/REMANDED ON APPEAL	3. NUMBER COMPLETELY REVERSED/REMANDED ON APPEAL	4. NUMBER OF APPEALS CLOSED FOR OTHER REASONS	5. TOTAL

*Screenshot of the DD Form 2564, Section VI.B.*

**Block 1-Number Affirmed on Appeal.** Provide the number of appeals affirmed in full.

**Block 2-Number Partially Affirmed and Partially Reversed/Remanded on Appeal.** Provide the number of appeals partially affirmed and partially reversed/remanded on appeal.

**Block 3-Number Completely Reversed/Remanded on Appeal.** Provide the number of appeals completely reversed/remanded on appeal.

**Block 4-Number of Appeals Closed for Other Reasons.** Provide the number of appeals closed for other reasons.

**Block 5-Total.** This block automatically calculates. Please note that this number must match the "Number of Appeals Processed in Fiscal Year" reported in Section VI.A..

## Section VI.C.: Reasons for Denial on Appeal

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

C. REASONS FOR DENIAL ON APPEAL.													
1. Number of Times Exemptions Applied. Note: If an administrative appeal results in the denial of information based on exemptions and also based on a reason or reasons presented in C.2 and 3, report that appeal on all applicable sections. For each administrative appeal, report all exemptions applied; however, count each exemption only once per appeal.													
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

Screenshot of the DD Form 2564, Section VI.C.1.

Section C.1.-Reasons for Denial on Appeal-Exemptions: Provide the number of times each exemption was used on appeal to withhold information. For each administrative appeal, report all exemptions applied; however, count each exemption only once per appeal.

### Section VI.C.(2): Reasons for Denial on Appeal – Reasons Other than Exemptions

2. Reasons Other than Exemptions. Provide the number of administrative appeals resulting in denial for reasons other than exemptions, as described below. C.2. plus C.3 must be equal to B.4.										
(1) NO RECORDS	(2) RECORDS REFERRED AT INITIAL REQUEST LEVEL	(3) REQUEST WITHDRAWN	(4) FEERELATED REASON	(5) RECORDS NOT REASONABLY DESCRIBED	(6) IMPROPER REQUEST FOR OTHER REASON	(7) NOT AGENCY RECORD	(8) DUPLICATE REQUEST OR APPEAL	(9) REQUEST IN LITIGATION	(10) APPEAL BASED SOLELY ON DENIAL OF REQUEST FOR EXPEDITED PROCESSING	(11) OTHER (Explain in C.3 below)

Screenshot of the DD Form 2564, Section VI.C.2.

**Blocks 1 through 10.** Provide the number of times each reason listed above was used on appeal to withhold information. See Table 1.4 for an explanation of the categories.

**Block 11-Other.** This Block will automatically fill directly from Section VI.C.3., Block 3.

### Section VI.C.(3): Reasons for Denial on Appeal – "Other" Reasons from Section VI.C.(2) Chart

3. "Other" Reasons for Denial. Provide descriptions of the "other" reasons and the number of times each was relied upon. "Total" must equal "Other" column, C.2.(11).	
(1) DESCRIPTION OF "OTHER" REASON	(2) NUMBER OF TIMES
	(3) TOTAL

Screenshot of the DD Form 2564, Section VI.C.3.

**Block 1: Description of Other Reasons for Denials.** Enter the reason the appellate authority denied the request. If the appellate authority used multiple "Other" reasons, add additional reasons into each block. If an appellate authority had no other reasons for denials, enter N/A.

**Block 2. Number of Times.** Enter the number of times each reason was replied upon. If the appellate authority did not use any "Other" reasons, enter "0".

**Block 3. Total.** This Block will automatically calculate and autofill Section VI.C.(2), Block 11.



## Section VI.C.(4): Response Time for Administrative Appeals

SECTION VI - ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS (Continued)			
C.4. Response time for Administrative Appeals. Provide the (1) median, (2) average, and (3) and (4) range in number of days to respond to administrative appeals.			
(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS

Screenshot of the DD Form 2564, Section VI.C.4.

**Block 1. Median Number of Days.** For any appeals closed during the relevant FY, provide the median number of days it took to respond. For more information on calculating medians, please see the "General Guidance" in Section I above.

**Block 2. Average Number of Days.** Provide the average days to respond for any appeals closed during the relevant FY. For more information on calculating averages, please see the "General Guidance" section above.

**Block 3. Lowest Number of Days.** Provide the lowest number of days it took to close any appeal during the relevant FY. This number should be one or more. Do not enter zero.

**Block 4. Highest Number of Days.** Provide the highest number of days that it took to close any appeal during the relevant FY. This number should be one or more. Do not enter zero.

