

# **Freedom of Information Act (FOIA)**

**Report for Fiscal Year 2006**

October 1, 2005 through September 30, 2006

## U.S. Postal Service

### FREEDOM OF INFORMATION ACT (FOIA) REPORT FOR FISCAL YEAR 2006

#### I. Basic Information Regarding Report

- A. Name, title, address, and telephone number of person to be contacted with questions about the report.

Jane Eyre  
Manager, Records Office  
United States Postal Service  
475 L'Enfant Plaza SW, Room 5821  
Washington, DC 20260-5821  
Telephone (202) 268-2608

- B. Electronic address for report on the World Wide Web

<http://www.usps.com/foia/annualreports/welcome.htm>

- C. How to obtain a copy of this report in paper form.

A hard copy of this report may be obtained upon written request to:

Jane Eyre  
Manager, Records Office  
United States Postal Service  
475 L'Enfant Plaza SW, Room 5821  
Washington, DC 20260-5821

## II. How to Make a FOIA Request

A FOIA request for Postal Service records may be directed to the Records Office at Postal Service Headquarters in Washington DC.

There is no required form for submitting a request. A requester should simply write a letter, indicating *FOIA* somewhere on the letter, and describe the records wanted. It is also helpful to include the amount of processing fees for which the requester is willing to accept liability. If estimated processing fees exceed that amount, the requester will be notified in advance.

A request should describe, with as much detail as possible, the records being requested. The description should be detailed enough to permit an agency employee familiar with the subject matter to locate the records with a reasonable amount of effort. A reasonable description is required by the FOIA and helps ensure prompt retrieval of the records of interest while minimizing processing costs to the requester.

Detailed information on submitting a FOIA request may be found in Handbook AS-353, *Guide to Privacy and the Freedom of Information Act*. (See FOIA web page for link.)

### A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

Non-investigative records:	Investigative records:	Inspector General records:
Manager, Records Office United States Postal Service Room 5821 475 L'Enfant Plaza SW Washington, DC 20260-5821	Office of Counsel U.S. Postal Inspection Service 1735 North Lynn Street, 4 <sup>th</sup> Fl Arlington, VA 22209-4039	FOIA Officer Office of Inspector General U.S. Postal Service 1735 N. Lynn Street Suite 10000 Arlington, VA 22209-2020

### B. Brief description of the Postal Service's response-time ranges.

Most offices are able to respond to most requests within the twenty working days time period set by the FOIA. Additional time may be needed if a request involves a time consuming search or review of a voluminous amount of records. In these instances, or in the unusual case of a backlog, the requester will be notified.

### C. Brief description of why some requests are not granted.

The Postal Service's policy is to make its official records available to the public to the maximum extent consistent with the public interest. A requester will receive copies of all responsive records or parts of records that are not subject to one of the exemptions contained in the FOIA. Once the records custodian has processed a request and any fee issues have been resolved, the requester will be sent a written initial response with a determination of available records that may be disclosed. The response letter will advise whether any information is being withheld pursuant to one or more of the exemptions. When pages are being withheld in their entirety, the records custodian either will specify the number of pages being withheld or will make a reasonable effort to estimate the amount of the withheld information.

The exemptions in the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information, (2) internal agency rules and practices, (3) information that is prohibited from disclosure by another federal law, (4) trade secrets and other confidential business information, (5) inter-agency or intra-agency communications that are protected by legal privileges, (6) information involving matters of personal privacy, (7) certain types of information compiled for law enforcement purposes, (8) information relating to the supervision of financial institutions, and (9) geological information on wells. Although not legally obligated to do so, the records custodian may disclose exempt information as a matter of administrative discretion if that disclosure is not prohibited by any law and would not cause any foreseeable harm.

Exemptions 8 and 9 are rarely, if ever, applicable to Postal Service records.

