

Freedom of Information Act Annual Report Fiscal Year 2023

I. Basic Information

The Administrative Conference of the United States (ACUS) is a small agency staffed by approximately 12 full-time employees (FTEs). The agency has no component offices; therefore, all of the agency's FOIA requests are processed at the agency level.

A. For questions concerning this report, contact:

Shawne McGibbon, General Counsel & Chief FOIA Officer (smcgibbon@acus.gov)
Administrative Conference of the United States
1120 20th Street, NW Suite 706 South
Washington, DC 20036
202-480-2080

B. An electronic copy of the report may be obtained online at: www.acus.gov/foia.

C. A copy of the report in paper form may be obtained by requesting a copy in writing at the address stated above.

II. How to Make a FOIA Request

A. Requests may be submitted via the federal government's online portal at <https://www.foia.gov>. Requests that are made using ACUS's website are now redirected to FOIA.gov. The Conference's FOIA regulations outline additional ways in which to submit a FOIA request. Those methods include submitting a written request to the agency by mail. The Conference's *Freedom of Information Act Reference Guide* contains further information on how to make a request. Both the FOIA regulations and the guide are located on the agency's website, www.acus.gov/foia. Requesters should only request records that ACUS is likely to have. ACUS is not required to provide records that are not agency records. For instance, immigration, or health records of individuals with no connection to ACUS are not ACUS records. Requesters seeking those types of records should request them from whichever agency is likely to have the records.

B. Agency response-time ranges:

The median response time for processing all **initial requests** in FY 2023 was one working day and the average response time was 1.48 working days. Twenty out of a total of 43 responses took less than one business day. There were zero appeals and zero backlogs for the year.



C. Brief description of why some requests are not granted:

FOIA requests submitted to ACUS may not be granted when the information meets the criteria or standards that preclude disclosure (or permit non-disclosure) under one or more of the FOIA exemptions, or when no responsive records exist or are not in the possession of this agency. Exemptions were used in response to only two requests. In both cases, protection of PII was involved. Only 13 requesters asked for information in the agency’s possession—the vast majority of other requests were for records that were never in ACUS’s possession (e.g., police and immigration records).

Most FY2023 requests came from the FOIA.gov portal. Unfortunately, many requesters submit requests to ACUS simply because it’s the first agency on the alphabetical agency listing. The number of FOIA cases at ACUS increased from 27 in FY 2022 to 43 in FY 2023; and the number of FOIA requests received during the first quarter of FY 2024 has already surpassed the number received during all of FY 2022. This large increase is the direct result of individuals selecting ACUS (the first agency on the list), despite the instructions on FOIA.gov about how to select the correct agency. These misdirected requests for immigration and similar records must still be logged, tracked, and reported; and a “no records” reply must be sent. Such a reply is counted as a denial with appeal rights under FOIA—a tremendous waste of federal resources with no discernable benefit to the public.

In any event, in all cases in which FOIA requests were denied (due to misdirection or other reasons like privacy), the requesters were made aware of their rights to appeal or seek dispute resolution services from the Office of Government Information Services.

III. Definitions of Terms, Acronyms, and Exemptions Used in This Report

A. Agency Component Abbreviation

Component Abbreviation	Component Name
ACUS	Administrative Conference of the United States



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B. Basic Terms and Acronyms:

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 the requester; 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 FOIA.
3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full or partial denial of access to records under the FOIA, or any other FOIA determination such as a denial of a fee waiver or an assessment.
4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action in all respects on the request or the appeal.
5. Multi-track processing -- a system in which simple requests requiring relatively minimal review are processed on one track, and more voluminous and complex requests are processed on 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.
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 prior requests.
7. Simple request -- a FOIA request that an agency using multi-track processing assigns to 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 assigns to a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose in full all records that exist in response to a FOIA request.



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10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request; or a decision to disclose some records in full, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any records in response to a FOIA request because the agency determines that all the information in the requested records is exempt under one or more exemptions, or for some procedural reason (e.g., because no record is located in response to a FOIA request or the requested records do not exist at the agency).
12. Time limits -- the time period 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 remains no 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, among 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.

C. Exemptions

1. Exemption 1: classified national defense and foreign relations information
2. Exemption 2: information that is related solely to the internal personnel rules and practices of an agency
3. Exemption 3: information that is prohibited from disclosure by another federal law
4. Exemption 4: trade secrets and other confidential business information
5. Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges
6. Exemption 6: information involving matters of personal privacy
7. Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a



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right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual

8. Exemption 8: information relating to the supervision of financial institutions
9. Exemption 9: geological information on wells



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IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
N/A	N/A	N/A	ACUS	0	0

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
ACUS	0	43	43	0
AGENCY OVERALL	0	43	43	0

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
ACUS	8	5	0	29	0	1	0	0	0	0	0	0	43
AGENCY OVERALL	8	5	0	29	0	1	0	0	0	0	0	0	43



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V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
ACUS	N/A	0	0
AGENCY OVERALL			0

V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
ACUS	0	1	0	0	0	2	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	1	0	0	0	2	0	0	0	0	0	0	0	0

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
ACUS	0	0	0	0
AGENCY OVERALL	0	0	0	0



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VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
ACUS	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
ACUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
ACUS	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0



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VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
ACUS	N/A	0	0
AGENCY OVERALL			0

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
ACUS	N/A	N/A	N/A	N/A
AGENCY OVERALL	N/A	N/A	N/A	N/A

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
ACUS	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0



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VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
ACUS	1	1.48	<1	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	1	1.48	<1	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
ACUS	2	1.92	<1	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	2	1.92	<1	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
ACUS	43	0	0	0	0	0	0	0	0	0	0	0	0	43
AGENCY OVERALL	43	0	0	0	0	0	0	0	0	0	0	0	0	43



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VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
ACUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
ACUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
ACUS	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
AGENCY OVERALL	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A



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VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
ACUS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
ACUS	0	0	N/A	N/A	0
AGENCY OVERALL	0	0	N/A	N/A	0

VIII.B. Requests for Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
ACUS	0	0	N/A	N/A
AGENCY OVERALL	0	0	N/A	N/A



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IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
ACUS	0	0.10	0.10	36792.00	0.00	36792.00
AGENCY OVERALL	0	0.10	0.10	36792.00	0.00	36792.00

X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
ACUS	0.00	0.0000
AGENCY OVERALL	0.00	0.0000

XI.A. Number of Times Subsection (C) Used

Agency / Component	Number of Times Subsection Used
ACUS	0
AGENCY OVERALL	0



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XI.B. Number of Subsection (A)(2) Postings

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
ACUS	10	344
AGENCY OVERALL	10	344

XII.A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
ACUS	0	0
AGENCY OVERALL	0	0

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
ACUS	0	1	1	0
AGENCY OVERALL	0	1	1	0



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XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
ACUS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
ACUS	27	43	27	43
AGENCY OVERALL	27	43	27	43

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

Agency / Component	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
ACUS	0	0
AGENCY OVERALL	0	0



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XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
ACUS	0	0	0	0
AGENCY OVERALL	0	0	0	0

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
ACUS	0	0
AGENCY OVERALL	0	0