

HRSA Freedom of Information Annual Report FY 2012

I. AGENCY: Health Resources and Services Administration

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ELECTRONIC ADDRESS FOR THIS REPORT ON THE WORLD WIDE WEB:

<http://www.hrsa.gov/foia/annualreports/foiaannualreport2012.pdf>

ADDRESS FOR PAPER COPIES OF THIS REPORT:

Freedom of Information Officer
Health Resources and Services Administration, HHS
5600 Fishers Lane, Rm. 6C-18
Rockville, MD 20857

II. HOW TO MAKE A FOIA REQUEST

For instructions how to submit a FOIA request electronically, go to -

<http://www.hrsa.gov/foia/index.html>

To submit a FOIA request by mail, send it to -
FOIA Office
Health Resources and Services Administration
5600 Fishers Lane, Rm. 6C-18
Rockville, Maryland 20857

2. Brief description of why some requests are not granted:

Requests are not granted if the information requested falls within one of the statute's enumerated exemptions, primarily Exemption 4 because the requested record contains proprietary business information; Exemption 5 because the requested record contains information that would reveal internal agency deliberations; or Exemption 6 because the requested record contains personal information such as social security numbers, home address and phone number or medical information.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS:

1. 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
OIG - Office of the Inspector General
OASH - Office of the Assistant Secretary for Health
PRO - Professional Review Organization
PSC - Program Support Center
SAMHSA - Substance Abuse and Mental Health Services Administration

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

- Administrative Appeal** a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- 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.
- Backlog** the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- Component** for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their annual report data for both the agency overall and for each principal component of the agency.
- Consultation** the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That Agency, in turn, will then respond to the FOIA requester.
- Exemption 3 Statute** a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- FOIA Request** a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "thirdparty" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "firstparty" requests) when those requesters are not subject to the Privacy Act, such as nonU.S. citizens. Moreover, because all firstparty requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any firstparty requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

8. **Full Grant** an agency decision to disclose all records in full in response to a FOIA request.
9. **Full Denial** an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
10. **Median Number** the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
11. **MultiTrack Processing** a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 1. **Expedited Processing** an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 2. **Simple Request** a FOIA request that an agency using multitrack processing places in its fastest (nonexpedited) track based on the low volume and/or simplicity of the records requested.
 3. **Complex Request** a FOIA request that an agency using multitrack processing places in a slower track based on the high volume and/or complexity of the records requested.
12. **Partial Grant/Partial Denial** in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
13. **Pending Request or Pending Administrative Appeal** a request or administrative appeal for which an agency has not taken final action in all respects.
14. **Perfected Request** a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
15. **Processed Request or Processed Administrative Appeal** a request or administrative appeal for which an agency has taken final action in all respects.
16. **Range in Number of Days** the lowest and highest number of days to process requests or administrative appeals.
17. **Time Limits** the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. Concise descriptions of the nine FOIA exemptions:

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

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

(1) Requests Received and Processed

	Number of Requests Received During Fiscal Year from Last Year's Annual Report	Number of Requests Received During Fiscal Year from Current Annual Report	Number of Requests Processed During Fiscal Year from Last Year's Annual Report	Number of Requests Processed During Fiscal Year from Current Annual Report
HRSA	332	277	330	219

(2) Requests Backlogged

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
HRSA	2	58

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

See Department of Health and Human Services Annual Report