

Summary Table of Attorney General Ashcroft Memo Freedom of Information Act Requests

AGENCY	DATE OF REQUEST/ DATE OF APPEAL -	TYPE AND DATE OF SUBSTANTIVE RESPONSE	NUMBER OF DOCUMENTS NUMBER OF PAGES	TOTAL NUMBER OF DAYS ¹	COMMENT ON AGENCY PROCESSING	IMPACT OF AG MEMO 4 MEASURES OF IMPLEMENTATION 1- SIGNIFICANT 2-IMPLEMENTATION ACTIVITIES 3-DISSEMINATION, LITTLE CHANGE 4- NO DISSEMINATION, NO CHANGE
Agency for International Development	09-03-2002	9-12-02 Initial Ackn. 10-29-02 No Documents	0	40	Searched General Counsel	(3) Disseminated within FOIA Office and General Counsel.
Air Force	09-03-2002	9-12-02 Initial Ackn. 10-03-02 Docs. provided	Released 4 Docs. 14 pp. Withheld 2 Docs. in full. Asserted b(5)	23	Searched office of JAG. Documents include e-mail and legal analysis.	(1) Extensive Legal Analysis, Identifies Drastic FOIA Policy Change. Low Priority E-Mail Forwards 11-19-01 DOD Memorandum to FOIA Officers and Counsel.
Army	09-03-2002	09-09-02 Docs. provided	Excised 2 Docs. 4 pp. Withheld 1 Doc. in Full Asserted b(3) b(5), b(6).	5	Agency initiated phone contact 9-5-02 Response letter describes documents provided and withheld, specifies dissemination and advises website.	(1) Revising Army FOIA Regulation AR 25-55, incorporating AG Memo Language. Disseminated AG Memo and 11-19-01 DOD Memo to all subordinate commands.
U.S. Central Command	09-03-2002	10-10-02 No Documents	0	28	Searched Entire Command.	(4) Did not Disseminate
Central Intelligence Agency	09-03-2002	09-05-02 Initial Ackn. 09-10-02 Incomplete Doc. provided 10-03-02 Complete Doc. provided.	1 Doc. 5pp.	6	Provided incomplete excerpt from CIA FOIA Overview, Complete excerpt upon additional request.	(3) Revised FOIA Training Overview.

¹ Total Number of Days indicates total number of working days taken to process each FOIA request. Excludes weekends and federal holidays.

Drug Enforcement Agency	09-04-2002	9-19-02 Initial Ackn. 10-21-02 No Documents	0	33	Initial ackn. letter ignores requestor's fee waiver request. Response letter provides substantive clarification.	(3) DEA "conforms to the Agency Rules and guidance issued by the Department" of Justice. Disseminated to FOIA Office.
Defense Intelligence Agency	09-03-2002	12-5-02 (telcon) Ackn. Advised No Docs. 12-10-02 No Documents	0	68	Agency initiated substantive telephone contact. Response letter references telephone conversation.	(3) Agency officers reference 11-19-01 DOD Memo. Disseminated AG Memo on agency Intranet. Updated Online FOIA Training Tutorial.
Department of Agriculture	09-03-2002	09-11-2002 No Documents	0	6	Searched USDA.	(3) Disseminated to Components and Field Offices.
Department of Commerce	09-03-2002	11-22-02 Docs. provided	Released 2 Docs. 7 pp.	57	Response letter does not describe which offices searched.	(2) OGC disseminated cover memo, AG Memo and DOJ Memo to Secretaries, Heads of Divisions and all FOIA Officers, advising "This is a change in policy from the foreseeable harm standard." Fredericks 10-26-01
Department of Defense	09-03-2002	09-04-02 (E-Mail) Advised Doc. on Website	0	1	Agency initiated substantive e-mail contact.	(2) Issued department-wide supplementary guidance. Did not revise training docs.
Department of Education*	09-04-2002 Resent Initial Request 1-27-03*	01-31-03* No Docs.	0	5*	1-27-03 (telcon) indicates lost. 1-28-03 (telcon) Indicates no dedicated FOIA fax line. The EDU FOIA office never saw initial request. 1-31-03 response letter clarifies AG implementation.	(3) EDU created no guidance, directives, memoranda or legal analyses, but refers to DOJ FOIA Post. Disseminated AG Memo to program officers and program FOIA officers.

