

**Health Resources and Services Administration  
Freedom of Information Annual Report FY 2008**

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**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/foiaannualreport2008.pdf>

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**II. HOW TO MAKE A FOIA REQUEST:**

Please see HHS Guide to Information Resources at:

<http://www.hhs.gov/about/infoguid.html#foia>

**2. 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.

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**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  
**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

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

**a. 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.

**b. 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.

**c. 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.

**d. 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.

**e. 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.

**f. 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.

**g. FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” 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., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party 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 first-party 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.)

**h. Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.

**i. 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.

**j. Median Number - Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

**k. 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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

**i. 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.

**ii. Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

**iii. Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

**l. 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.

**m. Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.

**n. 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.

**o. Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.

**p. Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.

**q. 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. Include the following concise descriptions of the nine FOIA exemptions:**

**a. Exemption 1:** classified national defense and foreign relations information

**b. Exemption 2:** internal agency rules and practices

**c. Exemption 3:** information that is prohibited from disclosure by another federal law

**d. Exemption 4:** trade secrets and other confidential business information

**e. Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges

**f. Exemption 6:** information involving matters of personal privacy

**g. Exemption 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

**h. Exemption 8:** information relating to the supervision of financial institutions

**i. Exemption 9:** geological information on wells

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

**42 U.S.C. 300aa12 (d) (4) (A)** - National Childhood Vaccine Injury Compensation Act; prohibits release of information submitted to a special master or court proceeding without the express consent of the person submitting the information.

**TABLE: IV. - Exemption 3 Statutes**

<b>Statute</b>	<b>Type of Information Withheld</b>	<b>Case Citation</b>	<b>Number of Times Relied upon per</b>	<b>Total Number of Times Relied upon by Agency</b>
<b>42 U.S.C. 300aa12 (d) (4) (A)</b>	Records presented at to a Special Master in court proceedings under the National Childhood Vaccine Injury Compensation Act.	Diane and Craig Arpino on behalf of Joseph Craig Arpino, Somers Point, New Jersey, Court of Federal Claims Number 040005V	1	1

**V. FOIA Requests**

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

1. Number of requests pending as of start of fiscal year: 23
2. Number of requests received in fiscal year: 305
3. Number of requests processed in fiscal year: 303
4. Number of requests pending as of end of fiscal year: 24

**TABLE: Part V. A. - Received, Processed and Pending FOIA Requests**

	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
<b>HRSA</b>	23	305	303	23

**B. (1) Disposition of FOIA Requests:**

1. Number of full grants: 294
2. Number of partial grants: 11
3. Number of full denials based on Exemptions: 0
4. Number of Full Denials Based on Reasons Other than Exemptions (Total):
  - a. No records:
  - b. Referrals:
  - c. Request withdrawn:
  - d. Fee-related reason:

- e. Records not reasonably described:
- f. Improper FOIA request for some other reason:
- g. Not an agency record:
- h. Duplicate request:
- i. Other (specify):

**TABLE: V. B. (1) - Disposition of all FOIA Requests – All Processed Requests**

	No. of Full Grants	No. of Partial Grants /Partial Denials	No. of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	
HRS A	294	11	0	1	6	7	0	0	4	1	1	0	325

**B. (2) Disposition of FOIA Requests – Other**

**B. (3) Disposition of FOIA Requests - Number of times exemptions applied**

- Exemption 1: 0
- Exemption 2: 0
- Exemption 3: 1
- Exemption 4: 5
- Exemption 5: 5
- Exemption 6: 1
- Exemption 7(A): 1
- Exemption 7(B):
- Exemption 7(C):
- Exemption 7(D):
- Exemption 7(E):
- Exemption 7(F):
- Exemption 8: 0
- Exemption 9: 0

**TABLE: HRSA V. B. (3) - Disposition of FOIA Requests – Number of Times Exemptions Applied**

	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
HRSA	0	0	1	5	5	1	1	0	0	0	0	0	0	0

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## **VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

### **A. Received, Processed and Pending Administrative Appeals: 0**

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 appeals pending as of end of Fiscal Year

### **B. Disposition of Administrative Appeals – All Processed Appeals: 0**

1. Number affirmed on appeal
2. Number partially affirmed TABLE: VII. A. and partially reversed/remanded on appeal
3. Number completely reversed/remanded on appeal
4. Number of appeals closed for other reasons

### **C. (1) Reasons for denial on Appeal – Number of Times Exemptions applied**

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

### **C. (2) Reasons for denial on Appeal – Reasons other than exemptions**

a. No records:

b. Referrals:

c. Request withdrawn:

d. Fee-related reason:

e. Records not reasonably described:

