

ANNUAL FOIA REPORT for FY 2007
of the
United States International Trade Commission

I. Basic Information Regarding Report

- A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report.

Marilyn R. Abbott
Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436
Telephone: (202) 205-2799

- B. Electronic address for report on the World Wide Web.

www.usitc.gov/secretary/foia/foiarpts.htm

- C. How to obtain a copy of the report in paper form:

Copies of the annual report can be obtained by writing to:

Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

II. How to Make a FOIA Request

- A. All FOIA requests are to be addressed to:

Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

- B. The USITC's processing response time on average was (12) calendar days. There were several requests that required 29 calendar days to complete.

- C. Some information was withheld based on Exemptions 2, 3, 4, and 6.

Categories of Exempt Information

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Exemption One: Records which are specifically authorized under criteria established by an Executive Order to be kept secret in interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Exemption Two: Records related solely to the internal personnel rules and practices of an agency.

Exemption Three: Records specifically exempted from disclosure by statute.

Exemption Four: Trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Exemption Five: Interagency or intra-agency memorandum or letters which would not be available by law to a party other than an agency in litigation with the agency.

Exemption Six: Personnel, medical, and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Exemption Seven: Records compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records could reasonably be expected to interfere with enforcement proceedings; would deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy; could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished records on a confidential basis; would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or could reasonably be expected to endanger the life or physical safety of any individual.

Exemption Eight: Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions.

Exemption Nine: Geological and geophysical information and data, including maps, concerning wells.

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III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

A. Agency-specific acronyms or other terms.

USITC - United States International Trade Commission

EDIS - Electronic Document Information System

B. Basic terms, expressed in common terminology.

1. FOIA/PA request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial Request -- a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. 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 in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).

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6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records which adequately describe the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

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15. Median number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

A. List of Exemption 3 and statutes relied on by agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

The USITC relied on Exemption 3 in withholding confidential business information submitted to the agency in accordance with 5 U.S.C. Section 553(b)(3), 19 U.S.C. Section 1337, and 19 U.S.C. Section 1677f.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

There were no court decisions regarding the use of such statutes this year.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year: 0
2. Number of requests received during current fiscal year: 57
3. Number of requests processed during current fiscal year: 56
4. Number of requests pending as of end of current fiscal year: 1

B. Disposition of initial requests.

1. Number of total grants: 35
2. Number of partial grants: 3
3. Number of denials: 1
 - a. number of times each FOIA exemption used

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(counting each exemption once per request)

- (1) Exemption 1: 0
 - (2) Exemption 2: 1
 - (3) Exemption 3: 1
 - (4) Exemption 4: 2
 - (5) Exemption 5: 0
 - (6) Exemption 6: 1
 - (7) Exemption 7(A): 0
 - (8) Exemption 7(B): 0
 - (9) Exemption 7(C): 0
 - (10) Exemption 7(D): 0
 - (11) Exemption 7(E): 0
 - (12) Exemption 7(F): 0
 - (13) Exemption 8: 0
 - (14) Exemption 9: 0
4. Other reasons for nondisclosure (total): 17
- a. no records: 11
 - b. referrals: 0
 - c. request withdrawn : 0
 - d. fee-related reason: 0
 - e. records not reasonably described: 0
 - f. not a proper FOIA request for some other reason: 6
 - g. not an agency record:
 - h. duplicate request: 0
 - i. other (specify): 0

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VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals. 1

1. Number of appeals received during fiscal year : 1
2. Number of appeals processed during fiscal year: 1
3. Number of appeals pending: 0

B. Disposition of appeals.

1. Number completely upheld: 1
2. Number partially reversed: 0
3. Number completely reversed: 0

a. number of times each FOIA exemption used (counting each exemption once per appeal)

- (1) Exemption 1: 0
- (2) Exemption 2: 0
- (3) Exemption 3: 0
- (4) Exemption 4: 1
- (5) Exemption 5: 0
- (6) Exemption 6: 0
- (7) Exemption 7(A): 0
- (8) Exemption 7(B): 0
- (9) Exemption 7(C): 0
- (10) Exemption 7(D): 0
- (11) Exemption 7(E): 0

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- (12) Exemption 7(F): 0
- (13) Exemption 8: 0
- (14) Exemption 9: 0
- 4. Other reasons for nondisclosure (total): 0
 - a. no records: 0
 - b. referrals: 0
 - c. request withdrawn: 0
 - d. fee-related reason: 0
 - e. records not reasonably described: 0
 - f. not a proper FOIA request for some other reason: 0
 - g. not an agency record: 0
 - h. duplicate request: 0
 - i. other (specify) : 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).

- a. number of requests processed: 56
- b. median number of days to process: 11

2. Complex requests (specify for any and all tracks used).

- a. number of requests processed: 0
- b. median number of days to process: 0

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3. Requests accorded expedited processing.

a. number of requests processed: 0

b. median number of days to process: 0

B. Status of pending requests.

1. Number of requests pending as of the end of current fiscal year: 1

(Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date: 13

VIII. Comparisons with Previous Year(s) (Optional)

A. Comparison of numbers of requests received: N/A

B. Comparison of numbers of requests processed: N/A

C. Comparison of median numbers of days requests were pending as of end of fiscal year: N/A

D. Other statistics significant to agency:

The U.S. International Trade Commission did not receive any expedited requests, nor did we grant any.

