



# Summary of Annual FOIA Reports for Fiscal Year 2020

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Highlights of Key Governmentwide FOIA Data

## SUMMARY OF ANNUAL FOIA REPORTS FOR FISCAL YEAR 2020

Every year, the Office of Information Policy (OIP) compiles a summary of the information contained in the Annual FOIA Reports that are prepared by each of the more than 100 federal agencies subject to the FOIA. As in past years, in addition to preparing this summary, OIP has uploaded all of the data from agencies' FY 2020 Annual FOIA Reports to [FOIA.gov](https://www.foia.gov). There, this data can easily be viewed online, compared with data from previous fiscal years and across different agencies, and downloaded in an open format (CSV). The purpose of this summary is to provide an overall picture of FOIA activities across the government.

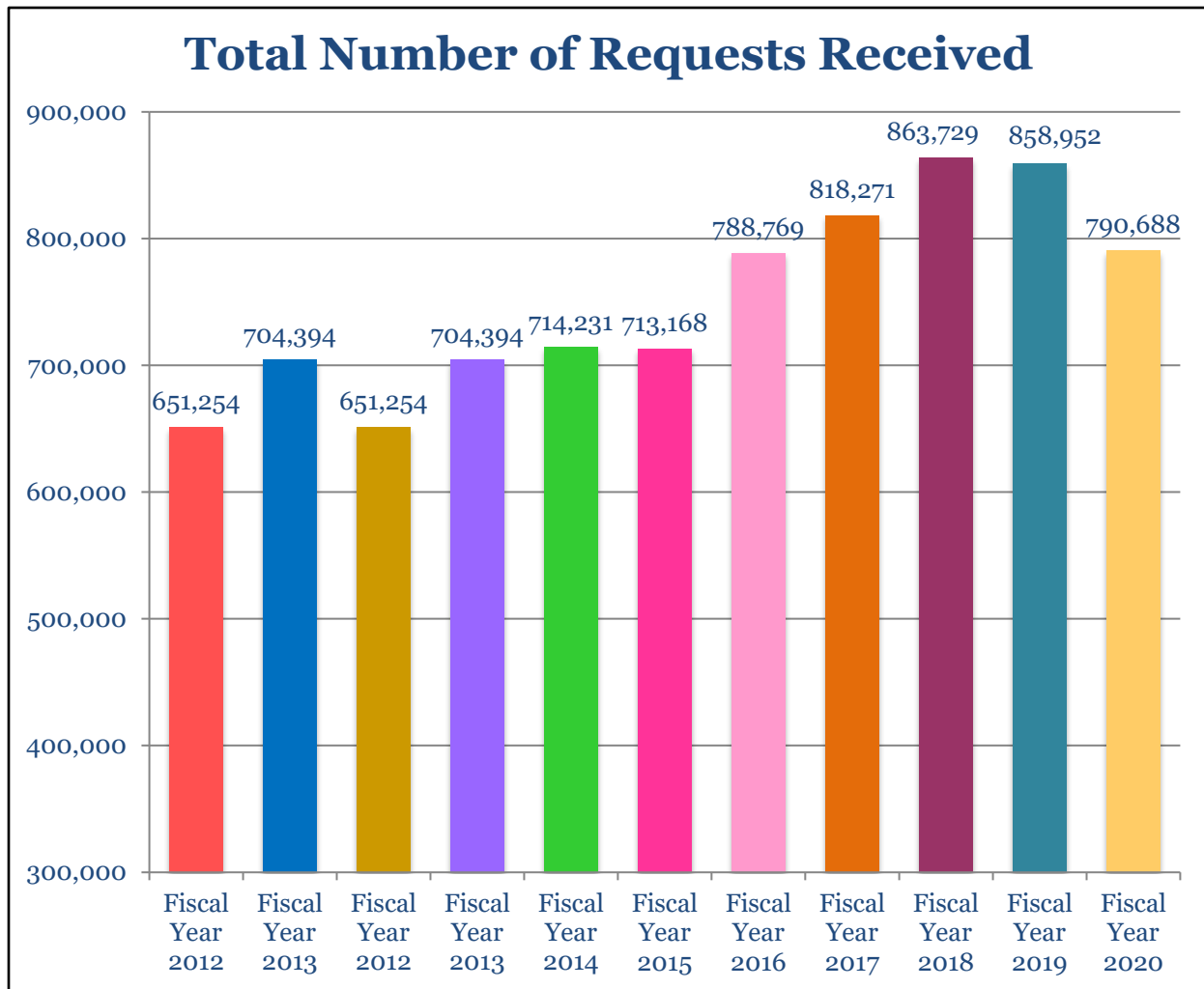
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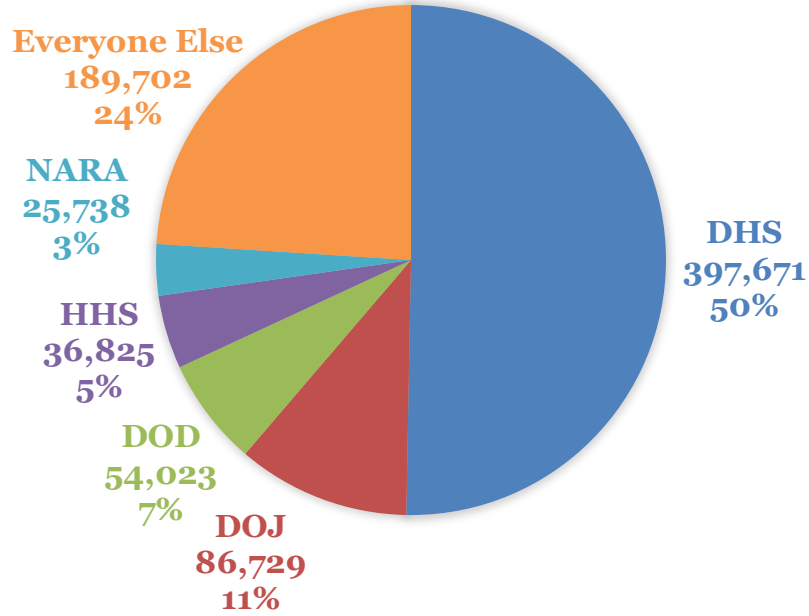
## FOIA REQUESTS

### Number of Requests Received

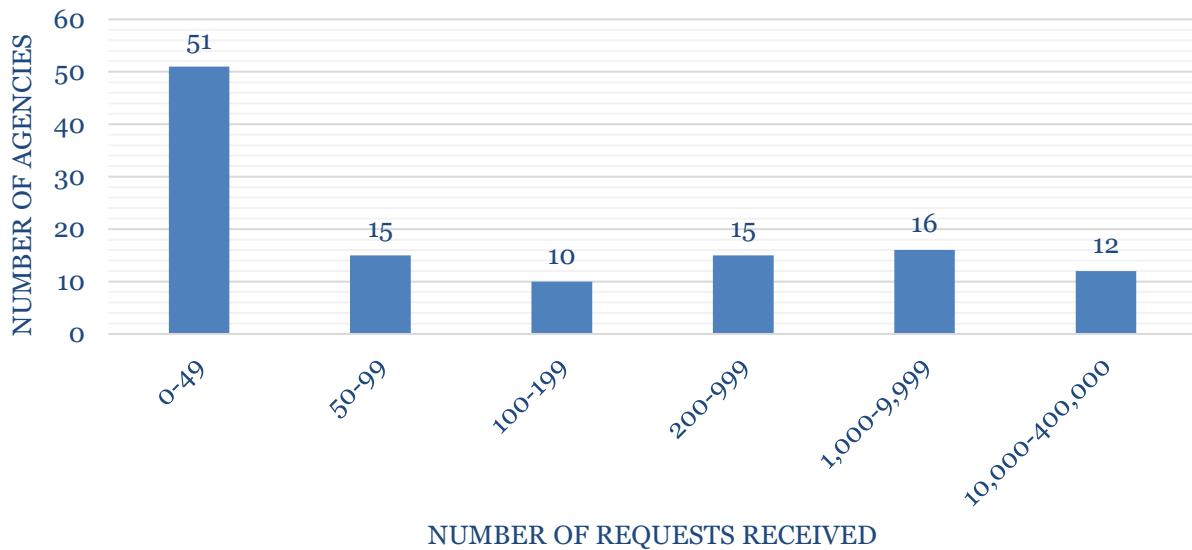
In FY 2020, the federal government overall received a total of 790,688 FOIA requests. This is about an 8% decrease from the record high numbers of requests received in FY 2019 and FY 2018. Specifically, this a decrease of 68,264 requests from FY 2019, and a decrease of 73,041 requests from FY 2018. As illustrated below, five agencies collectively received the vast majority of all FOIA requests governmentwide.