### III. Definitions of Terms and Acronyms used in the Report

#### A. Agency-specific acronyms or other terms.

1. *USPS* – United States Postal Service.
2. *Records custodian* – the head of a postal facility such as an area office, district office, post office, or other postal installation that maintains Postal Service records and information. Vice Presidents are the custodians of records and information maintained at Headquarters. Custodians are responsible for seeing that records within their facilities or organizations are managed according to Postal Service policies.
3. *E-FOIA* – the “Electronic Freedom of Information Act Amendments of 1996, Public Law No. 104-231, 110 Stat. 3048,” making major revisions to the FOIA, including subsection (e) that pertains to the submission of annual reports by federal agencies on their administration of the Act.

#### B. Basic terms expressed in common terminology.

1. *FOIA/PA request* – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests.
2. *Initial request* – a request to a federal agency for access to records under the Freedom of Information Act.
3. *Appeal* – a request to a federal agency asking that it review, at a higher administrative level, a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. *Processed request or appeal* – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. *Multi-track processing* – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in, first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. *Expedited processing* – an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. *Simple request* – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

8. *Complex request* – a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. *Grant* – an agency decision to disclose all records in full in response to a FOIA request.
10. *Partial grant* – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties but to withhold others in whole or in part.
11. *Denial* – an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions.
12. *Time limits* – the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a perfected FOIA request).
13. *Perfected request* – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. *Exemption 3 statute* – a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. *Median number* – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. *Average number* – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

#### IV. Exemption 3 Statutes

Exempting Statute	Type of Information Withheld	Case Citation
39 U.S.C. 410 (c)(1)	Records relating to names and addresses of postal customers	None
39 U.S.C. 410(c)(2)	Records relating to commercial information that is proprietary to the Postal Service	Wickwire Gavin v. USPS, 356 F.3d588 (4 <sup>th</sup> Cir. 2004); Airline Pilots Ass'n, Int'l v. USPS and FedEx, 2004 U.S. Dist. LEXIS 26067 (D.D.C. June 24, 2004)
39 U.S.C. 410(c)(3)	Records relating to information prepared for use in negotiating collective bargaining agreements	None
39 U.S.C. 410(c)(4)	Records prepared for proceedings under 39 U.S.C. Chapter 36, relating to rates, classification, and service changes	None
39 U.S.C. 410(c)(5)	Reports and memoranda of consultants or independent contractors, except to the extent that they would be required to be disclosed if prepared within the Postal Service	None
39 U.S.C. 410(c)(6)	Investigatory files, whether or not considered closed, compiled for law enforcement purposes, except to the extent available by law to a party other than the Postal Service	None
39 U.S.C. 412	Records containing lists of postal customers	None
18 U.S.C. 1461	Records concerning non-mailable matter	None
18 U.S.C. 2510	Records relating to wiretap requests and information	Lam Lek Chong v. DEA, 929 F.2d 729 (D.C. Cir.1991)
18 U.S.C. 2517	Records relating to wiretap requests and information	Lam Lek Chong v. DEA, 929 F.2d 729 (D.C. Cir.1991)
Federal Rules of Criminal Procedure-Rule 6(e)	Grand jury information	Senate of P.R. v. United States Dep't of Justice, 823 F.2d 574 (D.C. Cir. 1987)

## V. Initial FOIA/PA Access Requests

### A. Numbers of initial requests

<b>1. Number of requests pending as of end of preceding fiscal year</b>	180 <sup>1</sup>
<b>2. Number of requests received during current fiscal year</b>	1765
<b>3. Number of requests processed during current fiscal year</b>	1828
<b>4. Number of requests pending as of end of current fiscal year</b>	117

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<sup>1</sup> The figure shown in this section is higher than the figure shown on our FOIA 2005 report due to requests that were not accounted for in last year's report.



