DOCID: 3972789

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

ANNUAL REPORT
FREEDOM OF INFORMATION ACT

FY2007

REPORT CONTROL SYMBOL
DD-DA&M(A)1365

1. INITIAL REQUEST DETERMINATIONS

a. GRANTED IN FULL	b. DENIED IN PART	c. DENIED IN FULL	d. "OTHER REASONS"	e. TOTAL ACTIONS
185	400	337	403	1,325

2a. EXEMPTIONS INVOKED ON INITIAL REQUEST DETERMINATIONS

(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)
517	106	721	25	43	179

(b) (7)(A)	(b) (7)(B)	(b) (7)(C)	(b) (7)(D)	(b) (7)(E)	(b) (7)(F)	(b) (8)	(b) (9)
3	0	17	12	3	0	0	1

2b. "OTHER REASONS" CITED ON INITIAL DETERMINATIONS

1	2	3	4	5	6	7	8	9	TOTAL
125	0	25	1	4	29	39	180		403

2c. STATUTES CITED ON INITIAL REQUEST (b)(3) EXEMPTIONS

(1)(b)(3) STATUTE CLAIMED	NUMBER OF INSTANCES	COURT UPHELD? *(Yes or No)*	CONCISE DESCRIPTION OF MATERIAL WITHHELD
(b)(3)	55		(requested by other agencies - not always specified)
(b)(3) - 50 USC 435 Note Sec 1082 (P.L. 102-190)	6	no	McCain Bill (POW/MIA information)
(b)(3) - 10 USC 130	22	yes	Unclass Technical Data with Military or Space Applications (export control)
(b)(3) - 18 USC 798	425	yes	Communications Intelligence or Cryptography
(b)(3) - 50 USC 403-1(i)	443	yes	Intelligence Sources and Methods
(b)(3) - 50 USC 402 Note Sec 6 (P.L. 86-36)	721	yes	NSA Functions and Activities
(b)(3) - 10 USC 2305(g)	6	no	Contractor proposals not incorporated by reference into a contract

3. APPEAL DETERMINATIONS

a. GRANTED IN FULL	b. DENIED IN PART	c. DENIED IN FULL	d. "OTHER REASONS"	e. TOTAL ACTIONS
0	14	57	16	87

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4a. EXEMPTIONS INVOKED ON APPEAL DETERMINATIONS

(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)
63	6	69	1	4	6

(b) (7)(A)	(b) (7)(B)	(b) (7)(C)	(b) (7)(D)	(b) (7)(E)	(b) (7)(F)	(b) (8)	(b) (9)
0	0	0	0	0	0	0	0

4b. "OTHER REASONS" CITED ON APPEAL DETERMINATIONS

1	2	3	4	5	6	7	8	9	TOTAL
8	0	0	1	0	4	0	3	0	16

4c. STATUTES CITED ON APPEAL (b)(3) EXEMPTIONS

(1)(b)(3) STATUTE CLAIMED	NUMBER OF INSTANCES	COURT UPHELD? *(Yes or No)*	CONCISE DESCRIPTION OF MATERIAL WITHHELD
(b)(3) - 18 USC 798	60	yes	Communications Intelligence or Cryptography
(b)(3) - 50 USC 403-1(i)	60	yes	Intelligence Sources and Methods
(b)(3) - 50 USC 402 Note Sec 6 (P.L. 86-36)	69	yes	NSA Functions and Activities

5. NUMBER AND MEDIAN AGE OF INITIAL CASES PENDING	(1) AS OF BEGINNING REPORT PERIOD	(2) AS OF END REPORT PERIOD
a. TOTAL INITIAL REQUESTS PENDING *(open)*	622	472
b. MEDIAN AGE *(in days)* OF OPEN INITIAL REQUESTS	380	402

6.a. TOTAL NUMBER OF INITIAL REQUESTS RECEIVED DURING THE FISCAL YEAR	1,175
b. TOTAL NUMBER OF APPEALS RECEIVED	72

7. TYPES OF INITIAL REQUESTS PROCESSED AND MEDIAN AGE	TOTAL NUMBER OF CASES	MEDIAN AGE (Days)
a. SIMPLE	1,243	23
b. COMPLEX	65	2,551
c. EXPEDITED PROCESSING 54 requested	17	29

8. TOTAL AMOUNT COLLECTED FROM THE PUBLIC	$ 4,037.25

9. PROGRAM COST	
a. NUMBER OF FULL TIME STAFF	13
b. NUMBER OF PART TIME STAFF	3
c. ESTIMATED LITIGATION COST	$132,167.00
d. TOTAL PROGRAM COST	$4,754,966.59

10. REPORT ON EXECUTIVE ORDER (EO) 13392 IMPLEMENTATION *(See Page 3)*

11. AUTHENTICATION

a. TYPED NAME *(Last, First, Middle Initial)*	b. DUTY TITLE
Phillips, Pamela N.	Chief, FOIA/PA Office and Chief FOIA Liaison
c AGENCY NAME	d. TELEPHONE NUMBER *(Include Area Code)*
National Security Agency	(301) 688-6527

10. REPORT ON EXECUTIVE ORDER (EO) 13392 IMPLEMENTATION. In this section, which is required for the FY 2006 and FY 2007 FOIA Annual Reports, Components detail their compliance with EO 19932. *(Attach additional sheets if necessary. Reference each continuation sheet by item number.)*

a. DESCRIPTION OF ANY SUPPLEMENTATION/MODIFICATION TO DOD IMPROVEMENT PLAN BY YOUR COMPONENT *(If applicable)*. Describe any refinements or changes to the DoD FOIA Improvement Plan made by your Component. If this does not apply to your Component, state "None".