## 5 AGENCIES RECEIVED OVER 75% OF ALL FOIA REQUESTS

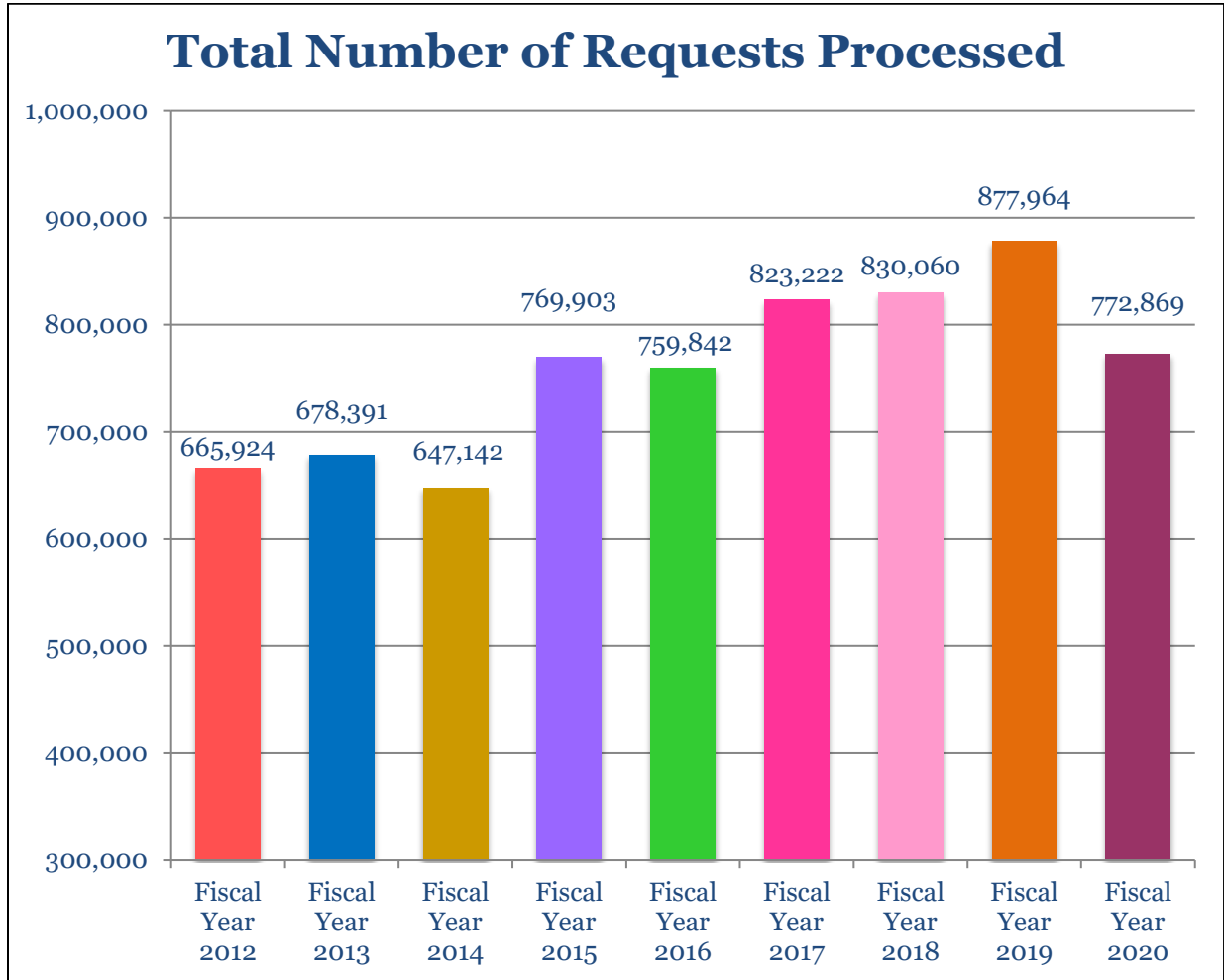


## Distribution of Requests Received

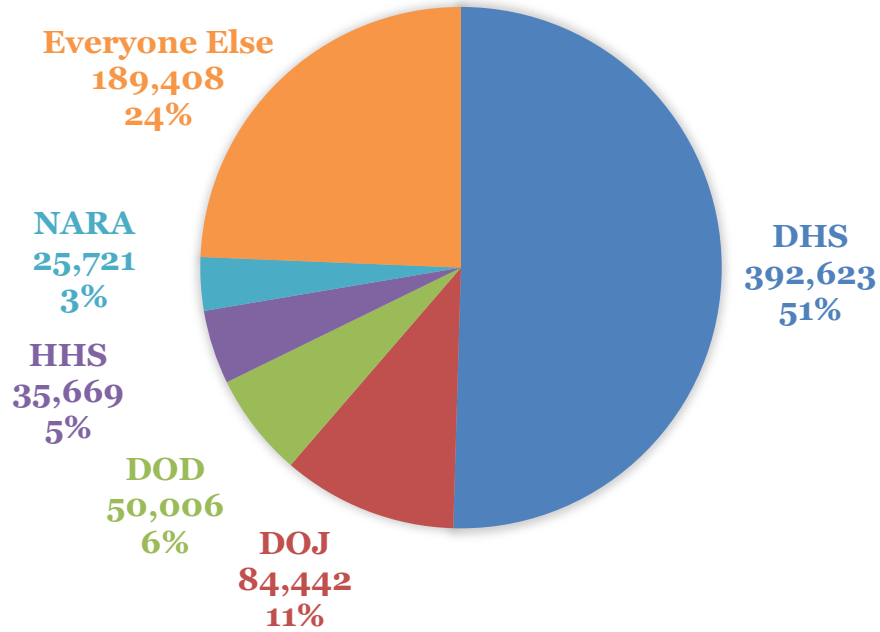


## Number of Requests Processed

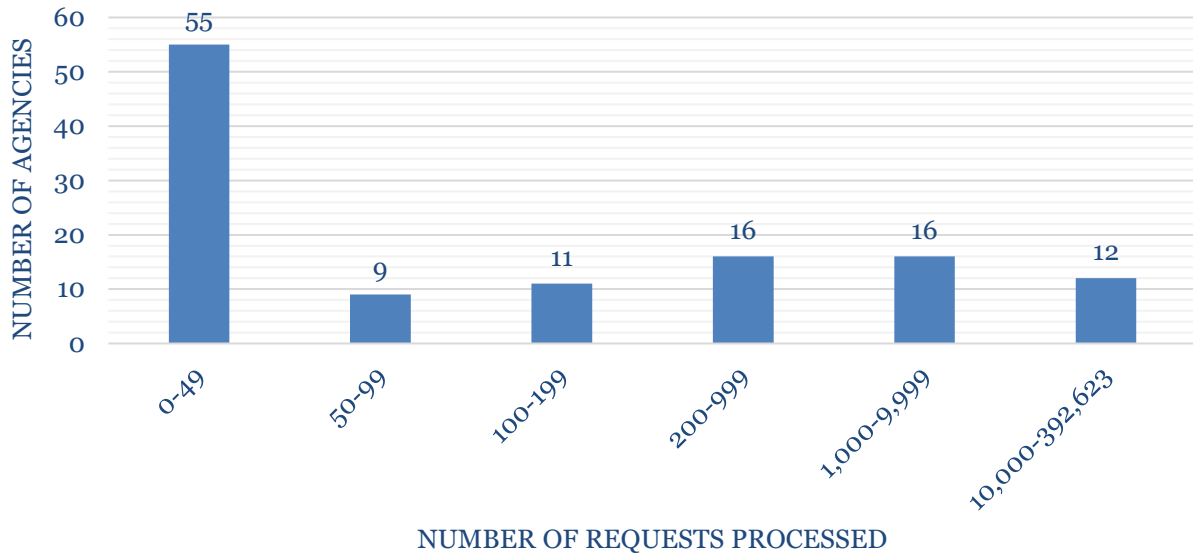
Collectively, the government overall processed 772,869 requests in FY 2020, which is a decrease of 11.96% from FY 2019. The same five agencies that received the most FOIA requests also collectively processed the vast majority of FOIA requests governmentwide.



