



## National Council on Disability

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An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

National Council on Disability

FY 2019 Freedom of Information Act Annual Report

### **Section I: *Basic Information Regarding Report***

1. NCD Personnel to be contacted with questions about the Report.

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2. An electronic link to the Report appears on NCD's website at: <https://ncd.gov/FOIA/FOIA-annual-reports>
3. To obtain a paper copy of this Report, please contact the Chief FOIA Officer, contact information provided above, or download and print a copy at:  
<http://www.ncd.gov/FOIA/FOIA-annual-reports>.

**Consultation-** the procedure whereby the agency responding to a FOIA request first forwards a record to another agency or component within the same agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency or component within the same agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

**Exemption 3 Statute-** a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

**FOIA Request-** a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first party” requests) when those requesters are not subject to the Privacy Act, such as non-US 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 “system 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. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this report.)

**Full Grant-** an agency decision to disclose all records in full in response to a FOIA request.

**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, such as when no records could be located.

**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.

proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of 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 any individual

**Exemption 8:** information relating to the supervision of financial institutions

**Exemption 9:** geological information on wells

3. Agency Component Abbreviations

| Component Abbreviation | Component Name                 |
|------------------------|--------------------------------|
| NCD                    | National Council on Disability |

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           | NCD                | 0   | 0   |

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

| 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 |
|--------------------|---|--|---|---|
| NCD                | 0   | 12   | 11  | 1   |
| AGENCY OVERALL     | 0   | 12   | 11  | 1   |

**V.B.(3). DISPOSITION OF FOIA REQUESTS -- 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 |
|--------------------|-------|-------|-------|-------|-------|-------|----------|----------|----------|----------|----------|----------|-------|-------|
| NCD                | 0     | 0     | 0     | 0     | 1     | 0     | 0        | 0        | 0        | 0        | 0        | 0        | 0     | 0     |
| AGENCY OVERALL     | 0     | 0     | 0     | 0     | 1     | 0     | 0        | 0        | 0        | 0        | 0        | 0        | 0     | 0     |

**VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS**

| 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 |
|--------------------|--|---|--|--|
| NCD                | 0  | 0   | 0  | 0  |
| AGENCY OVERALL     | 0  | 0   | 0  | 0  |

**VI.C.(2). REASONS FOR DENIAL ON APPEAL -- 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 |
|--------------------|------------|---|-------------------|--------------------|----------------------------------|------------------------------------|-------------------|-----------------------------|-----------------------|---|-------------------------------|
| NCD                | 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). REASONS FOR DENIAL ON APPEAL -- "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 |
|--------------------|---|--|-------|
| NCD                | N/A   | 0  | 0     |
| AGENCY OVERALL     |   |  | 0     |



**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 |
|--------------------|------------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| NCD                | 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 PERFECTED 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 |
| NCD                | 0              | N/A                   | N/A                    | 1              | 30                    | 30                     | 0                    | N/A                   | N/A                    |
| AGENCY OVERALL     | 0              | N/A                   | N/A                    | 1              | 30                    | 30                     | 0                    | N/A                   | N/A                    |



**VIII.B. Requests for Fee Waiver**

| Agency / Component | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |
|--------------------|----------------|---------------|-------------------------------------|--------------------------------------|
| NCD                | 0              | 0             | N/A                                 | N/A                                  |
| 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 |
| NCD                | 0                                    | 0.10  | 0.10                                   | 10000.00         | 0.00                     | 10000.00    |
| AGENCY OVERALL     | 0                                    | 0.10  | 0.10                                   | 10000.00         | 0.00                     | 10000.00    |

**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 |
|--------------------|---|---|
| NCD                | 0   | 44  |
| AGENCY OVERALL     | 0   | 44  |

**XII.A. Backlogs of FOIA 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 |
|--------------------|--|---|
| NCD                | 0  | 0   |
| AGENCY OVERALL     | 0  | 0   |

**XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- 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 |
| NCD                | 3   | 12  | 0  | 11   |
| AGENCY OVERALL     | 3   | 12  | 0  | 11   |

**XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- 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 |
|--------------------|--|---|
| NCD                | 0  | 0   |
| AGENCY OVERALL     | 0  | 0   |