B. Disposition of initial requests.

<b>Initial requests</b>	
1. Number of total grants	475
2. Number of partial grants	331
3. Number of denials	261
<b>a. Number of times each FOIA exemption used (counting each exemption once per request)</b>	
(1) Exemption 1	4
(2) Exemption 2	132
(3) Exemption 3	95
(4) Exemption 4	64
(5) Exemption 5	159
(6) Exemption 6	280
(7) Exemption 7(A)	63
(8) Exemption 7(B)	3
(9) Exemption 7(C)	211
(10) Exemption 7(D)	145
(11) Exemption 7(E)	71
(12) Exemption 7(F)	5
(13) Exemption 8	0
14) Exemption 9	0
4. Other reasons for nondisclosure	761
<b>a. No records</b>	<b>217</b>
<b>b. Referrals</b>	<b>237</b>
<b>c. Request withdrawn</b>	<b>11</b>
<b>d. Fee-related reason</b>	<b>41</b>
<b>e. Records not reasonably described</b>	<b>66</b>
<b>f. Not a proper FOIA request for some other reason</b>	<b>66</b>
<b>g. Not an agency record</b>	<b>43</b>
<b>h. Duplicate request</b>	<b>80</b>

## VI. Appeals of Initial Denials of FOIA/PA Requests

### A. Number of appeals

Appeals	
1. Number of appeals received during fiscal year	162
2. Number of appeals processed during fiscal year	162 <sup>2</sup>

### B. Disposition of appeals

Appeals	
1. Number completely upheld	106
2. Number partially reversed	28
3. Number completely reversed	6
<b>Number of times each FOIA exemption used (counting each exemption once per appeal)</b>	
(1) Exemption 1	0
(2) Exemption 2	22
(3) Exemption 3	30
(4) Exemption 4	7
(5) Exemption 5	28
(6) Exemption 6	31
(7) Exemption 7(A)	4
(8) Exemption 7(B)	0
(9) Exemption 7(C)	21
(10) Exemption 7(D)	14
(11) Exemption 7(E)	8
(12) Exemption 7(F)	0
(13) Exemption 8	0
(14) Exemption 9	0
4. Other reasons for nondisclosure	22
<b>a. No records exist</b>	<b>11</b>
<b>b. Referrals</b>	<b>0</b>
<b>c. Request withdrawn</b>	<b>0</b>
<b>d. Fee-related reason</b>	<b>1</b>
<b>e. Records not reasonably described</b>	<b>4</b>
<b>f. Not a proper FOIA request for some other reason</b>	<b>5</b>
<b>g. Not an agency record</b>	<b>0</b>
<b>h. Duplicate request</b>	<b>1</b>

<sup>2</sup> This figure includes 3 appeal files carried over from FY 2005, and does not include 3 appeal files that were initiated in FY 2006 but responded to in FY 2007.

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

### A. Median processing time for requests processed during the year

	Number Processed	Median Number of Days
1. Simple requests	1716	14
2. Complex requests	107	14
3. Requests accorded expedited processing	5	45

### B. Status of pending requests

1. Number of requests pending as of end of current fiscal year	117
2. Median number of days such requests were pending as of that date	18

## VIII. Comparisons with Previous Year

- A. The number of requests received increased by 113 or 6.4% (1652 FY 2005, 1765 FY 2006)
- B. The number of requests processed increased by 130 or 6.65% (1698 FY 2005, 1828 FY 2006). The number of complex requests processed increased by 345% (31 FY2005, FY2006 107).
- C. The median number of days requests were pending as of the end of the fiscal year decreased 85.24% (122 FY 2005, 18 FY 2006)
- D. Other statistics: 8 requests for expedited processing received; 5 requests for expedited processing granted.

**IX. Costs/FOIA Staffing**

A. Staffing levels

1. Number of full-time FOIA personnel	10
2. Number of personnel with part-time FOIA duties	25 work-years
3. Total number of personnel	35 work-years

B. Total costs (including staff and all resources)

1. FOIA processing including appeals	\$2,275,000
2. Estimated litigation-related activities	\$ 14,900
3. Total costs	\$2,289,900

**X. Fees**

A. Total amount of fees collected by agency for processing requests:	\$91,533
B. Percentage of total costs:	3.99%

**XI. FOIA Regulations (Including Fee Schedule)**

The Postal Service's release of information regulations in support of the FOIA are found in Title 39 Code of Federal Regulations §265. This information is available online at [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/39cfr265\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/39cfr265_03.html)

The fee provisions are contained at section 265.9 of those regulations.

