



# Summary of Annual FOIA Reports for Fiscal Year 2023

Highlights of Key  
Government-wide FOIA Data

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## Introduction

Each year, the Freedom of Information Act (FOIA) requires agencies to submit to the Attorney General a report covering the prior fiscal year that includes details regarding the agency's administration of the FOIA. [5 U.S.C. § 552\(e\)\(1\) \(2018\)](#). Over 100 agencies are subject to the FOIA, and one of the ways agencies are held accountable for their administration of the FOIA is through these Annual FOIA Reports.<sup>1</sup> This Summary provides an overview of government-wide FOIA data as reported in agencies' Fiscal Year (FY) 2023 Annual FOIA Reports.

Based on the FY 2023 data, we can see that agencies hit a new milestone in the administration of the FOIA with record high numbers of requests received and processed. The government as a whole received approximately 29% more requests (+271,346) and processed 27.75% more requests (+243,791) than in FY 2022, all with an overall 6% decrease in the number of full-time FOIA staff from the prior fiscal year. This was the first year that the government received and processed over one million requests within a fiscal year. At the same time, the government's overall FY 2023 backlog decreased almost 3% as compared to FY 2022 (-5,877).

Agencies also showed improvement in several other areas. For example, the average processing times for simple track requests decreased. The number of backlogged administrative appeals decreased by 1.3% with more than two-thirds of agencies (86) subject to the FOIA ending FY 2023 with no pending appeals. Finally, the government continued to make a significant amount of information available proactively, with the overall number of (a)(2) proactive disclosures increasing by almost 5%.

All data used to compile this Summary is available to view and download in .csv format on [FOIA.gov](#). Complete sets of the FOIA.gov data, both government-wide and by agency, are available on the [Data Set Downloads](#) page.

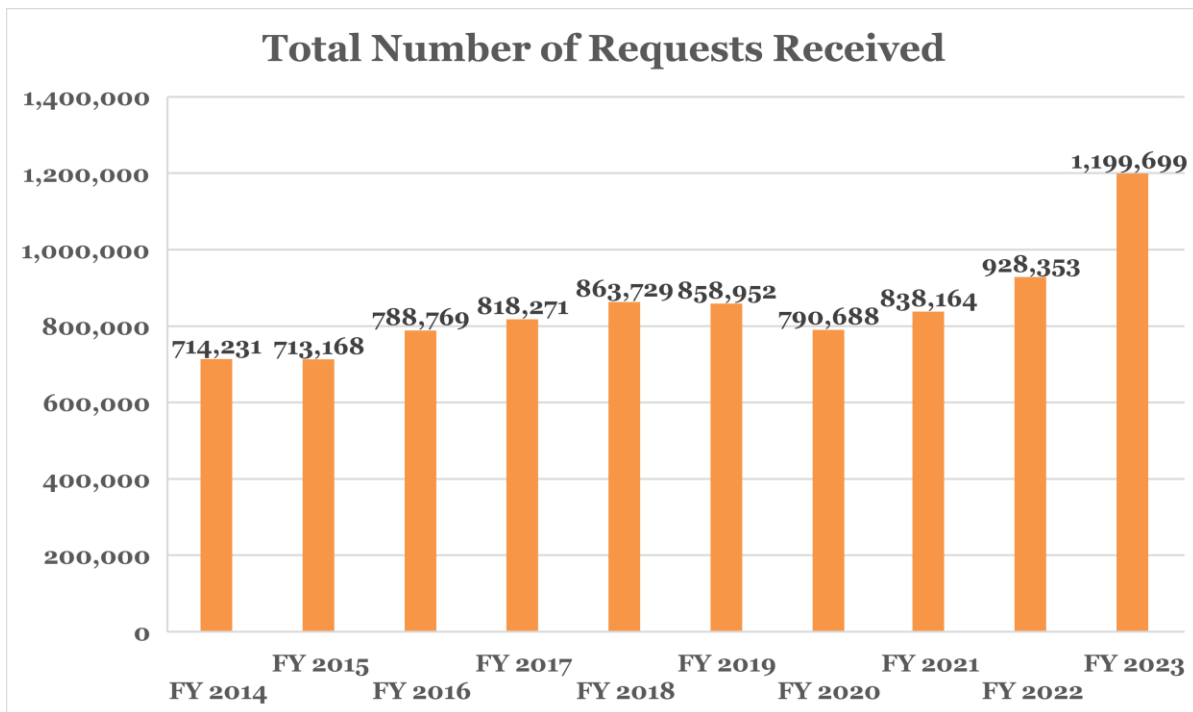
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<sup>1</sup> For additional information about the information covered in the Annual FOIA Report, see the [Department of Justice Annual FOIA Report Handbook](#).

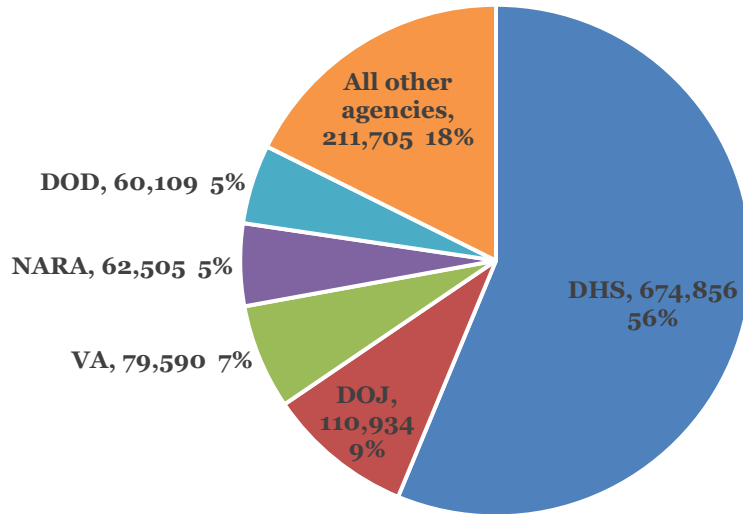
## FOIA Requests

### Number of Requests Received

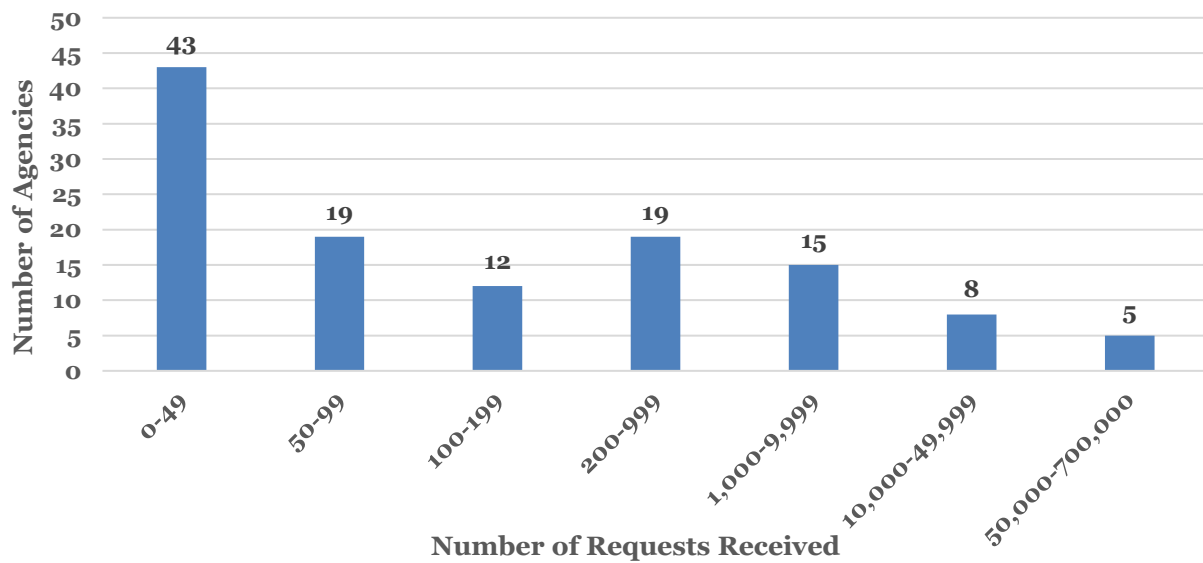
In FY 2023, 121 federal agencies were subject to the FOIA. The federal government overall received a record high of 1,199,699 FOIA requests. This is about a 29% increase from the number of requests received in FY 2022 (271,346). As illustrated below, five agencies collectively received the vast majority (82%) of all FOIA requests government-wide: the Department of Homeland Security (DHS), Department of Justice (DOJ), Department of Veterans Affairs (VA), National Archives and Records Administration (NARA), and Department of Defense (DOD).