## Section VI.C.(5): Ten Oldest Pending Administrative Appeals

5. Ten Oldest Pending Administrative Appeals. Provide the date of receipt of the ten oldest pending administrative appeals, and the number of days pending. (YYYY-MM-DD, e.g. 2003-09-18) To calculate the number of Federal work days, see <a href="https://www.timeanddate.com/date/workdays.html?d1=1&amp;m1=1&amp;y1=2020&amp;d2=30&amp;m2=9&amp;y2=2020&amp;ti=on&amp;">https://www.timeanddate.com/date/workdays.html?d1=1&amp;m1=1&amp;y1=2020&amp;d2=30&amp;m2=9&amp;y2=2020&amp;ti=on&amp;</a> . MS. Excel formula "Net workdays less holidays." See attached Excel list of Federal holidays.										
	OLDEST	2nd	3rd	4th	5th	6th	7th	8th	9th	10th OLDEST
(1) DATE OF RECEIPT										
(2) NUMBER OF DAYS PENDING										

Screenshot of the DD Form 2564, Section VI.C.5.

**Row 1. Date of Receipt of Ten Oldest Appeals.** Provide the received date for the ten oldest administrative appeals that remain pending at the end of the relevant FY. The date must be formatted as YYYY-MM-DD. If there are no pending appeals, leave this section blank.

**Row 2. Number of Days Pending.** Provide the number of pending working days for each of the ten oldest administrative appeals remaining pending at the FY's end. The number of days pending should be based on the end of the relevant FY (Sep 30) rather than the date the Annual FOIA Report is created. If there are no pending appeals, leave this section blank.

NOTE: ATSD (PCLT) provides an Excel spreadsheet to calculate the pending workdays, and components must use it to calculate the pending days for this section.

## SECTION VII: FOIA REQUESTS – RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

This section documents a component's response times. Component FOIA professionals must keep track of the time it takes to process and respond to requests throughout the year. As

indicated in the General Guidance above, response times are only calculated for perfected requests, meaning the request is reasonably described and made in accordance with the agency's FOIA regulations. Requests are presumed to be perfected upon receipt.

For charts in Section VII, only include response times for perfected requests. See Section 3.3 above on calculating response times.

## Section VII.A.: Processed Requests – Response Time for All Processed Perfected Requests

SECTION VII - FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS											
For tables in Section VII, include response times for only <u>perfected</u> requests. Begin counting days from the date of receipt of the <u>perfected</u> request. Using a multi-track processing system, report response times separately for each track.											
NOTE: Table A must reflect the response times for all processed <u>perfected</u> requests. Table B is a sub-set of Table A and must reflect the response times only for those <u>perfected</u> requests in which information was granted, either in full or in part. To calculate the number of Federal work days, see <a href="https://www.timeanddate.com/date/workdays.html?d1=1&amp;m1=1&amp;y1=2020&amp;d2=30&amp;m2=9&amp;y2=2020&amp;ti=on&amp;">https://www.timeanddate.com/date/workdays.html?d1=1&amp;m1=1&amp;y1=2020&amp;d2=30&amp;m2=9&amp;y2=2020&amp;ti=on&amp;</a> . MS. Excel formula "Net workdays less holidays." See attached Excel list of Federal holidays.											
A. PROCESSED REQUESTS - RESPONSE TIME FOR ALL PROCESSED <u>PERFECTED</u> REQUESTS. Provide the (1) median, (2) average and (3) and (4) range in number of days to process all <u>perfected</u> requests.											
1. SIMPLE				2. COMPLEX				3. EXPEDITED PROCESSING			
(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS

*Screenshot of the DD Form 2564, Section VII.A.*

This section captures the response times for perfected simple, complex, and expedited requests reported closed in Section V.B.(1) of the Annual FOIA Report. For simplicity, each category of records has the same required processing

The following information, broken down by "track", must be captured for this section:

**Block 1. Median Number of Days.** For all perfected requests closed during the relevant FY, provide the median number of days it took to respond. For more information on calculating medians, please see the "General Guidance" in Section I above.

**Block 2. Average Number of Days.** For all perfected requests closed during the relevant FY, provide the average number of days it took to respond. For more information on calculating averages, please see the "General Guidance" section above.

**Block 3. Range - Lowest Number of Days.** For all perfected requests that were closed during the relevant FY, provide the lowest number of working days it took to close them. This number should be one or more. Do not enter zero.

**Block 4. Range - Highest Number of Days.** For all perfected requests that were closed during the relevant FY, provide the highest number of working days it took to close them. This number should be one or more. Do not enter zero.

NOTE: If the agency/component did not process requests in a particular track, enter "0" in those Blocks.

## Section VII.B.: Processed Requests – Response Time for Perfected Requests in Which Information was Granted

B. PROCESSED REQUESTS - RESPONSE TIME FOR PERFECTED REQUESTS FOR WHICH INFORMATION WAS GRANTED. Provide the (1) median, (2) average and (3) and (4) range in number of days to process all perfected requests in which information was granted (full grants and partial grants).