None

b. REPORT ON YOUR COMPONENT IMPLEMENTATION OF THE DOD FOIA IMPROVEMENT PLAN. Describe how your Component performed in meeting each of the milestones listed in the Plan.

1. NSA consistently reported to DOD on its organizational placement of the FOIA Office, which is in the correct location at this Agency.
2. NSA responded timely to DOD's mid-fiscal year data collection requirement for processing statistics and for manpower and budget issues.
3. NSA implemented a lengthy internal training program and mentoring program to develop FOIA officers. The mentoring program has resulted in additional Senior Level Reviewers who assist with backlog reduction.
4. NSA already has very robust electronic processing and case tracking software. In addition, we were able to obtain dual monitors in October 2007 for all of the FOIA reviewers so that they are able to more quickly and accurately process documents.

c. IDENTIFICATION OF DEFICIENCIES *(If applicable)*. If your Component did not meet one or more milestones, list which one(s) were not met and why.

1. Standard job series for DOD FOIA personnel not established at NSA. NSA does not use the same job series as DOD. However, we have standardized descriptions for FOIA officers within the NSA FOIA Office with standardized performance plans, objectives, and goals that accurately reflect the responsibility and authority required of the FOIA function.
2. Have not participated in any DOD FOIA Officer Certification Program since it has not yet been established. However, have implemented our own internal training program for initial certification, followed by a lengthy mentoring program.
3. Did not receive additional FOIA funding from DOD during FY07, or for FY08 yet. At beginning of FY08 received permission to hire against an additional FOIA position and was able to bring in an individual with FOIA experience to augment the existing staff.

d. ADDITIONAL NARRATIVE REGARDING OTHER EXECUTIVE ORDER-RELATED ACTIVITIES *(optional)*. This section allows Components the opportunity to provide any comments relevant to EO 13392.

1. NSA continued to use e-mail to/from the Requester Service Center and FOIA Liaison to keep requesters informed of the status of their FOIA requests. We implemented immediate responses to the requesters providing them with a case number, phone number, and customer service representative name who they could contact - prior to the required 20 day response. Implemented frequent phone contact with requesters to clarify requests rather than by letter.

e. ADDITIONAL STATISTICS

(1) DATE OF YOUR COMPONENT'S OLDEST FOIA REQUEST *(Date on request letter, or if undated, date received in your Component.)*	(2) DATE OF YOUR COMPONENT'S OLDEST FOIA CONSULTATION *(Date of transmittal memo from referring Component or Agency to your Component. If undated, date received in your Component.)*

Supplemental Input to NSA FY 2007 FOIA Annual Report

E. Concise Descriptions of FOIA Exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (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; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional Statistics

1. Ten Oldest Pending FOIA Requests (*based on origination date*)
(all were direct requests except one from 1992 that was a transfer/referral)

Calendar Year	1992	1994	1995
Direct Requests Origination Dates	**Aug 14** (consult just rtnd – finalizing review) **Dec 23** (out for consult) **Dec 23 (Transfer/ Referral)** (out for 20 consults – at least 10 responses so far)	**Mar 4** (actively being worked) **Mar 8** (out for consult) **Apr 14** (out for consult – partial response made in Jul '06) **July 26** (out for consult)	**Apr 27** (waiting on declass guidance - consults ready to go out) **Jul 5** (interim responses sent – in for approval of 3rd interim and add'l consults) **Nov 11** (in for 1st level approval)

2. Consultations

a). Number of Consultations Received, Processed, and Pending

NSA is not able to obtain statistics of consultations received or processed, because our database does not differentiate between Referrals and Consultations. A manual count of all pending cases referred to this Agency indicates that there are 84 pending "consultations" (a couple of which are combined referrals and consultations) and 29 pending referrals for direct

response. All are processed first-in, first-out based on origination date and are mixed in with our direct requests.

b). Ten Oldest Pending Consultations Received From Other Agencies (*based on receive date*)
These have been pulled from the backlog to work based on origination date.

Calendar Year	1993	1997	1998	1999	2000
Consultation Requests Receive Dates	**May 3** (in for senior review)	**Mar 13** (in for senior review) **Jul 9** (in for senior review)	**Jul 2** (in for 1st level approval) **Sept 18** (recently assigned) **Nov 24** (in for 1st level approval)	**Feb 25** (pulled from backlog and ready to be assigned) **Sep 20** (in complex backlog) **Apr 6** (in complex backlog)	**May 5** (recently assigned)

1/3/08