E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records): N/A

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IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 2
3. Total number of personnel (in work-years): .2

B. Total costs (including staff and all resources). \$5459.79

1. FOIA processing (including appeals): \$5459.79
2. Litigation-related activities (estimated): 0
3. Total costs : \$5459.79
4. Comparison with previous year(s) (including percentage of change) (optional):

C. Statement of additional resources needed for FOIA compliance (optional): N/A

X. Fees

- A. Total amount of fees collected by agency for processing requests: \$289.30
- B. Percentage of total costs: 4.93%

XI. FOIA Regulations (Including Fee Schedule)

Agencies should provide electronic link or availability in electronic form and attach copy in paper form.

The regulation cite for the agency is Subpart C of Part 201 of the Commission's Rules of Practice and Procedure (19 CFR Part 201, Subpart C). These rules are available at http://usitc.gov/secretary/fed_reg_notices/rules/index.htm. The USITC agency guide is at www.usitc.gov/foiaguide.htm

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XII. Report of FOIA Executive Order 13, 392 Implementation for fiscal year 2007

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not applicable

B. Report on agency implementation of its plan, including its performance in meeting Milestones, with respect to each improvement area

The USITC continues to meet its milestones which were established in the report submitted June 2006.

Some tangible improvements as a result of implementing the plan are (1) conducting checks with offices researching the records has reduced our review time, (2) and updating our FOIA Handbook has provided us standardized language to respond to routine requests.

No other areas of improvement have been identified.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

There continue to be no deficiencies in meeting plan milestones.

D. Additional narrative statements regarding other executive order-related activities (optional)

Not applicable.

E. Concise description of Exemptions

Exemption 1 – records specifically authorized under criteria established By an Executive Order to be kept secret in interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Exemption 2 – exempts from mandatory disclosure records that are “related solely to the internal personnel rules and practices of an agency.”

Exemption 3 - statute prohibiting the disclosure of a certain type of information and authorizing its with holding under FOIA subsection (b)(3).

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Exemption 4 – protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.

Exemption 6 - protects personal privacy interests.

Exemption 7 - records compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records could reasonably be expected to interfere with enforcement proceedings; would deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy; could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished records on a confidential basis; would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8 – protects matters that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

Exemption 9 – covers geological and geophysical information and data, including maps, concerning wells.

F. Additional Statistics:

1. Ten Oldest Pending FOIA Requests – Not Applicable

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	0

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2. Consultations - Not Applicable

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

Consultations Received From Other Agencies During 2007	Consultations Received From Other Agencies That Were Processed by Your Agency During FY 07 (includes those received prior to FY 07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY 07)
0	0	0

b). Ten Oldest Pending Consultations Received from Other Agencies

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0								

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G. Attachment: Improvement Plan Under Executive Order 13,392.

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IMPROVEMENT PLAN UNDER EXECUTIVE ORDER 13,392 (12/31/2007)

A. The USITC is an independent, quasijudicial Federal agency with broad investigative responsibilities on matters of trade. All FOIA requests are addressed to the Secretary and handled by that office. The agency currently has no backlog of FOIA requests. There are no major challenges facing the agency regarding FOIA processing.

B. Areas Selected for Review

1. FOIA Page on agency Web site
2. Coordination form (internal FOIA tracking form for staff)
3. Logging system
4. Customer service guidelines
5. Internal FOIA handbook
6. Staff guidance (both FOIA staff and agency staff who respond to FOIA requests)

C. Discussion of results

1. FOIA Page on agency Web site

We looked to see if the FOIA page was easily located from the main page, and all required and relevant documents or information were checked to make sure everything was current.

There is a link to “FOIA” from the agency home page; there is a separate FOIA page; all relevant documents (notices and most requested FOIA’s, how to contact us) were on the FOIA page; all documents were up-to-date; and the page was updated to be in compliance with EO 13,392 regarding making known all FOIA contacts, i.e. Chief FOIA Officer, Liaison Officer and Service Center Contacts.

2. Internal coordinating form

We updated the internal form used to process every FOIA request to emphasize information internal staff need to provide when processing a FOIA (e.g. time spent, grade).

3. Internal logging system/database

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We reviewed the FOIA logging/tracking system and database. We determined no changes were necessary.

4. Customer service guidelines

We determined that our customer service could be improved with more communication. It was determined that we needed to have initial contact with requesters to let them know their request was received. We also have started to contact the requestor for any request not handled within one week of receipt.

5. Internal FOIA handbook

We reviewed our internal handbook and decided it needed updating. We are updating the sample letters. The handbook will also include guidelines and steps to FOIA processing.

6. Staff Guidance

We reviewed the process of working with staff from other offices regarding their input in completing a FOIA. We decided that we could help with a follow-up call (asking if assistance is needed) when it gets closer to the response time set for completion.

D. Areas chosen for Improvement

1. Coordination form (internal FOIA tracking form for staff)
2. Customer service guidelines
3. Internal FOIA Handbook
4. Staff Guidance

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E. Improvement Area Detail

1. We revised our tracking form used as a cover page to the request asking for information needed from staff.

2. We found that we needed to augment our documentation of current practices and procedures. It was determined that we needed to have initial contact with requesters to let them know their request was received. Also, we found need to make contact for any request not handled within one week of receipt.

3. We found that our FOIA Handbook needed to be updated now and scheduled for periodic update. We further determined that we needed to add report guidance.

4. We found a need to provide better follow-up to staff who researched FOIA requests.

F. Time line for completion

Our internal tracking form has been updated, new customer service guidelines have been implemented, the FOIA Handbook was updated and is scheduled for periodic updates, and we have started following up with staff to see if assistance is needed in processing the request as the response date gets nearer.

We will continue to monitor the FOIA process and updates that have been set in place and will review the process annually to determine if further updates are needed.