## 5 AGENCIES PROCESSED OVER 75% OF FOIA REQUESTS

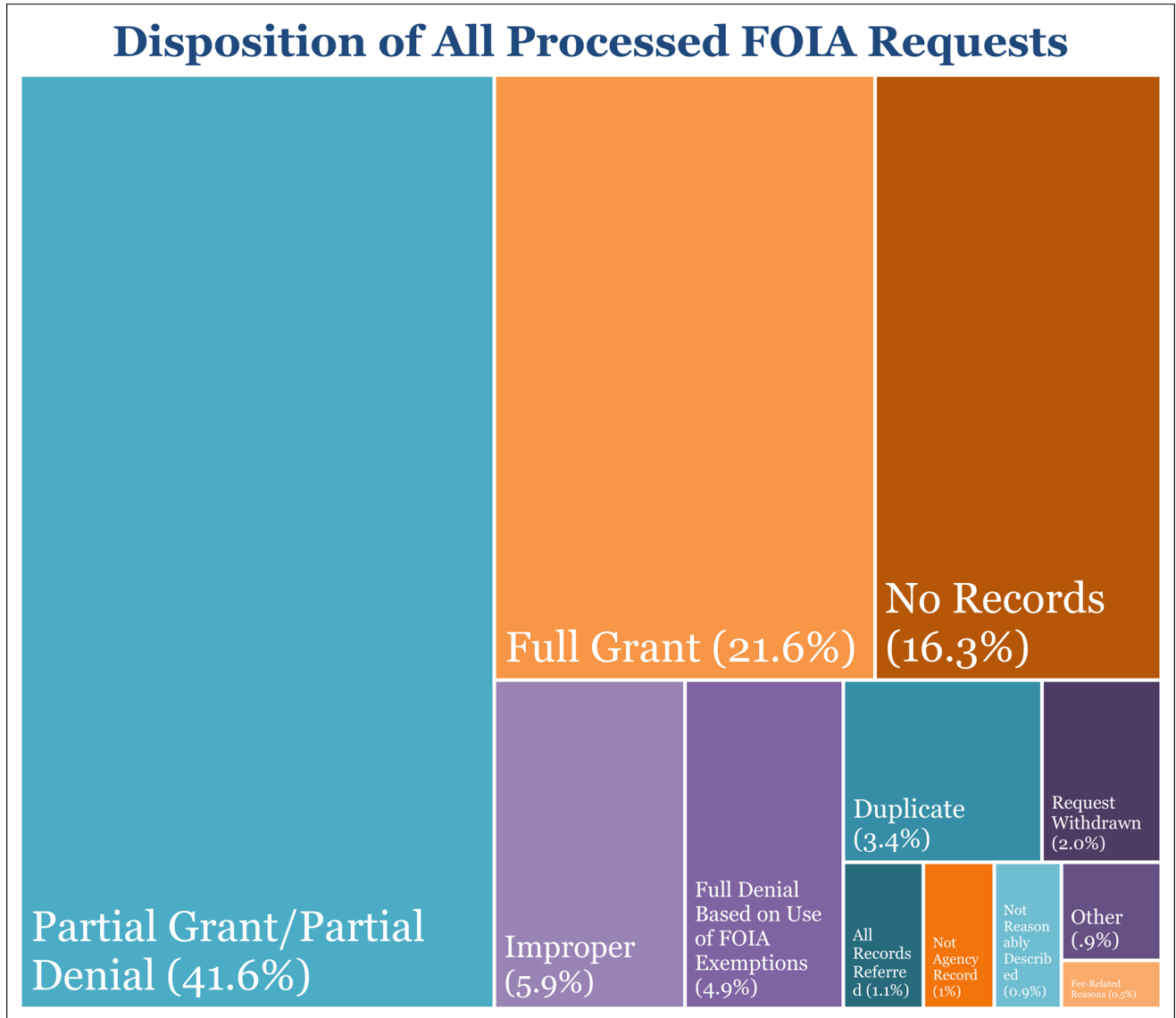


## Distribution of Requests Processed



## Disposition of Requests

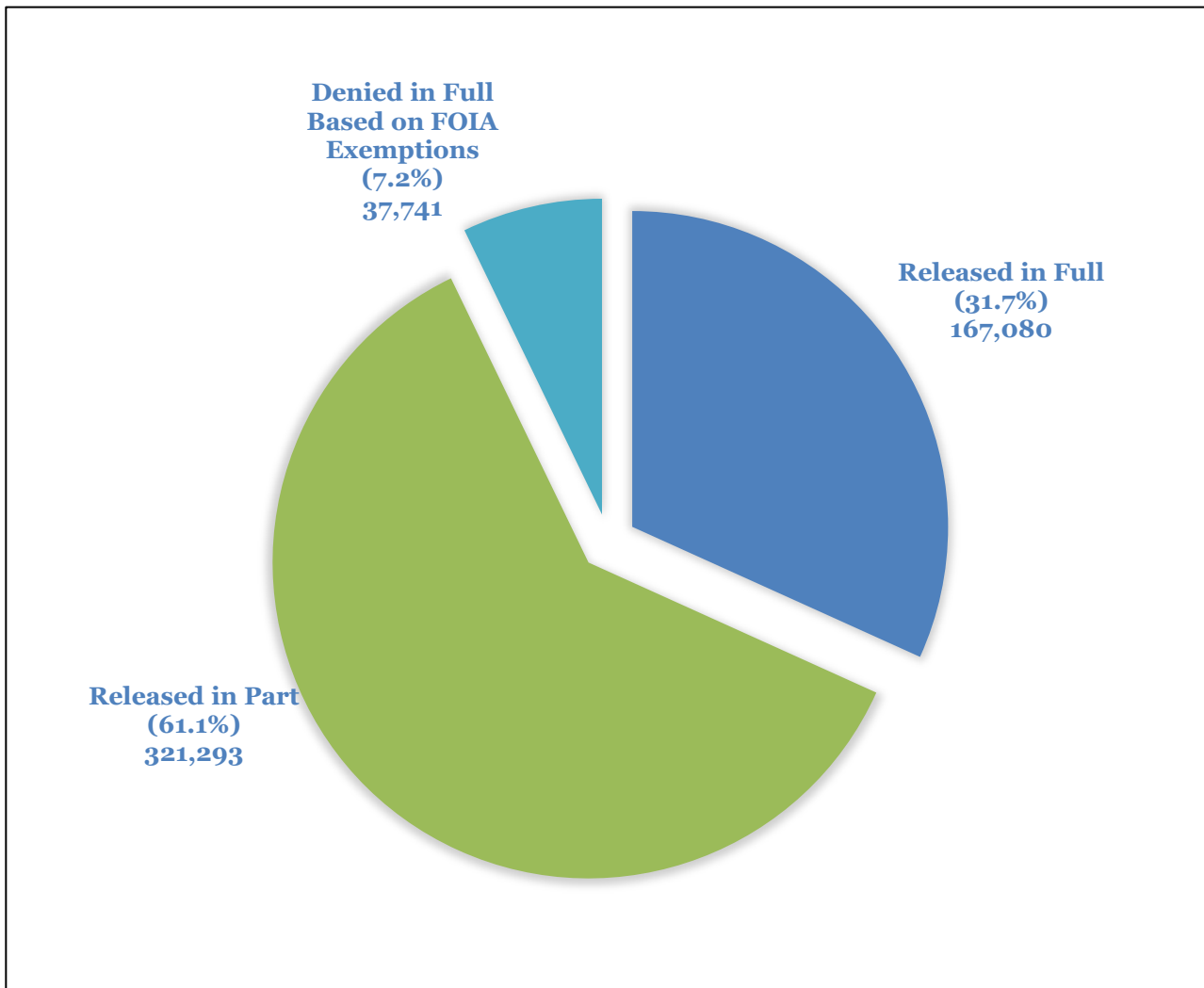
Of the 772,869 requests processed by agencies, 68.07% (526,114) were closed after being substantively processed, with decisions made to release or withhold information based upon the FOIA's exemptions. The remaining requests processed by agencies during FY 2020, 31.93% (246,755), were closed for procedural or administrative reasons.



\*Smallest boxes in bottom right hand corner are “Not Reasonably Described” – 0.9% and “Fee-Related Reasons” – 0.5%

## Release Rate for Requests Processed for Exemption Applicability

As noted above, of the 772,869 requests processed by agencies, 68.07% (526,114) were closed after being substantively processed, with decisions made to release or withhold information based upon the FOIA's exemptions. Of the 526,114 requests that were processed for exemption applicability in FY 2020, 92.8% resulted in either a full or partial release of records. Of those requests, as illustrated below, 31.7% were full disclosures, 61.1% were partial disclosures, and 7.2% were full denials based on exemptions.

