

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

2017 FREEDOM OF INFORMATION ACT ANNUAL REPORT



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I. BASIC INFORMATION

All questions regarding this report should be directed to:

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Please visit https://sigar.mil/contact/foia/ and navigate to "Reading Room" to access this report and download a paper copy.

II. MAKING A FOIA REQUEST

SIGAR necessarily obtains copies of documents originating from other agencies to fulfill its legislative mandate. FOIA requests therefore can involve interagency consultations and referrals. In addition, because our teams regularly conduct forensic reviews and criminal investigations, the law enforcement exemptions may be invoked.

Many of our inspections are cited in widely available Lessons Learned and Quarterly Reports, and hundreds of our other products are consistently made available for public inspection at https://www.sigar.mil/contact/foia and https://www.sigar.mil/allreports.

To submit a FOIA request, simply navigate to "FOIA | Privacy Act" from https://sigar.mil/contact and complete the submission form, or send mail to:

Special Inspector General for Afghanistan Office of Privacy, Records, and Disclosures 2530 Crystal Drive, Arlington, VA 22202

Regulations: https://sigar.mil/pdf/foia/2012-06-11-FOIA-rules-regulations.pdf

III. DEFINITIONS AND EXEMPTIONS

ADMINISTRATIVE APPEAL – a request to a federal agency asking that it review at a higher level a FOIA determination made by the agency at the initial level.

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.

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-limit.

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 FOIA Report data for both the agency overall and for each principal component of the agency.

CONSULTATION – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it.

EXEMPTION 3 – a federal statute that exempts information from disclosure and which the agency relies on under subsection (b)(3) of the FOIA.

FOIA REQUEST – a request to a federal agency for access to records concerning another person, or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves 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.

FULL GRANT - an agency decision to disclose all records in full.

FULL DENIAL – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason.

MEDIAN NUMBER – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

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.

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.

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.

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 the request.

PARTIAL GRANT/PARTIAL DENIAL – 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.

PENDING REQUEST or PENDING ADMINISTRATIVE APPEAL – for which an agency has not taken final action in all respects.

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.

PROCESSED REQUEST or PROCESSED ADMINISTRATIVE APPEAL – for which an agency has taken the final action in all respects.

RANGE IN NUMBER OF DAYS – the lowest and highest number of days to process requests or administrative appeals.

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).



Documents requested under the FOIA may be redacted to the extent that they are protected by one or more of the following exemptions:

- (b)(1) classified national defense or foreign relations information
- (b)(2) information that is related solely to the internal personnel rules and practices of an agency
- (b)(3) information that is prohibited from disclosure by another federal law
- (b)(4) trade secrets or other confidential business information
- (b)(5) communications within or between agencies encompassing the deliberative process, attorney-client or attorney work-product privilege
- (b)(6) information involving matters of personal privacy
- (b)(7) records or information compiled for law enforcement purposes that
- (A) could reasonably be expected to interfere with enforcement proceedings,
- (B) would deprive a person of the right to a fair trial or 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 an individual
- (b)(8) information relating to the supervision of financial institutions
- (b)(9) geological information on wells

In amending the FOIA in 1986, three special "exclusions" were created:

- (c)(1) where the subject of a criminal investigation or proceeding is unaware of the existence of records concerning a pending investigation and disclosure of such records would interfere with the investigation
- (c)(2) when informant records maintained by a criminal law enforcement agency are requested by a third party according to the informant's name or identifier
- (c)(3) classified FBI records pertaining to foreign intelligence, counterintelligence or international terrorism



IV. EXEMPTION 3 STATUTES

STATUTE	TYPE OF INFORMATION WITHHELD	CASE CITATION	AGENCY / COMPONENT	NUMBER OF TIMES RELIED UPON BY AGENCY / COMPONENT	TOTAL NUMBER OF TIMES RELIED UPON BY AGENCY OVERALL	
N/A	N/A	N/A	SIGAR	0	0	
11/7				·	7	

V. FOIA REQUESTS

V.A. RECEIVED, PROCESSED AND PENDING

AGENCY / COMPONENT	NUMBER OF REQUESTS PENDING AS OF START OF FISCAL YEAR	NUMBER OF REQUESTS RECEIVED IN FISCAL YEAR	NUMBER OF REQUESTS PROCESSED IN FISCAL YEAR	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR
SIGAR	8	38	40	6
AGENCY OVERALL	8	38	40	6



