DOCID: 3973462

ANNUAL REPORT
FREEDOM OF INFORMATION ACT

CY 1996

REPORT CONTROL SYMBOL

1. INITIAL DETERMINATIONS

a TOTAL REQUESTS	b GRANTED IN FULL	c DENIED IN PART	d DENIED IN FULL	e "OTHER REASONS"	f TOTAL ACTIONS
534	75	175	88	259	597

2a. EXEMPTIONS INVOKED ON INITIAL DETERMINATIONS

(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)	(b) (7)	(b) (8)	(b) (9)	TOTAL
157	9	245	9	12	40	15	0	0	487

2b. (b)(3) STATUTES INVOKED ON INITIAL DETERMINATIONS *(Continue on separate sheet if necessary)*

(1) (b)(3) STATUTES CLAIMED	(2) NUMBER OF INSTANCES
10 U.S.C. 130	7
18 U.S.C. 798	118
50 U.S.C. 403-3(c) (5)	118
50 U.S.C. 402 Note (Public Law 86-36)	239

2c. "OTHER REASONS" CITED ON INITIAL DETERMINATIONS

1	2	3	4	5	6	TOTAL
55	104	6	27	67	---	259

3. INITIAL DENIAL AUTHORITIES BY PARTICIPATION *(Continue on separate sheet if necessary)*

a NAME *(Last, First, Middle Initial)*	b RANK *(If Military)*	c TITLE AND ORGANIZATION	d. NUMBER OF INSTANCES
Cavanaugh, James, P.		Deputy Director of Policy	263

4. APPEAL DETERMINATIONS

a TOTAL REQUESTS	b GRANTED IN FULL	c DENIED IN PART	d DENIED IN FULL	e "OTHER REASONS"	f. TOTAL ACTIONS
56	3	14	18	21	56

5a. EXEMPTIONS INVOKED ON APPEAL DETERMINATIONS

(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)	(b) (7)	(b) (8)	(b) (9)	TOTAL
27	3	76	0	2	1	2	0	0	111

5b. (b)(3) STATUTES INVOKED ON APPEAL DETERMINATIONS *(Continue on separate sheet if necessary)*

(1) (b)(3) STATUTES CLAIMED	(2) NUMBER OF INSTANCES
50 U.S.C. 402 Note (Public Law 86-36)	29
50 U.S.C. 403-3 (c) (5)	24
18 U.S.C. 798	23

5c. "OTHER REASONS" CITED ON APPEAL DETERMINATIONS

1	2	3	4	5	6	TOTAL
No records Timeliness	Free waivers -18 denied	Admin -1 closed 1	Withdrawn 1			21

6 APPEAL DENIAL AUTHORITIES BY PARTICIPATION *(Continue on separate sheet if necessary)*

a NAME *(Last, First, Middle Initial)*	b RANK *(If Military)*	c TITLE AND ORGANIZATION	d NUMBER OF INSTANCES
Crowell, William P.		Deputy Director, NSA	25
Taylor, James R.		Executive Director, NSA	7

DD Form 2564, AUG 90 (EG)

Designed using Perform Pro, WHS/DIOR, Apr 96

Approved for Release by NSA on 05-16-2012, FOIA Case # 67129

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7. COURT OPINIONS AND ACTIONS TAKEN *(Continue on separate sheet if necessary)*

See Attached.

8. FREEDOM OF INFORMATION ACT IMPLEMENTATION RULES OR REGULATIONS *(Continue on separate sheet if necessary)*

9. FEES COLLECTED FROM THE PUBLIC

TOTAL AMOUNT COLLECTED FROM PUBLIC	$1,624.09

10a. AVAILABILITY OF RECORDS *(Continue on separate sheet if necessary)*

10b. FOI PROGRAM COSTS

I PERSONNEL COSTS	
A ESTIMATED MANYEARS	10.5
B MANYEAR COSTS	$ 517,793
C ESTIMATED MANHOUR COSTS BY CATEGORY	
(1) Search Time	$ 2,969
(2) Review and Excising	$ 14,323
(3) Coordination and Approval	$ 17,391
(4) Correspondence/Form Preparation	$ 8,530
(5) Other Activities	$ 39,532
(6) Total ((1) through (5))	$ 82,745
D. OVERHEAD ((B+C) x 25%)	$ 150,134
E TOTAL (B through D)	$ 750,672
II OTHER CASE-RELATED COSTS	
A COMPUTER SEARCH TIME	$ 19,709
B OFFICE COPY REPRODUCTION	$ 4,695
C MICROFICHE REPRODUCTION	$ –
D PRINTED RECORDS	$ –
E COMPUTER COPY	$ –
F AUDIOVISUAL MATERIALS	$ –
G OTHER	$ –
H SUBTOTAL (A through G)	$ 24,404
I OVERHEAD (25% x H)	$ 6,101
J TOTAL (H+I)	$ 30,505
III COST OF ROUTINE REQUESTS PROCESSED	$ –
IV TOTAL COSTS (I through III)	$ 781,177

10c. FORMAL TIME LIMIT EXTENSIONS

(1) LOCATION	(2) VOLUME	(3) CONSULTATION	(4) COURT	(5) TOTAL
–	367	41	–	408

1996 FOIA LITIGATION CASES

Electronic Privacy Information Center v. Dept. of Commerce, Civ No. 95-2228, (D.D.C), April 12, 1995. Complaint for injunctive relief for FOIA access to information in DOC documents concerning the foreign availability of encryption products Unclassified Vaughn Index and Declaration provided to DOC on June 14, 1996. EPIC dropped the suit in June 1996 following review of the Vaughn and the Declaration.

Frank Kucernak v. FBI, NSA, & CIA, Civ. No. 93-0230 (U.S.D.C. AZ), February 2, 1993. Complaint for injunctive relief for Privacy Act violation and FOIA access. NSA submitted draft declaration of Jon Goldsmith to AUSA on February 18, 1995 to support the motion for summary judgment. Waiting for AUSA to respond to NSA. Final declaration filed approx February 25, 1996. Government's motion for summary judgment granted and judgment entered on behalf of NSA October 10, 1996.

John Louis Cappas v. NSA, Civ. No. L-95-1271 (U.S.D.C. D. MD), April 25, 1995. Plaintiff sought relief for failure to respond to appeal within statutory time limits. Agency filed motion to dismiss, or in the alternative, summary judgment, on August 23, 1995 Motion granted April 29, 1996.