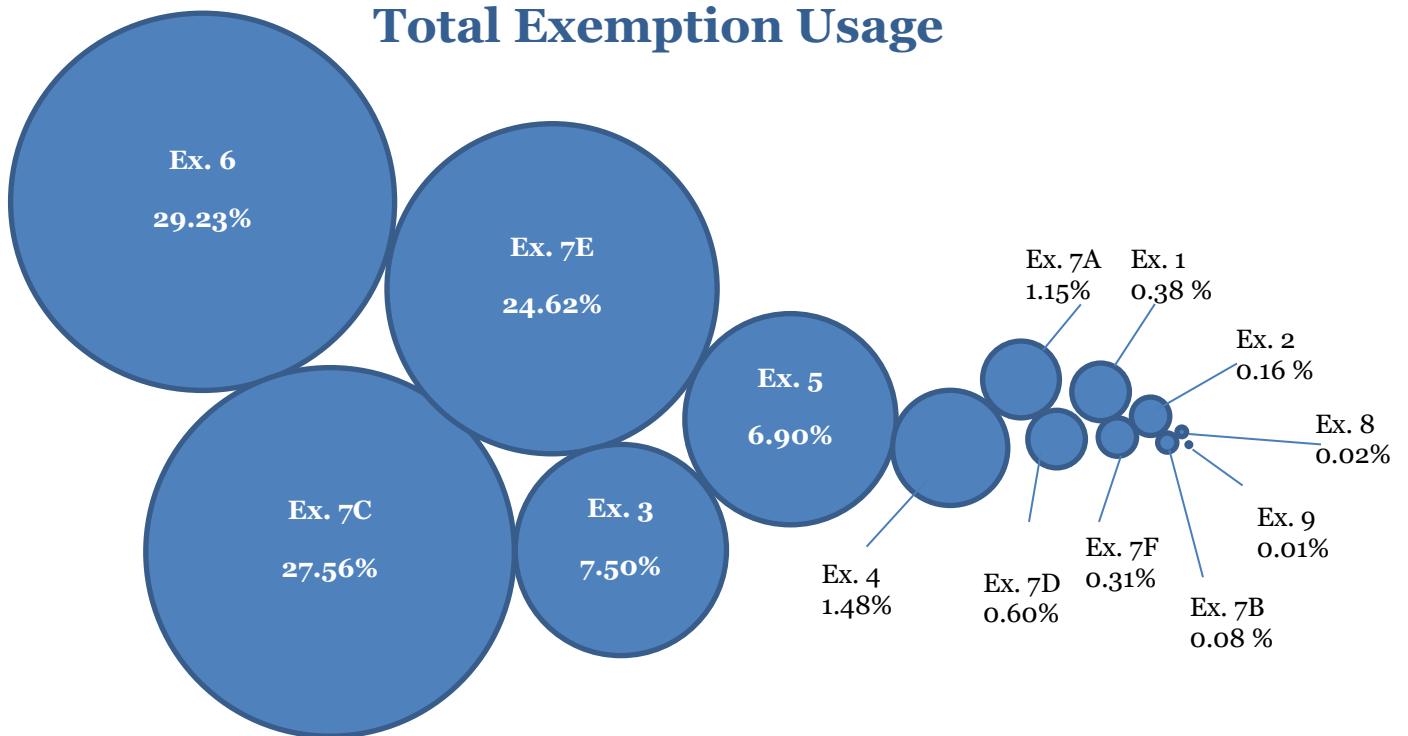




## Use of Exemptions

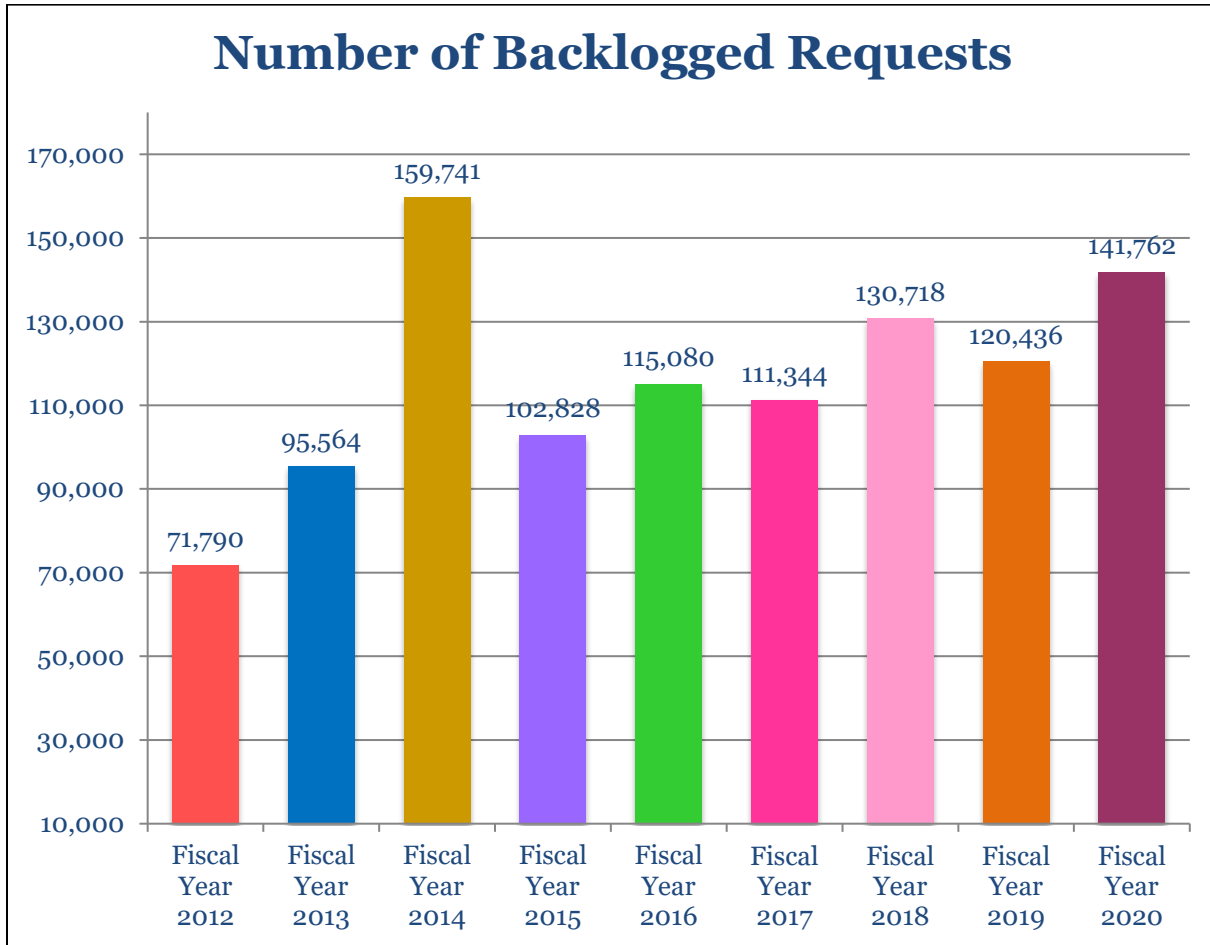
The FOIA includes nine exemptions from disclosure that protect important interests such as national security, personal privacy, and certain law enforcement interests. As has been the case for many years, the FOIA's privacy exemptions, Exemption 6 (29.23%) and 7(C) (27.56%), were the most cited FOIA exemptions in FY 2020. Over half of the exemptions cited by agencies were those two exemptions. Exemption 7(E) (24.62%), which protects law enforcement techniques, procedures, and guidelines, was the third most used exemption.

### Total Exemption Usage



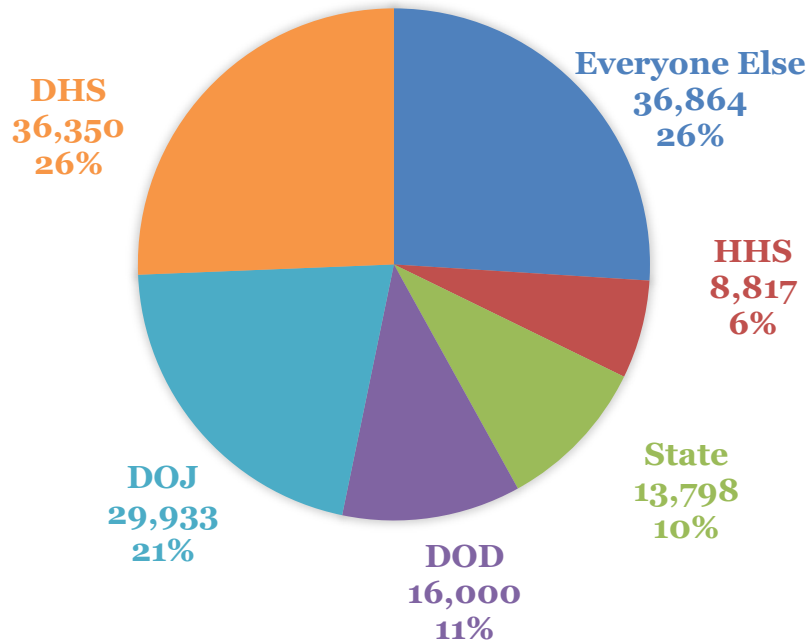
## Backlogged Requests

The total number of backlogged requests across the government at the end of FY 2020 was 141,762, which is a 17.7% increase from the number of backlogged requests reported at the end of FY 2019.<sup>1</sup>

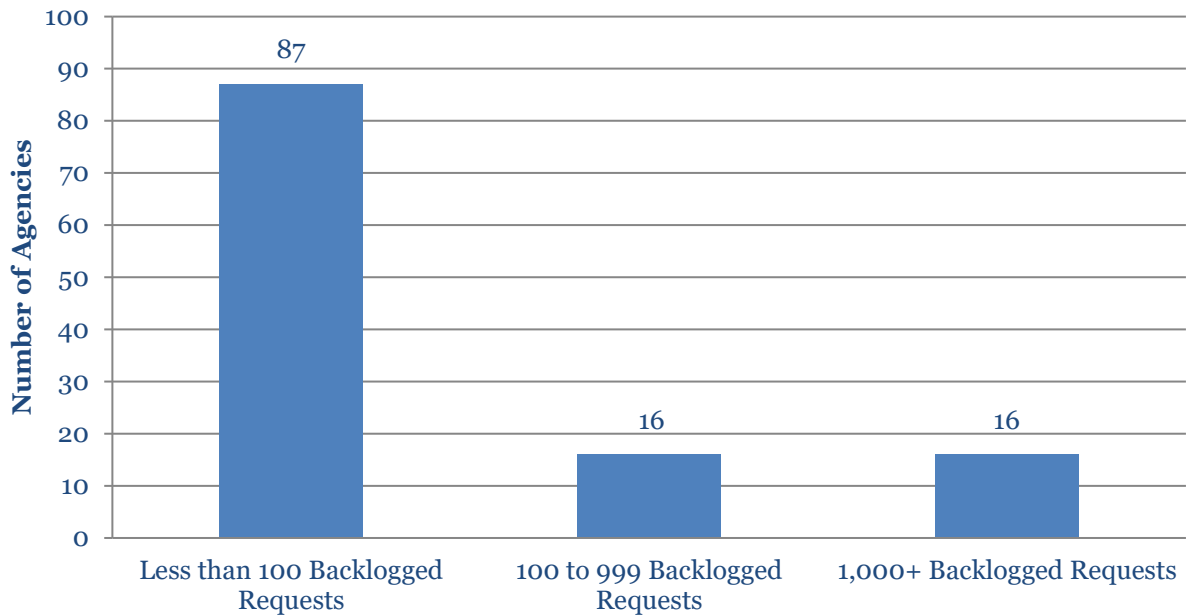


<sup>1</sup> A request is reported as “backlogged” when it has been pending at an agency longer than the statutory time period of twenty working-days or, if unusual circumstances are present, up to thirty working-days.

