



**OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR
AFGHANISTAN RECONSTRUCTION**

FY2018 FREEDOM OF INFORMATION ACT REPORT

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SIGAR

Office of the Special Inspector General
for Afghanistan Reconstruction

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

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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 often obtains copies of documents originating from other agencies during the course of its audits, investigations, and reviews. FOIA requests therefore can involve interagency consultations and referrals. In addition, because SIGAR is a law enforcement agency, law enforcement exemptions to the FOIA may also apply.

Many of our audits, inspections, and other reviews are cited in our publicly available Quarterly Reports. Those reports and hundreds of others are 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 Reconstruction (SIGAR)
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.

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 sending agency.

EXEMPTION 3 – refers to section 552(b)(3) of the FOIA, which incorporates into the FOIA certain nondisclosure provisions that are contained in other federal statutes.

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 entirety 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).



a. EXEMPTIONS

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 may be 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)**: protects matters that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;
- (b)(9)**: covers geological and geophysical information and data, including maps, concerning 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
10 U.S.C. § 130(c)	Certain "sensitive information of foreign governments" and certain international organizations	Nat'l Inst. of Military Justice v. DOD, 404 F. Supp. 2d 325, 335-37 (D.D.C. 2005), aff'd on other grounds, 512 F.3d 677 (D.C. Cir. 2008); ACLU v. DOD, 389 F. Supp. 2d 547, 554 (S.D.N.Y. 2005); Gerstein v. DOD, No. 03-5193, slip op. at 8 (N.D. Ca. Dec. 21, 2004).	SIGAR	2	2
Pub. L. No. 95-452, 92 Stat. 1101	Identities of employees that have submitted complaints and or provided information during the course of an OIG investigation	N/A	SIGAR	1	1

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	5	27	30	2
AGENCY OVERALL	5	27	30	2

After reviewing its database, SIGAR adjusted the number of requests pending as of the start of the Fiscal Year.



DISPOSITION OF FOIA REQUESTS

V.B.(1). ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
SIGAR	2	10	7	2	5	2	0	1	1	0	0	0	30
AGENCY OVERALL	2	10	7	2	5	2	0	1	1	0	0	0	30

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 OVERALL			0

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	4	2	3	2	9	12	6	0	5	1	4	0	0	0
AGENCY OVERALL	4	2	3	2	9	12	6	0	5	1	4	0	0	0



VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS

VI.A. RECEIVED, PROCESSED, AND PENDING

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
SIGAR	0	0	0	0
AGENCY OVERALL	0	0	0	0

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	0	0	0
AGENCY OVERALL	0	0	0	0	0



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 Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
SIGAR	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	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



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	0.00	0.00	0.00	0.00

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

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
	Date of Appeal										
	Number of Days Pending										
AGENCY OVERALL	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0



VII. RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

VII.A. RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	5	8.42	1	27	57	136.6	29	445	N/A	N/A	N/A	N/A

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

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	20	17.2	4	27	32	141.1	29	372	N/A	N/A	N/A	N/A

VII.C. PROCESSED SIMPLE 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	11	3	0	0	0	0	0	0	0	0	0	0	0	14
AGENCY OVERALL	11	3	0	0	0	0	0	0	0	0	0	0	0	14

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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	0	7	0	0	3	1	0	0	0	0	3	1	1	16
AGENCY OVERALL	0	7	0	0	3	1	0	0	0	0	3	1	1	16

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING – 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	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

VII.D. PENDING REQUESTS – ALL PENDING REFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
AGENCY OVERALL	2	13	13	0	N/A	N/A	0	N/A	N/A



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

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Date of Receipt										
	Number of Days Pending										
AGENCY OVERALL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-09-26	2018-08-28
	Number of Days Pending	0	0	0	0	0	0	0	0	3	23

VIII. REQUESTS FOR EXPEDITED PROCESSING AND FEE WAIVER

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AGENCY OVERALL	0	0	N/A	N/A	0

VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
AGENCY OVERALL	0	0	N/A	N/A



IX. FOIA PERSONNEL AND COSTS

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
SIGAR	1	0	1	\$68,036.00	\$0.00	\$68,036.00
			0			\$0.00
AGENCY OVERALL	1	0	1	\$68,036.00	\$0.00	\$68,036.00

X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
SIGAR	\$0.00	0.00%
AGENCY OVERALL	\$0.00	0.00%

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

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

Agency / Component	Number of Times Subsection Used
SIGAR	0
AGENCY OVERALL	0

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

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
SIGAR	0	0
AGENCY OVERALL	0	0

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XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

XII.A. BACKLOGS OF FOIS REQUESTS AND ADMINISTRATIVE APPEALS

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
SIGAR	1	0
AGENCY OVERALL	1	0

CONSULTATIONS ON FOIA REQUESTS

XII.B. RECEIVED, PROCESSING, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
SIGAR	0	5	5	0
AGENCY OVERALL	0	5	5	0

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

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
	Date										
	Number of Days										
AGENCY OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0

**COMPARISON OF NUMBERS OF REQUESTS
FROM PREVIOUS AND CURRENT ANNUAL REPORT
XII.D.(1.) REQUESTS RECEIVED AND PROCESSED**

Agency / Component	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
SIGAR	38	27	41	30
AGENCY OVERALL	38	27	41	30

After reviewing its database, SIGAR adjusted the number of requests pending as of the start of the Fiscal Year.



XII.D.(2). BACKLOGGED REQUESTS

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
SIGAR	4	1
AGENCY OVERALL	4	1

After reviewing its database, SIGAR adjusted the number of requests pending as of the start of the Fiscal Year.

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

Agency / Component	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
SIGAR	4	0	4	0
AGENCY OVERALL	4	0	4	0

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