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Public Schools

UNIFORM FORMAT FOR THE SUBMISSION OF THE
ANNUAL FREEDOM OF INFORMATION ACT REPORT FOR FISCAL YEAR 2008
October 1, 2007 through September 30, 2008
(Please type)

PROCESSING OF FOIA REQUESTS

Name, Title and Telephone Number of FOIA Officer: Nicole Streeter
Deputy General Counsel
202-442-5192

Number of FOIA requests received during reporting period ……138

Number of FOIA requests pending on October 1, 2007……63

Number of FOIA requests pending on September 30, 2008……18

The average number of days unfilled requests have been pending before each public body as of September 30, 2008 ……25

DISPOSITION OF FOIA REQUESTS

Number of requests granted, in whole……134

Number of requests granted, in part, denied, in part……1

Number of requests denied, in whole……5

Number of requests withdrawn……1

Number of requests referred or forwarded to other public bodies[1]……4

Other disposition ……0

NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION

1. Exemption 1 - D.C. Official Code § 2-534(a)(1)……0
2. Exemption 2 - D.C. Official Code § 2-534(a)(2)……0
3. Exemption 3 - D.C. Official Code § 2-534(a)(3)……0
   a. Subcategory (A)……0
   b. Subcategory (B)……0
   c. Subcategory (C) ……7
   d. Subcategory (D) ……0
   e. Subcategory (E) ……0
   f. Subcategory (F) ……0

[1] This number only reflects the number of requests referred or forwarded to another public body as the only and final disposition of that request. The requests that are processed within the public body and resulted in a grant, denial or partial grant/denial as well as a referral are not included in this number.

4. Exemption 4 - D.C. Official Code § 2-534(a)(4) ……..3
5. Exemption 5 - D.C. Official Code § 2-534(a)(5)……... 0
6. Exemption 6 - D.C. Official Code § 2-534(a)(6)……... 3
   a. Subcategory (A)……..... 0
   b. Subcategory (B)……. 0
7. Exemption 7 - D.C. Official Code § 2-534(a)(7)……... 0
8. Exemption 8 - D.C. Official Code § 2-534(a)(8)……... 0
9. Exemption 9 - D.C. Official Code § 2-534(a)(9)……... 0
10. Exemption 10 - D.C. Official Code § 2-534(a)(10)……... 0
11. Exemption 11 - D.C. Official Code § 2-534(a)(11)……... 0
12. Exemption 12 - D.C. Official Code § 2-534(a)(12)……... 0

TIME-FRAMES FOR PROCESSING FOIA REQUESTS

Number of FOIA requests processed within 15 days……14

Number of FOIA requests processed between 16 and 25 days…….12

Number of FOIA requests processed in 26 days or more……..48

Average (mean) number of days to process FOIA Requests[2]…… 25

RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS

Number of Hours Staff Devoted to Processing FOIA Requests……4250

Total dollar amount expended by public body for processing FOIA requests……..N/A

FEES FOR PROCESSING FOIA REQUESTS

Total amount of fees collected by public body……70.75

PROSECUTIONS PURSUANT TO SECTION 207(d) OF THE D.C. FOIA

Number of employees found guilty of a misdemeanor for arbitrarily or capriciously violating any provision of the District of Columbia Freedom of Information Act ……... 0

[2] The Freedom of Information Amendment Act of 2000 requests the median number of days to process FOIA requests. We have provided the average number of days instead of the median number of days as it more reasonably reflects response to FOIA requests.

QUALITATIVE DESCRIPTION OR SUMMARY STATEMENT

Pursuant to section 208(a)(9) of the D.C. FOIA, provide in the space below or as an attachment, "[a] qualitative description or summary statement, and conclusions drawn from the data regarding compliance [with the provisions of the Act]."

This fiscal year saw a dramatic increase in FOIA requests over last year. Although the reported number of FOIA requests recieved during the reporting period is approximately the same as last year, that really is a superficial data indicator because it does not capture the number of requests for documents in individual requests. For example, the largest request DCPS received this period contained 35 separate requests for documents. Another FOIA request DCPS received contained a list of 13 categories of requested documents from the files of twenty DCPS personnel - both hard copy and electronic. In addition, this requestor provided 40 search terms to assist with the search of the email boxes of those twenty individuals. This produced over 83,000 emails. The length of individual FOIA requests and the overall volume of FOIA requests DCPS receives accounts for the number of hours expended on FOIA this reporting period. This past fiscal year, four staff members assisted with FOIA requests. These staff members included a paralegal, who spent about 70% of his time on FOIA, and the Deputy General Counsel and Supervising Attorney, who both spent more than 50% of their time on FOIA, and a staff assistant, responsible for updating the weekly FOIA log and tracking the FOIA data on a monthly basis. For the upcoming fiscal year, we have additional staff - a new paralegal, who spends almost 100% of his time on FOIA, save for the research assignments given to him to break the monotony of FOIA, and another attorney. The volume of individual FOIA requests also explains the increased number of FOIA requests pending at the end of the fiscal year.

The number of FOIA requests received, the length of individual FOIA requests, the number of hours expended on FOIA, and the number of staff members dedicating hours to respond to FOIA requests together with the relatively few FOIA requests denied - only 5 in whole, and 1 in part - exemplifies DCPS's commitment to this Administration's philosophy of transparency and its willingness and strive to be responsive. DCPS also demonstrated its commitment to public service in the extremely low amount of fees collected to produce FOIA responses. However, over this past fiscal year DCPS's Office of the General Counsel (OGC) - the office responsible for reviewing FOIA requests and producing responses - has experienced financial and resource strain, mainly with regard to paper. Many of these requests, particularly the email requests, are thousands of pages long, resulting in a huge consumption of paper. As such, DCPS will have to develop a process to reduce the consumption of this resource and reduce the cost to OGC.

From the data and the experiences of the past fiscal year, OGC has the following observations:

1. The 15-day statutory period allowed for response to FOIA requests is insufficient. Despite the fact that we had four and now have five staff members dedicating hours to respond to FOIA requests, because of the length of many requests and the volume of responsive documents, requiring many hours of review, OGC was rarely able to produce documents within the statutory time-frame. While invoking the 10-day extension, providing OGC with 25 days to respond seems to have provided OGC with sufficient time on average to respond to FOIA requests, OGC needed more than 25 days to process over 30% of the FOIA requests it received.