



## FY 2010 Annual Freedom of Information Act Report of the Legal Services Corporation

The Legal Services Corporation (“LSC” or “Corporation”) was established as a private, non-membership, non-profit corporation by the Legal Services Corporation Act, Pub. L. 93-355 (1974), as amended, 42 U.S.C. §2996 *et seq.* Section 2996(g) of Title 42 provides that the Corporation is subject to the requirements of the Freedom of Information Act (“FOIA” or “FOI Act”), 5 U.S.C. §552. This report is submitted pursuant to the FOI Act and relates to the Corporation’s FOIA activities for the period from *October 1, 2009 through September 30, 2010*. See 5 U.S.C. §552 as amended.

The Congress of the United States, in the declaration of purpose of the Legal Services Corporation Act, found that "there is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances;" that "there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel;" and that "providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice and assist in improving opportunities for low-income persons." In keeping with this mandate, the Legal Services Corporation (LSC) establishes as our mission:

**To promote equal access to justice in our Nation and to provide high quality civil legal assistance to low-income persons.**



## **I. BASIC INFORMATION REGARDING REPORT**

1. Following are the persons available to discuss this report:

**Patricia D. Batie**

Manager of Board Operations & FOIA Officer  
Office of Legal Affairs  
Legal Services Corporation  
3333 K Street, N.W.  
Washington, DC 20007-3522  
Telephone: (202) 295-1500

or

**Victor M. Fortuno**

Vice President for Legal Affairs, General Counsel, Corporate  
Secretary and Chief FOIA Officer

2. This report may be found in LSC's **Freedom of Information Act** section of the Legal Services Corporation's web site at <http://www.lsc.gov/foia2/reports.php>.
3. A copy of this report may be obtained in paper form by submitting a written request for "LSC's FY 2010 Annual FOIA Report" to:

**Patricia D. Batie**

Manager of Board Operations & FOIA Officer  
Office of Legal Affairs  
Legal Services Corporation  
3333 K Street, N.W.  
Washington, DC 20007-3522

## II. MAKING A FOIA REQUEST

LSC's FOIA Handbook provides a brief overview of the history and purpose of FOIA, and explains how to submit a FOIA request for LSC records. The handbook may be found at <http://www.lsc.gov/foia2/handbook.php>.

1. Following are the LSC components to which FOIA requests may be submitted.
  - a. **Office of Legal Affairs**  
Legal Services Corporation  
3333 K Street, N.W.  
Washington, DC 20007-3522  
Telephone: (202) 295-1500
  - b. **Office of Inspector General**  
Legal Services Corporation  
3333 K Street, N.W.  
Washington, DC 20007-3522  
Telephone: (202) 295-1500
2. Some requests are denied in whole or in part because the material requested is either statutorily exempt from disclosure or the records requested are not in the possession of the Legal Services Corporation. For example:
  - an individual's personal telephone number, electronic mail address and residential address would be withheld pursuant to Exemption 6, which protects from disclosure information the release of which would result in the unwarranted invasion of personal privacy. Similarly, personal records of a type that would normally be maintained in an employee's personnel or medical file would be withheld pursuant to the protection afforded by Exemption 6; and
  - records in the Corporation's possession related to an LSC-funded grantee may be withheld pursuant to Exemption 7(a), which protects information compiled for law enforcement purposes, the release of which could reasonably be expected to

interfere with enforcement proceedings, due to an ongoing investigation and/or enforcement proceedings.

### III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Provide any agency-specific acronyms or terms used in this Report.
  - a. *LSC or Corporation* -- as noted above refers to the Legal Services Corporation.
2. Include the following definitions of terms used in this Report:
  - a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
  - b. **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.
  - c. **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 period for a response.
  - d. **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.
  - e. **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 in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- f. **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.
  
- g. **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-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.

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.)

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

- i. **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.
- j. **Median Number** – the middle, not average number. For example, of 3, 7, and 14, the median number is 7.
- k. **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.
  - i. **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.
  - ii. **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.
  - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, 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.

- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfect 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.
  - o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
  - q. **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).
3. Include the following concise descriptions of the nine FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices
  - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
  - f. **Exemption 6:** information involving matters of personal privacy

- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement 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 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 any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

**IV. EXEMPTION 3 STATUTES**

- A. LSC has not relied on Exemption 3 during the course of the fiscal year being reported upon.