### Top 5 Agencies in Requests Received

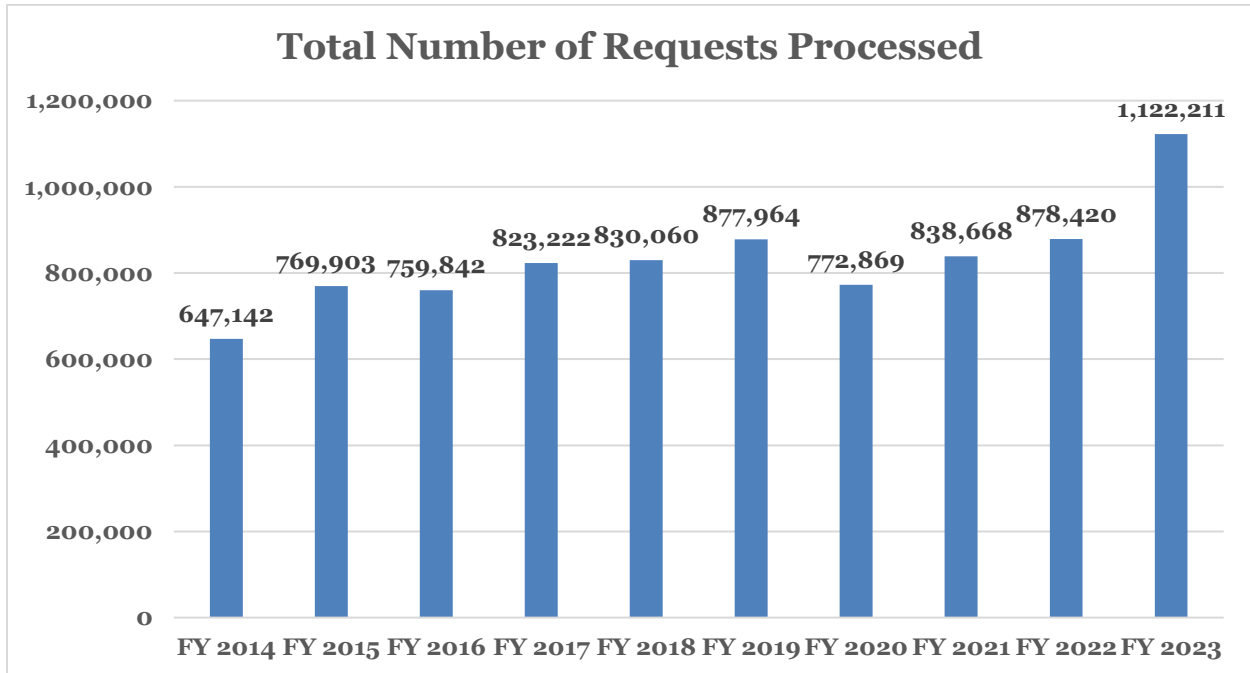


### Distribution of Requests Received

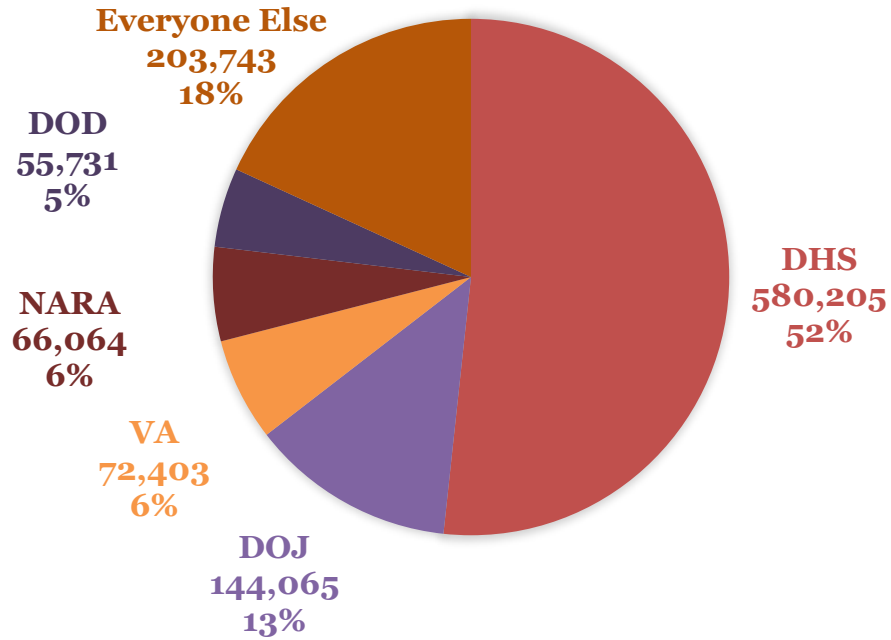


## Number of Requests Processed

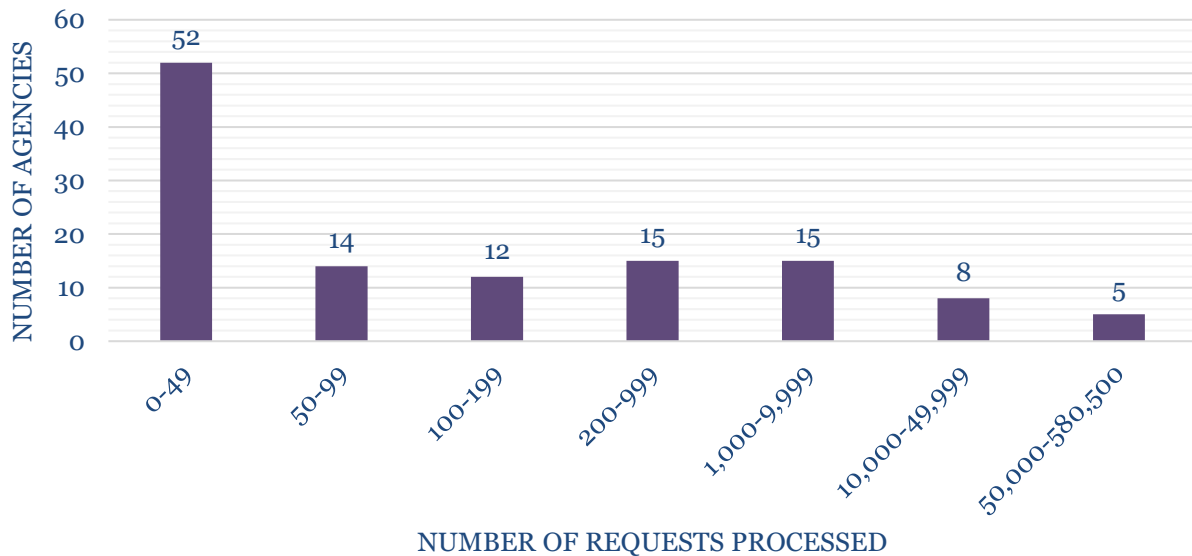
Collectively, the government processed 1,122,211 requests in FY 2023, which is an increase of nearly 28% from FY 2022. The same five agencies that received the most FOIA requests also processed the vast majority (82%) of FOIA requests government-wide.



