



## HRSA Fiscal Year 2007 Freedom of Information Annual Report

**I. AGENCY:** Health Resources and Services Administration  
U.S. Department of Health and Human Services

**REPORT PREPARED BY:** Mona Finch

**TITLE:** Freedom of Information Officer, Office of Communications  
Health Resources and Services Administration, HHS

**ADDRESS:** 5600 Fishers Lane, Rm. 14-27, Rockville, MD 20857

**PHONE NUMBER:** (301) 443-2865

**ELECTRONIC ADDRESS FOR THIS REPORT ON THE WORLD WIDE WEB:**  
<http://www.hrsa.gov/foia/>

**ADDRESS FOR PAPER COPIES OF THIS REPORT:**  
Freedom of Information Officer, Office of Communications,  
Health Resources and Services Administration, HHS  
5600 Fishers Lane, Rm. 14-27  
Rockville, MD 20857

## II. HOW TO MAKE A FOIA REQUEST:

Please see HRSA FOIA Reference Guide at:  
<http://www.hrsa.gov/foia/>

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

Freedom of Information Officer, Office of Communications,  
Health Resources and Services Administration, HHS  
5600 Fishers Lane, Rm. 14-27  
Rockville, MD 20857

### B. Brief description of agency's response time range(s):

Response times can range from same day response to more than 20 days, depending on the complexity of the request.

**C. Brief description of why some requests are not granted:**

Documents requested were protected by an exemption and release would have caused harm to the interest protected by the exemption.

**III. DEFINITIONS OF TERMS AND ACRONYMS USED IN REPORT:**

**A. Agency-specific acronyms or other terms:**

HHS - U.S. Department of Health and Human Services

OPDIVs - Operating Divisions of HHS

OS - Office of the Secretary, HHS

OASPA - Office of the Assistant Secretary for Public Affairs, HHS

AoA - Administration on Aging

ACF - Administration for Children and Families

AHRQ - Agency for Healthcare Research and Quality

ATSDR - Agency for Toxic Substances and Disease Registry

CDC - Centers for Disease Control and Prevention

FDA - Food and Drug Administration

HRSA - Health Resources and Services Administration

IHS - Indian Health Service

NIH - National Institutes of Health

OPHS - Office of Public Health and Science

PHS - Public Health Service

PRO - Professional Review Organization

PSC - Program Support Center

SAMHSA - Substance Abuse and Mental Health Services Administration

**B. Basic terms (from FOIA UPDATE, Summer 1997):**

FOIA/PA request - Freedom of Information/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. (All requests for access to records, regardless of which law is cited by the requester, are included in this report).

Initial Request - A request to a federal agency for access to records under the Freedom of Information Act.

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.

Processed Request or Appeal - A request or appeal for which an agency has taken final action on the request or appeal in all respects.

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).

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.

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 the records requested.

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.

Grant - An agency decision to disclose all records in full response to a FOIA request.

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 exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

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 FOIA exemptions or for some procedural reason (such as because no record is located in response to a FOIA request).

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).

Perfected request - A FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

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).

Median number - The middle number, not the average. For example, of 3, 7, and 14, the median number is seven.

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 eight.

#### **IV. EXEMPTION 3 STATUTES:**

##### **A. List of Exemption 3 statutes relied on by the agency during report year:**

42 U.S.C. 11137 (b) Health Care Quality Improvement Act of 1986

41 U.S.C. 253b (m) - National Defense Authorization Act

1. Brief description of type(s) of information withheld under each statute:

42 U.S.C. 11137 (b) - Health Care Quality Improvement Act of 1986 and the National Practitioners Data Bank; Prohibits release of adverse reports of a physician's conduct or practice.

41 U.S.C. 253b (m) - National Defense Authorization Act; prohibits release of contractor proposals not incorporated into agency contracts.

2. Has a court upheld the use of each statute? No

#### **V. INITIAL FOIA/PA ACCESS REQUESTS (Include all requests, 3<sup>rd</sup> or 1<sup>st</sup> party):**

##### **A. Numbers of initial requests (line 1 + line 2 - line 3 = line 4):**

1. Number of requests pending at close of preceding fiscal year: 24

2. Number of requests received during reporting fiscal year: 205

3. Number of requests processed during reporting fiscal year: 206

4. Number of requests pending at close of reporting fiscal year: 23  
(This number should match Line VII.B.1.)

**B. Disposition of Initial Requests:**

1. Number granted in full: 175

2. Number granted in part: 11

3. Number of full denials: 2

a. Number of times each FOIA exemption was used:

Exemption 1: 0

Exemption 2: 0

Exemption 3: 3

Exemption 4: 4

Exemption 5: 4

Exemption 6: 1

Exemption 7: 1

Exemption 7 (A):

Exemption 7 (B):

Exemption 7 (C):

Exemption 7 (D):

Exemption 7 (E):

Exemption 7 (F):

Exemption 8: 0

Exemption 9: 0

4. Other reasons for non-disclosure: 18

a. No records: 3

b. Referrals: 3

c. Request withdrawn: 6

d. Fee-related reason: 0

e. Records not reasonably described: 0

f. Not a proper FOIA request for some other reason: 1

g. Not an agency record: 1

h. Duplicate request: 2

i. Other (specify): 0

**VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS (include all access requests whether first or third party):**

Appeal authority for HRSA denials is the Deputy Assistant Secretary for Public Affairs (Media), Department of Health and Human Services (HHS). Information about HRSA appeals will be included in the DASPA (Media) Annual FOIA Report for HHS.