1. SIMPLE				2. COMPLEX				3. EXPEDITED PROCESSING			
(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS	(1) MEDIAN NUMBER OF DAYS	(2) AVERAGE NUMBER OF DAYS	(3) RANGE - LOWEST NUMBER OF DAYS	(4) RANGE - HIGHEST NUMBER OF DAYS

*Screenshot of the DD Form 2564, Section VII.B.*

This section captures the response times for those perfected requests identified as either "Full Grants" or "Partial Grants/Partial Denials" in Section V.B.(1) of the Annual FOIA Report.

The following information, broken down by "track", must be captured for this section:

**Block 1. Median Number of Days.** For all perfected requests closed during the relevant FY, provide the median number of days it took to respond. For more information on calculating medians, please see the "General Guidance" in Section I above.

**Block 2. Average Number of Days.** For all perfected requests closed during the relevant FY, provide the average number of days it took to respond. For more information on calculating averages, please see the "General Guidance" section above.

**Block 3. Range - Lowest Number of Days.** For all perfected requests closed during the relevant FY, provide the lowest number of working days it took to close them. This number should be one or more. Do not enter zero.

**Block 4. Range - Highest Number of Days.** For all perfected requests closed during the relevant FY, provide the highest number of working days it took to close them. This number should be one or more. Do not enter zero.

NOTE: If the agency/component did not process requests in a particular track, enter "0" in those Blocks.



## Sections VII.C.(1), (2), (3).: Processed Requests – Response Time in Day Increments

SECTION VII - FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS (Continued)													
C. PROCESSED REQUESTS - RESPONSE TIME IN DAY INCREMENTS FOR ALL PROCESSED PERFECTED REQUESTS													
(1) Provide the number of perfected requests processed in each of the 13 designated time increments (i.e., within 20 days in the first column, within 21-40 days in the second column, etc.).													
(a) Using a multi-track system, report response times separately for each track.													
(b) The sum of the 13 columns will autofill the "Total" column to reflect the total number of requests processed for each of the tracks.													
(2) The total number of processed perfected requests listed in this section must not include unperfected requests from Section V.B.4.e. and V.B.4.f.													
1. 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
2. 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
3. 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

Screenshot of the DD Form 2564, Section VII.C.

Provide the number of perfected requests processed in each of the 13 designated time increments (i.e., within 20 days in the first column, within 21-40 days in the second column, etc.) Then, using the multi-track system, report response times separately for each track.

Total: The sum of the thirteen fields in the "Total" field reflects the total number of requests processed for each of the tracks. This field will automatically populate.

Note: The total number of processed perfected requests listed in this section must be less than or equal to the number of requests reported as processed in Section V.A.

## Section VII.D.: Pending Requests – All Pending Perfected Requests

D. PENDING REQUESTS - ALL PENDING PERFECTED REQUESTS.								
Provide the number of perfected requests pending as of the end of the fiscal year, and the median and average number of days those requests had been pending as of the end of the fiscal year. If an agency or component is unable to determine whether all of its pending requests are perfected, the agency or component must include all pending requests and add a remark in Section XIII.								
1. SIMPLE			2. COMPLEX			3. EXPEDITED PROCESSING		
(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS	(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS	(1) NUMBER PENDING	(2) MEDIAN NUMBER OF DAYS	(3) AVERAGE NUMBER OF DAYS

Screenshot of the DD Form 2564, Section VII.D.

The following information, broken down by track, must be captured for this section:

**Block 1. Number Pending.** Provide the number of all perfected requests which remained open as of the end of the relevant FY. If the number pending does not equal the number pending in Section V.A.4., include a remark in Section XIV.

**Block 2. Median Number of Days.** For all perfected requests which remained open as of the end of the relevant FY, provide the median number of working days they had been pending. For more information on calculating medians, please see the "General Guidance" section above.

**Block 3. Average Number of Days.** For all perfected requests which remained open as of the end of the relevant FY, provide the average number of working days they had been pending. For more information on calculating averages, please see the "General Guidance" section above.

### Section VII.E.: Pending Requests – Ten Oldest Pending Perfected Requests

**E. PENDING REQUESTS - TEN OLDEST PENDING PERFECTED REQUESTS.**

Provide the date of receipt of the ten oldest **perfected** requests pending as of the end of the fiscal year, and the number of days pending.

	OLDEST	2nd	3rd	4th	5th	6th	7th	8th	9th	10th OLDEST
(1) DATE OF RECEIPT										
(2) NUMBER OF DAYS PENDING										

*Screenshot of the DD Form 2564, Section VII.E.*

The following information for each of the ten oldest requests pending as of the end of the relevant FY must be captured for this section:

**Row 1. Date of Receipt.** Provide the received date for the ten oldest perfected requests that remain pending at the end of the relevant FY. The date must be formatted as YYYY-MM-DD. If there are no pending perfected requests, leave this section blank.

**Row 2. Number of Days Pending.** Provide the number of pending working days for each of the ten oldest perfected requests remaining pending at the FY’s end. The number of days pending should be based on the end of the relevant FY (Sep 30) rather than the date the Annual FOIA Report is created. If there are no pending perfected requests, leave this section blank.