## **XII. Report on Executive Order 13,392**

On December 14, 2005, the President issued Executive Order 13,392, entitled "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to administration of the Freedom of Information Act. The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency-specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

The reporting period for Section XII is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2006. The reporting period for this section concerning Executive Order implementation activities includes progress made through January 2007.

This section of the annual FOIA report contains the Postal Service's description of its progress in implementing the milestones and goals of its FOIA Improvement Plan.

The Manager of the Records Office is responsible for the overall administration of the USPS FOIA Program, except for records maintained by the Postal Inspection Service and the USPS Office of Inspector General (OIG). The General Counsel's office is responsible for FOIA appeals for the Records Office and Inspection Service. Accordingly, Section XII consists of four parts, which represent responses from the following FOIA program offices:

- USPS FOIA Program
- US Postal Inspection Service FOIA Program
- USPS OIG FOIA Program, and
- Appeals process for USPS and US Postal Inspection Service

## U.S. Postal Service

The Manager of the Records Office is responsible for the overall administration of the USPS FOIA Program, including the issuance of detailed instructions to records custodians. Records custodians (postmaster or other head of a facility or department at which records are maintained) are responsible for responding in the first instance to requests from members of the public for Postal Service records. Currently, FOIA requests for USPS records may be sent to the Manager, Records Office, or to a records custodian located at any one of nearly 40,000 postal facilities throughout the country. For requests that are sent to the Records Office, the Records Office staff will either process the request or refer it to the appropriate records custodian(s) for processing and response.

### A. Description of supplementation/modification of agency improvement plan (if applicable).

Not applicable

### B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The Postal Service met nearly all of the goals and milestones established in the report submitted in response to Executive Order 13,392 that were to be completed for this reporting period, as described below:

**Improvement Ideas:** FOIA requests received in the USPS Records Office are now being referred to field records custodians electronically, rather than using a slower, paper-based process. Additionally, USPS field FOIA Coordinators are now copied on all requests referred to records custodians within their geographical areas. The Field FOIA Coordinators assist by ensuring requests are responded to within the statutory timelines, and by ensuring that reporting requirements are met. We enhanced the records search process by utilizing the Electronic Records and Information Management System (ERIMS).

**Staffing:** A new position was added to the Records Office staff.

**New Equipment:** New scanning hardware and software were purchased and installed. A quick reference guide was completed for use by the Records Office staff. All staff members have been trained in their use.

**Politeness/Courtesy:** For those FOIA requests received in the USPS Records Office, an acknowledgement letter is now sent to the requester advising of the receipt of and/or referral of their FOIA request. For requests that are referred by the Records Office to other records custodians for response, the requester is provided the name of the office that the request is referred to, a contact name and number, and the FOIA case number assigned to their request.

**Website/Reading Room:** The review of the USPS FOIA website and Reading Room has been completed. Changes to update the website and Reading Room have been drafted and submitted to management for approval. A particularly noteworthy improvement concerns the process used in updating the USPS Major Information Systems listed on the website. The Records Office staff worked with the IT Department to identify a process that will allow for automated updates to this section of the website. The new process is scheduled to be finalized in FY 2007, and will replace a time consuming, manual process previously followed. Additionally, a request to add a "FOIA" link to the USPS.com homepage was submitted and approved. The link is scheduled to be added with the next update to USPS.com.

FOIA Reference Guide: The review of 39 CFR Part 265 and AS-353 have been completed. The revisions to these regulations are scheduled for completion in February 2007.

Training: As part of the USPS FOIA Report and Improvement Plan, the Records Office conducted a survey to determine the effectiveness of the USPS FOIA program. Records custodians or designees and FOIA coordinators were asked to participate in the survey. A series of questions were asked of each survey participant to determine FOIA training needs. Based on the response to the survey questions, a project plan was developed. The project plan outlines the methods and audiences for future FOIA training. The methods of training in the project plan include: instructor-based training, web-based training, and live meetings. The training content will be individually developed for each target audience identified.