DISPOSITION OF FOIA REQUESTS

V.B.(1). ALL PROCESSED REQUESTS

		NUMBER			NUMBER	R OF FULL DEN	IALS BASE	ON REASONS	OTHER THA	N EXEMP	TIONS		
AGENCY / COMPONENT	NUMBER OF FULL GRANTS	PARTIAL GRANTS /	NUMBER OF FULL DENIALS BASED ON EXEMPTIONS	NO RECORDS	ALL RECORDS REFERRED TO ANOTHER COMPONENT OR AGENCY		FEE- RELATED REASON	IREASONABLY	IMPROPER FOIA REQUEST FOR OTHER REASON	AGENCY	DUPLICATE REQUEST	OTHER *EXPLAIN IN CHART BELOW	TOTAL
SIGAR	1	14	10	12	0	1	0	2	0	0	0	0	40
AGENCY OVERALL	1	14	10	12	0	1	0	2	0	0	0	0	40

V.B.(2). "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

AGENCY / COMPONENT	DESCRIPTION OF "OTHER" REASONS FOR DENIALS FROM CHART B(1)	NUMBER OF TIMES "OTHER" REASON WAS RELIED UPON	TOTAL
SIGAR	N/A	0	0
AGENCY			0
OVERALL			U

V.B.(3). NUMBER OF TIMES EXEMPTIONS APPLIED

AGENCY / COMPONENT	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
SIGAR	1	0	0	0	9	13	5	0	6	0	6	1	0	0
AGENCY OVERALL	1	0	0	0	9	13	5	0	6	0	6	1	0	0

THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. § 552

1550 Crystal Drive, 9th Floor Arlington, Virginia 22202 Mail: 2530 Crystal Drive Arlington, Virginia 22202-3940

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VI.A. RECEIVED, PROCESSED, AND PENDING

AGENCY /	NUMBER OF APPEALS	NUMBER OF	NUMBER OF	NUMBER OF APPEALS	
COMPONENT	PENDING AS OF START	APPEALS RECEIVED	APPEALS PROCESSED	PENDING AS OF END	
COMPONENT	OF FISCAL YEAR	IN FISCAL YEAR	IN FISCAL YEAR	OF FISCAL YEAR	
SIGAR	0	4	4	0	
AGENCY	0	1	1	0	
OVERALL	0	+	+	U	

VI.B. ALL PROCESSED APPEALS

AGENCY / COMPONENT	NUMBER AFFIRMED ON APPEAL	NUMBER PARTIALLY AFFIRMED & PARTIALLY REVERSED/REMANDED ON APPEAL	NUMBER COMPLETELY REVERSED/REMANDED ON APPEAL	NUMBER OF APPEALS CLOSED FOR OTHER REASONS	TOTAL
SIGAR	0	0	2	2	4
AGENCY OVERALL	0	0	2	2	4



REASONS FOR DENIAL ON APPEAL

VI.C.(1). NUMBER OF TIMES EXEMPTIONS APPLIED

AGENCY / COMPONENT	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
SIGAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VI.C.(2). REASONS OTHER THAN EXEMPTIONS

AGENCY / COMPONENT	NO RECORDS	RECORDS REFERRED AT INITIAL REQUEST LEVEL	REQUEST	FEE- RELATED REASON	RECORDS NOT REASONABLY DESCRIBED	IMPROPER REQUEST FOR OTHER REASONS	AGENCY	REQUEST	REQUEST IN	APPEAL BASED SOLELY ON DENIAL OF REQUEST FOR EXPEDITED PROCESSING	OTHER *EXPLAIN IN CHART BELOW
SIGAR	2	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	2	0	0	0	0	0	0	0	0	0	0

VI.C.(3). "OTHER" REASONS

AGENCY / COMPONENT	DESCRIPTION OF "OTHER" REASONS FOR DENIAL ON APPEAL FROM CHART C(2)	NUMBER OF TIMES "OTHER" REASON WAS RELIED UPON	TOTAL
SIGAR	N/A	0	0
AGENCY OVERALL			0

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VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

AGENCY / COMPONENT	MEDIAN NUMBER OF DAYS	AVERAGE NUMBER OF DAYS	LOWEST NUMBER OF DAYS	HIGHEST NUMBER OF DAYS
AGENCY OVERALL	36.	48	20	99

VI.C.(5). TEN OLDEST PENDING ADMINISTATIVE APPEALS

AGENCY / COMPONENT		10TH OLDEST APPEAL	9ТН	8TH	7TH	6ТН	5TH	4TH	3RD	2ND	OLDEST APPEAL
	DATE OF APPEAL										
	NUMBER OF DAYS PENDING										
AGENCY	DATE OF APPEAL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OVERALL	NUMBER OF DAYS PENDING	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

VII. RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

VII.A. RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

		SIMPLE				COM	PLEX		EXPEDITED PROCESSING				
AGENCY /	MEDIAN	AVERAGE	LOWEST	HIGHEST	MEDIAN	AVERAGE	LOWEST	HIGHEST	MEDIAN	AVERAGE	LOWEST	HIGHEST	
COMPONENT	NUMBER	NUMBER	NUMBER	NUMBER									
	OF DAYS	OF DAYS	OF DAYS	OF DAYS									
AGENCY	20	23	1	88	113	115	6	267	17	17	17	17	
OVERALL	20	2)	_	3	110	110)	25	1		1		