NOTE: ATSD (PCLT) provides an Excel spreadsheet to calculate the pending workdays, and components must use it to calculate the pending days for this section.

## SECTION VIII.: REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

### Section VIII.A.: Requests for Expedited Processing

**A. REQUESTS FOR EXPEDITED PROCESSING.**

(1) Include requests for expedited processing made both at the initial request level and, when applicable, at the administrative appeal level.

(2) Calculating days: Count only the **working** days spent adjudicating the fee waiver request. Do not include additional days that may precede consideration of the fee waiver request, e.g., days the request waits in a processing queue, processing time which precedes commencement of adjudication of fee waiver request, etc.

(3) NOTE: The response time of this reporting requirement captures the time taken to decide whether to grant or deny a request for expedited processing. This does not cover the FOIA requests which have already been granted expedited status, placed in the "expedited processing" track, and reported elsewhere in this Report. Rather, this requirement reflects the time taken to make a determination, (i.e., adjudicate) whether a request for expedited processing should be granted or denied. The FOIA requires agencies to determine within ten calendar days whether a request satisfies the standards for expedited processing.

1. NUMBER GRANTED	2. NUMBER DENIED	3. MEDIAN NUMBER OF DAYS TO ADJUDICATE	4. AVERAGE NUMBER OF DAYS TO ADJUDICATE	5. NUMBER ADJUDICATED WITHIN TEN CALENDAR DAYS

*Screenshot of the DD Form 2564, Section VIII.A.*

The following items must be captured for this section. Please include requests for expedited processing made both at the initial request level and, when applicable, at the administrative appeal level.

**Block 1. Number Granted.** Provide the number of adjudications resulting in the component granting expedited processing of the request during the reported FY.

**Block 2. Number Denied.** Provide the number of adjudications resulting in the component denying expedited processing of the request during the reported FY.

**Block 3. Median Number of Days to Adjudicate.** Provide the median number of calendar days the component took to adjudicate requests for expedited processing. For more information on calculating medians, please see the "General Guidance" section above.

**Block 4. Average Number of Days to Adjudicate.** Provide the average number of calendar days the component took to adjudicate requests for expedited processing. For more information on calculating averages please, see the "General Guidance" section above.

**Block 5. Number Adjudicated Within Ten Calendar Days.** Provide the number of requests for expedited processing that were adjudicated within ten calendar days.

### Section VIII.B.: Requests for Fee Waiver

**B. REQUESTS FOR FEE WAIVER.**  
 (1) Include requests for a waiver of fees made both at the initial request level and, when applicable, at the administrative appeal level.  
 (2) Calculating days: Count only the working days spent adjudicating the fee waiver request. Count working days. Do not include additional days that may precede consideration of the fee waiver request, e.g., days the request waits in a processing queue, processing time which precedes commencement of adjudication of fee waiver request, etc.

1. NUMBER GRANTED	2. NUMBER DENIED	3. MEDIAN NUMBER OF DAYS TO ADJUDICATE	4. AVERAGE NUMBER OF DAYS TO ADJUDICATE

*Screenshot of the DD Form 2564, Section VIII.B.*

The following items must be captured for this section. Please include requests for a waiver of fees made both at the initial request level and, when applicable, at the administrative appeal level.

**Block 1. Number Granted.** Provide the number of adjudications resulting in the component granting a fee waiver request during the reported FY.

**Block 2. Number Denied.** Provide the number of adjudications resulting in the component denying a fee waiver request during the reported FY.

**Block 3. Median Number of Days to Adjudicate.** Provide the median number of days the component took to adjudicate a request for a fee waiver. For more information on calculating medians, please see the "General Guidance" section above.

**Block 4. Average Number of Days to Adjudicate.** Provide the average number of days the component took to adjudicate a request for a fee waiver. For more information on calculating averages, please see the "General Guidance" section above.

## SECTION IX.: FOIA PERSONNEL AND COSTS

SECTION IX - FOIA PERSONNEL AND COSTS					
A. PERSONNEL. Provide the number of "Full-Time FOIA Staff" by adding the number of "Full-Time FOIA Employees" and "Equivalent Full-Time FOIA Employees" (see DOJ Handbook for Agency Annual FOIA Reports).			B. COSTS. Add together all costs expended by the agency for processing FOIA requests at the initial request and administrative appeal levels, and for litigating FOIA requests. Include salaries of FOIA personnel, overhead, and any other FOIA-related expenses. (Agency's budget may be used as a resource.) (Enter numbers only, no commas or periods.) (see DOJ Handbook for Agency Annual FOIA Reports).		
1. NUMBER OF FULL-TIME FOIA EMPLOYEES	2. NUMBER OF EQUIVALENT FULL-TIME FOIA EMPLOYEES	3. TOTAL NUMBER OF FULL-TIME FOIA STAFF	1. PROCESSING COSTS	2. LITIGATION-RELATED COSTS	3. TOTAL COSTS

Screenshot of the DD Form 2564, Section IX.