## 5 AGENCIES ACCOUNT FOR 74% OF BACKLOGGED REQUESTS



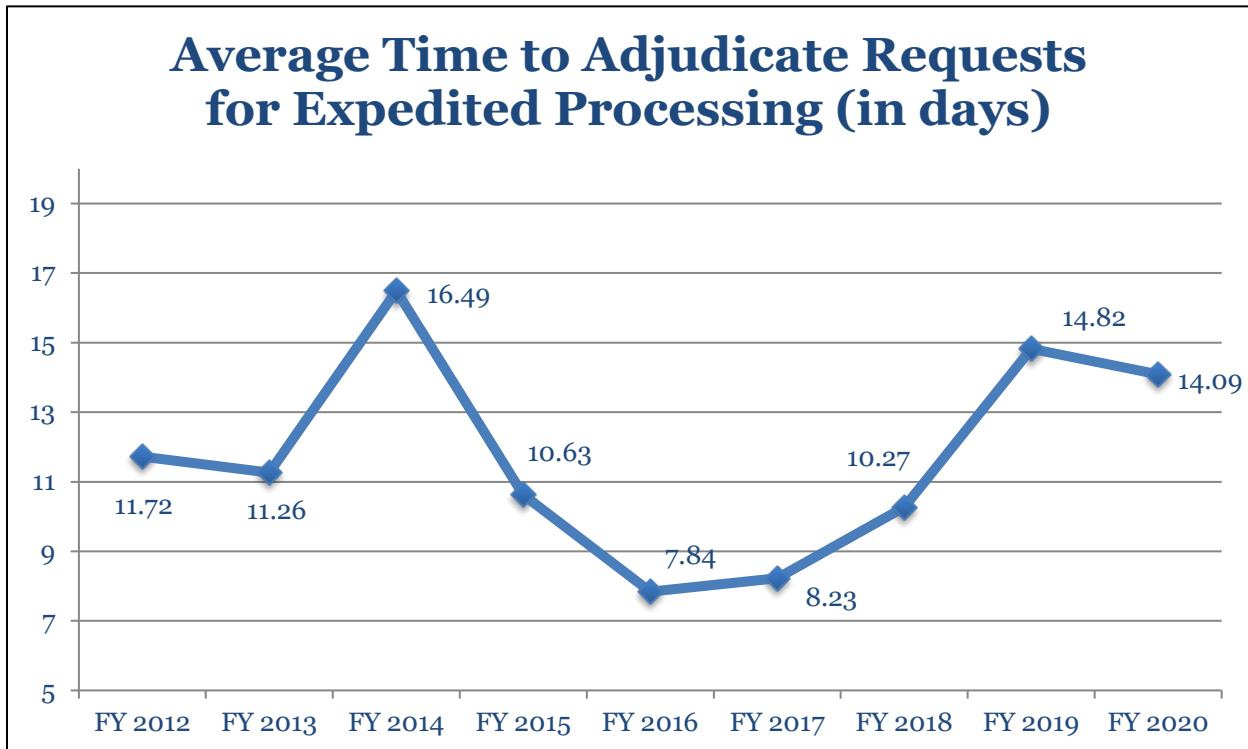
## Distribution of Backlogged Requests



## Requests for Expedited Processing

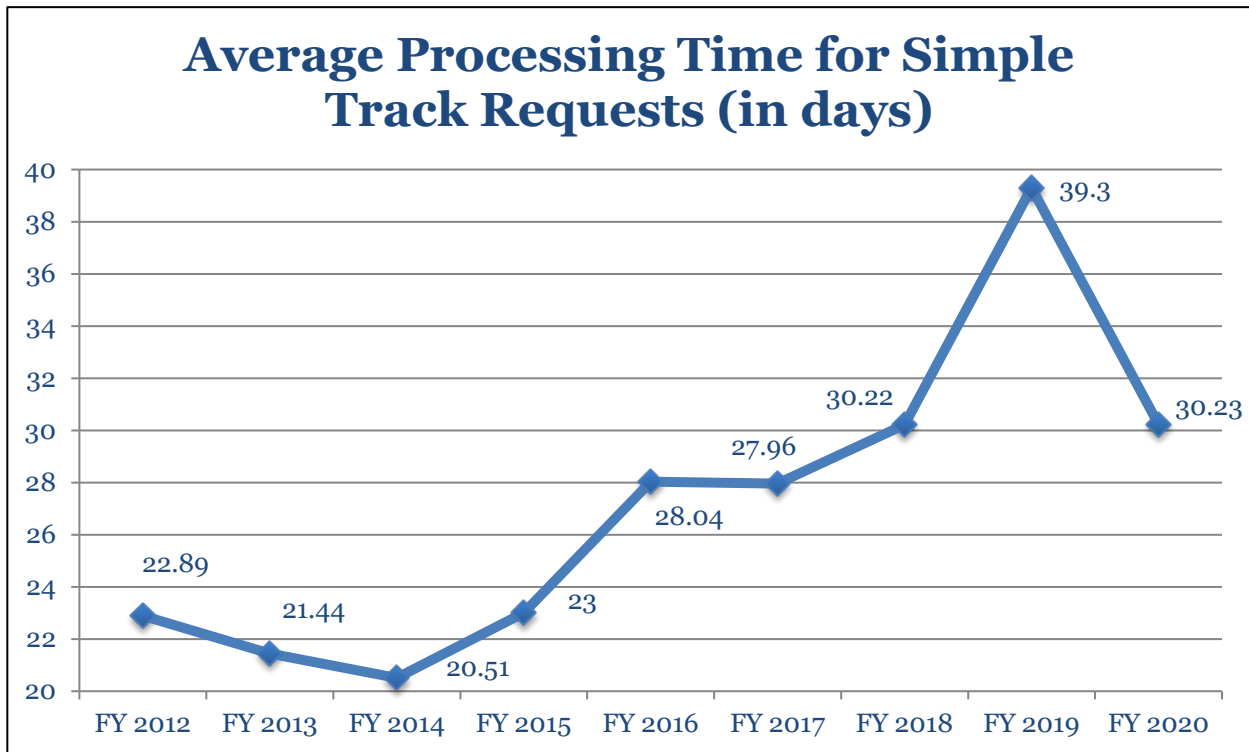
In FY 2020, the government overall made a decision to grant or deny 26,476 requests for expedited processing. This is a 73.71% increase (11,235) from the total number of expedited processing determinations made during FY 2019 (15,241).

Across the government, agencies averaged 14.09 days to adjudicate requests for expedited processing, a slight decrease from FY 2019. In total, agencies adjudicated 68.3% (18,069) of all requests for expedited processing made during FY 2020 within ten calendar days.



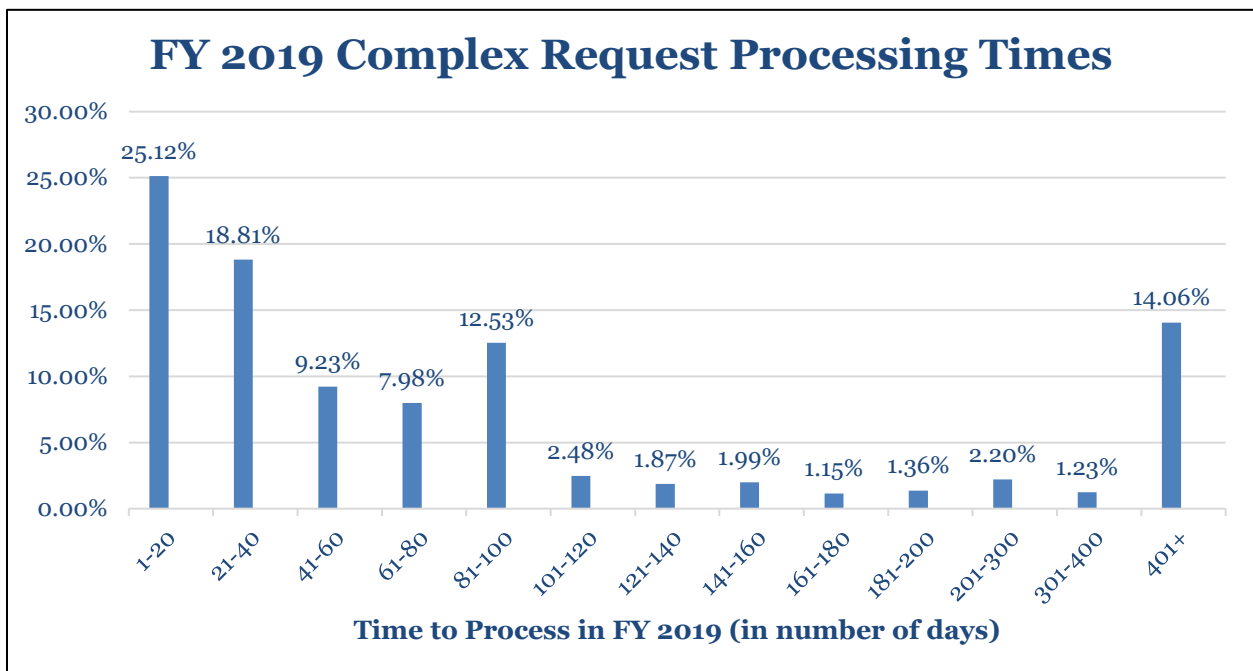
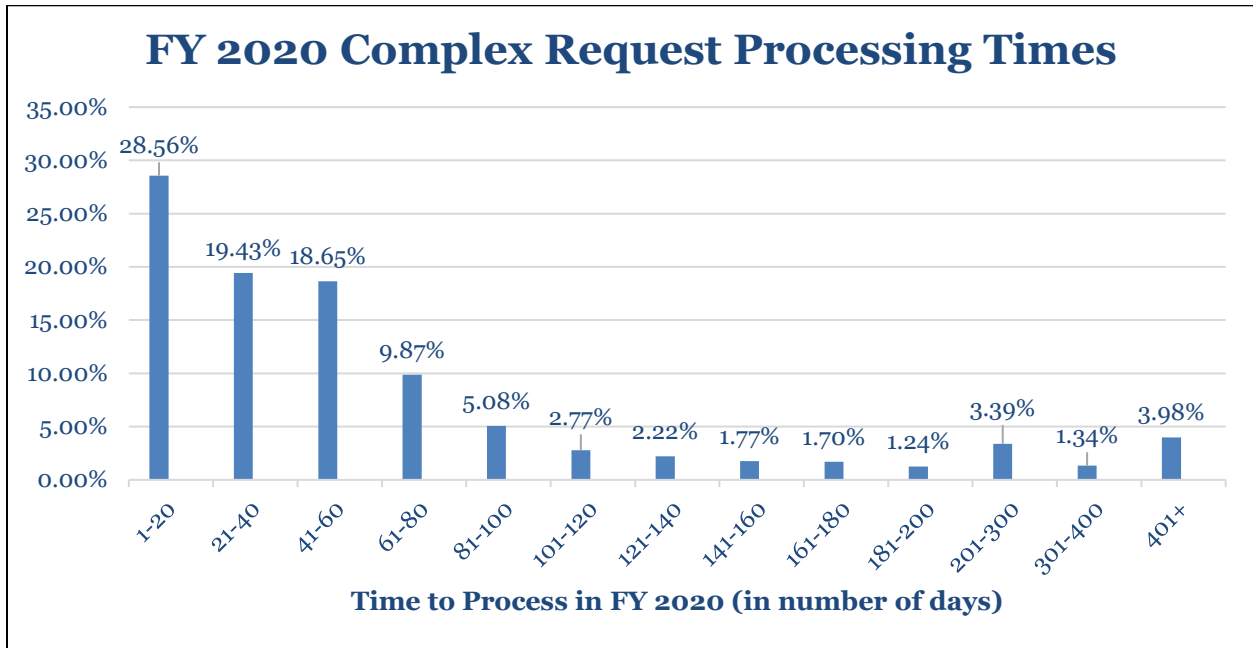
## Average Processing Time for Simple Requests

The average processing time for simple track requests for agencies that reported data in this field in their FY 2020 Annual FOIA Report was 30.23 days. This is a decrease of more than 9 days from the FY 2019 average of 39.30 days. Seventy-three agencies, including two departments – Education and Treasury – reported processing their simple track requests within an average of twenty days or less. Eleven agencies, including DOD, HHS, and USDA reported processing these requests between an average of 20.2 days and 29 days.