Department of Energy	09-03-2002	09-04-03 Initial Ackn. 01-29-03 No Documents	0	98	Response letter does not describe which offices searched.	(3) Disseminated to all component FOIA officers. No change in regulations or guidance. Included memorandum in training materials. DOE 1993 'openness' regulations still in effect.
Department of Health and Human Services	09-04-2002	09-06-02 OS Initial Ackn. 09-10-02 FDA Initial Ackn. 09-16-02 CDC Initial Ackn. 01-22-03 FDA No Documents 01-23-03 (OS) Doc. provided 01-30-03 (OS) Docs. provided CDC 09-16-02/ Appealed 1-28-03	01-23-03 Released 1 Doc. 2 pp. 01-30-03 Released 3 Doc. 5 pps.	HHS 93 FDA 92 CDC 93	1-30-03 HHS OS Response letter provided response for all components and describes impact of AG Memo.	(3) FOIA Chief disseminates AG Memo to component FOIA officers. No interpretive or policy records issued. Intra-office E-mail cites DOJ website. Attached Washington Post Article General Counsel info. law reference incorporates AG Memo. General Counsel Memo to all heads of components notes the AG Memo directs "the administration's full compliance with the FOIA," And advises, "While the FOIA itself has not changed the new policy is somewhat more deferential to agency decisions." Azar 10-30-01
Department of Housing and Urban Development	09-04-2002/ Appeal 1-28-03	10-09-02 Initial Ackn. 02-03-03 Reject Appeal 2-14-03 No Documents	0	109	Descriptive response letter advises on processing and backlog. 2-3-03 Letter rejects appeal of delay. 2-14-03 Response indicates scope of search.	(3) FOIA officer attended DOJ FOIA Officer's Conference. Possibly disseminated to field offices. No regulation or guidance changes.

Department of the Interior	09-04-2002/ Appealed 01-28-03 Re-sent initial request 1-28-03	Ackn. Appeal 01-29-03 Docs. Provided 01-30-03 Cancelled Appeal 01-30-03 Docs. Provided 02-25-03	1-30-03 Released 5 Docs. 16 pp. 02-25-03 Released 17 Docs. Excised 7 Docs. 79 pp. Withheld 5 Docs. Cite b(5)	99	1-30-03 Response letter indicates interim response and indicates scope of response. 2-13-03 Agency initiated phone contact, advising one document available on website. 2-25-03 Response letter indicates interim response, describes withheld material.	(1) AG Memo disseminated and interpreted by DOI FOIA Officer to all component FOIA officers; "Foreseeable Harm is Abolished." Mallus E-Mail 10-17-01 CIO disseminated guidance to all senior and program departmental officials indicating, "bureaus and officers are expected to comply fully with the Attorney General's FOIA policy," and describes use of exemptions b(2) & b(5) Tipton 1-6-03
Department of Justice	09-03-2002	09-26-03 Initial Ackn. 11-19-02 (OLP) No Documents 3-11-03 OIP (Fax) Docs. provided	0 Released 4 Docs. 14 pp.	51 (OLP) 127 (OIP)	Agency initiated telephone contact. Negotiated scope and revised request. Office of Information Privacy 3-11-03 letter indicates interim response and dissemination of guidance.	(2) Issued AG Memo to heads of all federal departments and agencies. Published AG Memo and supporting guidance on FOIA Post for government-wide and Internet dissemination. Incorporated AG Memo into three senior government FOIA training events.
Department of Labor	09-04-2002 Appealed Office of the Solicitor 1-28-03	09-17-02 Initial Ackn. (OS) 10-07-02 (ESA-OLMS) No Docs. 11-04-02 (ESA-OWCP) No Docs. 1-29-03 (OS) Appeal Ackn. 2-20-03 (OS) Docs. Provided 3-4-03 (OS) Cancel Appeal	0 (ESA) OS Released 3 Docs. 17pp. Withheld 1 Doc. b(5)	24 (components) 112 (Solicitor)	2-20-03 Response letter from Office of the Solicitor answered on behalf of all components, indicates highly decentralized processing.	(3) Component Response Letter Indicates No Changes in Regulation, Guidance or Training. Notes from DOJ June 2002 FOIA Guide Seminar describe DOJ officials instructing that AG Memo: "doesn't change the law, it can't...." and it "permits discretionary releases after careful consideration and this is significant."