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
N/A	N/A	N/A	N/A	N/A

## V. FOIA REQUESTS

### A. Received, Processed and Pending FOIA Requests

	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
<b>AGENCY OVERALL</b>	7	35	10	32

**B. (1) Disposition of FOIA Requests -- All Processed Requests**

	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	
<b>AGENCY OVERALL</b>	1	6	0	0	0	0	0	0	1	1	0	1	10

**B. (2) Disposition of FOIA Requests -- “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B(1) Chart**

<b>Agency</b>	<b>Description of “Other” Reasons for Denials from Chart B (1) &amp; Number of Times Those Reasons Were Relied upon</b>	<b>TOTAL</b>
1	Unable to collect and process records by requestor-imposed deadline	1

**B. (3) Disposition of FOIA Requests -- Number of Times Exemptions Applied**

	<b>Ex. 1</b>	<b>Ex. 2</b>	<b>Ex. 3</b>	<b>Ex. 4</b>	<b>Ex. 5</b>	<b>Ex. 6</b>	<b>Ex. 7(A)</b>	<b>Ex. 7(B)</b>	<b>Ex. 7(C)</b>	<b>Ex. 7(D)</b>	<b>Ex. 7(E)</b>	<b>Ex. 7(F)</b>	<b>Ex. 8</b>	<b>Ex. 9</b>
<b>AGENCY OVERALL</b>	0	0	0	0	0	4	0	0	2	0	0	0	0	0

**VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

**A. Received, Processed and Pending Administrative Appeals**

<b>Number of Appeals Pending as of Start of Fiscal Year</b>	<b>Number of Appeals Received in Fiscal Year</b>	<b>Number of Appeals Processed in Fiscal Year</b>	<b>Number of Appeals Pending as of End of Fiscal Year</b>
0	0	0	0

**B. Disposition of Administrative Appeals -- All Processed Appeals**

<b>Number Affirmed on Appeal</b>	<b>Number Partially Affirmed &amp; Partially Reversed/Remanded on Appeal</b>	<b>Number Completely Reversed/Remanded on Appeal</b>	<b>Number of Appeals Closed for Other Reasons</b>	<b>TOTAL</b>
0	0	0	0	0

C. (1) Reasons for Denial on Appeal -- Number of Times Exemptions Applied

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
0	0	0	0	0	0	0	0	0	0	0	0	0	0

C. (2) Reasons for Denial on Appeal -- Reasons Other than Exemptions

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
0	0	0	0	0	0	0	0	0	0	0

C. (3) Reasons for Denial on Appeal -- “Other” Reasons from Section VI, C(2) Chart

Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
N/A	N/A

C. (4) Response Time for Administrative Appeals

Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
0	0	0	0

C. (5) Ten Oldest Pending Administrative Appeals

<b>Date of Receipt of Ten Oldest Appeals</b>	Date									
<b>Number of Days Pending</b>	0	0	0	0	0	0	0	0	0	0

**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

A. Processed Requests -- Response Time for All Processed Perfected Requests

	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
<b>Agency Overall</b>	77	156	21	482	77	101	28	222	N/A	N/A	41	41

**B. Processed Requests -- Response Time for Perfected Requests in Which Information Was Granted**

	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
<b>Agency Overall</b>	66	99	21	244	112	125	41	223	0	0	41	41

**C. Processed Requests -- Response Time in Day Increments**

**Simple Requests**

	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
<b>Agency Overall</b>	0	2	1	0	1	0	0	0	0	0	1	0	1	6

### Complex Requests

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121- 140 Days</b>	<b>141- 160 Days</b>	<b>161- 180 Days</b>	<b>181- 200 Days</b>	<b>201- 300 Days</b>	<b>301- 400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
<b>Agency Overall</b>	0	0	1	0	0	1	0	0	0	0	1	0	0	3

### Requests Granted Expedited Processing

	<b>1-20 Days</b>	<b>21-40 Days</b>	<b>41-60 Days</b>	<b>61-80 Days</b>	<b>81-100 Days</b>	<b>101-120 Days</b>	<b>121- 140 Days</b>	<b>141- 160 Days</b>	<b>161- 180 Days</b>	<b>181- 200 Days</b>	<b>201- 300 Days</b>	<b>301- 400 Days</b>	<b>401+ Days</b>	<b>TOTAL</b>
<b>Agency Overall</b>	0	0	1	0	0	0	0	0	0	0	0	0	0	1

