

# **EXHIBIT 1**

**OFFICE OF ADMINISTRATION  
FOIA ANNUAL REPORT (FY2006)  
FOR  
10/01/2005  
THROUGH  
09/30/2006**

The following **Annual Freedom of Information Act** report covers the Period 10/01/2005, through 09/30/2006, as required by 5 U.S.C. 552.

**I. Basic Information Regarding Report**

A. Name, Title, Address, and Telephone Number

Carol Ehrlich  
FOIA Officer  
Office of Administration  
725 17<sup>th</sup> Street, NW  
Washington, DC 20503  
(202) 395-2273

Our FOIA Reference Guide includes information regarding how to make a FOIA request.

B. Electronic Address for report on World Wide Web

<http://www.whitehouse.gov/oa/foia/index.html>

C. How to obtain copy in paper form

Request a copy from the above address.

**II. How to make a FOIA Request**

A request made under the FOIA must be submitted in writing, by mail, or fax, to the following address:

FOIA Officer  
Office of Administration  
725 17<sup>th</sup> Street, NW  
Washington, DC 20503  
Phone: (202) 395-2273  
Fax: (202) 456-7921

**III. Definitions of Terms and Acronyms Used in the Report**

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. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

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 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 requester who has an urgent need for records may request expedited processing (see below).
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 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 that adequately describes the records sought, which has been received by the FOIA office of each 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

##### A. For Initial Requests

Statute Code	Number of Instances	Court Upheld	Concise Description of material withheld
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None

##### B. For Appeals

Statute Code	Number of Instances	Court Upheld	Concise Description of material withheld
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None

#### V. Initial FOIA Requests

A. Number of Initial Requests	
1. Requests pending as of end of preceding year	0
2. Requests received during current FY	67
3. Requests processed during current FY	65
4. Requests pending as of end of current FY	2

B. Disposition of Initial Requests	
1. Number of total grants	1
2. Number of partial grants	3
3. Number of denials	2
4. Number of other	59

C. Number of times each FOIA exemption used	
<b>(b)(1)</b> -(Permits withholding information that is classified for national security purposes.)	0
<b>(b)(2)</b> -(Permits withholding of records related solely to internal rules and practices (low) or internal matters, where the disclosure may risk circumvention of agency regulation	4

(high).)	
<b>(b)(3)</b> -(Permits withholding of records or information if a law specifically exempts the material from disclosure. )	0
<b>(b)(4)</b> -(Permits withholding of records related to trade secrets and other confidential business information furnished to OA from outside the Government.)	0
<b>(b)(5)</b> -(Permits withholding information under the deliberative process privilege, including the pre-decisional documents, or information that could be withheld under civil discovery, attorney-client, or attorney-work product privileges.)	2
<b>(b)(6)</b> -(Permits withholding of records and information about individuals when disclosure would be a clearly unwarranted invasion of personal privacy.)	1
<b>(b)(7)(A)</b> -(Permits withholding of records when interference with law enforcement proceedings can be reasonably expected.)	0
<b>(b)(7)(B)</b> -(Permits withholding of records when a person would be deprived of a fair trial or an impartial adjudication.)	0
<b>(b)(7)(C)</b> -(Permits withholding of records when an unwarranted invasion of personal privacy could reasonably be expected.)	2
<b>(b)(7)(D)</b> -(Permits withholding of records when revealing a confidential source or information provided by a confidential source could reasonably be expected.)	0
<b>(b)(7)(E)</b> -(Permits withholding of records when techniques and procedures for law enforcement investigations or process would be disclosed or provided such disclosure could reasonably be expected to risk circumvention of law.)	2
<b>(b)(7)(F)</b> -(Permits withholding of records when endangering the safety or life of any individual could reasonably be expected.)	0
<b>(b)(8)</b> -(Permits withholding of records relating to the examination of banks and other financial institutions by agencies that regulate or supervise them.)	0
<b>(b)(9)</b> -(Permits withholding of records relating to geological and geophysical information and data, including maps, concerning wells.)	0

<b>D. Other reasons for non disclosure</b>	
No records	39
Referrals	0
Request withdrawn	8

Fee-related reason	0
Records not reasonably described	0
Not a proper FOIA request for some other reason	0
Not an agency record	9
Duplicate request	3
Other	0

## VI. Appeals of Initial Denials of FOIA Requests

A. Number of Appeals	
1. Number of appeals received during FY	5
2. Number of appeals processed during FY	5

B. Disposition of Appeals	
1. Number completely upheld	0
2. Number partially reversed	0
3. Number completely reversed	0
4. Number of other	5

