

January 31, 2003

Office of Information and Privacy  
U.S. Department of Justice  
10th Street & Constitution Avenue, N.W.  
Washington, D.C. 20530-0001

Dear Sir or Madam:

In compliance with 5 U.S.C. Section 552(e), please find enclosed the Annual Report of the United States International Trade Commission on its activities under the Freedom of Information Act.

Sincerely,

Marilyn R. Abbott  
Secretary

Enclosure

**Annual FOIA Report for FY 2002**  
**of the**  
**United States International Trade Commission**

I. Basic Information Regarding Report:

A. Name of Freedom of Information Act Officer:

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

B. Electronic Address:

[www.usitc.gov/foiarpts.htm](http://www.usitc.gov/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, S.W.  
Washington, D.C. 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, S.W.  
Washington, D.C. 20436

B. The USITC's processing response times normally range from same day of receipt to thirty-one (31) calendar days.

C. Some requests were not granted based on exemptions 3, 4, 5, and 6.

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

A. The only agency-specific acronym that is used in this report is the agency name, USITC, for United States International Trade Commission.

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).

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 (nonexpedited) track based on the volume and/or simplicity of records requested.

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III. Definitions of Terms and Acronyms Used in the Report - Cont'd

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 entireties, 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 describes 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).
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.

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IV. Exemption 3 Statutes

1. The USITC relied on Exemption 3 in withholding confidential business information submitted to the agency in accordance with 19 USC § 1337f. We also relied on 19 USC §§ 1677f.

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

V. Initial FOIA/PA Access Requests

A. Number of initial requests

Total of the numbers in Lines 1 and 2, minus the number in Line 3, should equal the number in Line 4.

1. Number of requests pending as of end of preceding fiscal year

7

2. Number of requests received during current fiscal year 57

3. Number of requests processed as of end of current fiscal year 58

4. Number of request pending as of end of current fiscal year 6

(Enter this number also in Line VI.B.1.)

B. Disposition of initial requests

1. Number of total grants 14

2. Number of partial grants 5

3. Number of denials 5

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a. number of times each FOIA exemption used

(counting each exemption once per request)

(1) Exemption 1 \_\_\_\_\_ 0 \_\_\_\_\_

(2) Exemption 2 \_\_\_\_\_ 0 \_\_\_\_\_

(3) Exemption 3 \_\_\_\_\_ 4 \_\_\_\_\_

(4) Exemption 4 \_\_\_\_\_ 5 \_\_\_\_\_

(5) Exemption 5 \_\_\_\_\_ 5 \_\_\_\_\_

(6) Exemption 6 \_\_\_\_\_ 1 \_\_\_\_\_

(7) Exemption 7(A) \_\_\_\_\_ 0 \_\_\_\_\_

(8) Exemption 7(B) \_\_\_\_\_ 0 \_\_\_\_\_

(9) Exemption 7(C) \_\_\_\_\_ 1 \_\_\_\_\_

(10) Exemption 7(D) \_\_\_\_\_ 1 \_\_\_\_\_

(11) Exemption 7(E) \_\_\_\_\_ 1 \_\_\_\_\_

(12) Exemption 7(F) \_\_\_\_\_ 0 \_\_\_\_\_

(13) Exemption 8 \_\_\_\_\_ 0 \_\_\_\_\_

(14) Exemption 9 \_\_\_\_\_ 0 \_\_\_\_\_

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4. Other reasons for nondisclosure (total) 34
- a. no records 27
  - b. referrals 0
  - c. request withdrawn 3
  - d. fee-related reason 0
  - e. records not reasonably described 1
  - f. not a proper FOIA request for some other reason 0
  - g. not an agency record 2
  - h. duplicated request 0
  - i. other (specify) 1

VI. Appeals of Initial Denials of FOIA/PA Requests.

A. Number of initial requests.

- 1. Number of appeals received during fiscal year 7
- 2. Number of appeals processed during fiscal year 7

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B. Disposition of appeals.

1. Number completely upheld 6

2. Number partially reversed 0

3. Number completely reversed 1

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 1

(4) Exemption 4 2

(5) Exemption 5 1

(6) Exemption 6 0

(7) Exemption 7 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



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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. duplicated request 0

i. other (specify) 0

VII. Compliance with Time Limits/Status of Pending Requests

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

1. Simple requests (if multiple tracks used).

a. number of requests processed n/a

b. median number of days to process n/a

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

a. number of requests processed 58

b. median number of days to process 14

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3. Requests accorded expedited processing.

a. number of requests processed 0

b. median number of days to process n/a

B. Status of pending requests.

Agencies using multiple tracks may provide numbers for each track, as well as totals.

1. Number of requests pending as of end of current fiscal year 6

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

2. Median number of days that such requests were pending as of that date 11

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

· Agencies should state comparisons both in total numbers and in percentage of change.

· Note that the agency's annual report for 1997 covers a partial calendar year.

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 request were pending as of end of fiscal year n/a

(related to section VI.A.3)

1. Number of expedited requests received 0

2. Number of expedited requests granted 0

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IX. Cost/FOIA Staffing

A. Staffing levels.

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

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals): \$ 7,987.22
2. Litigation-related activities (estimated): \$ 0
3. Total costs: \$ 7,987.22
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

· This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests \$130.50

B. Percentage of total costs .16%

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XI. FOIA Regulations (Including Fee Schedule):

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

USITC agency guide is at [www.usitc.gov/foiaguide.htm](http://www.usitc.gov/foiaguide.htm)