The following items must be captured for this section:

### Section A. Personnel.

**Block 1. Number of Full-Time FOIA Employees.** Provide the number of full-time FOIA employees. See Section 8.1 for calculating personnel.

**Block 2. Number of Equivalent Full-Time FOIA Employees.** Provide the number of equivalent full-time FOIA employees. See Section 8.1 for calculating costs.

**Block 3. Total Number of Full-Time FOIA Staff.** This field automatically calculates based on the data entered in Blocks 1 and 2.

### Section B. Costs.

**Block 1. Processing Costs.** Provide the sum of all costs the Component expends for processing FOIA requests at the initial request and administrative appeal levels. See Section 8.2 for calculating costs.

**Block 2. Litigation-Related Costs.** Provide the sum of all costs the Component expends in litigating FOIA requests. See Section 8.2 for calculating litigating costs.

**Block 3. Total Costs.** This field automatically calculates based on the data entered in Blocks 1 and 2.

## SECTION X: FEES COLLECTED FOR PROCESSING REQUESTS

SECTION X - FEES COLLECTED FOR PROCESSING REQUESTS		LITIGATION-RELATED COSTS
Report the dollar amount of fees collected from FOIA requesters for processing their requests. Also report the percentage of total processing costs (from Section IX, B.1.) that those fees represent. In calculating the amount of fees collected, include fees received from a FOIA requester for search, review document duplication, and any other direct costs permitted by agency regulations.		
1. TOTAL AMOUNT OF FEES COLLECTED	2. PERCENTAGE OF TOTAL PROCESSING COSTS	
	.00%	

*Screenshot of the DD Form 2564, Section X*

The following items must be captured for this section:

**Block 1. Total Amount of Fees Collected.** Report the dollar amount of fees collected from FOIA requesters for processing their requests.

**Block 2. Percentage of Total Costs.** This field automatically calculates.

## SECTION XI: EXCLUSION USE AND PROACTIVE DISCLOSURES

### Section XI.A.: Number of Times Subsection (c) Used

SECTION XI - FOIA REGULATIONS		
A. AGENCIES MUST PROVIDE AN ELECTRONIC LINK TO THEIR FOIA REGULATIONS, INCLUDING THEIR FEE SCHEDULE. The PCLT will satisfy this requirement.		
B - NUMBER OF TIMES SUBSECTION (C) USED - "Number of times the component used a FOIA subsection (c) exclusion"	C - NUMBER OF (a)(2) RECORDS POSTED	
	1. Number of Records Posted by FOIA Office	2. Number of Records Posted by Program Offices

*Screenshot of the DD Form 2564, Section XI.*

**Block B. Number of Times Subsection (c) Used.** Report the number of times the component used a FOIA subsection (c) exclusion. Remember, components must have authorization from DoD and DOJ before using an exclusion; therefore, if a number is entered, you must provide the exclusion and authorization date in Section XIV. *See* Section 9.1 for guidance.

### Section XI.B.: Number of (a)(2) Records Posted

SECTION XI - FOIA REGULATIONS	
FOIA REGULATIONS, INCLUDING THEIR FEE SCHEDULE.	
C - NUMBER OF (a)(2) RECORDS POSTED	
1. Number of Records Posted by FOIA Office	2. Number of Records Posted by Program Offices

*Screenshot of the DD Form 2564, Section XI.B.*

**Block C1. Number of (a)(2) Records Posted by the FOIA Office.** Provide the sum of all (a)(2) records posted to your component's FOIA webpage during the reporting period. This



includes (a)(2) records posted in your FOIA Library or anywhere else on your FOIA webpage. See Section 9.2 for guidance.

**Block C2. Number of (a)(2) Records Posted by the Program Offices.** Provide an estimate of all (a)(2) records posted to the component’s webpage outside the FOIA office by your component's program offices during the reporting period. This figure should be formulated by coordinating with the appropriate program offices or resources within your component that can best help calculate this data point. See Section 9.2 for guidance.

## SECTION XII.: BACKLOGS, CONSULTATIONS, AND COMPARISONS

### Section XII.A.: Backlogs of FOIA Requests and Administrative Appeals

SECTION XII - BACKLOGS, CONSULTATIONS, AND COMPARISONS	
<b>A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS.</b> (1) Provide the number of FOIA requests and administrative appeals that were <u>pending beyond the statutory time period</u> as of the end of the fiscal year. (2) NOTE: The statutory time period is ordinarily twenty working days from receipt of a <u>perfected</u> request (see 5 U.S.C. Section 552(a)(6)(A)(i)) but may be extended up to ten additional working days when "unusual circumstances" are present (see 5 U.S.C. Section 552(a)(6)(A)(ii)). (3) If this number does not match the previous year's Annual FOIA Report, you must add a remark on in Section XIV.	
<b>1. NUMBER OF PENDING REQUESTS AS OF END OF FISCAL YEAR</b> (Backlog requests should be equal to or less than Section V.A.4 total pending requests.)	<b>2. NUMBER OF PENDING APPEALS AS OF END OF FISCAL YEAR</b> (Backlog appeals should be equal to or less than Section VI.A.4 total pending appeals.)