Centralization/Decentralization & Improve Automated Tracking: The USPS benchmarked with other federal agencies of similar size and structure to identify best practices. Because records custodians at field offices do not have access to the FOIA tracking system, the determination was made to change the procedures in the way that requesters must submit requests to the Postal Service. The Records Office will be designated as the sole recipient of all FOIA requests for Postal Service records except for records under the designation of the USPS Inspector General and the Chief Postal Inspector. This change will enable the Postal Service to track all FOIA requests received and to assign each request a FOIA case number. It was decided to delay changing this section of the FOIA Reference Guide so that all revisions will be submitted for management clearance and union notification as one package.

Cooperation-agency personnel: A management directive was sent out to all Headquarters officers to request that each officer designate a FOIA Coordinator for their functional office. The names and contact information for all Headquarters FOIA Coordinators were posted to our internal FOIA website. HQ and Field FOIA Coordinator guidelines have been developed and submitted for management approval. Training for HQ FOIA Coordinators will be conducted in February/March 2007.

Electronic FOIA – automated processing: New business rules for utilizing the FOIA tracking system were developed. Scanning equipment was purchased and installed for the Records Office staff.

Improve Automated Tracking – A decision has been made to designate the Records Office to receive all FOIA requests for Postal Service records except for records under the designation of the USPS Office of Inspector General and the Chief Postal Inspector so that all requests received will be tracked and assigned a FOIA case number. It was decided to delay this proposed change to the FOIA Reference Guide so that all revisions to USPS FOIA regulations will go through management clearance and union notification as one package.

### C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Improve Automated Tracking by updating the FOIA Reference Guide to designate the USPS Records Office as the sole recipient of all FOIA requests for Postal Service records, except for records under the designation of the USPS OIG and the Chief Postal Inspector. This milestone was due for completion in October 2006 and was not met. It was decided to delay this proposed change to the FOIA Reference Guide so that all revisions to USPS FOIA regulations will go through management clearance and union notification as one package. The update to the FOIA Reference Guide is targeted for completion April 2007.

Cooperation-agency personnel: Training for HQ FOIA Coordinators has been rescheduled from December 2006 to March 2007. As part of the USPS FOIA Report and Improvement Plan, the Records Office conducted a survey to determine the effectiveness of the USPS FOIA Program. Records custodians or designees and FOIA coordinators were asked to participate in the survey.

A series of questions were asked of each survey participant to determine training needs. After assessing training needs for FOIA coordinators, it was determined that two training presentations would be needed, rather than one general presentation. One presentation is being developed for FOIA Coordinators whose offices respond primarily to requests for personnel related records. The other presentation is being developed for FOIA Coordinators whose offices respond primarily to requests for records pertaining to non-personnel matters, such as contract, financial and operational types of records. Consequently, additional time is needed to develop a more targeted, effective and robust FOIA Coordinator training program.

#### D. Additional narrative statements regarding other executive order-related activities (optional)

Backlog Reduction: Although reducing the backlog was not included in our Plan, nonetheless, we decreased the number of requests pending at the end of the fiscal year by 12.68%. The median number of days such requests were pending as of that date decreased by 85.24%. This was accomplished in spite of a 6.4% increase in the number of requests received for the fiscal year, and a substantial increase in the number of requests considered to be complex in nature (>300%). Additionally, the median processing time for both simple and complex requests processed in FY 2006 was 14 days, down from 16 and 41 days respectively for FY 2005.

#### E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

#### F. Additional Statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

April 25, 2006 to January 23, 2007

2. Time range of consultations pending with other agencies at this time.

N/A

#### G. Attachment: Agency improvement plan:

The FOIA Improvement Plan for the U.S. Postal Service is attached.