Department of State	09-04-2002/ Appealed 1-28-03	09-11-02 Initial Ackn. 01-31-03 Refuse Appeal Docs. Provided 02-13-03	Released 2 Docs. Excised 1 Doc. b(5) 6 pp.	108	Agency rejected appeal of delay. Response letter indicates scope of the search and advises interim status.	(2) E-mail disseminated to all FOIA personnel advised that the AG Memo "specifically 'supersedes' the Reno 1993 memo and replaces it with a 'sound legal basis' standard..." and discusses use of exemptions.
Department of Transportation	09-04-2002/ Appealed 1-28-03	9-9-02 Initial Ackn. 2-26-03 Ackn. Appeal (telcon) Docs. provided (fax) 02-28-2003	Released 3 Docs. 3 pp.	117	Agency initiated telcon acknowledgement on 2-26-03 General Counsel appeal decision letter indicates scope of search, describes documents and indicates completion of request. No contact between 9-9-02 initial ackn. and 2-26-03 telcon. 113 days.	(3) General Counsel Memo disseminates AG Memo and legal interpretation to the Chief of Staff and Director of Public Affairs and indicates AG Memo was distributed to all DOT FOIA contacts.
Department of Treasury	09-04-2002	09-25-02 Initial Ackn. 10-29-02 Doc. provided	Released 1 Doc. 1 p.	37	09-25-02 Ackn. Letter provides no description of request processing.	(3) Discussed at internal FOIA officers meeting.

<p>Department of Veterans Affairs*</p>	<p>09-04-2002* Appealed 1-28-03 Original re- sent 02-28-2003</p> <p>Provided Corresponde nce to OGC 03-03-03.</p> <p>Resent Clarification to OGC 03-05-03</p>	<p>1-31-03* Appeal Ackn.</p> <p>3-6-03 Ackn. Initial</p>	<p>-</p>	<p>11+ *</p>	<p>2-28-03 (Telcon), Advises original FOIA never processed. (Lost)</p> <p>General Counsel had confused AG Memo FOIA request with White House FOIA Memo Request.</p>	<p>Unknown</p> <p>Pending FOIA Request *</p>
<p>Environmental Protection Agency</p>	<p>09-04-2002/ Appealed (substantive) 01-27-03</p>	<p>09-05-02 Telcon re: fee status 09-05-02 Initial Ackn.</p> <p>10-07-02 Docs. Provided (OEI)</p> <p>11-19-02 Docs. provided (OJC)</p> <p>Appeal Ackn. 01-28-03 (FOIA)</p> <p>Appeal Ackn. 1-30-03 (OJC)</p>	<p>(OEI) Released 3 Docs. 15 pp Withheld 39 Docs. Cite b(5)</p> <p>(OJC) Released 15 Docs. 34 pp. Withheld 77 Docs. Cite b(5)</p>	<p>22</p>	<p>Response letters described all withheld documents in detail. Conducted comprehensive searches of General Counsel and Office of Environmental Information.</p> <p>Acknowledged appeal- no further response. Appeal Pending</p>	<p>(2) EPA Administrator issues memorandum to EPA senior officials disseminating AG Memo, referencing DOJ FOIA Post and urging adherence to AG Memo, Clinton FOIA Memo, and EPA FOIA Memo. Extensive intra-office discussion of AG Memo.</p>