## Time to Process Complex Requests

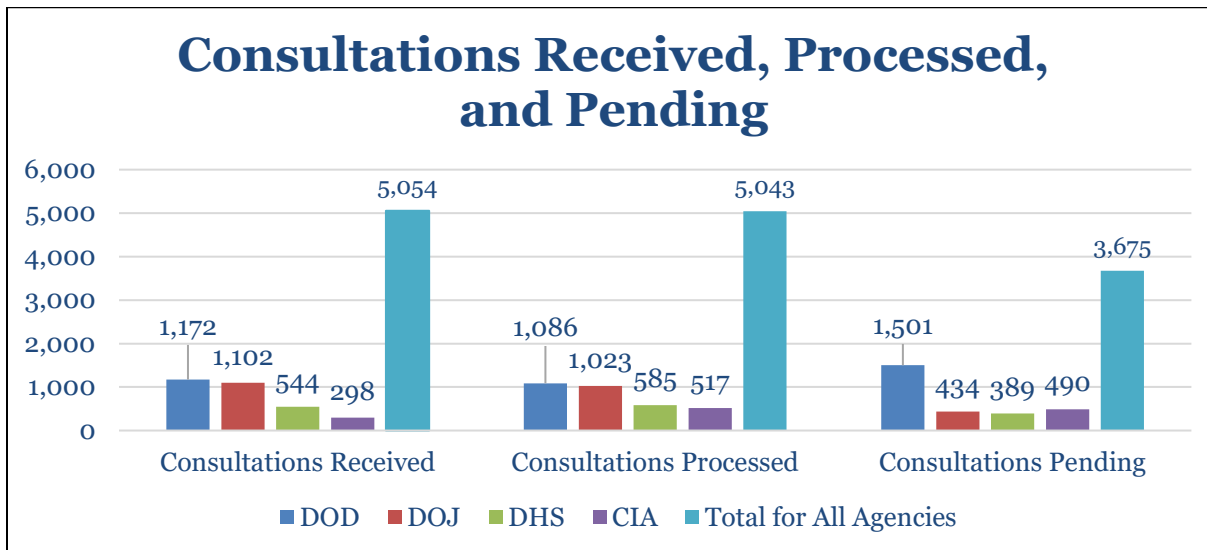
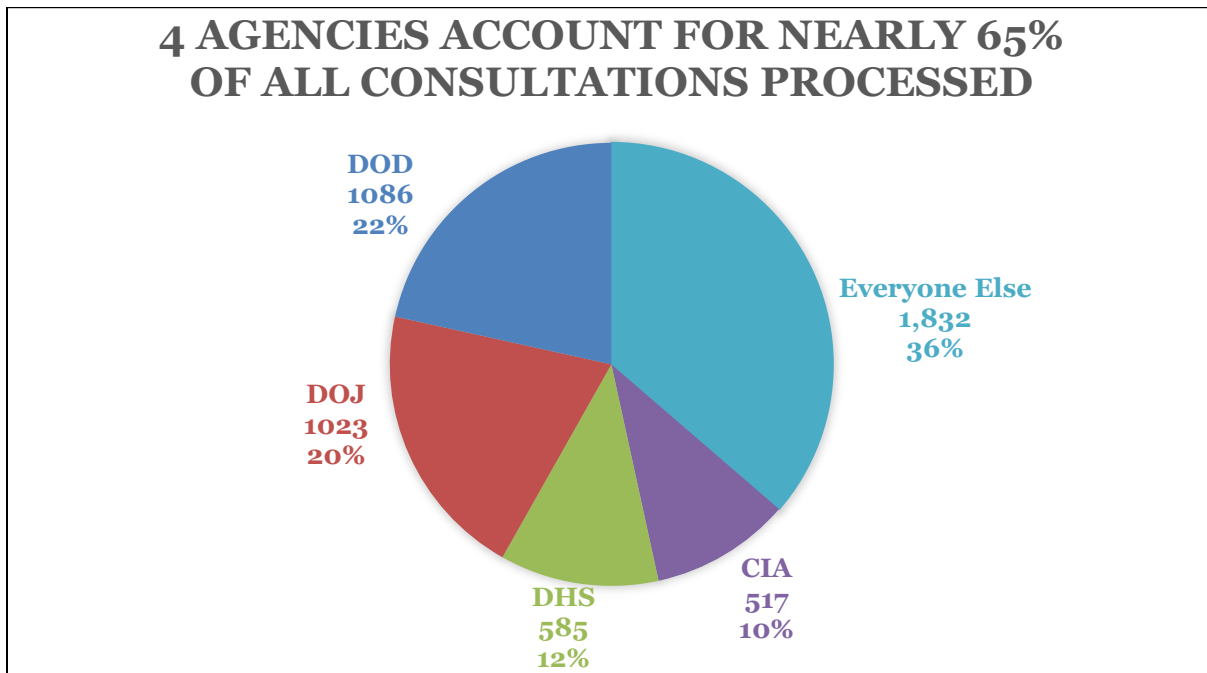
Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations. Complex requests often take longer to process than more targeted “simple” requests. Notable for FY 2020, the proportion of complex requests processed in fewer than 100 days increased by nearly 8% as compared to FY 2019. A total of 81.59% of complex requests were processed in 100 days or less.



## CONSULTATIONS ON FOIA REQUESTS

### Consultations Received, Processed, and Pending

During FY 2020, sixty-four agencies received documents on consultation from another agency. Agencies in receipt of such consultations are asked to provide their views on the disclosability of records that are being processed by another agency. A total of 5,054 consultations were received by agencies in FY 2020, with DOD, DOJ, DHS, and CIA receiving and processing the majority of consultations.



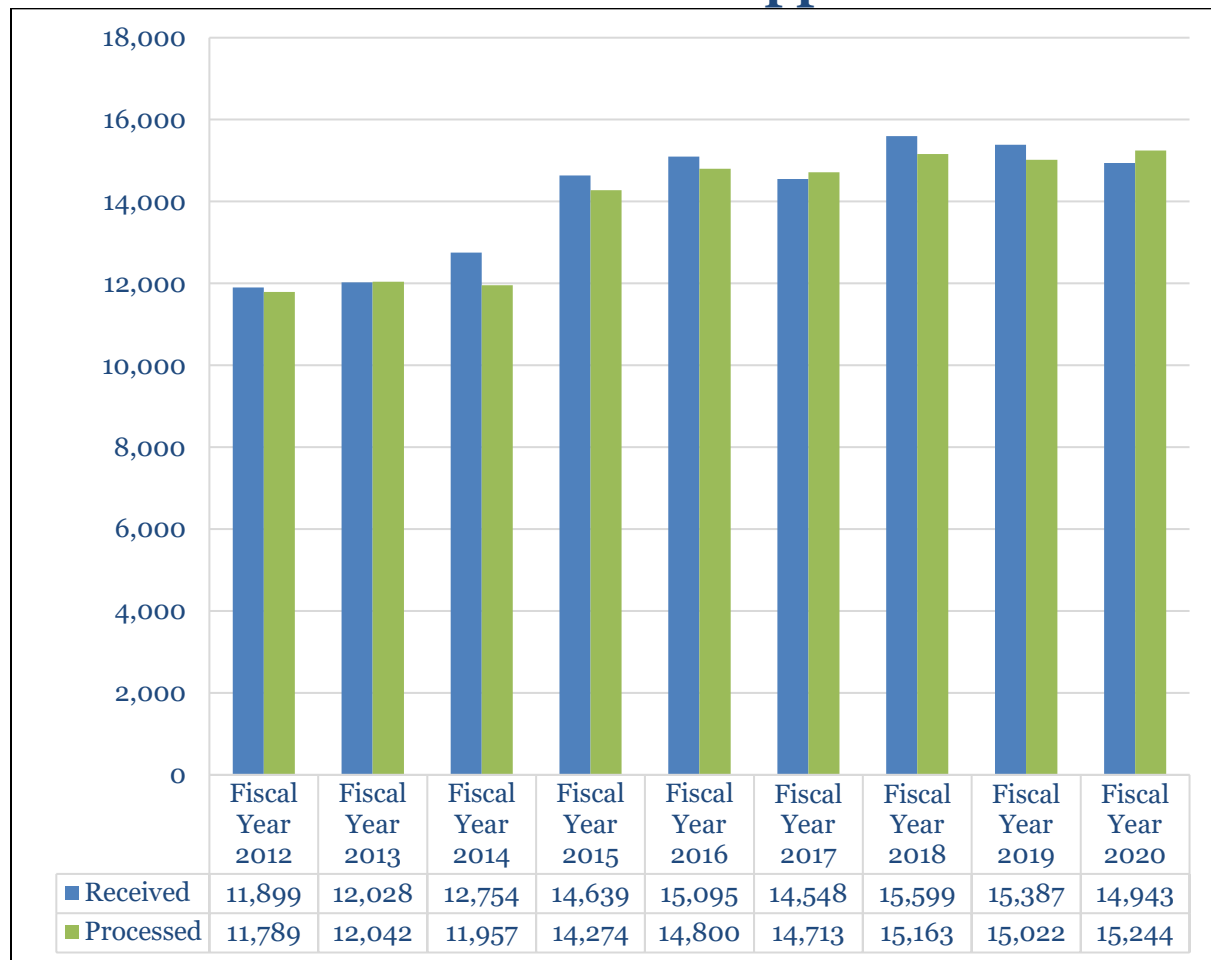
## ADMINISTRATIVE APPEALS

### Number of Administrative Appeals Received and Processed

In FY 2020, the government overall received 14,943 appeals, which is a slight decrease (2.89%) from the 15,387 appeals received in FY 2019. Forty-three agencies received no appeals during the fiscal year.

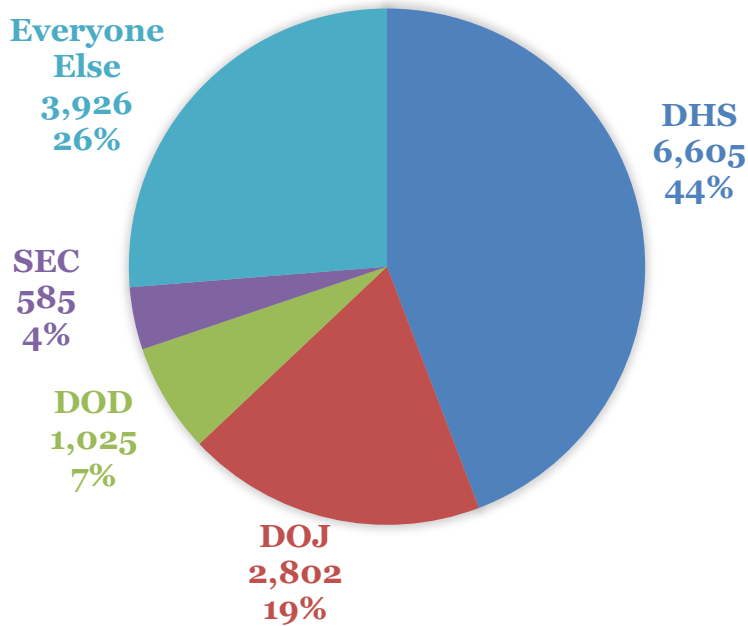
The government overall processed 15,244 appeals during FY 2020, which is a slight increase from the 15,022 processed during FY 2019, and the sixth consecutive year that over 14,000 appeals have been processed. The three agencies that received the most appeals also processed the most appeals: DHS (6,851), DOJ (2,801), and DOD (902). These three agencies together processed 69.2% of the total number of appeals processed by the entire government in FY 2020. For the first time since 2017, agencies processed more appeals than were received during the fiscal year.