## TOP 5 AGENCIES IN REQUESTS PROCESSED

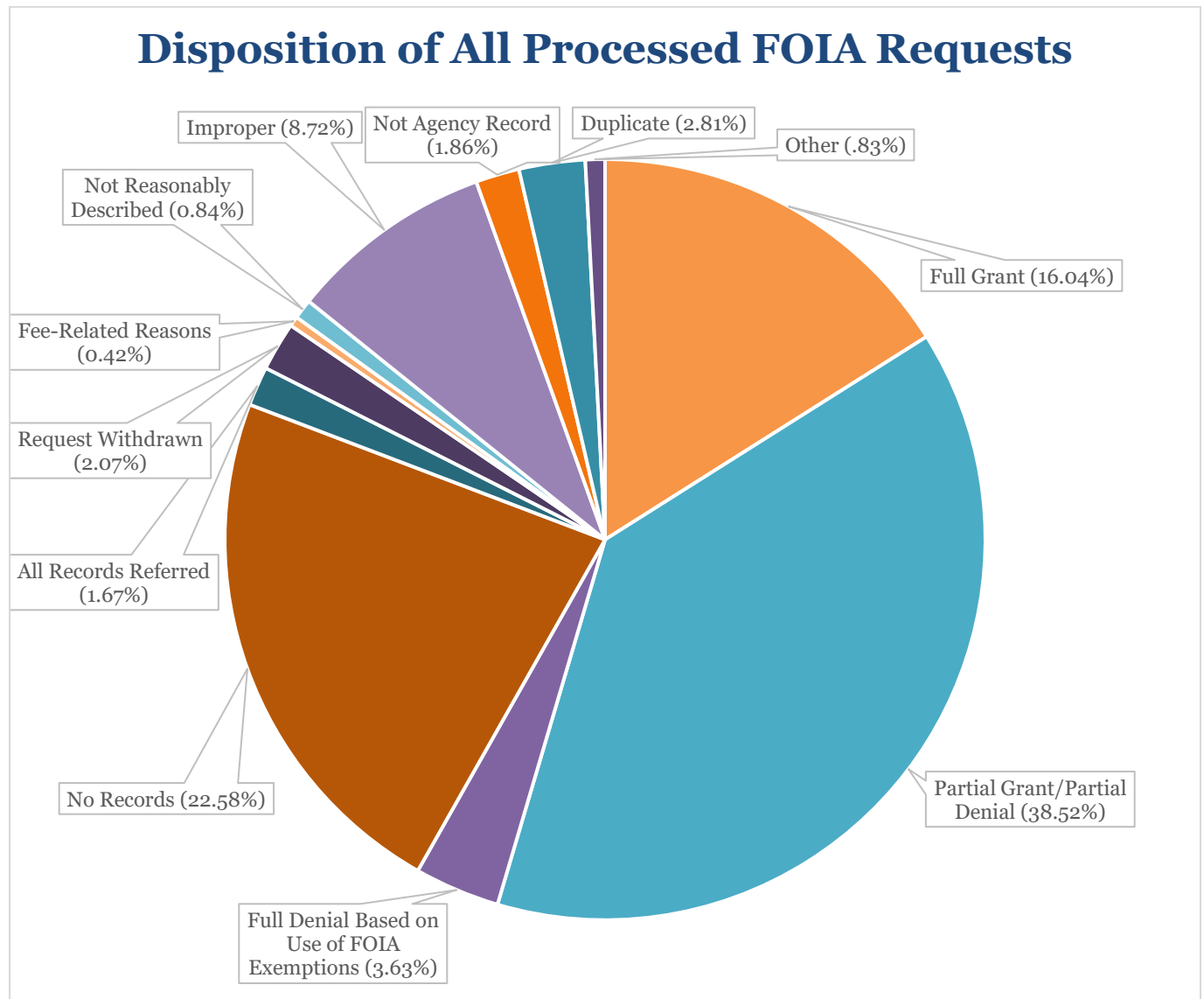


## Distribution of Requests Processed



## Disposition of Requests

Of the 1,122,211 requests processed by agencies, 58.20% (653,173 requests) 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 2023, 41.8% (469,038), were closed for procedural or administrative reasons.



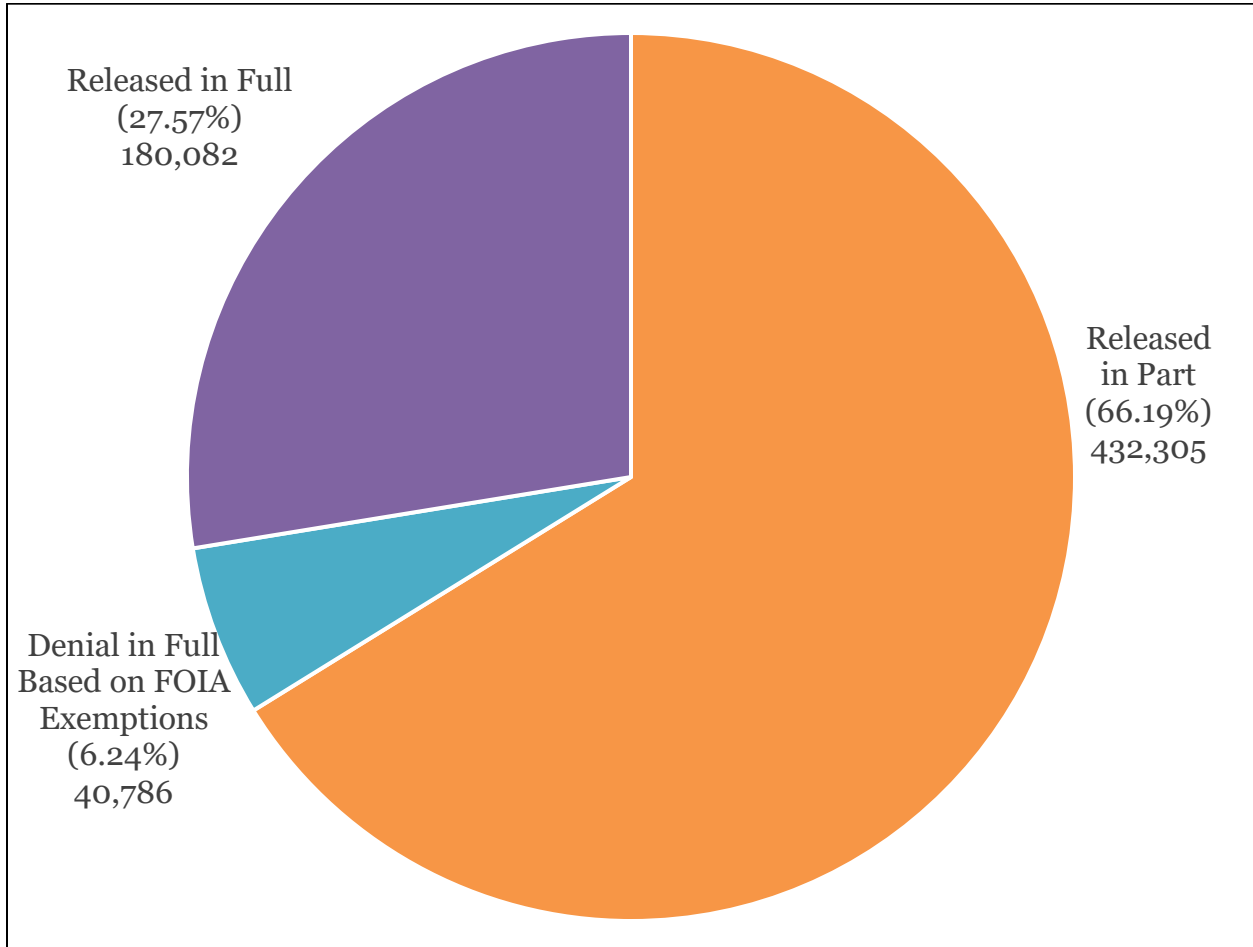
### Requests Processed for Exemption Applicability

As noted above, of the 1,122,211 requests processed by agencies, 58.20% (653,173 requests) were closed after being substantively processed, with decisions made to release or withhold information based upon the FOIA’s exemptions. Of the 653,173 requests that were processed for exemption applicability in FY 2023, 93.76% (612,387 requests) resulted in



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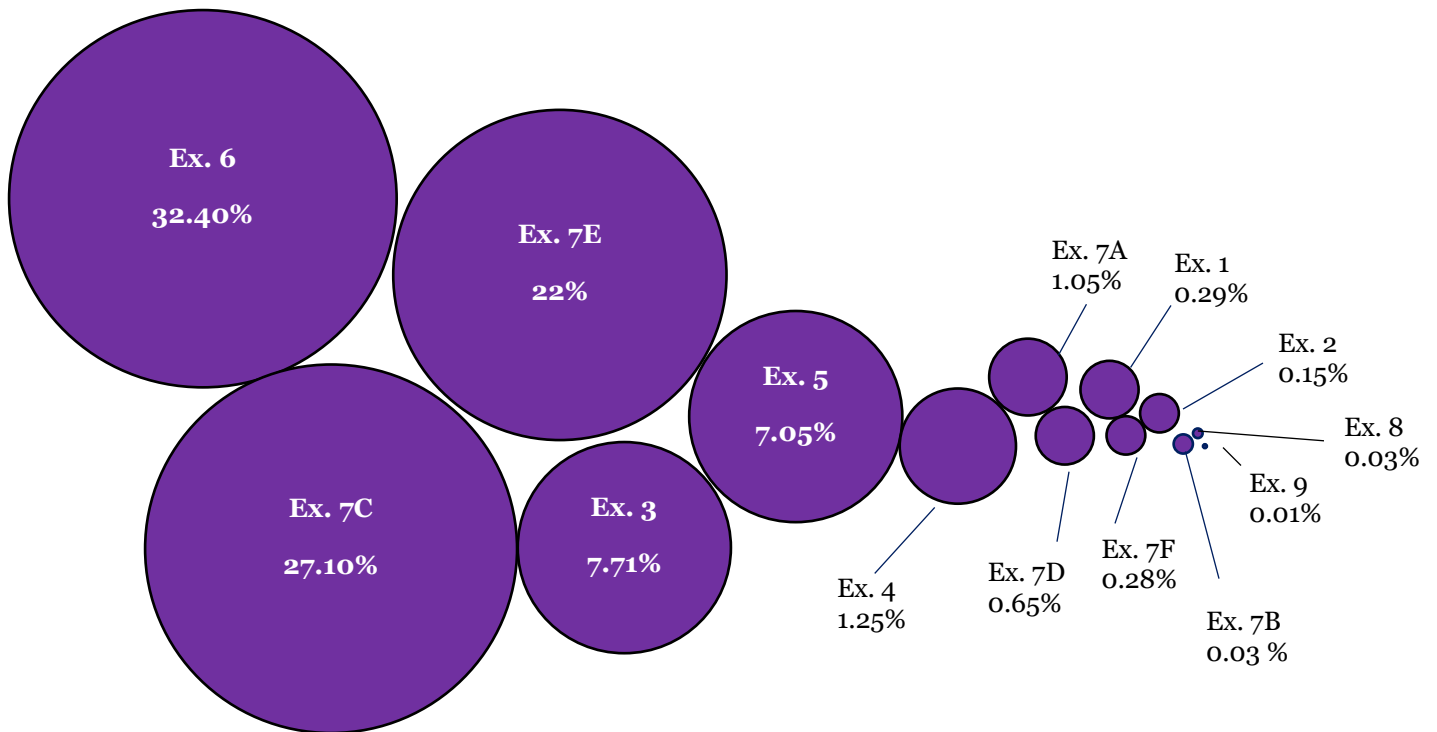
either a full or partial release of records. Of those requests, as illustrated below, 27.57% were full disclosures, 66.19% were partial disclosures, and 6.24% were full denials based on exemptions.