**D. Pending Requests -- All Pending Perfected Requests <sup>1/</sup>**

	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
<b>Agency Overall</b>	17	489	496	8	205	430	0	0	25

**E. Pending Requests -- Ten Oldest Pending Perfected Requests**

<b>Agency Overall</b>	<b>10<sup>th</sup> Oldest Request and Number of Days Pending</b>	<b>9<sup>th</sup></b>	<b>8<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>4<sup>th</sup></b>	<b>3<sup>rd</sup></b>	<b>2<sup>nd</sup></b>	<b>Oldest Request and Number of Days Pending</b>	
	Date										
	Number of Days	493	493	513	530	600	634	699	699	815	874

<sup>1</sup> All pending requests have been included in the statistics, whether or not “perfected.”

**VIII. REQUESTS FOR EXPEDITED PROCESSING AND  
REQUESTS FOR FEE WAIVER**

**A. Requests for Expedited Processing**

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>	<b>Number Adjudicated Within Ten Calendar Days</b>
<b>Agency Overall</b>	1	0	0	0	1

**B. Requests for Fee Waiver**

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>
<b>Agency Overall</b>	11	0	16	15

## IX. FOIA PERSONNEL AND COSTS

### A. Personnel/Costs

	PERSONNEL			COSTS		
	Number of “Full-Time FOIA Employees”	Number of “Equivalent Full-Time FOIA Employees”	Total Number of “Full-Time FOIA Staff”  (The sum of Columns 1 & 2)	Processing Costs  (At initial request and appeal levels)	Litigation- Related Costs	Total Costs
<b>Agency Overall</b>	0	.15	.15	\$13,950.00	0	\$13,950.00

## X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
<b>Agency Overall</b>	0.00	0%

## **XI. FOIA REGULATIONS**

LSC's FOIA Regulation and Fee Schedule may be found at the following links.

- FOIA Regulation [45 C.F.R. Part 1602]:  
[http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr\(2005\).pdf](http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr(2005).pdf)
- FOIA Fee Schedule (See Section 1602.13 Fees)  
[http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr\(2005\).pdf](http://www.lsc.gov/laws/pdfs/regulations/2005/1602cfr(2005).pdf)

## **XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS**

### **A. Backlogs of FOIA Requests and Administrative Appeals**

	<b>Number of Backlogged <i>Requests</i> as of End of Fiscal Year</b>	<b>Number of Backlogged <i>Appeals</i> as of End of Fiscal Year</b>
<b>Agency Overall</b>	32	0

**B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations**

	<b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at LSC as of <u>Start</u> of the Fiscal Year</b>	<b>Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were <u>Processed</u> by LSC During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at LSC of <u>End</u> of the Fiscal Year</b>
<b>Agency Overall</b>	0	0	0	0

**C. Consultations on FOIA Requests -- Ten Oldest Consultations Received from Other Agencies and Pending at LSC**

<b>Agency Overall</b>	<b>10<sup>th</sup> Oldest Consultation and Number of Days Pending</b>	<b>9<sup>th</sup></b>	<b>8<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>4<sup>th</sup></b>	<b>3<sup>rd</sup></b>	<b>2<sup>nd</sup></b>	<b>Oldest Consultation and Number of Days Pending</b>	
	Date	N/A	N/A								
	Number of Days	0	0	0	0	0	0	0	0	0	0

**D. Comparison of Numbers of Requests from Previous and Current Annual Report -- Requests Received, Processed, and Backlogged**

	<b>NUMBER OF REQUESTS <u>RECEIVED</u></b>		<b>NUMBER OF REQUESTS <u>PROCESSED</u></b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	31	35	141	10

	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	7	32

**E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report -- Appeals Received, Processed, and Backlogged**

	<b>NUMBER OF APPEALS <u>RECEIVED</u></b>		<b>NUMBER OF APPEALS <u>PROCESSED</u></b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	1	0	1	0

3. Backlogged Appeals

	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	0	0

Questions regarding this Report or any aspect thereof should be directed to Patricia Batie at (202) 295-1500 or at [pbatie@lsc.gov](mailto:pbatie@lsc.gov).