

National Security Archive – FOIA Audit – 10 Oldest Pending FOIA Requests at Agencies 2005

Agency	Date Range of Oldest 10 Requests 2005	Date Range of Oldest 10 Requests 2003 ¹	How many still pending in 2005 from 2003?	Agency Response Time [2005 request] In Business Days	Is the Agency Backlog Better, Worse or the Same in 2005 Compared with 2003?
AID	Request Pending	October 14, 1997 – October 19, 1998		200+	
AIR - Education & Training	June 22, 1994 – April 11, 2005	June 22, 1994 – July 14, 2003	1	2	Same
AIR - Air Mobility Command	August 4, 2000 ® ² - February 5, 2005	September 7, 1997 – December 13, 2000	0	22	Better
AIR - Air Combat Command	June 6, 1996 – March 1, 2001	June 6, 1995 – May 6, 2000®	8	30	Worse
AIR - Materiel Command	May 12, 1999 ® – August 11, 2003 ³	May 12, 1999 – February 10, 2003	2	6	Worse
AIR – Office of the Secretary	January 2, 1990 – August 25, 1994	December 5, 1989® - December 2, 1993	6	104 ⁴	Worse
ARMY - Criminal Investigation	Request Pending	March 22, 2000 – June 26, 2003		200+	
ARMY - Chief of Engineers	December 19, 2003 – August 26, 2004	June 6, 2002 – June 27, 2003	0	11	Worse
ARMY - INSCOM	December 30, 1996 – April 4, 2005 ⁵	October 5, 1989 – October 3, 1999	0	12	Better
ARMY - Materiel Command	Request Pending	Request Pending		200+	
ARMY – Human Resources	December 6, 2003 – October 12, 2004	March 5, 2001 – February 14, 2002	0	42 ⁶	Same
CBP	Request Pending			200+	
CEN	Request Pending	October 21, 2002 – May 21, 2003		200+	
CIA	May 29, 1987 – April 28, 1992	May 29, 1987 - November 22, 1989	3	187	Worse
CIS	Request Pending			150+	
DEA	July 13, 2004 – February 25, 2005	2002 ⁷	0	90	Same
DHS	June 14, 2003 – December 9, 2003			92	
DIA	December 16, 1994 – June 12, 1996	July 8, 1991® – August 1, 1996	4 ⁸	127	Worse
DOA	February 11, 1998 – December 15, 2004	July 19, 2002 - December 2, 2002	0	13	Worse
DOC	May 11, 1999® - August 20, 2004	March 24, 1993 – December 12, 2000	0	38	Better

¹ Blackened section indicates The National Security Archive did not send that agency a request for its 10 oldest FOIA requests in 2003.

² ® Indicates oldest request is a referral from another agency. Part of the explanation for the delay in processing may be the FOIA interagency referral system.

³ August 22, 2003 request included in both 03' and 05' response has different excisions. 2003 has more information

⁴ Agency never received original FOIA request. Responded to resent July 18, 2005 request.

⁵ The National Security Archive has over 30 pending FOIA requests with ISC older than April 2005.

⁶ Agency never received original FOIA request. Responded to resent July 18, 2005 request.

⁷ Agency only provided a list of documents (with agency FOIA numbers that all started with '02), not copies of the actual requests. Exact dates remain unknown.

⁸ Requests dated October 19, 1995, March 18, 1996, June 4, 1996, June 7, 1996, June 8, 1996 and June 12, 1996 were included in the 2005 response, but missing from 2003 10 Oldest response – when dates of those 10 oldest pending suggest they should have been included.

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DOD	January 31, 1987 [®] - February 3, 1992 ⁹	January 31, 1987 [®] - February 18, 1992	6	39	Worse
DOE	July 16, 1990 – September 1, 1998 ¹⁰	May 14, 1991 – August 7, 1996	1	70	Same
DOI	September 6, 2000 – August 20, 2003	March 25, 1997 - November 5, 1999	0	2	Same
DOJ - OIP	August 18, 1995 – January 30, 2002	October 17, 1994 [®] – December 28, 1999	2	118	Same
DOL – ESA – Employ Standards	No pending FOIA requests	June 15, 2003 – September 8, 2003	0	21	Better
DOL – ETA - Employ Training	Request Pending	Request Pending		150+	
DOL – MSHA - Mine Safety	January 18, 2005 – April 6, 2005	August 1, 2002 – June 3, 2003	0	9	Better
DOL - OSHA Occupational Saf.	Request Pending	Request Pending		150+	
DOL – EBSA Employee Benefits	Request Pending	May 9, 2002 [®] – May 28, 2003		150+	
DOS	Request Pending	Request Pending		200+	
DOT - Office of the Secretary	March 15, 2000 – February 10, 2003	Request Never Responded To ¹¹	?	97	?
DOT – FMSCA -Federal Motor	February 2, 2004 – March 22, 2005	June 11, 2001 – August 7, 2003	0	24	Same
DOT - FAA	February 19, 1997 – March 19, 1998	February 19, 1997 – March 19, 1998	10	4	Worse
DOT - FRA - Federal Rail	December 10, 2003 – April 21, 2005	Request Never Responded To ¹²	?	109	?
DOT - Federal Highway Adm.*	July 19, 2001			39	
EDU	December 10, 2004 - January 21, 2005	No Pending Requests	0	23	Worse
EPA	April 24, 1996 – March 12, 2001	May 23, 1994 - October 10, 1997	1	37	Same
FBI	December 8, 1992 ¹³ – July 16, 2003 ^{14 15}	November 9, 1987 – May 28, 2000	1	110	Same