## Use of Exemptions

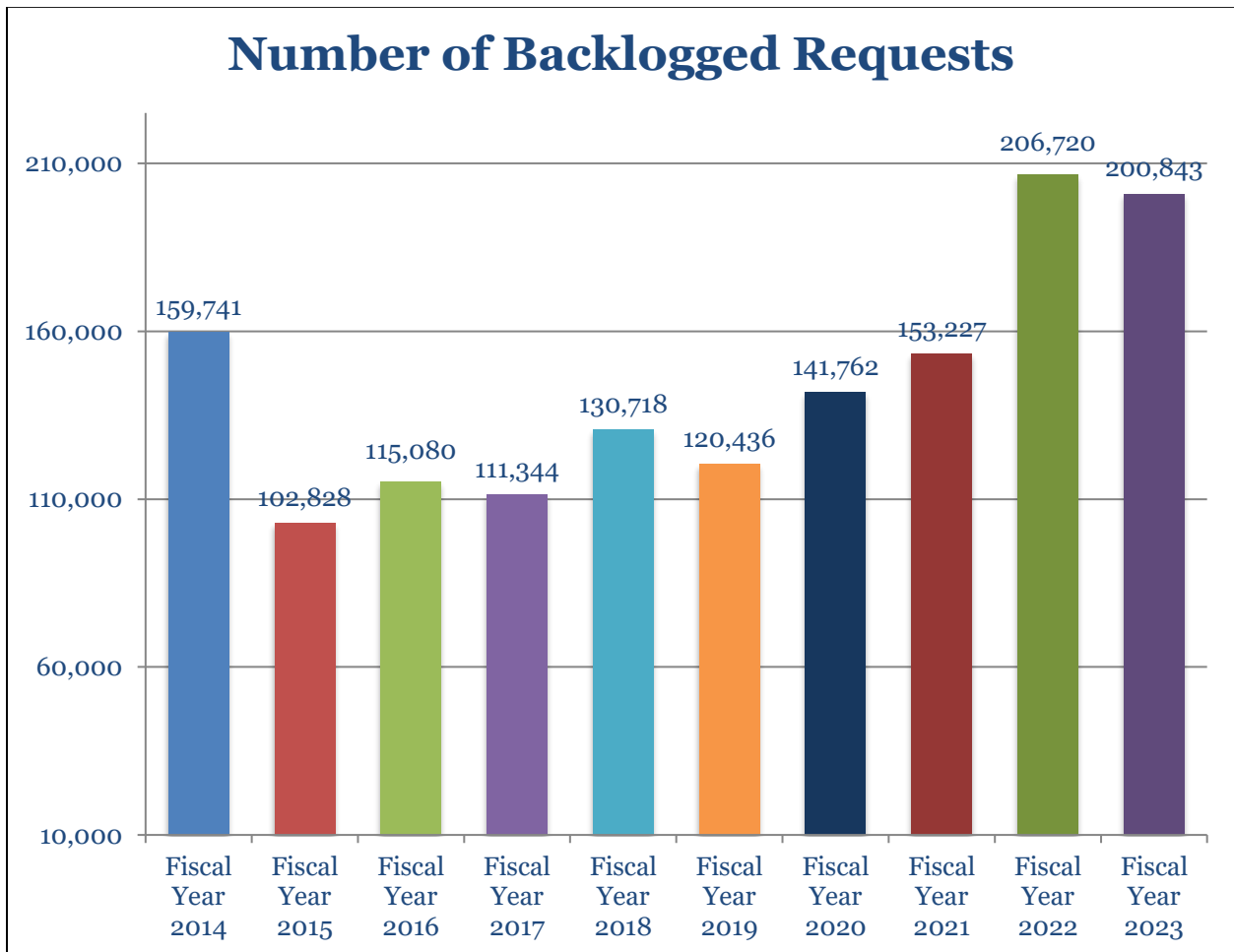
The FOIA includes nine exemptions from disclosure that protect important interests such as national security, personal privacy, and certain law enforcement interests. As has been the case for many years, the FOIA’s privacy exemptions—Exemption 6 (32.40%), which protects information that, if disclosed, would invade another individual’s personal privacy, and Exemption 7(C) (27.10%), which protects information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy—were the most cited FOIA exemptions in FY 2023. Almost 60% of the exemptions cited by agencies were those two exemptions (59.5%). Exemption 7(E) (22%), which protects law enforcement techniques, procedures, and guidelines, was the third most cited exemption.

### Total Exemption Usage



## Backlogged Requests

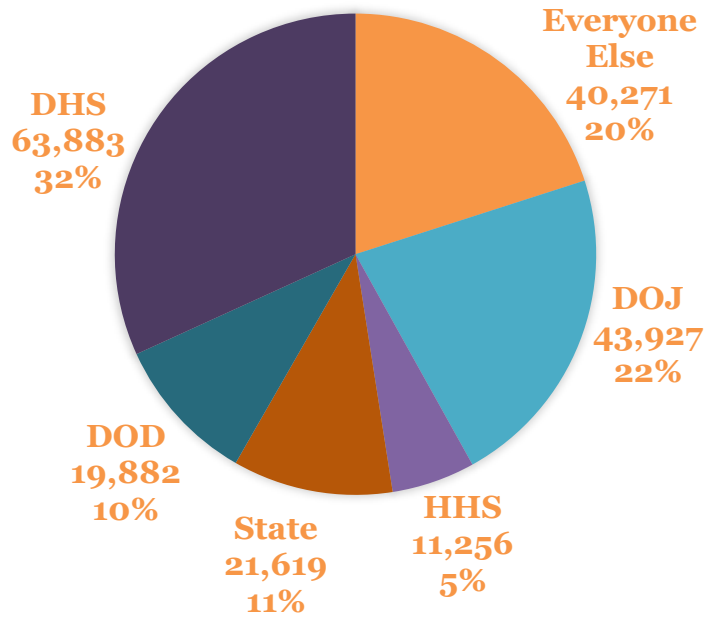
The total number of backlogged requests across the government at the end of FY 2023 was 200,843, which is a 2.84% decrease from the number of backlogged requests reported at the end of FY 2022.<sup>2</sup>



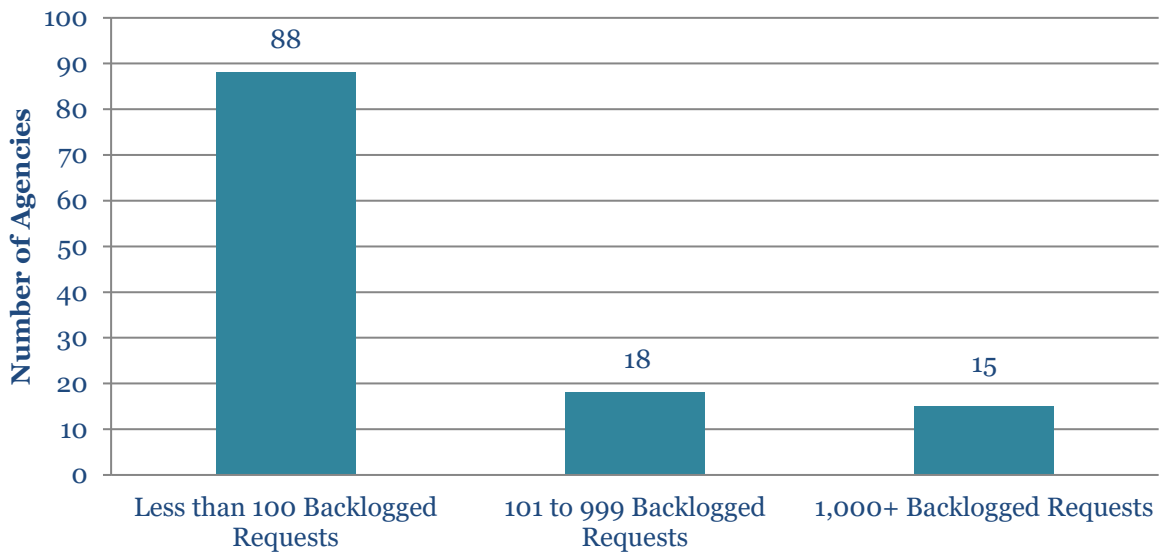
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<sup>2</sup> A request is reported as “backlogged” when it has been pending at an agency longer than the statutory time period of twenty working-days or, if unusual circumstances are present, up to thirty working-days.

