I. **BASIC INFORMATION REGARDING REPORT**

A. Name, title, address, and telephone number of person(s) to be contacted with questions about report.

Thomas Mallon                                      Heather Gottry
Deputy Chairman                                    Deputy General Counsel
National Endowment for the Humanities              National Endowment for the Humanities
1100 Pennsylvania Avenue, NW                       1100 Pennsylvania Avenue, NW
Room 503                                           Room 529
Washington, DC  20506                               Washington, DC  20506
(202) 606-8273                                     (202) 606-8322


[http://www.neh.gov/whoweare/foiamain.html](http://www.neh.gov/whoweare/foiamain.html)

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

Paper copies of this report can be obtained from Heather Gottry. Ms. Gottry’s contact information is provided in Item I. A.
II. HOW TO MAKE A FOIA REQUEST

For basic information on how to make a FOIA request, visit our Website at http://www.neh.gov/whoweare/foiamain.html

A. Agency components and offices that received FOIA requests.

FOIA requests should be addressed to: Office of the General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 529, Washington, DC 20506. E-mail requests may be addressed to: gencounsel@neh.gov

B. Brief description of the agency’s response-time ranges.

The agency responded to simple requests in approximately twenty-five (25) working days and complex requests in approximately fifty-five (55) working days.

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

The primary reason for not fully granting requests for which records are located is that disclosure would result in unwarranted invasions of personal privacy. Generally, small, segregable portions of the records are withheld in those instances. The secondary reason for not granting requests is that the agency had no records responsive to the request.

III. DEFINITIONS OF TERMS AND ACRONYMS USED IN THE REPORT

A. Agency-specific acronyms or other terms.

NEH - National Endowment for the Humanities

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
requestor who has an urgent need for records may request expedited processing.

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

   No exemption 3 statutes were used by the agency during fiscal year 2005.

V. INITIAL FOIA/PA ACCESS REQUESTS

A. Numbers of Initial Requests.

   1. Number of requests pending as of end of preceding fiscal year 20
   2. Number of requests received in current fiscal year 44
   3. Number of requests processed during current fiscal year 51
   4. Number of requests pending as of end of current fiscal year 13

B. Disposition of initial requests.

   1. Number of total grants 18
   2. Number of partial grants 22
   3. Number of denials 0
       a. Number of times each FOIA exemption used
          Exemption 1 0
          Exemption 2 0
<table>
<thead>
<tr>
<th>Exemption 3</th>
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<tbody>
<tr>
<td>Exemption 4</td>
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<td>15</td>
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<td>Exemption 7</td>
<td>0</td>
</tr>
<tr>
<td>Exemption 8</td>
<td>0</td>
</tr>
<tr>
<td>Exemption 9</td>
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</table>

4. Other reasons for nondisclosure (total) | 11 |
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>a. no records</td>
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<tr>
<td>b. referrals</td>
<td>0</td>
</tr>
<tr>
<td>c. request withdrawn</td>
<td>3</td>
</tr>
<tr>
<td>d. fee-related reason</td>
<td>0</td>
</tr>
<tr>
<td>e. records not reasonably described</td>
<td>0</td>
</tr>
<tr>
<td>f. not a proper FOIA request for some other reason</td>
<td>0</td>
</tr>
<tr>
<td>g. not an agency record</td>
<td>0</td>
</tr>
<tr>
<td>h. duplicated request</td>
<td>0</td>
</tr>
<tr>
<td>i. other (specify)</td>
<td>0</td>
</tr>
</tbody>
</table>

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS

A. Number of Appeals.

1. Number of appeals received during fiscal year | 2 |
2. Number of appeals processed during fiscal year | 0 |

B. Disposition of appeals.

1. Number completely upheld | 0 |
2. Number of partially reversed | 0 |
3. Number of completely reversed | 0 |
   a. number of times each FOIA exemption used |
      Exemption 1 | 0 |
      Exemption 2 | 0 |
      Exemption 3 | 0 |
      Exemption 4 | 0 |
      Exemption 5 | 0 |
      Exemption 6 | 0 |
      Exemption 7 | 0 |
      Exemption 8 | 0 |
      Exemption 9 | 0 |
4. Other reasons for nondisclosure (total) 0
   a. no records 0
   b. referrals 0
   c. request withdrawn 0
   d. fee-related reason 0
   e. records not reasonably described 0
   f. not a proper FOIA request for some other reason 0
   g. not an agency record 0
   h. duplicated request 0
   i. other (specify) 0

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS

A. Average processing time for requests processed during the year.
   1. Simple requests
      a. number of requests processed 27
      b. average number of days to process 25
   2. Complex requests
      a. number of requests processed 24
      b. average number of days to process 55
   3. Requests accorded expedited processing.
      a. number of requests processed 0
      b. average number of days to process 0

B. Status of pending requests.
   1. Number of requests pending as of end of current fiscal year 13
   2. Average number of days that such requests were pending as of that date 80

VIII. COMPARISONS WITH PREVIOUS YEAR(S)

A. Number of requests received in:
   FY 2002  FY 2003  FY 2004  FY 2005
   67       45       66       44

B. Number of requests processed in:
   72       42       53       51

C. Number of request pending at end of FY:
   4        7        20       13
D. Other statistics significant to agency

The agency received no requests for expedited processing.

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records)

In several instances, FOIA requesters were referred to the agency website to retrieve information responsive to their specific requests. The agency has continued to make more information available on its website. The availability of this information on the agency’s website has contributed to a reduced the number of FOIA requests. With the continued reduction in requests, overall costs associated with responding to FOIA requests increased slightly from costs of last year.

IX. COSTS/FOIA STAFFING

A. Staffing levels.

1. Number of full-time FOIA personnel
   _______ 0 _______
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)
   _______ 0.40 _______
3. Total number of personnel (in work-years)
   _______ 0.40 _______

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals)
   _______ $37,500 _______
2. Litigation-related activities (estimated)
   _______ 0 _______
3. Total costs
   _______ $37,500 _______

C. Statement of additional resources needed for FOIA compliance (optional)

X. FEES

A. Total amount of fees collected by agency for processing requests
   _______ $ 0 _______

B. Percentage of total costs
   _______ N/A _______

XI. FOIA REGULATIONS (INCLUDING FEE SCHEDULE)

http://www.neh.gov/whoweare/foia/foiaguide.html