Screenshot of the DD Form 2564, Section XII.

The following items must be captured for this section:

**Block 1. Number of Backlogged Requests as of End of Fiscal Year.** Provide the number of backlogged requests as of the end of the relevant FY. See Section 10 for guidance.

**Block 2. Number of Backlogged Appeals as of End of Fiscal Year.** Provide the number of backlogged appeals as of the end of the relevant FY. **Components that do not process appeals should leave this section blank.** Components should enter "0" if it processes appeals but did not have any backlogged appeals at the end of the reporting FY.

### Section XII.B.: Consultations on FOIA Requests – Received, Processed, and Pending Consultations

B. CONSULTATION ON FOIA REQUESTS - RECEIVED, PROCESSED, AND PENDING CONSULTATIONS.			
The consultation portions of the Annual Report require information about consultations received from other agencies, not sent to other agencies. (1) Provide the number of consultations received from other agencies, those processed, and those pending, as described in the columns below. (2) The number in Column 1 must match the number of "Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year" (Column 4) from last year's Annual Report. (3) The sum of Columns 1 and 2 minus the number in Column 3 must equal the number in Column 4. (4) If this number does not match the previous year's Annual Report, you must add a remark in Section XIV.			
<b>1.</b> NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES PENDING AT YOUR AGENCY AS OF START OF THE FISCAL YEAR	<b>2.</b> NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES DURING THE FISCAL YEAR	<b>3.</b> NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PROCESSED BY YOUR AGENCY DURING THE FISCAL YEAR	<b>4.</b> NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES PENDING AT YOUR AGENCY AS OF END OF THE FISCAL YEAR

Screenshot of the DD Form 2564, Section XII.B.

This section requires components to report information about consultations they have received from other agencies and those received from other components within their own agency. Components should be careful to report only consultations received from other agencies or from

other components of their agency, and not include consultations they have **sent** to other agencies and/or components. The following items must be captured for this section:

**Block 1. Number of Consultations Received from Other Agencies or Components that were Pending at Component as of Start of the Fiscal Year.** Provide the number of consultations pending at your component as of the start of the relevant FY. If the number reported in this section for a component does not match what was reported as pending as of the end of the FY from the prior year's Annual FOIA Report, the component must include a remark briefly explaining the discrepancy in Section XIV.

**Block 2. Number of Consultations Received from Other Agencies or Components During the Fiscal Year.** Provide the number of other agencies or components consultations received during the relevant FY.

**Block 3. Number of Consultations Received from Other Agencies or Components that Were Processed by the Component During the Fiscal Year.** Provide the number of consultations received from other agencies or components that were closed in the relevant FY.

**Block 4. Number of Consultations Received from Other Agencies or Components that Were Pending at the Component as of End of the Fiscal Year.** This field auto-calculates. If the number reported in this field does not reflect the number pending at your component as of the end of the FY, one of the other numbers must be inaccurate and you must review and correct that different number.

### Section XII.C.: Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Agency

**C. CONSULTATIONS ON FOIA REQUESTS - TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT YOUR AGENCY.**  
Provide the date of receipt of the ten oldest consultations received from other agencies pending at your agency as of the end of the fiscal year, and the number of days pending.

	OLDEST	2nd	3rd	4th	5th	6th	7th	8th	9th	10th OLDEST
(1) DATE OF RECEIPT										
(2) NUMBER OF DAYS PENDING										

*Screenshot of the DD Form 2564, Section XII.C.*

The following information for each of the ten oldest consultations pending as of the end of the relevant FY must be captured for this section:

**Row 1. Date of Receipt.** Provide the received date for the ten oldest consultations that remain pending at the end of the relevant FY. The date must be formatted as YYYY-MM-DD. If there are no pending consultations, leave this section blank.

**Row 2. Number of Days Pending.** Provide the number of pending working days for each of the ten oldest consultations that remained pending at the end of the FY. The number of days pending should be based on the end of the relevant FY (Sep 30) rather than the date the Annual FOIA Report is created. If there are no pending consultations, leave this section blank.

NOTE: ATSD (PCLT) provides an Excel spreadsheet to calculate the pending workdays, and components must use it to calculate the pending days for this section.