## 5 AGENCIES ACCOUNT FOR 80% OF BACKLOGGED REQUESTS



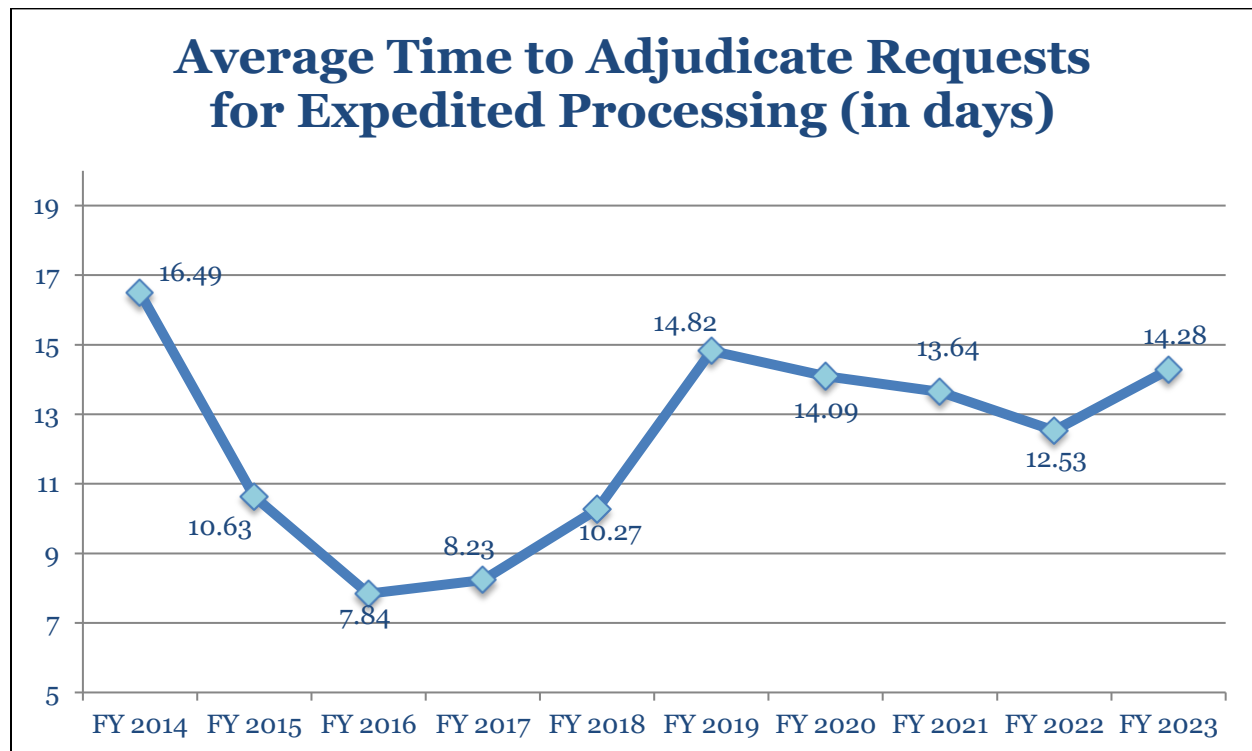
## Distribution of Backlogged Requests



## Requests for Expedited Processing

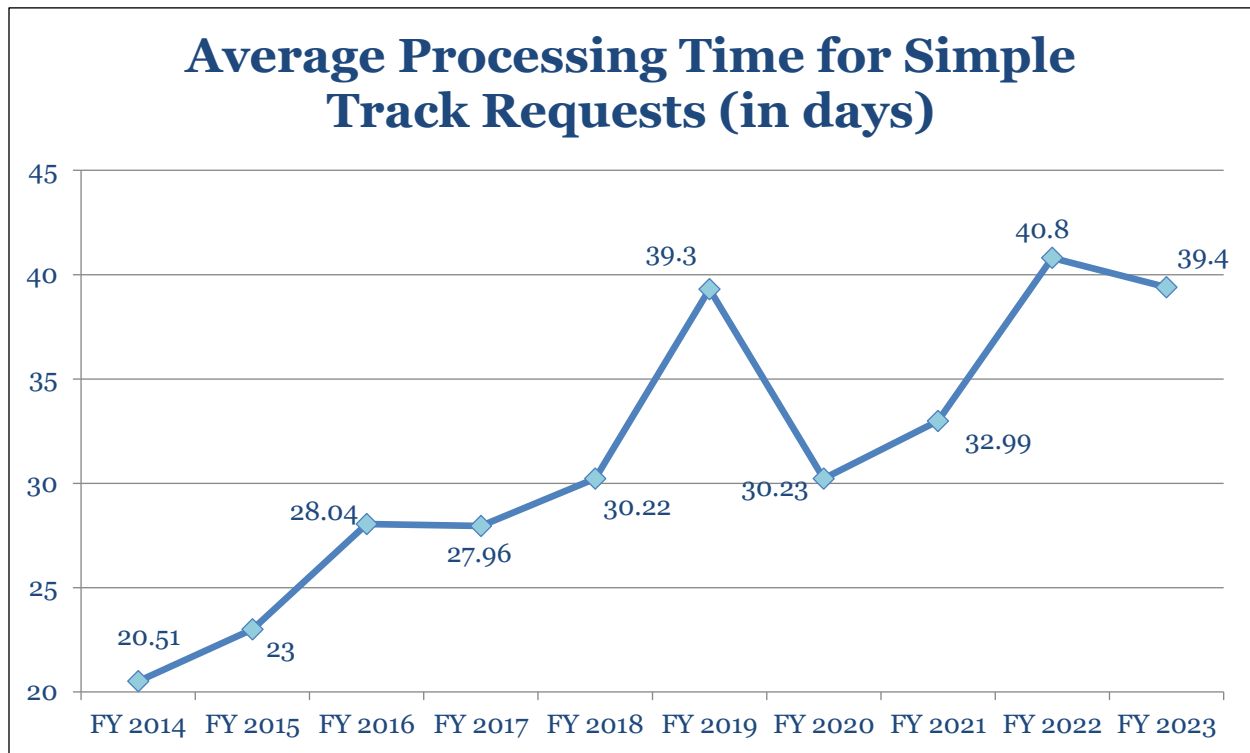
In FY 2023, the government overall made a decision to grant or deny 51,265 requests for expedited processing. This is a 27.31% increase (10,997) from the total number of expedited processing determinations made during FY 2022 (40,268).

The average number of days to adjudicate requests for expedited processing increased across the government. Agencies averaged 14.28 days to adjudicate requests for expedited processing, a less than two-day increase from FY 2022. In total, agencies adjudicated 80% (41,265) of all requests for expedited processing made during FY 2023 within ten calendar days.



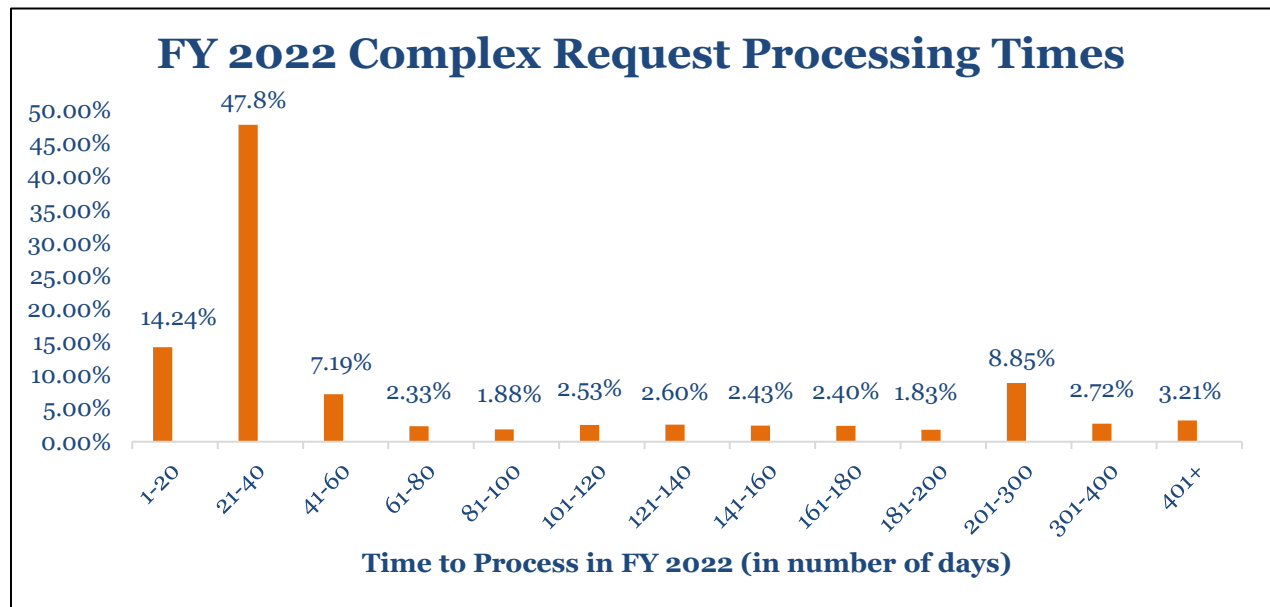
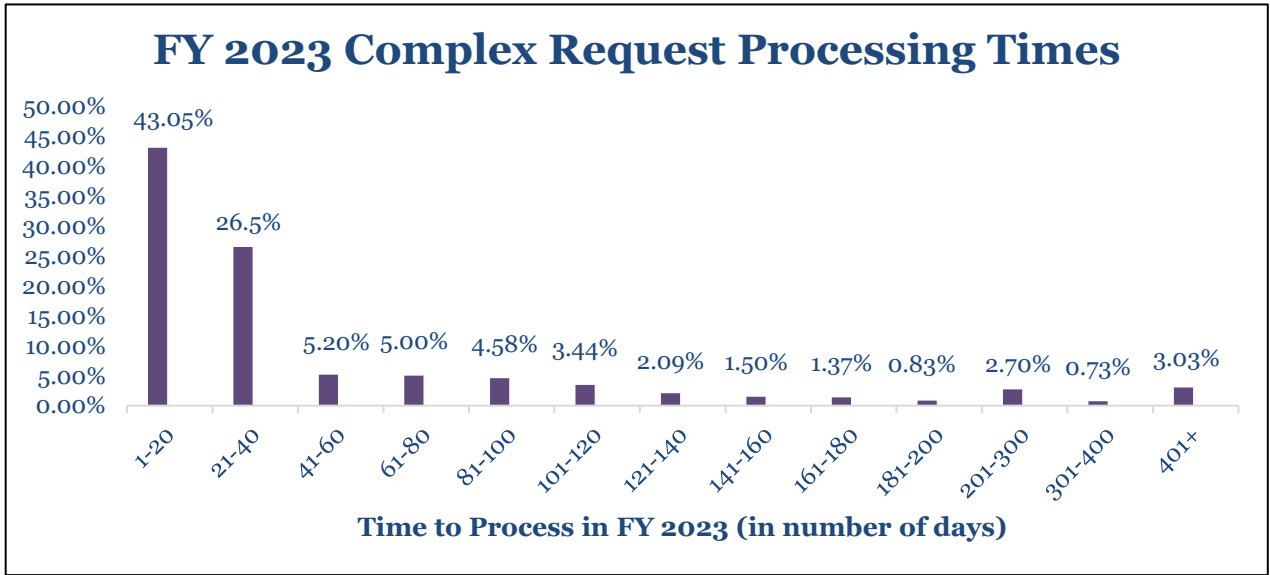
## Average Processing Time for Simple Requests

