

# 1997 ANNUAL FOIA REPORT STATISTICS

In 1997 ...

\* The Naval Supply Systems Command was, once again, the Navy's leader in FOIA processing, having completed action on 3,406 from 1 Jan 97 to 30 Sep 97. Surprisingly, the Naval Facilities Engineering Command came in second this year, having completed 2,149 requests. The Naval Air Systems Command was third with 2,088 and the Naval Sea Systems Command was fourth with 1,913.

\* For the nine-month reporting period for 1997, the Department of the Navy processed 19,645 requests. At the rate of completion for the nine-month period, projected estimates for completed requests for a twelve-month period (entire calendar year) come to 26,193 (down 1,004 from the total of 27,197 reported in 1996, and down 1,825 from the total of 28,018 reported in 1995). This is consistent with the downward trend displayed over past years.

\* For the 1997 reporting period, the Navy's total costs for processing requests amount to \$9,987,945.34. If we were to use a twelve-month projected estimated amount of \$13,316,841.80, we would see an increase of \$3,450,285.80 from the total processing costs of \$9,866,556.00 reported in 1996. This increase is a 54% jump from the 1995 to 1996 increase of \$1,849,524.00, confirms that while request numbers continue to decrease, the costs for processing those requests continue to rise.

\* The Navy's average cost for processing a single FOIA request rose from \$363.00 in 1996 to \$508.42 in 1997. In 1995, the average processing cost per request was \$290.00.

\* The number of initial denials for the 1997 reporting period totals 2,853. The projected estimate for the entire calendar year 1997 totals 3,804, which realizes a continued decrease in denials (compared to the 3,164 denials reported in 1996, and the 3,256 denials reported in 1995).

\* The total number of exemptions invoked in 1997 amount to 3,096. Using a projected estimate of 4,127 for the entire 1997 calendar year, we see that the number of exemptions invoked has also increased (compared to 3,882 in 1996, and

3,755 in 1995). Exemption provisions that seemed to see increased activity are the (b)(3) exemption, the (b)(4) exemption, and the (b)(6) exemption. As projected last year, exemption (b)(3) has continued to see an increase of invocations due to the use of 10 USC § 2305(g). While we had expected to see a decrease in the use of exemption (b)(4), since exemption (b)(3) would be used to deny losing competitive proposals instead of exemption (b)(4), such was not the case. An explanation for the increase in (b)(4) denials, instead of the expected decrease, may be due to commercial requesters submitting FOIA requests for much more than a simple contract. This could be an end result of decreased contracting activity creating a stronger, more aggressive competitive market for the fewer contracts being awarded.

\* In conjunction with the decreased number of denials, we saw a decrease in the total number of appeals processed. The Judge Advocate General and the General Counsel reported a total of 313 processed appeals for the nine-month reporting period. Using a projected estimate of 417 processed appeals for the twelve-month calendar year, we note that the number of appeals decreased by 8% from 492 in 1996.

\* Again, even though the number of processed FOIA requests continues to drop, the costs for processing those requests continues to rise (\$9,866,556.25 in 1996 to \$13,316,841.80 (projected estimate) in 1997]. Surprisingly, the Navy experienced an increase in FOIA personnel costs from 1996 (\$6,200,626.00 to \$8,627,658.93 (projected estimate)]. We also saw an increase of \$295,094.13 in review and excising costs, an increase of \$275,591.28 in computer search time, and an increase of \$70,940.28 in reproduction costs. However, there was a drastic drop in the costs reported for other related costs (\$96,571.46 in 1997 compared to \$445,266.00 reported in 1996). This could be indicative of budgeting reductions across the board in the Department of the Navy, thereby reducing the amount of monies available for training, travel, etc.

\* Furthermore, although FOIA processing costs continue to rise, the amount of fees collected from FOIA requesters continues to drop (\$430,010 in 1994, \$361,214 in 1995, \$296,308 in 1996, and \$217,939.73 (actual)/\$285,586.06 (estimated projection) in 1997).