### Administrative Appeals

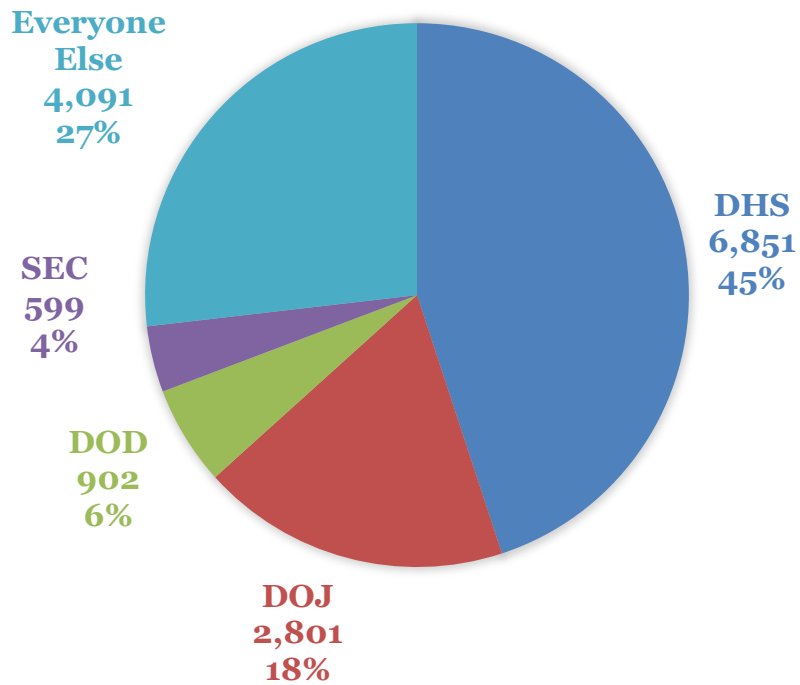


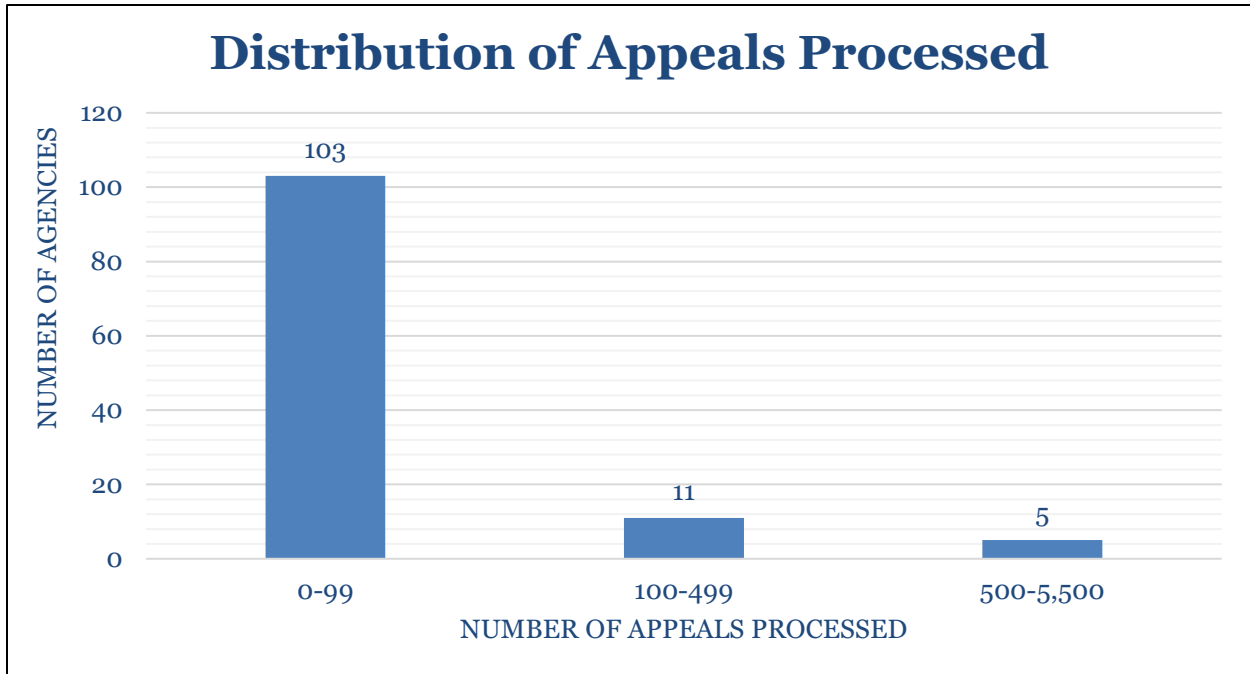


### 4 AGENCIES RECEIVED 74% OF FOIA APPEALS



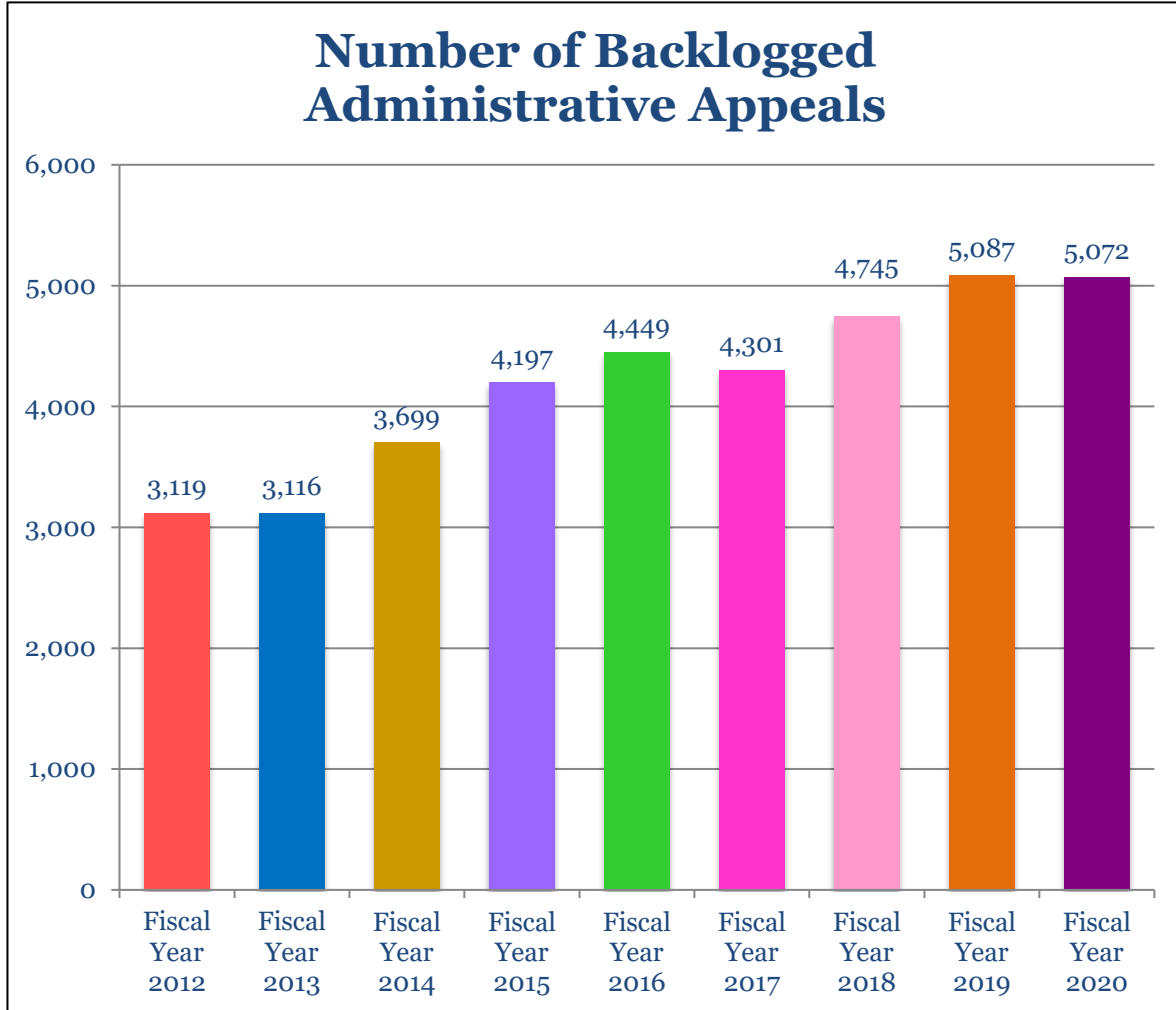
### 4 AGENCIES PROCESSED 73% OF FOIA APPEALS