The average processing time for simple track requests for agencies that reported data in this field in their FY 2023 Annual FOIA Report was 39.4 days. This is a decrease of over one day from the FY 2022 average of 40.8 days. Fifty-nine agencies, including two departments – Homeland Security and Treasury – reported processing their simple track requests within an average of twenty days or less. Twenty-four agencies, including HHS, USDA, VA, DOL, and DOD, reported processing these requests between an average of 21.13 days and 30 days.



## Time to Process Complex Requests

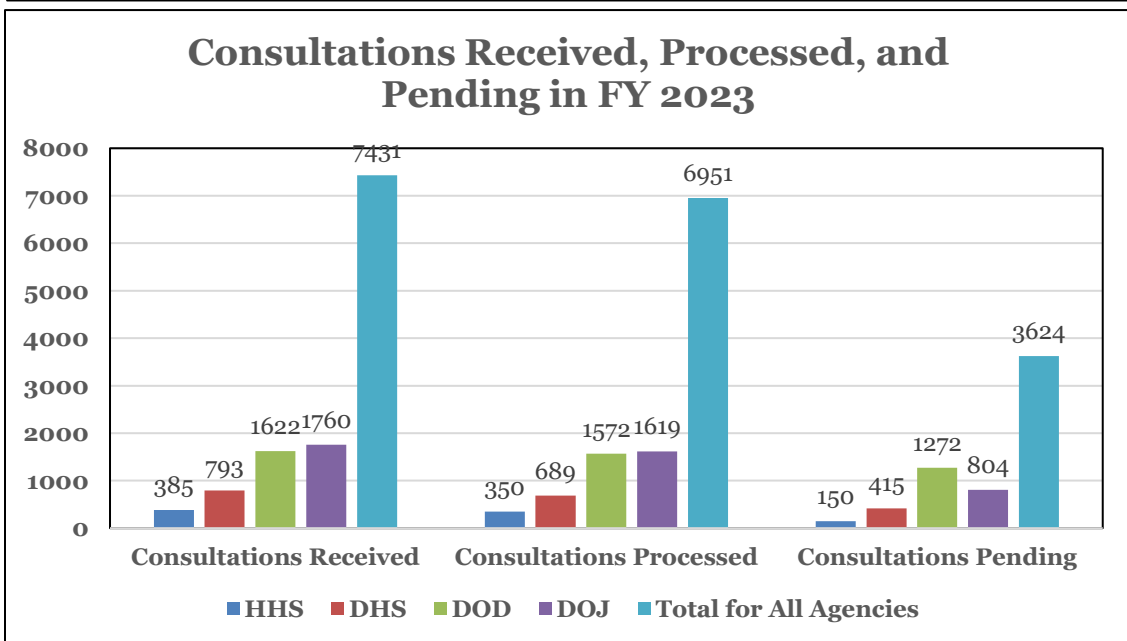
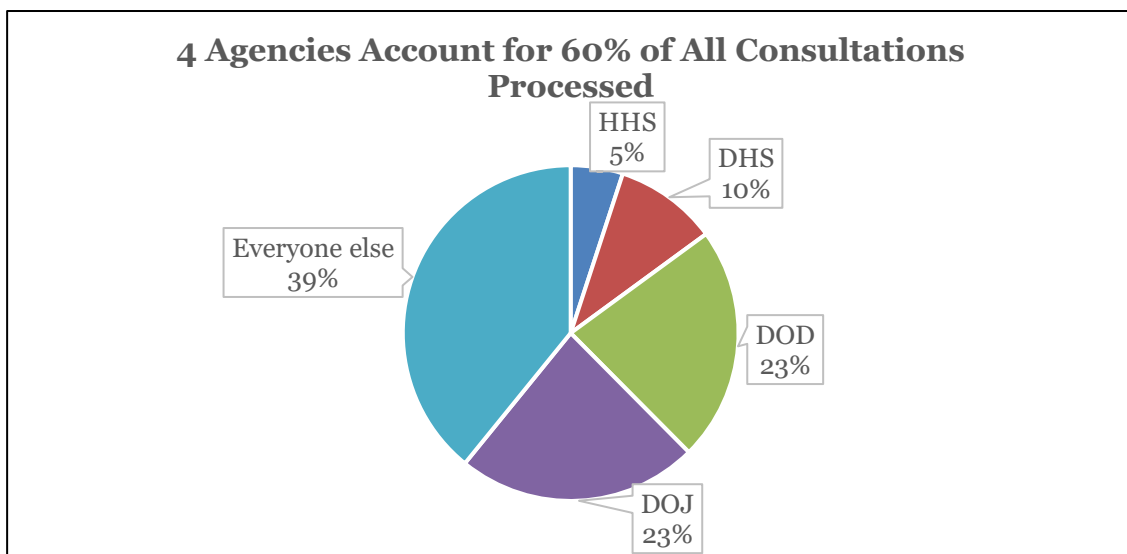
Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations or conduct multiple consultations. Complex requests often take longer to process than more targeted “simple” requests. The percentage of complex requests processed in fewer than 20 days increased in FY 2023, largely due to the increase in the number of complex requests DHS processed in this timeframe (216,385). A total of 84.32% of complex requests were processed in 100 days or fewer.



## Consultations on FOIA Requests

### Consultations Received, Processed, and Pending

During FY 2023, eighty-six 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 7,431 consultations were received by agencies in FY 2023, with DOJ, DOD, DHS, and HHS receiving and processing the majority of consultations (61% received and 60% processed). The number of consultations pending overall increased from 3,160 at the end of FY 2022 to 3,624 at the end of FY 2023.