Federal Bureau of Investigation	09-03-2002 Clarification letter sent 01-28-03	09-05-02 Advised request is un-searchable. 02-10-2003 No Docs.	0	2	2-10-03 Response letter briefly describes impact of AG Memo.	(3) AG memo was disseminated to all FOIA personnel, several FOIA officers attend DOJ FOIA Officer's Conference, but no FBI guidance or directives issued.
Federal Emergency Management Agency	09-04-2002	09-05-02 No Documents	0	1	Response letter provides substantive clarification, describes impact of AG Memo.	(4) No formal dissemination of AG Memo; no change of regulation, training or guidance.
General* Services Administration	09-04-2002/ 1-28-03*	01-30-03* Docs. Provided	Released 1 Doc. 1p.	4*	Response letter indicates initial request was never received.	(3) General Counsel disseminates AG Memo to all heads of divisions and offices and provides a brief interpretation.
National Aeronautics and Space Administration	09-04-2002	09-10-02 Initial Ackn. (E-Mail) 10-25-02 Docs. Provided	Released 5 Docs. 15 pp.	36	Agency initiated e-mail contact. Some docs provided concern Card Memo, mention terror concern.	(2) E-mails reference new AG Memo and DOJ FOIA Post and DOJ FOIA officer's conference. Limited dissemination, but notable modifications made to website.
National Archives and Records Administration	09-04-2002	10-04-02 Docs. Provided	Released 3 Docs. 6 pp.	23	Response letter provides substantive clarification. Docs. provided concern Card memo. Mentions terror concern.	(3) Response letter advises "NARA has not issued any new guidance, directives, memoranda, training materials or legal analyses."
Nuclear Regulatory Commission	09-04-2002 Appealed (substantive) 1-30-03	09-06-02 Initial Ackn. 11-27-02 Docs. Provided 02-07-03 Appeal Acknowledged 03-03-03 Appeal Denied	Released 14 Docs. Excised 2 Docs. Total 50 pp. Withheld 4 Docs. b(5)	59	Informative ackn. letter 9-6-02. Described all withheld documents in detail. Searched General Counsel and CIO. Some docs provided concern Card Memo. Provided potential draft documents. Mentions terror concerns.	(1) FOIA officer announcement interpreting NRC application of AG Memo to all employees and advising that "Foreseeable Harm Statements," are no longer required. Considerable or significant inter and intra office discussion of AG Memo.

National Science Foundation	09-04-2002	09-05-02 No Documents	0	1	Response letter does not specify which offices searched.	(4) AG Memo not disseminated beyond FOIA officer. No regulations, guidance or training.
Navy	09-04-2002	09-06-02 Docs. Provided	Released 2 Docs. 14 pp.	2	Both documents available on USN website. One document provided concerns Card Memo.	(1) General guidance disseminated by e-mail to all subordinate command FOIA offices, incorporates discussion of AG Memo, advising the memo discontinues use of "foreseeable harm," discourages discretionary disclosure and advises as to use of exemption b(2).
Office of Management and Budget	09-04-2002	09-09-02 Doc. provided	Released 1 Doc. 2 pp.	3	Response letter does not specify which offices searched. Doc. provided is except of OMB Circular A-11 (2002).	(2) Revised regulation, directing adherence to AG FOIA memorandum and discouraging discretionary disclosure.
Office of Personnel Management	09-04-2002	10-03-02 Doc. provided	Released 1 Doc 2pp.	22	Response letter does not specify which offices searched.	(3) General Counsel issued new guidance to all principal officers, that new policy "supersedes" Reno policy, but noting AG's commitment to "full compliance" with the FOIA.
Small Business Administration	09-04-2002	09-05-02 Docs. provided	Released 2 Docs. 2 pp.	1	Searched FOIA/PA Office.	(2) FOIA Chief disseminated AG Memo to FOIA administrative officers and provided interpretation of new policy on exemptions.
Securities and Exchange Commission	09-04-2002	09-24-02 (Fax) No Documents	0	13	Provided both fax and hard copy response. Response letter does not specify which offices searched.	(3) AG Memo disseminated within FOIA office. No changes in regulations, guidance or training materials.
Social* Security Administration	09-04-2002* Transmission error - Original re-sent 01-28-2003	No Response	-	31+ *	Automated phone message system. (telcon) 3-11-03 Search is pending.	Unknown Pending FOIA Request*

* All figures shown with * are dates and figures that differ from the standard methodology.