[http://www.usps.com/foia/\\_pdf/USPS\\_EO\\_Report.pdf](http://www.usps.com/foia/_pdf/USPS_EO_Report.pdf)



## U.S. Postal Inspection Service

A. Description of supplementation/modification of agency improvement plan (if applicable).

Not applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

To date, the Inspection Service has completed all areas identified as needing improvement and has accomplished each of its milestones. On December 6, 2006, the Inspection Service, FOIA Unit conducted a nationwide teleconference with all FOIA contacts covering the following topics:

- Searches conducted by the FOIA Unit
- Conducting a thorough search (including unique division files)
- FOIA retention periods
- FOIA Mailbox
- FOIA Service Center
- FOIA regulations
- Forwarding emails
- Copying records

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable

D. Additional narrative statements regarding other executive order-related activities (optional)

Increased staffing/Changes to personnel – In June 2006, the FOIA unit submitted documentation to management justifying an upgrade to their positions. In addition, a memorandum was submitted by management to Human Resources supporting the position upgrades. A final date has yet to be determined on when the package will be forwarded to the Office of Organizational Requirements.

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could

reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

**F. Additional Statistics:**

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

September 22, 2006 – January 10, 2007

2. Time range of consultations pending with other agencies at this time.

January 1, 2007

## USPS Office of Inspector General

A. Description of supplementation/modification of agency improvement plan (if applicable).

Not applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The OIG met applicable milestones. The OIG assessed work needed to update or improve affirmative disclosure under subsection (a)(2); proactive disclosure of information; overall FOIA Web site improvement; improvement of agency's FOIA Reference Guide; Electronic FOIA -- receiving/responding to requests electronically. The assessment disclosed that most of the improvement will be accomplished as part of a project updating the external website of the OIG.

The OIG developed language and a standard procedure for responding specifically to filers' requests for expedited processing.

The OIG did not recycle improvement information gleaned from FOIA Requester Service Center because no information was received through that source.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable

D. Additional narrative statements regarding other executive order-related activities (optional)

Not applicable

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

**F. Additional Statistics:**

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

May 26, 2006, to January 21, 2007

2. Time range of consultations pending with other agencies at this time.

January 12, 2007

**G. Attachment: Agency improvement plan:**

The FOIA Improvement Plan for the U.S. Postal Service is attached.

[http://www.usps.com/foia/pdf/USPS\\_EO\\_Report.pdf](http://www.usps.com/foia/pdf/USPS_EO_Report.pdf)

## Appeals Process for USPS and US Postal Inspection Service

A. Description of supplementation/modification of agency improvement plan (if applicable).

Not applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The Law Department completed an internal webpage for FY06 appeal decisions and is in the process of creating its FY07 appeal decision webpage. The Law Department also completed objectives related to training of assigned personnel. For example:

- The Chief Counsel, Customer Programs, attended an Advanced FOIA seminar hosted by the Department of Justice in FY06.
- Staff counsel assigned to FOIA appeals attended the Department of Justice Office of Legal Education three-day seminar on the Freedom of Information Act for Attorneys and Access Professionals in FY06.
- FOIA specialist attended the Department of Justice Office of Legal Education Introduction to FOIA half day seminar in FY06.
- Staff counsel attended the District of Columbia Bar Association continuing Legal Education course Basics of Filing and Litigating Freedom of Information/Privacy Act Requests in FY07.
- All staff attended the Department of Justice FOIA Guide update seminar in FY07.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable

D. Additional narrative statements regarding other executive order-related activities (optional)

The Corporate Law Section completed almost all FOIA/PA appeal decisions received in FY06 on time—a dramatic turnaround since FY04. The statistics are as follows:

- Appeals completed after 20/30 business days: 5
- EOY FY06 on time percentage: 96.7%
- FY05 % on time: 65.63%
- Difference FY06 midyear to FY05: 47% improvement over FY05
- Average no. of days EOY FY06: 15.6 days per appeal
- Average # of days FY05: 24.12
- Percent improvement over FY 05 (no. of days): 35% reduction in turnaround time

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency

communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

#### F. Additional Statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

Not applicable

2. Time range of consultations pending with other agencies at this time.

Not applicable

#### G. Attachment: Agency improvement plan:

The FOIA Improvement Plan for the U.S. Postal Service is attached.

[http://www.usps.com/foia/\\_pdf/USPS\\_EO\\_Report.pdf](http://www.usps.com/foia/_pdf/USPS_EO_Report.pdf)