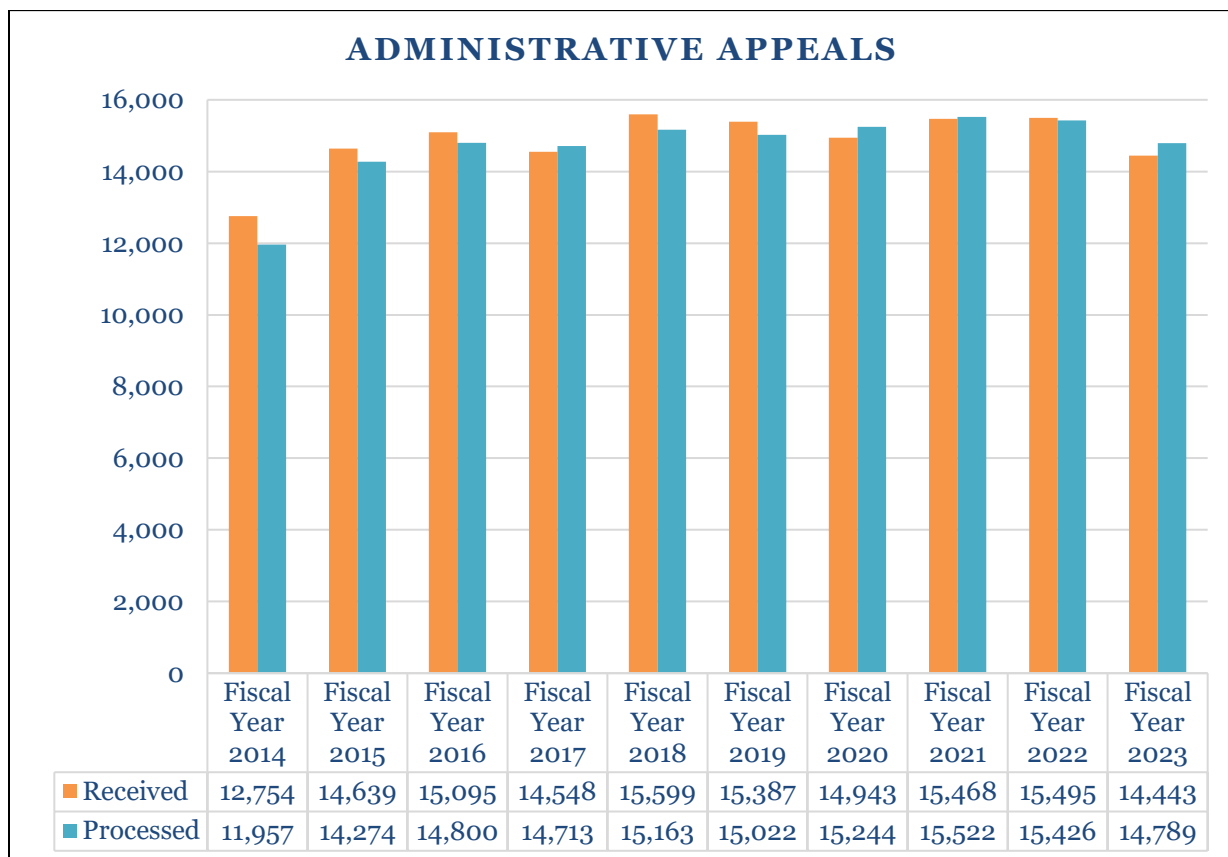


## Administrative Appeals

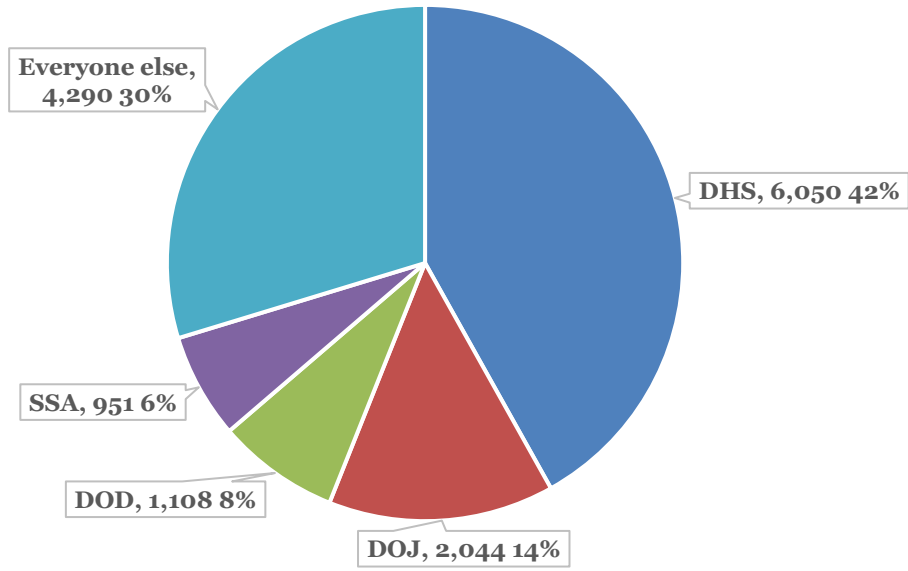
### Number of Administrative Appeals Received and Processed

In FY 2023, the government overall received 14,443 appeals, which is a 6.79% decrease from the 15,495 appeals received in FY 2022. Fifty-one agencies received no appeals during the fiscal year.

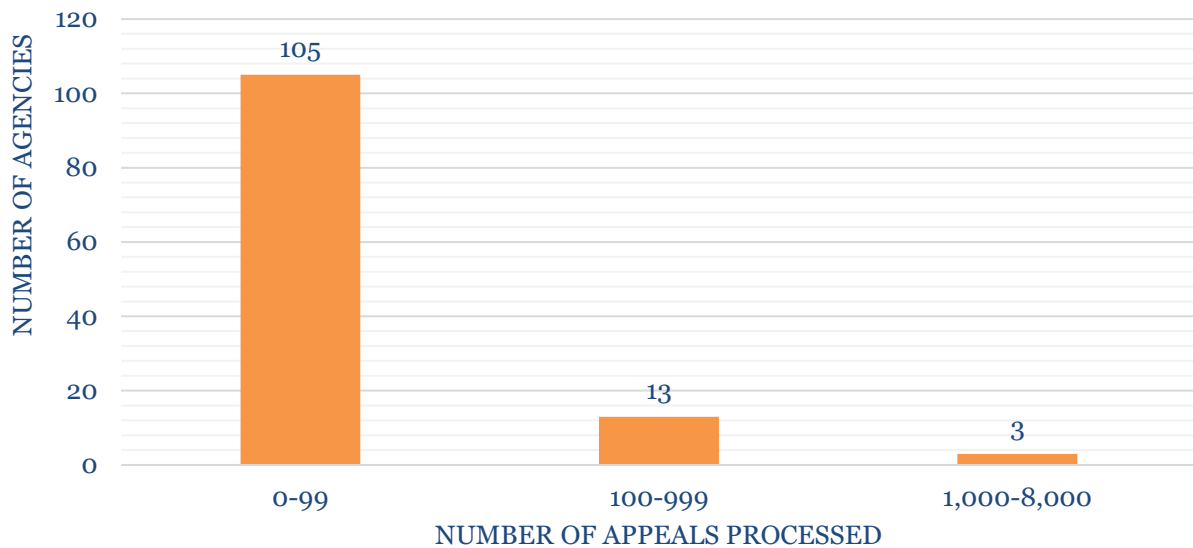
The government overall processed 14,789 appeals during FY 2023. This is a 4.12% decrease from the 15,426 appeals processed during FY 2022. The four agencies that received the most appeals also processed the most appeals: DHS (6,050 received, 6,124 processed), DOJ (2,044 received, 2,126 processed), DOD (1,108 received, 1,247 processed), and the Social Security Administration (SSA) (951 received, 957 processed). These four agencies together processed 70.69% of the total number of appeals processed by the entire government in FY 2023.