C. Number of times each FOIA exemption used	
<b>(b)(1)</b> -(Permits withholding information that is classified for national security purposes.)	0
<b>(b)(2)</b> -(Permits withholding of records related solely to internal rules and practices (low) or internal matters, where the disclosure may risk circumvention of agency regulation (high).)	0
<b>(b)(3)</b> -(Permits withholding of records or information if a law specifically exempts the material from disclosure. )	0
<b>(b)(4)</b> -(Permits withholding of records related to trade secrets and other confidential business information furnished to OA from outside the Government.)	0
<b>(b)(5)</b> -(Permits withholding information under the deliberative process privilege, including the pre-decisional documents, or information that could be withheld under civil discovery, attorney-client, or attorney-work product privileges.)	0
<b>(b)(6)</b> -(Permits withholding of records and information about individuals when disclosure would be a clearly unwarranted invasion of personal privacy.)	0
<b>(b)(7)(A)</b> -(Permits withholding of records when interference with law enforcement proceedings can be reasonably expected.)	0
<b>(b)(7)(B)</b> -(Permits withholding of records when a person would be deprived of a fair trial or an impartial adjudication.)	0

<b>(b)(7)(C)</b> -(Permits withholding of records when an unwarranted invasion of personal privacy could reasonably be expected.)	0
<b>(b)(7)(D)</b> -(Permits withholding of records when revealing a confidential source or information provided by a confidential source could reasonably be expected.)	0
<b>(b)(7)(E)</b> -(Permits withholding of records when techniques and procedures for law enforcement investigations or process would be disclosed or provided such disclosure could reasonably be expected to risk circumvention of law.)	0
<b>(b)(7)(F)</b> -(Permits withholding of records when endangering the safety or life of any individual could reasonably be expected.)	0
<b>(b)(8)</b> -(Permits withholding of records relating to the examination of banks and other financial institutions by agencies that regulate or supervise them.)	0
<b>(b)(9)</b> -(Permits withholding of records relating to geological and geophysical information and data, including maps, concerning wells.)	0

<b>D. Other reasons for non disclosure</b>	
No records	5
Referrals	0
Request withdrawn	0
Fee-related reason	0
Records not reasonably described	0
Not a proper FOIA request for some other reason	0
Not an agency record	0
Duplicate request	0
Other	0

## **VII. Compliance with Time Limits/Status of Pending Requests**

<b>A. Median Processing Time for Requests Processed during the Year</b>	
<b>1. Simple Requests</b>	
a. Number of requests processed	61
b. Median number of days to process	1
<b>2. Complex Requests</b>	
a. Number of requests processed	0
b. Median number of days to process	0
<b>3. Requests accorded expedited processing</b>	
b. Number of requests processed	4
c. Median number of days to process	3

<b>B. Status of Pending Requests</b>	
1. Number of requests pending as of the end of FY	2
2. Median number of days that such requests were pending as of that date	166

### **VIII. Comparisons With Previous Year(s)**

<b>A. Comparison of numbers of requests received</b>	
FY 2005:68	
FY 2006:67	

<b>B. Comparison of numbers of requests processed</b>	
FY2005:70	
FY2006:65	

<b>C. Comparison of median numbers of days requests were pending as of end of fiscal year</b>	
FY2005:0	
FY2006:166	

<b>D. Other statistics significant to agency</b>	
<b>Requests received for expedited processing</b>	
FY2005:8	
FY2006:10	
<b>Requests for expedited processing granted</b>	
FY2005:7	
FY2006:5	

### **IX. Costs/FOIA Staffing**

<b>A. Staffing levels</b>	
1. Number of full-time FOIA personnel	1.00
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	0.00
3. Total number of personnel (in work-years)	1.00

<b>B. Total costs (including staff and all resources)</b>	
1. FOIA processing (including appeals)	\$87772.00
2. Litigation-related activities (estimated)	\$0.00
3. Total costs	\$87772.00

**X. Fees**

A. Total amount of fees collected by agency for processing requests	\$108.07
B. Percentage of total costs	0.123%

**XI. FOIA Regulations (including Fee Schedule)**

<http://www.whitehouse.gov/oa/foia/index.html>

**XII. Reports on Executive Order 13,392**

The Office of Administration (OA) is in the process of reviewing its FOIA Regulations. OA is reviewing the requests received to determine if there is a need to create a "Complex" tier.