VII.B. RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

		SIM	IPLE			COM	PLEX		E	XPEDITED F	PROCESSIN	G
AGENCY /	MEDIAN	AVERAGE	LOWEST	HIGHEST	MEDIAN	AVERAGE	LOWEST	HIGHEST	MEDIAN	AVERAGE	LOWEST	HIGHEST
COMPONENT	NUMBER	NUMBER	NUMBER									
	OF DAYS	OF DAYS	OF DAYS									
AGENCY OVERALL	20	18	2	43	89	118	46	267	N/A	N/A	N/A	N/A

VII.C. PROCESSED SIMPLE REQUESTS – RESPONSE TIME IN DAY INCREMENTS

•				61-80 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
SIGAR	14	8	1	0	2	0	0	0	0	0	0	0	0	25
AGENCY OVERALL	14	8	1	0	2	0	0	0	0	0	0	0	0	25



VII.C. PROCESSED COMPLEX REQUESTS – RESPONSE TIME IN DAY INCREMENTS

AGENCY / COMPONENT	<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
SIGAR	2	0	2	0	2	0	2	2	0	0	2	0	0	12
AGENCY OVERALL	2	0	2	0	2	0	2	2	0	0	2	0	0	12

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING – RESPONSE TIME IN DAY INCREMENTS

AGENCY /	<1-20	21-40	41-60	61-80	81-100	101-120	121-140	141-160	161-180	181-200	201-300	301-400	401+	TOTAL
COMPONENT	DAYS	DAYS	DAYS	DAYS	DAYS	DAYS	DAYS	DAYS	DAYS	DAYS	DAYS	DAYS	DAYS	IOIAL
SIGAR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
AGENCY	1	0	0	0	0	0	0	0	0	0	0	0	0	1
OVERALL						0	U	0	O	O	U	0	U	

VII.D. PENDING REQUESTS – ALL PENDING PERFECTED REQUESTS

		SIMPLE			COMPLEX		EXPED	ITED PROCI	ESSING
AGENCY / COMPONENT	NUMBER PENDING	MEDIAN NUMBER OF DAYS	AVERAGE NUMBER OF DAYS	INHMRFR		AVERAGE NUMBER OF DAYS	NIIMRER	MEDIAN NUMBER OF DAYS	AVERAGE NUMBER OF DAYS
AGENCY OVERALL	1	40	40	4	167	166	1	117	117

VII.E. PENDING REQUESTS – TEN OLDEST PENDING PERFECTED REQUESTS

AGENCY / COMPONENT		10TH OLDEST REQUEST	9ТН	8ТН	7TH	6ТН	5TH	4TH	3RD	2ND	OLDEST REQUEST
	DATE OF RECEIPT										
	NUMBER OF DAYS PENDING										
A CENICY	DATE OF DECEME	N/A	N/A	N/A	N/A	2017	2017	2017	2017	2016	2016
AGENCY	DATE OF RECEIPT	IN/ A	IN/A	IN/A	IN/A	08-04	05-24	05-04	04-17	11-01	10-20
OVERALL	NUMBER OF DAYS PENDING	N/A	N/A	N/A	N/A	40	90	104	117	230	238

VIII. REQUESTS FOR EXPEDITED PROCESSING AND FEE WAIVER

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

			MEDIAN	AVERAGE	NUMBER
AGENCY /	NUMBER	NUMBER	NUMBER OF	NUMBER OF	ADJUDICATED
COMPONENT	GRANTED	DENIED	DAYS TO	DAYS TO	WITHIN TEN
			ADJUDICATE	ADJUDICATE	CALENDAR DAYS
AGENCY OVERALL	2	0	3	3	2

VIII.B. REQUESTS FOR FEE WAIVER

AGENCY /	NUMBER	NUMBER	MEDIAN NUMBER OF	AVERAGE NUMBER OF
COMPONENT	GRANTED		DAYS TO ADJUDICATE	DAYS TO ADJUDICATE
AGENCY OVERALL	N/A	0	N/A	N/A

IX. FOIA PERSONNEL AND COSTS

		PERSONNEL			COSTS	
AGENCY / COMPONENT	NUMBER OF "FULL-TIME FOIA EMPLOYEES"	FULL-TIME FOIA		PROCESSING COSTS	LITIGATION- RELATED COSTS	TOTAL COSTS
SIGAR	0	1	1	\$66,510	\$0.00	\$66,510
AGENCY OVERALL	0	1	1	\$66,510	\$0.00	\$66,510