## Section XII.D.: Comparison of Numbers of Requests from Previous and Current Annual Report

SECTION XII - BACKLOGS, CONSULTATIONS, AND COMPARISONS (Continued)					
D. COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT - REQUESTS RECEIVED, PROCESSED, AND BACKLOGGED.					
(1) Provide the number of requests received and the number of requests processed during the fiscal year, and the number of requests backlogged as of the end of the fiscal year from last year's Annual Report and the number of those received and processed during the fiscal year, and backlogged as of the end of the fiscal year, from the current Annual Report.					
(2) The numbers in Columns 1 and 2 must match the "Number of Requests Received in Fiscal Year" from Section V.A. of the Annual Report from last year and from this year respectively. The numbers in Columns 3 and 4 must match the "Number of Requests Processed in Fiscal Year" from Section V.A. of the Annual Report from last year and from this year respectively.					
(3) The numbers in Columns 5 and 6 must match the "Number of Backlogged Requests as of End of the Fiscal Year" from Section XII.A. of the previous Annual Report and the current Annual Report, respectively.					
REQUESTS RECEIVED		REQUESTS PROCESSED		REQUESTS BACKLOGGED	
1. NUMBER RECEIVED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	2. NUMBER RECEIVED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	3. NUMBER PROCESSED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	4. NUMBER PROCESSED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	5. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	6. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT

*Screenshot of the DD Form 2564, Section XII.D.*

### **Block 1. Number Received During Fiscal Year from Last Year's Annual Report.**

Provide the number of requests the component reported as received from Section V.A. of the prior year's Annual FOIA Report. Always use the number reported on the previous FY Annual FOIA Report.

**Block 2. Number Received During Fiscal Year from Current Annual Report.** This number will auto-populate the number reported in Section V.A.

### **Block 3. Number Processed During Fiscal Year from Last Year's Annual Report.**

Provide the number of requests the component reported as processed from Section V.A of the prior year's Annual FOIA Report. Always use the number reported on the previous FY Annual FOIA Report.

**Block 4. Number Processed During Fiscal Year from Current Annual Report.** This number will auto-populate the number reported in Section V.A.

**Block 5. Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report.** Provide the number of requests the component reported as backlogged from Section XII.A of the prior year's Annual FOIA Report. Always use the number reported on the previous FY Annual FOIA Report.

**Block 6. Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report.** This number will auto-populate the number reported in Section XII.A.



## Section XII.E.: Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report

**E. COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT - APPEALS RECEIVED, PROCESSED, AND BACKLOGGED.**

(1) Provide the number of administrative appeals received and the number of administrative appeals processed during the fiscal year, and the number of administrative appeals backlogged as of the end of the fiscal year from last year's Annual Report and the number of those received and processed during the fiscal year, and backlogged as of the end of the fiscal year, from the current Annual Report.

(2) The numbers in Columns 1 and 2 must match the "Number of Administrative Appeals Received in Fiscal Year" from Section VI.A. of the Annual Report from last year and from this year respectively. The numbers in Columns 3 and 4 must match the "Number of Administrative Appeals Processed in Fiscal Year" from Section VI.A. of the Annual Report from last year and from this year respectively.

(3) The numbers in Columns 5 and 6 must match the "Number of Backlogged Administrative Appeals as of End of the Fiscal Year" from Section XII.A. of the previous Annual Report and the current Annual Report, respectively.

APPEALS RECEIVED		APPEALS PROCESSED		APPEALS BACKLOGGED	
1. NUMBER RECEIVED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	2. NUMBER RECEIVED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	3. NUMBER PROCESSED DURING FISCAL YEAR FROM LAST YEAR'S ANNUAL REPORT	4. NUMBER PROCESSED DURING FISCAL YEAR FROM CURRENT ANNUAL REPORT	5. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	6. NUMBER BACKLOGGED AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT

*Screenshot of the DD Form 2564, Section XII.E.*

### **Block 1. Number Received During Fiscal Year from Last Year's Annual Report.**

Provide the number of administrative appeals the component reported as received from Section VI.A of the prior year's Annual FOIA Report. Always use the number reported on the previous FY Annual FOIA Report.

**Block 2. Number Received During Fiscal Year from Current Annual Report.** This number will auto-populate the number reported in Section VI.A.

**Block 3. Number Processed During Fiscal Year from Last Year's Annual Report.** The number of administrative appeals the component reported as processed from Section VI.A of the prior year's Annual FOIA Report. Always use the number reported on the previous FY Annual FOIA Report.

**Block 4. Number Processed During Fiscal Year from Current Annual Report.** This number will auto-populate the number reported in Section VI.A.

**Block 5. Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report.** The number of administrative appeals the Component reported as backlogged from Section XII.A of the prior year's Annual Report. Always use the number reported on the previous FY Annual FOIA Report.

**Block 6. Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report.** This number will auto-populate the number reported in Section XII.A.

