

## 2000 FREEDOM OF INFORMATION ACT REPORT OF THE LEGAL SERVICES CORPORATION

The Legal Services Corporation (ALSC or ACorporation) was established as a private nonmembership nonprofit 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* (AFOIA), 5 U.S.C. ' 552. This report is submitted pursuant to FOIA and relates to the Corporations FOIA activities for the period from October 1, 1999 through September 30, 2000. *See*, 5 U.S.C. ' 552, as amended. This report conforms to the Acontent outline format set out in the Summer 1997 *Guidelines for Agency Preparation and Submission of Annual FOIA Reports*, published by the Office of Information and Privacy of the United States Department of Justice.

**I. Basic Information Regarding Report:**

- A. The person available to discuss this report is:

Victor M. Fortuno  
V.P. for Legal Affairs  
Legal Services Corporation  
750 First Street, NE, Suite 1000  
Washington, DC 20002-4250

or Dawn Browning  
Assistant General Counsel  
Office of Legal Affairs  
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- B. This report will be posted at: [http://www.lsc.gov/FOIA/foia\\_epr.htm](http://www.lsc.gov/FOIA/foia_epr.htm)
- C. A copy of this report may be obtained in paper form by mailing a request for "LSC's 2000 Annual FOIA Report" to:

Dawn Browning  
Assistant General Counsel  
Office of Legal Affairs  
Legal Services Corporation  
750 First Street, NE, Suite 1000  
Washington, DC 20002-4250

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

45 CFR Part 1602 prescribes the procedures by which records of LSC are made available pursuant to FOIA. The LSC electronic/HTML link for LSC regulations concerning LSC's FOIA procedures is located at:

[http://www.lsc.gov/FOIA/foia\\_hnd.htm](http://www.lsc.gov/FOIA/foia_hnd.htm)

- A. By designation of the General Counsel of LSC, the following is the name of and contact information for the LSC official to whom FOIA requests are referred:

Dawn Browning  
Assistant General Counsel  
Legal Services Corporation  
750 First Street, NE, Suite 1000  
Washington, DC 20002-4250

- B. The response time for FOIA requests ranged from 5 to 20 business days.
- C. A certain portion of requests were only partially granted because the material requested was statutorily exempt from disclosure or because the requester inadequately identified requested material.

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

- A. As noted above, "LSC" refers to the Legal Services Corporation.
- B. Basic terms, expressed in common terminology.
  - 1. FOIA request – Freedom of Information 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.
  - 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 the 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 (nonexpedited) track based on the volume and/or complexity 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.
9. Grant – an agency decision to disclose all records in full in 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 FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or 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 FOIA's exemptions, or for some procedural reason (e.g. 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 which adequately describes the records sought, which has been received by the FOIA office of the 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 certain types 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. LSC has not withheld information from FOIA requesters based on Exemption 3 (Initial consideration and alternative analysis). LSC has

withheld information from FOIA requesters based on: Exemption 4 (Trade secrets and commercial or financial information obtained from a person and privileged or confidential); Exemption 5 (Deliberative process privilege and attorney work-product); and Exemption 6 (Privacy exemption).

1. Information submitted by prospective grantees during the competitive grant process for funding which, if disclosed, would cause substantial harm to the competitive position of the provider has generally been withheld in accordance with Exemption 4. A limited amount of information generated by LSC's Information Management division has been withheld in accordance with Exemption 5. Personal information such as names, social security numbers, home addresses and phone numbers has been withheld in accordance with Exemption 6.
1. None of LSC's decisions to withhold documents were the subject of litigation during the 2000 fiscal year.