- f. Improper request for other reason:
- g. Not an agency record:
- h. Duplicate request:
- i. Request in litigation:
- j. Appeal based solely on denial of request for expedited processing:

**C. (3) Reasons for denial on Appeal - Other**

Administrative closures, records previously released to appellant

**C. (4) Response time for administrative appeals**

- a. Median number of days:
- b. Average number of days:
- c. Lowest Number of days:
- d. Highest number of days:

**C. (5) Ten Oldest Pending Appeals**

**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

- A. Processed Requests – Response Time for All Processed Perfected Requests
- B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted
- C. Processed Requests – Response Time in Day Increments
- D. Pending Requests – All Pending Perfected Requests
- E. Pending Requests – Ten Oldest Pending Perfected Requests

**TABLE: VII. A. - FOIA Requests: Response Time for Processed and Pending Requests**

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
<b>HRSA</b>	0	0	0	0	15	18	1	239	0	0	0	0

**TABLE: VII. B. - Processed Requests - Response Time for Perfected Requests in Which Information Was Granted**

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
<b>HRSA</b>					15	18	1	239				

**TABLE: VII. C. - Processed Requests – Response Time in Day Increments (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
<b>HRSA</b>	0	0	0	0	0	0	0	0	0	0	01	0	0	0

**TABLE: VII. C. - Processed Requests – Response Time (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
<b>HRSA</b>	237	52	8	4	1						1			

**TABLE: VII. C. - Processed Requests – Response Time (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
<b>HRSA</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**TABLE: VII. D. - Pending Requests – All Pending Perfected Requests**

	Simple			Complex			Expedited Processing		
	Number Pending	Median Number Of	Average Number	Number Pending	Median Number Of	Average Number	Number Pending	Median Number Of	Average Number
<b>HRSA</b>				3	44	59			

**TABLE: VII. E. - Pending Requests - Ten Oldest Pending Perfected Requests**

	10th Oldest Request and Number of Days	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
HRSA	0	0	0	0	0	0	0	9/2/08	8/28/08	7/16/08
								40	44	73

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**VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER**

- A. Requests for Expedited Processing
- B. Requests for Fee Waiver

**TABLE: VIII. A. - Requests for Expedited Processing**

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
HRSA	0				

**TABLE: VIII. B. - Requests for Fee Waiver**

	Number Granted	Number Granted	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
HRSA	0			

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## IX. FOIA PERSONNEL AND COSTS

A. Personnel

B. Costs

*TABLE: IX. B. - Costs*

	Personnel			Costs		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of Full-Time FOIA Staff	Processing Costs	Litigation-Related Costs	Total Costs
<b>HRSA</b>	2.5	2.5	2.5	\$49,400	0	\$49,400

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## X. FEES COLLECTED FOR PROCESSING REQUESTS

*TABLE: Part X. - Fees Collected*

	Total Amount of Fees Collected	Percentage of Total Costs
<b>HRSA</b>	\$5,068.71	1.5%

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**XI. FOIA REGULATIONS:** <http://www.hhs.gov/foia/45cfr5.html>.

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## XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

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

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

**TABLE: Part XII. A. - Backlogs**

	<b>Number of Backlogged Requests as of End of Fiscal Year</b>	<b>Number of Backlogged Appeals as of End of Fiscal Year</b>
<b>HRSA</b>	3	

**TABLE: XII. B. - Consultations on FOIA Requests Received, Processed, and Pending**

	<b>Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year</b>
<b>HRSA</b>	0	0	0	0

**TABLE: XII. C. - Consultations on FOIA Requests- Ten Oldest Consultations Received from Other Agencies and Pending at your Agency**

	<b>10th Oldest Request And Number of Days</b>	<b>9th</b>	<b>8th</b>	<b>7th</b>	<b>6th</b>	<b>5th</b>	<b>4th</b>	<b>3rd</b>	<b>2nd</b>	<b>Oldest Request And Number of Days Pending</b>
<b>HRSA</b>	0	0	0	0	0	0	0	0	0	0

**TABLE: XII. D. 3 - FOR 2009**

	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
<b>HRSA</b>	5	3

*TABLE: XII. E. 1 - Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged*

	<b>Number of Appeals Received</b>		<b>Number of Appeals Processed</b>	
	<b>Number Received During Fiscal Year from Last Year's Annual</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual</b>	<b>Number Processed During Fiscal Year from Current Annual</b>
<b>HRSA</b>	0	0	0	0