### 4 Agencies Received 70% of FOIA Appeals

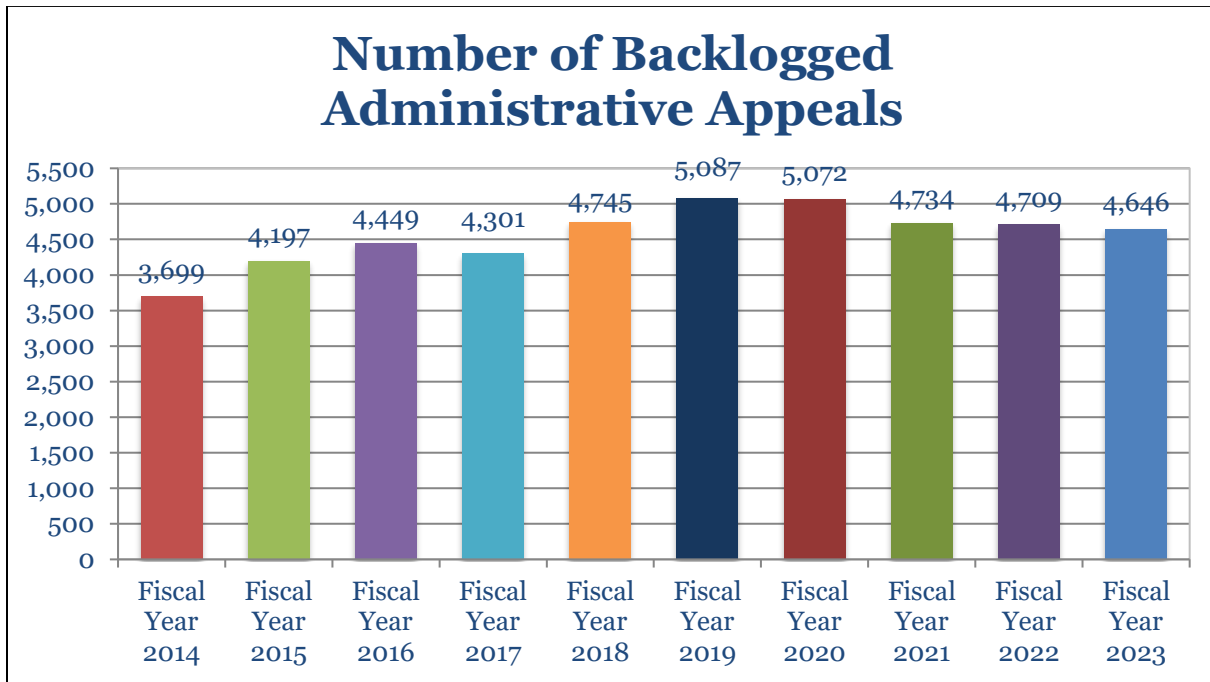


### Distribution of Appeals Processed

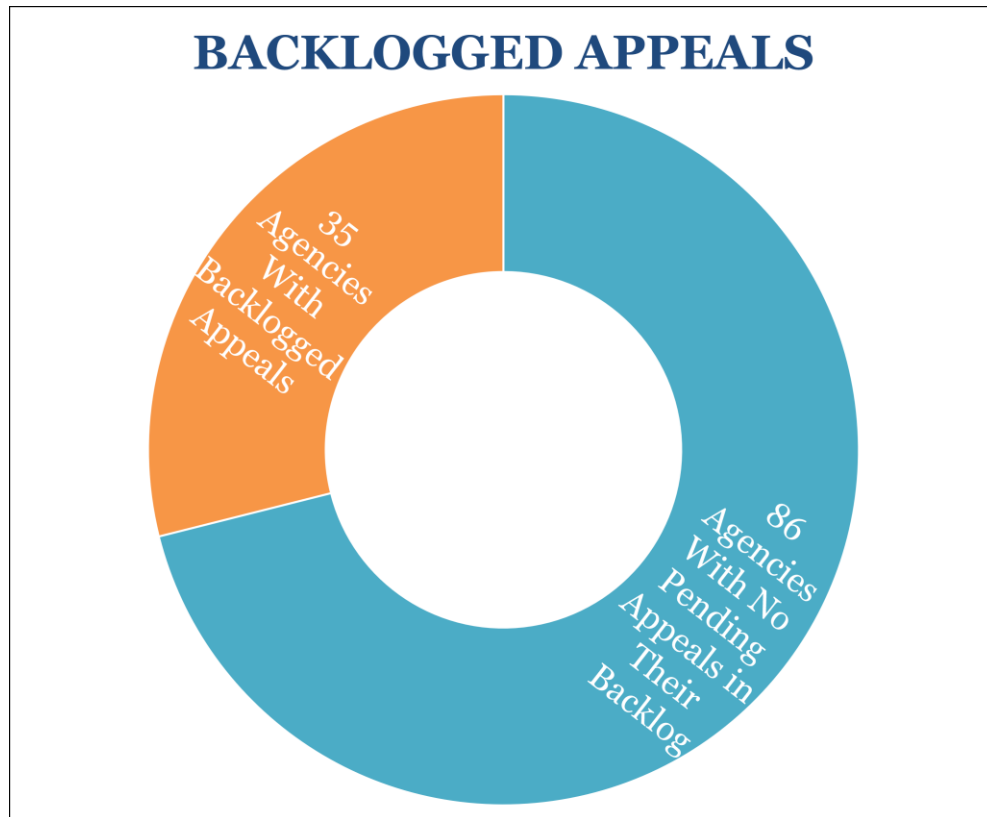


## Backlogged Administrative Appeals

The overall backlog of administrative appeals at the end of FY 2023 was 4,646, which is a decrease of 63 appeals governmentwide (-1.34%) as compared to FY 2022 and continues a downward trend over the past few years.



Eighty-five of the 121 agencies subject to the FOIA ended FY 2023 with no pending appeals in their backlog.

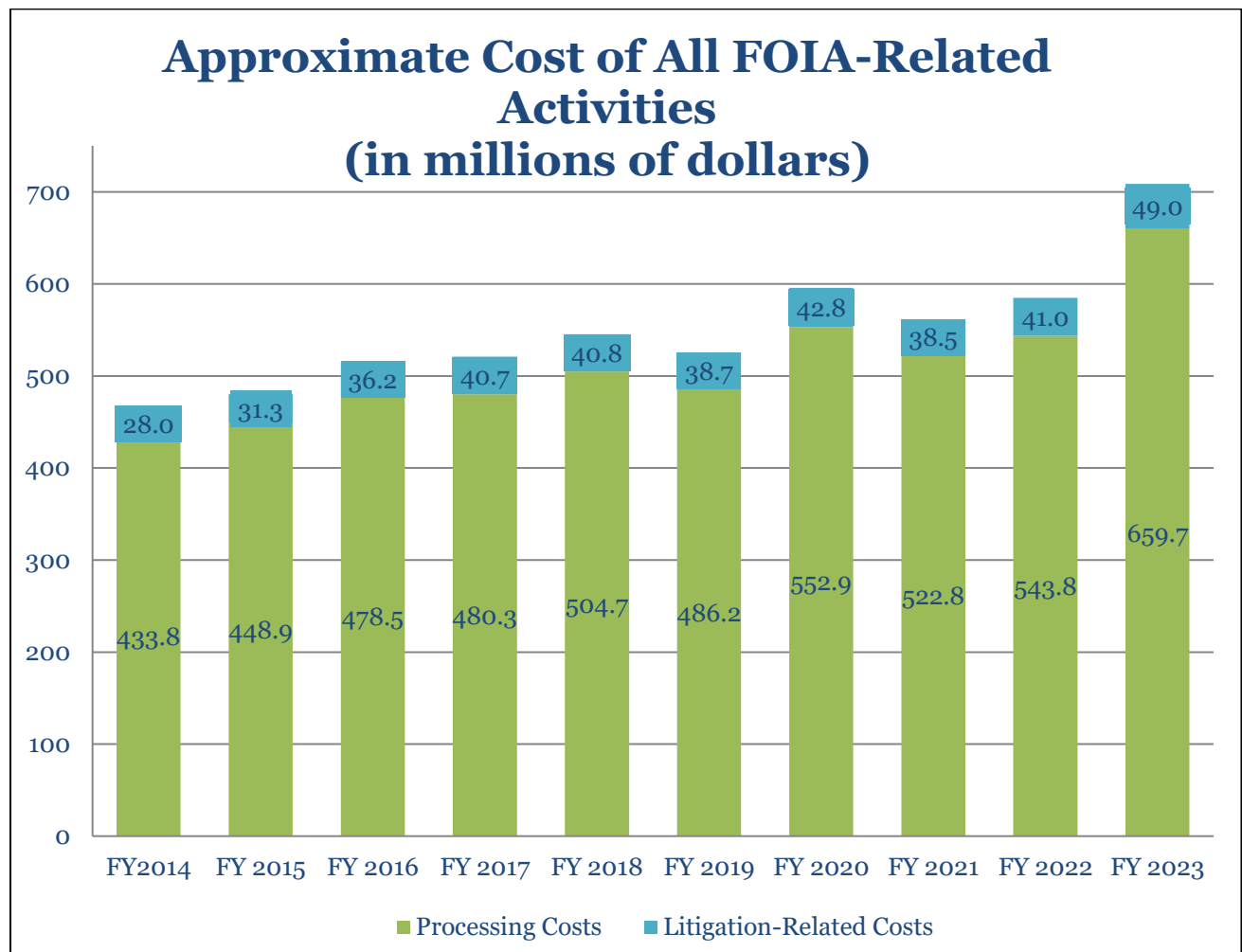


### Processing Time for Administrative Appeals

The average processing time for adjudicating appeals for those agencies that reported data in this field of their FY 2023 Annual FOIA Report is 86.99 days. This is a decrease of 0.05 days from the average of 87.04 days reported in FY 2022. The average processing times for the agencies that processed the most appeals were 43 days (DHS), 53.07 days (DOJ), 254.18 days (DOD), and 23 days (SSA).

## Staffing Levels & Costs

During FY 2023, 4,944.39 “full-time FOIA staff” were devoted to the administration of the FOIA throughout the government.<sup>3</sup> The total estimated cost of all FOIA-related activities across the government was \$659,869,904.30. Of this total, 93% (\$610,779,248.10) of total costs were attributed to the administrative processing of requests and appeals by agencies. Seven percent (\$49,090,656.24) was reported to have been spent on litigation-related activities. By the end of the fiscal year, agencies reported collecting a total of \$2,337,097.74 in FOIA fees. The FOIA fees collected in FY 2023 are less than 0.4% of the total estimated cost of the government’s FOIA-related activities.



<sup>3</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

There are three narrow categories of law enforcement and national security records not subject to the requirements of the FOIA. The provisions protecting these categories of records are known as exclusions. During FY 2023, exclusions were invoked 99 times by four agencies: DOJ (61); Securities and Exchange Commission (SEC) (35); United States Postal Service (USPS) (2); and DOD (1). This is an 18% increase in exclusion use as compared to FY 2022 (84 total uses). When compared to the 653,146 requests reviewed by the government this past fiscal year for exemption applicability, exclusions were used in response to 0.015% 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 of records. Approximately 226,121,699 records that qualified as subsection (a)(2) records were posted online during FY 2023. This is a 4.8% increase in proactive disclosures over FY 2022. The majority of (a)(2) disclosures (225,744,227) were made available by agency program offices outside of the FOIA office. The National Archives and Records Administration, the Department of Commerce, and the Federal Communications Commission reported the highest numbers of (a)(2) records posted by program offices, comprising over 99% of all program office postings. The FOIA offices across the government reported posting 377,472 subsection (a)(2) records online. Among the FOIA offices, the Environmental Protection Agency reported posting the highest number of proactive disclosures (152,567).

The numbers of subsection (a)(2) postings can vary based on the opportunities each agency may have to post the four required categories of proactive disclosures in a given year. 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 43 agencies receiving less than 50 requests during FY 2023.

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Office of Information Policy, U.S. Department of Justice

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 an agency's Annual FOIA Report.

During FY 2023, and as in FY 2022, 23 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).