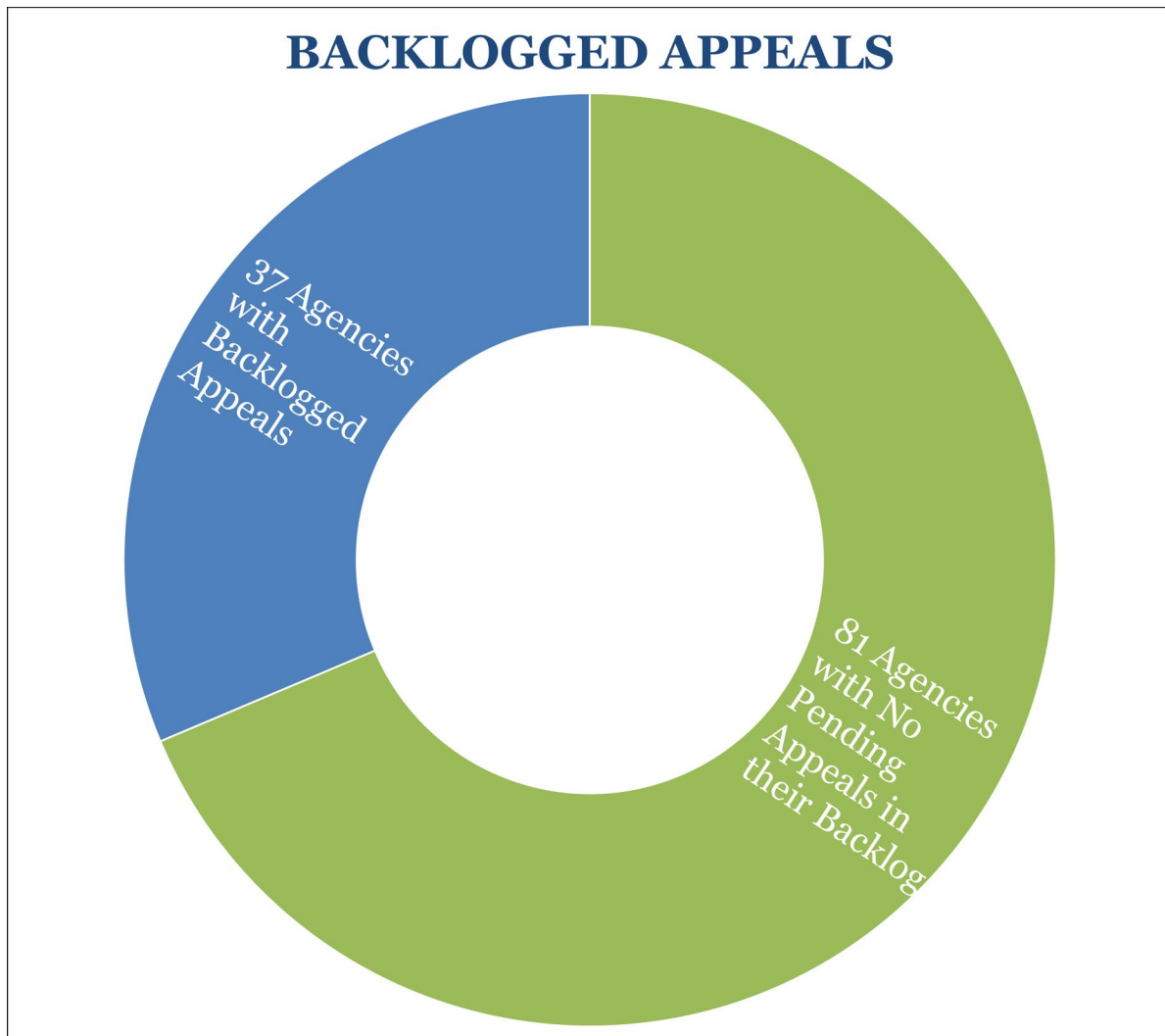


## Backlogged Administrative Appeals

The overall backlog of administrative appeals at the end of FY 2020 was 5,072, which is a decrease of 15 appeals (-0.29%) as compared to FY 2019.



Eighty-one of the 119 agencies subject to the FOIA closed FY 2020 with no pending appeals in their backlog.

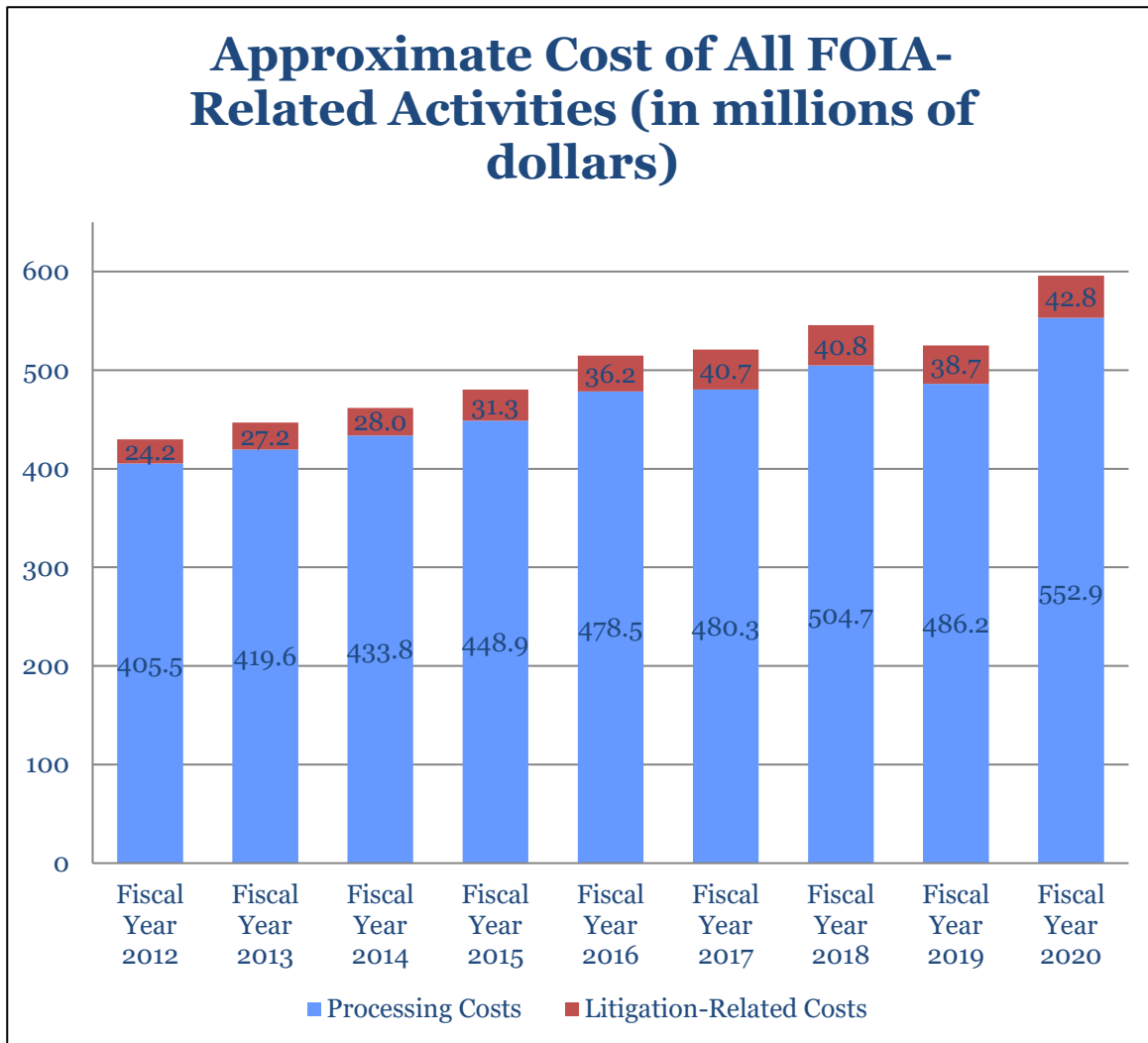


## Processing Time for Administrative Appeals

The average processing time for adjudicating appeals for those agencies that reported data in this field of their FY 2020 Annual FOIA Report is 89.11 days. This is a decrease of 10.88 days from the average of 99.99 days reported in FY 2019. The average processing time for the agencies that processed the most appeals were 28.0 days (DHS), 62.95 days (DOJ), and 174.74 days (DOD).

## STAFFING LEVELS & COSTS

During FY 2020, 5559.37 “full-time FOIA staff” were devoted to the administration of the FOIA throughout the government.<sup>2</sup> The total estimated cost of all FOIA related activities across the government was \$595,825,929.10. Nearly 93% (\$552,944,675.00) of the total costs was attributed to the administrative processing of requests and appeals by agencies. Roughly 7.2% (\$42,881,254.00) was reported to have been spent on litigation-related activities. By the end of the fiscal year, agencies reported collecting a total of \$2,113,456.40 in FOIA fees. The FOIA fees collected in FY 2020 amounts to less than 0.4% of the total costs related to the government’s FOIA activities.



<sup>2</sup> This includes both full-time FOIA professionals and the cumulative percentages of the time spent on FOIA by personnel who work on FOIA as a part of their duties.

## EXCLUSIONS

During FY 2020, exclusions were invoked by only two agencies, DOJ (81) and SEC (29). When compared to the 526,114 requests reviewed by the government this past fiscal year for exemption applicability, exclusions were used in response to 0.02% of requests processed for disclosure.

## PROACTIVE DISCLOSURES

Subsection (a)(2) of the FOIA requires agencies to proactively make available to the public non-exempt information from certain categories of records without waiting for a specific request to be received. These categories are:

1. Final agency opinions and orders rendered in the adjudication of cases,
2. Specific policy statements that are not published in the Federal Register,
3. Administrative staff manuals and instructions to staff that affect a member of the public, and
4. Records that have become or are likely to become the subject of subsequent requests or those records that have been requested three or more times – commonly referred to as frequently requested records.

Agency program offices typically publish the first three categories of records while agency FOIA offices are more directly involved in identifying and posting the final category. Approximately 39,341,634 records that qualified as subsection (a)(2) records were posted online during FY 2020. Over 97% (38,321,332) of these records were made available by agency program offices outside of the FOIA office. NARA (28,157,160) reported the highest number of proactive disclosures in this category. The FOIA offices across the government reported posting 1,020,032 subsection (a)(2) records online. Among the FOIA offices, Department of Labor (919,080) reported posting the highest number of proactive disclosures.

The numbers of subsection (a)(2) postings can vary by agency based on the opportunities each agency may have in posting the four required categories of proactive disclosures. For example, not all agencies adjudicate cases that would result in the agency having records that would fall into the first category above. Other agencies, particularly smaller ones, may also not have new records every year that fall into the other categories, such as frequently requested records. As noted above, the number of requests received by agencies varies significantly with 51 agencies receiving less than 50 requests each year.

Furthermore, agencies may proactively disclose other information even if they did not have any (a)(2) disclosures in a given fiscal year and those postings would not be counted in this section of the Annual FOIA Report. During FY 2020, 26 agencies reported zero (a)(2) proactive disclosures. All of these agencies explained to OIP that they did not have any (a)(2) disclosures because, for example, they process primarily first-party requests, did not have frequently requested records during the reporting period, or did not have any updates to policies or other documents required to be disclosed pursuant to (a)(2).

## CONCLUSION

As discussed in agency Chief FOIA Officer Reports, the COVID-19 pandemic, which began last March, had varying impacts on agencies' FY 2020 FOIA administration. In FY 2020, the federal government continued to receive over 790,000 FOIA requests and was able to process more than 770,000 requests. This resulted in a backlog increase of 21,326 requests. Despite the challenges of the pandemic, however, the government overall average processing time for simple track requests decreased by more than 9 days as compared to FY 2019. Requests for expedited processing in FY 2020 increased by nearly 75% compared to FY 2019, yet the average processing time to adjudicate such requests decreased. While the number of administrative appeals decreased slightly, corresponding with a reduction in overall requests received, the average processing time for administrative appeals was reduced by nearly 12% as compared to last fiscal year, and more appeals were processed during FY 2020 than during FY 2019.