**A. Numbers of Appeals:**

1. Number of appeals received during the fiscal year:
2. Number of appeals processed during the fiscal year:

**B. Disposition of Appeals:**

1. Number completely upheld:
2. Number partially reversed:
3. Number completely reversed:
  - a. Number of times each FOIA exemption used (counting each exemption used once per appeal)
    - Exemption 1:
    - Exemption 2:
    - Exemption 3:
    - Exemption 4:
    - Exemption 5:
    - Exemption 6:
    - Exemption 7
      - Exemption 7(A):
      - Exemption 7(B):
      - Exemption 7(C):
      - Exemption 7(D):
      - Exemption 7(E):
      - Exemption 7(F):
    - Exemption 8: 0
    - Exemption 9: 0
4. Other reasons for non-disclosure (total):
  - a. No records: 3
  - b. Referrals: 4
  - c. Request withdrawn: 6
  - d. Fee-related reason: 0
  - e. Records not reasonably described: 0
  - f. Not a proper FOIA request for some other reason: 2
  - g. Not an agency record: 1
  - h. Duplicate request: 2
  - i. Other (specify): 0

## **VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS:**

### **A. Median Processing Time for Requests Processed During the Year**

1. Simple Requests:
  - a. Number of requests processed: N/A
  - b. Median number of days to process: N/A
2. Complex Requests:
  - a. Number of requests processed: 206
  - b. Median number of days to process: 20
3. Requests Accorded Expedited Processing:
  - a. Number of requests processed: 2
  - b. Median number of days to process: 14

### **B. Status of Pending Requests (if multiple tracks are being used, report for each track as well as totals).**

1. Number of requests pending as of the end of the fiscal year covered in this report (from Line V.A.4): 23
2. Median number of days that such requests were pending as of that date: Medians vary greatly from OPDIV to OPDIV. 8

## **VIII. COMPARISONS WITH PREVIOUS YEAR (S): (Optional):**

### **IX. COSTS/FOIA STAFFING:**

#### **A. Staffing levels:**

1. Number of full-time FOIA personnel: 2
2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 1 person at .5
3. Total number of personnel (in work years): 2.5

#### **B. Total costs (including staff and all resources):**

1. FOIA processing (including appeals): \$47,407
2. Litigation-related activities (estimated): \$ 900

3. Total costs: \$48,307
4. Comparison with previous year(s) (optional):  
Total Cost 2006: \$ 64,287  
Total Cost 2007: \$ 48,307

**X. FEES:**

**A. Total amount of fees collected by agency for processing requests: \$3,622**

**B. Percentage of total costs: 8%**

**XI. FOIA REGULATIONS (including fee schedule):**

The FOIA regulation implementing the 1996 amendments to the Freedom of Information Act has been published as a Notice of Proposed Rule Making and public comments have been received. The passage of PL 105-277 requiring OMB to revise circular A-110 will require further revisions to the HHS FOIA regulation and public comments on those new sections. That effort is currently underway. Until such time as the revised regulation is published as a new final rule, the current HHS FOIA regulation can be found at 45 CFR Part 5, and at: <http://www.hhs.gov/foia/45cfr5.html>.

**XII. Report on FOIA Executive Order Implementation**

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

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

HRSA has continued efforts to identify frequently requested records and determine if they can be made available through the Electronic Reading Room. Staff are identifying URL addresses to establish links to databases and documents.

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

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

E. Concise description of FOIA exemptions

F. Additional statistics:

1. Ten Oldest Pending FOIA Requests

| Calendar Year | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007   |
|---------------|------|------|------|------|------|------|------|--|
| Requests      |      |      |      |      |      |      |      | June 20<br>Aug 22<br>Aug 23<br>Sept 11<br>Sept 12<br>Sept 21 (2)<br>Sept 25<br>Sept 26 (2) |

2. Consultations

a.) Number of Consultations Received, Processed, and Pending

| Consultations Received From Other Agencies During FY07 | Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07) | Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07) |
|--|---|---|
|  |   |   |

b.) Ten Oldest Pending Consultations Received From Other Agencies

| Calendar Year     | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|-------------------|------|------|------|------|------|------|------|------|------|
| Consults Received |      |      |      |      |      |      |      |      |      |

G. Attachment: Agency Improvement Plan (in current form)

Attach a copy of the current version of your agency's FOIA Improvement Plan.