X. FEES COLLECTED FOR PROCESSING REQUESTS

AGENCY /	TOTAL AMOUNT OF	PERCENTAGE OF
COMPONENT	FEES COLLECTED	TOTAL COSTS
SIGAR	\$0	0%
AGENCY	\$0	0%
OVERALL	ΨΟ	070

XI. SUBSECTION (C) AND (A)(2)

XI.A. NUMBER OF TIMES SUBSECTION (C) USED

AGENCY / COMPONENT	NUMBER OF TIMES SUBSECTION (C) USED		
SIGAR	0		
AGENCY	0		
OVERALL	J		

XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS

		. , . ,
AGENCY /	NUMBER OF (A)(2) RECORDS	NUMBER OF (A)(2) RECORDS
COMPONENT	POSTED BY THE FOIA OFFICE	POSTED BY PROGRAM OFFICES
SIGAR	7	70
AGENCY	7	70
OVERALL	'	10

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

	NUMBER OF	NUMBER OF
AGENCY /	BACKLOGGED	BACKLOGGED
COMPONENT	REQUESTS AS OF	APPEALS AS OF END
	END OF FISCAL YEAR	OF FISCAL YEAR
SIGAR	6	0
AGENCY	6	0
OVERALL	O	U

CONSULTATIONS ON FOIA REQUESTS

XII.B. RECEIVED, PROCESSING, AND PENDING CONSULTATIONS

AGENCY / COMPONENT	NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PENDING AT THE AGENCY AS OF START OF THE FISCAL YEAR	RECEIVED FROM	NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PROCESSED BY THE AGENCY DURING THE FISCAL YEAR	NUMBER OF CONSULTATIONS RECEIVED FROM OTHER AGENCIES THAT WERE PENDING AT THE AGENCY AS OF END OF THE FISCAL YEAR
SIGAR	0	3	3	0
AGENCY OVERALL	0	3	3	0

XII.C. TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

AGENCY / COMPONENT		10TH OLDEST CONSULTATION	9ТН	8ТН	7TH	6ТН	5TH	4TH	3RD	2ND	OLDEST CONSULTATION
	DATE										
	NUMBER OF DAYS										
AGENCY	DATE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OVERALL	NUMBER OF DAYS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT

XII.D.(1.) REQUESTS RECEIVED AND PROCESSED

	NUMBER OF REC	UESTS <u>RECEIVED</u>	NUMBER OF REQUESTS PROCESSED			
AGENCY /	NUMBER RECEIVED	NUMBER RECEIVED	NUMBER PROCESSED	NUMBER PROCESSED		
COMPONENT	DURING FISCAL YEAR	DURING FISCAL YEAR	DURING FISCAL YEAR	DURING FISCAL YEAR		
COMPONENT	FROM LAST YEAR'S	FROM CURRENT	FROM LAST YEAR'S	FROM CURRENT		
	ANNUAL REPORT	ANNUAL REPORT	ANNUAL REPORT	ANNUAL REPORT		
SIGAR	28	38	22	40		
AGENCY OVERALL	28	38	22	40		

XII.D.(2). BACKLOGGED REQUESTS

	NUMBER OF BACKLOGGED	NUMBER OF BACKLOGGED
AGENCY /	REQUESTS AS OF END OF THE	REQUESTS AS OF END OF
COMPONENT	FISCAL YEAR FROM PREVIOUS	THE FISCAL YEAR FROM
	ANNUAL REPORT	CURRENT ANNUAL REPORT
SIGAR	8	6
AGENCY	8	6
OVERALL	0	0

XII.E.(1). APPEALS RECEIVED AND PROCESSED

	NUMBER OF AP	PEALS <u>RECEIVED</u>	NUMBER OF APPEALS PROCESSED			
AGENCY /	NUMBER RECEIVED	NUMBER RECEIVED	NUMBER PROCESSED	NUMBER PROCESSED		
COMPONENT	DURING FISCAL YEAR	DURING FISCAL YEAR	DURING FISCAL YEAR	DURING FISCAL YEAR		
CONFONENT	FROM LAST YEAR'S	FROM CURRENT	FROM LAST YEAR'S	FROM CURRENT		
	ANNUAL REPORT	ANNUAL REPORT	ANNUAL REPORT	ANNUAL REPORT		
SIGAR	2	4	2	4		
AGENCY	2	1	2	1		
OVERALL	2	4	2	4		

XII.E.(2). BACKLOGGED APPEALS

AGENCY / COMPONENT	NUMBER OF BACKLOGGED APPEALS AS OF END OF THE FISCAL YEAR FROM PREVIOUS ANNUAL REPORT	NUMBER OF BACKLOGGED APPEALS AS OF END OF THE FISCAL YEAR FROM CURRENT ANNUAL REPORT
SIGAR	0	0
AGENCY OVERALL	0	0