## SECTION XIII: GRADE LEVELS/PAY RATES/TYPE(S) OF HOURS WORKED ON THE ANNUAL REPORT

### Section XIII.A.: Contractor/Non-Hourly Costs

SECTION XIII - GRADE LEVELS/PAY RATES/TYPE(S) OF HOURS WORKED ON ANNUAL REPORT	
A. CONTRACTOR/NON HOURLY COSTS. Provide any contractor/non hourly costs, including a description of the work performed. Do not provide hourly rates, but rather overall costs for the specific work.	
1. DESCRIPTION OF WORK PERFORMED	2. COST TO COMPONENT
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	

*Screenshot of the DD Form 2564, Section XIII.A.*

Provide any contractor/non-hourly costs, including a description of the work performed. Do not provide hourly rates, but overall costs for the specific work.

**Block 1. Description of Work Performed.** self-explanatory

**Block 2. Cost to Component.** Provide any contractor non-hourly costs, including a description of the work performed. Do not provide hourly rates, but overall costs for the specific work.

### Section XIII.B.: Grade Level/Pay Rate (Including Step, if Applicable) and Number of Hours Worked in Generate/Prepare the Annual Report

B. GRADE LEVEL/PAY RATE (INCLUDING STEP, IF APPLICABLE) AND NUMBER OF HOURS WORKED IN GENERATE/PREPARE THE ANNUAL REPORT. Provide the Grade Level/Pay Rate, including step, if applicable, of each type of employee (Military/Civilian/Contractor) who worked to generate and prepare the annual report, and the number of hours worked at each level/pay rate.					
1. GRADE LEVEL/PAY RATE	2. HOURS WORKED	1. GRADE LEVEL/PAY RATE	2. HOURS WORKED	1. GRADE LEVEL/PAY RATE	2. HOURS WORKED
(1)		(11)		(21)	
(2)		(12)		(22)	
(3)		(13)		(23)	
(4)		(14)		(24)	
(5)		(15)		(25)	
(6)		(16)		(26)	
(7)		(17)		(27)	Enter grade level/pay rate, line 26.
(8)		(18)		(28)	
(9)		(19)		(29)	
(10)		(20)		(30)	

*Screenshot of the DD Form 2564, Section XIII.B.*

Provide the Grade Level/Pay Rate, including step, if applicable, of each type of employee (Military/Civilian/Contractor) who worked to generate and prepare the Annual FOIA Report, and the number of hours worked at each level/pay rate.

**Block 1. Grade Level/Pay Rate.** self-explanatory  
**Block 2. Hours Worked.** self-explanatory

## SECTION XIV: FOOTNOTES

SECTION XIV - FOOTNOTES	
<small>Instructions: Components may need to include footnotes in their Annual FOIA Reports in order to explain an apparent discrepancy. They may also choose to include a footnote to provide greater context for their data to the public. The wording of the footnote itself should make it clear to which data the footnote applies.</small>	
Empty space for footnotes	

*Screenshot of the DD Form 2564, Section XIV.*

Components include remarks/footnotes to explain any discrepancy in their Annual FOIA Report. They may also have a remark/footnote to give the public greater context for their data. The wording of the remark/footnote itself should clarify to which data the remark/footnote applies.

## SECTION IV – EXEMPTION 3 STATUTES (CONTINUED)

SECTION IV - EXEMPTION 3 STATUTES (Continued)			
<small>(1) List all Exemption 3 statutes.            (2) The PCLT will satisfy this requirement.            (3) The PCLT will satisfy this requirement.            (4) For each request, report the number of times each statute was relied upon, however, count each statute only once per request.</small>		<small>Total Number of Unique Uses of Exempt 3 Statutes (Will be added to Total on Page 1)</small>	
1. STATUTE (CTRL+click to select all applicable) List all Exemption 3 statutes.	2. TYPE OF INFORMATION WITHHELD PCLT will satisfy this requirement.	3. CASE CITATION PCLT will satisfy this requirement.	4. NUMBER OF TIMES RELIED UPON
▼	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
▼	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
▼	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
▼	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
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▼	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
▼	PCLT will satisfy this requirement.	PCLT will satisfy this requirement.	
Other:	Provide this information in Section XIV.	Provide this information in Section XIV.	
Other:	Provide this information in Section XIV.	Provide this information in Section XIV.	

*Screenshot of the DD Form 2564, Section IV. Cont.*

This section is used to continue Section IV on page 1 if needed.

## Projected Changes

20231213-Yes, you would account for the appeal as “Records not Reasonably Described” in VI.C.2 if, on appeal, the appellate authority determines that the records sought were not reasonably described. Please note, the "reasons" information in VI.C.2 should be cited regardless of the disposition of the appeal (i.e. regardless of whether the agency has affirmed the initial determination, partially affirmed and partially reversed/remanded the initial determination, or closed the appeal for other reasons as accounted for Section VI.B). What needs to be documented in VI.C.2 is the **reason** the appellate authority denied or otherwise closed the appeal. Does that answer your question?

If a component receives records via a referral and determines that they are non-responsive, the disposition should be listed as “referred not responsive.” Please remember, as a general rule “Other” dispositions such as “referred not responsive” should only be used if none of the other 11 dispositions on pages 8-10 of our [Annual Report Handbook](#) fit.