FREEDOM OF INFORMATION ANNUAL REPORT -- FY 2010

I. AGENCY: National Institutes of Health

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ELECTRONIC ADDRESS FOR THIS REPORT ON THE WORLD WIDE WEB:
http://www.nih.gov/icd/od/foia/annualreports/index.htm

ADDRESS FOR PAPER COPIES OF THIS REPORT: Building 31 Room 5B35; 9000
Rockville Pike, Bethesda, MD 20892

II. HOW TO MAKE A FOIA REQUEST:
http://www.nih.gov/icd/od/foia/index.htm#requests

   1. Names, addresses and telephone numbers of all individual agency components
   and offices that process FOIA requests:

NIH FREEDOM OF INFORMATION COORDINATORS

IC	BLDG	ROOM	PHONE
NCI	31 9000 Rockville Pike Bethesda, MD 20892	10A48	301-496-2999
NHGRI	6705 Rockledge Drive Bethesda, MD 20892	6070	301-496-9737
NINR	6705 Rockledge Drive Bethesda, MD 20892	6070	301-496-9737
NCRR	6705 Rockledge Drive Bethesda, MD 20892	6070	301-496-9737
NEI	31		

NINR	National Institute of Nursing Research
NCRR	National Center for Research Resources
NEI	National Eye Institute
NHLBI	National Heart, Lung, and Blood Institute
NIA	National Institute on Aging
NIAAA	National Institute on Alcohol Abuse and Alcoholism
NIAID	National Institute of Allergy and Infectious Diseases
NIAMS	National Institute on Arthritis and Musculoskeletal and Skin Diseases
NIBIB	National Institute of Biomedical Imaging and Bioengineering
NICHD	National Institute of Child Health and Human Development
NIDA	National Institute on Drug Abuse
NIDCD	National Institute on Deafness and Other Communication Disorders
NIDDK	National Institute of Diabetes and Digestive and Kidney Diseases
NIDCR	National Institute of Dental and Craniofacial Research
NIEHS	National Institute of Environmental Health Sciences

i. **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

j. **Median Number** - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

    i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

    ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

    iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

d. **Exemption 4**: trade secrets

	pertains to cooperative research and development agreements for the purpose of technological and industrial innovation.		
41 U.S.C. §253b(m)(1) (National Defense Authorization Act for Fiscal Year 1997)	Contractor proposals		

V.   FOIA Requests

A. Numbers of initial requests (Col.1 + Col. 2 – Col. 3 = Col. 4):

# Requests Pending as of Start of Fiscal Year	# of Requests Rec'd During the Fiscal Year	# of Requests Processed During the Fiscal Year	# of Requests Pending as of the End of the Fiscal Year
114[1]	1,253	1,282	85

B. (1) Disposition of FOIA Requests:

# of Full Grants	813
# of Partial Grants/Partial Denials	114
# of Full Denials Based on Exemptions	18
# of Full Denials – No Records	141
# of Full Denials – Records Referred to Another Component or Agency	14
# of Full Denials – Request Withdrawn	112
# of Full Denials – Fee Related Reason	23
# of Full Denials – Records not Reasonably Described	20
# of Full Denials – Improper FOIA Request for Other Reason	6
# of Full Denials – Not Agency Record	20
# of Full Denials – Duplicate Request	1
# of Full Denials – Other (see below)	0
Total Requests Processed	1,282

B. (2)   Disposition of FOIA Requests – Other   N/A

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[1] The FY 2009 Annual Report indicated that 115 requests were pending at the end of the fiscal year, however, one inaccuracy was identified.

B. (3) Disposition of FOIA Requests -

C. Processed Requests – Response Time in Day Increments

All Requests	# of Requests Processed
< 1 day	91
1-20 days	721
21-40 days	269
41-60 days	78
61-80 days	37
81-100 days	27
101-120	17
121-140 days	12
141-160 days	8
161-180 days	3
181-200 days	3
201-300 days	9
301-400 days	2
401+	5
Total	1,282

201-300 days	0
301-400 days	0
401+	0
Total	0

D. Pending Requests – All Pending Perfected Requests

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XI. FOIA REGULATIONS

http://www.hhs.gov/foia/45cfr5.html.

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

# of Backlogged Requests as of End of the FY	# of Backlogged Appeals as of the End of the FY
37	See **Department of Health and Human Services Annual Report**

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations (See Chart)

# of Consultations Rec'd from Other Agencies that were Pending at the Start of the FY	# of Consultations Rec'd from Other Agencies During the FY	# of Consultations Rec'd from Other Agencies that Were Processed During the FY	# of Consultations Rec'd from Other Agencies that were Pending at the End of the FY
1	1	2	0

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency:

10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
Date	NA	NA	NA	NA	NA	NA	NA	NA	NA
Number of Days									

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

Number of Requests Received		Number of Requests Processed	
# Rec'd in FY 2009 (from Annual Rpt)	# Rec'd in FY 2010 (from Annual Rpt)	# Processed during FY 2009 (from Annual Rpt)	# Processed during FY 2010 (from Annual Rpt)
1,269[2]	1,253	1,306	1,282

Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
70	37

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

See **Department of Health and Human Services Annual Report**

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[2] The NIH FY 2009 Annual Report indicated that NIH received 1,270 requests in FY 2009, however, one inaccuracy was identified.