**V. Initial FOIA Requests:**

**A. Numbers of initial requests.**

1. Number of requests pending as of end of preceding fiscal year: **3**
2. Numbers of requests received during current fiscal year: **35**
3. Number of requests processed during current fiscal year: **36**
4. Number of requests pending as of end of current fiscal year: **2**

**B. Disposition of initial requests.**

1. Number of total grants: **23**
2. Number of partial grants: **6**
3. Number of denials: **1**

**a. Number of times each FOIA exemption used**

- (1) Exemption 1: **0**
- (2) Exemption 2: **0**
- (3) Exemption 3: **0**
- (4) Exemption 4: **4**

- (5) Exemption 5: 1
- (6) Exemption 6: 6
- (7) Exemption 7(A): 0
- (8) Exemption 7(B): 0
- (9) Exemption 7(C): 0
- (10) Exemption 7(D): 0
- (11) Exemption 7(E): 0
- (12) Exemption 7(F): 0
- (13) Exemption 8: 0
- (14) Exemption 9: 0

**4. Other reasons for nondisclosure (total):**

- a. no records: 5
- b. referrals: 0
- c. request withdrawn: 0
- d. fee-related reason: 0
- e. records not reasonably described: 0
- f. not a proper FOIA request for some other reason: 0
- g. not an agency record: 1
- h. duplicate request: 0
- i. other (specify): 0

**VI. Appeals of Initial Denials of FOIA Requests:**

**A. Number of appeals.**

- 1. Number of appeals received during fiscal year: 2
- 2. Number of appeals processed during fiscal year: 2

**B. Disposition of appeals.**

- 1. Number completely upheld: 0
- 2. Number partially reversed: 0
- 3. Number completely reversed: 0

**a.** Number of times each FOIA exemption used

- (1) Exemption 1: **0**
- (2) Exemption 2: **0**
- (3) Exemption 3: **0**
- (4) Exemption 4: **0**
- (5) Exemption 5: **0**
- (6) Exemption 6: **0**
- (7) Exemption 7(A): **0**
- (8) Exemption 7(B): **0**
- (9) Exemption 7(C): **0**
- (10) Exemption 7(D): **0**
- (11) Exemption 7(E): **0**
- (12) Exemption 7(F): **0**
- (13) Exemption 8: **0**
- (14) Exemption 9: **0**

**4.** Other reasons for nondisclosure (total):

- a.** no records: **2**
- b.** referrals: **0**
- c.** request withdrawn: **0**
- d.** fee-related reason: **0**
- e.** records not reasonably described: **0**
- f.** not a proper FOIA request for some other reason: **0**
- g.** not an agency record: **0**
- h.** duplicate request: **0**
- i.** other (specify): **0**

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

- A.** Median processing time for requests processed during the 2000 fiscal year.

1. Simple requests. *(Please note that LSC does not use a multi-track processing system because of the small volume of requests received. Accordingly, this report categorizes all requests as “simple requests.”)*
  - a. number of requests processed: **36**
  - b. median number of days: **10**
2. Complex requests (specify for any and all tracks used).
  - a. number of requests processed: **0**
  - b. median number of days to process: **0**
3. Requests accorded expedited processing.
  - a. number of requests processed: **0**
  - b. median number of days to process: **0**

**B.** Status of Pending Requests

1. Number of requests pending as of end of current fiscal year: **2**
2. Median number of days that such requests were pending as of that date: **9**

**VIII. Comparison with Previous Year (optional):**

No comparison data.

**IX. Costs/FOIA Staffing:**

**A.** Staffing levels.

1. Number of full-time FOIA personnel: **.30**
2. Number of personnel with part-time or occasional FOIA duties (in total work years): **.05**
3. Total number of personnel (in work years): **.35**

**B.** Total costs (including staff and all resources).

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|----|--|--------------------|
| 1. | FOIA processing (including appeals):       | <b>\$15,756.26</b> |
| 2. | Litigation-related activities (estimated): | <b>\$0.0</b>       |
| 3. | Total costs:                               | <b>\$15,756.26</b> |

**X. Fees:**

- A. Total amount of fees collected by agency for processing requests: **\$75.00**
- B. Percentage of total costs: **4.7%**

**XI. FOIA Regulations (including fee schedule):**

<http://www.lsc.gov/pressr/regulati/1602fin.htm#r>