⁹ April 4, 1989 William Aceves request was not included in DOD's 2003 response asking for their Ten Oldest Pending Requests, although by date and agency FOIA number suggests it should have been included.

¹⁰ DOE provided 2/3/2000 letter inquiring into the status of FOIA requests submitted in September 1998, however did not enclose copies of original requests or specific dates of requests. DOE Request dated July 16, 1990 was included in the 2005 response, but missing from DOE 2003 10 oldest response – when dates of this request suggest it should have been included. It is not a referral.

¹¹ Agency advised 2003 resource problems due to DHS reorganization. The 9/9/2005 response is for both our 2003 and 2005 requests for the 10 oldest.

¹² Agency never provided documents in response to the Archive's 2003 request, however the 2003 request was not included in 2005 10 oldest, even though it would be their oldest pending request.

¹³ December 8, 1992 request has been released to the National Security Archive in 3 different versions. Initially highly excised in 2003, then released in full on appeal in 2003. The FBI's initial 2005 response has different excisions than those withheld on initial review in 2003, but was not released in full.

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FEMA	October 26, 2000 – August 30, 2004	September 24, 2000 - October 10, 2000	0	16	Better
GSA	June 8, 2005 – July 14, 2005	September 13, 2002 – December 6, 2002	0	11 ¹⁶	Better
HHS	Request Pending	December 30, 1998 – August 29, 2001		200+	
HUD	December 20, 2002 – July 28, 2004	Request Pending	0	73	?
ICE	February 8, 1994 – June 19, 2003	[REDACTED]	[REDACTED]	11	[REDACTED]
NARA	March 9, 1990 – August 18, 1993 ¹⁷	March 9, 1990 – August 18, 1993 ¹⁸	6	21	Worse
NASA	September 30, 2004 – December 27, 2004	July 12, 2001 - April 3, 2003	0	20	Better
NAVY - Naval Air Systems	August 4, 2004 – January 7, 2005	February 13, 2002 – June 12, 2003	0	111	Same
NAVY - Chief of Naval Edu	No Pending Requests	July 23, 2003	0	9	Better
NAVY - Naval Facilities Engin.	No Pending Requests	No Pending Requests	0	21	Same
NAVY - Naval Sea Systems	December 7, 1999® – April 22, 2005	May 25, 2000 – July 27, 2001	0	26	Better
NAVY - PACCOM	April 25, 2000 – May 5, 2005	No pending FOIA requests	0	18	Worse
NGA	July 26, 2001® - December 3, 2004	[REDACTED]	[REDACTED]	128	[REDACTED]
NIH	July 11, 2000 – October 2, 2002	[REDACTED]	[REDACTED]	118	[REDACTED]
NRC	March 29, 2004 – July 14, 2004	May 7, 2001 – October 4, 2002	0	14	Worse ¹⁹
NRO	July 19, 2001 – July 15, 2004	[REDACTED]	[REDACTED]	20	[REDACTED]
NSF	December 21, 2004 – April 7, 2005	September 11, 2002 – February 19, 2003	0	20	Same
OMB	January 7, 2005 – May 2, 2005	August 15, 2001- May 31, 2002	0	79	Better
OPM	Request Pending	No pending FOIA requests	0	200+	

¹⁴ Requests dated September 14, 1993, August 2, 1994 and January 26, 2000 were included in the 2005 response, but missing from FBI 2003 10 oldest response – when dates of requests suggest they should have been included. These are not referrals. The FBI only released 8 requests in 2003 saying the remaining 2 were requests from people about themselves.

¹⁵ Possible that January 26, 2000 letter included in 2005 FBI 10 Oldest is referencing the August 3, 1998 request included in 2003 10 oldest - FBI excises the subject of the request in the January 26, 2000 letter.

¹⁶ Agency never received original FOIA request. Responded to resent July 26, 2005 request.

¹⁷ Jan 26, 1993 and August 18, 1993 requests included in both 03' and 05' response have different excisions. 2003 has more information.

¹⁸ May 8, 1991 and Dec 23, 1992 NSArchive and November 15, 1991 Tingay requests to NARA not included in 2003 10 oldest although by date should have.

¹⁹ Although the oldest single request wasn't as old in 05' as in 03' – the nine other requests were consistently older. The youngest of the 10 in 03' was 4 months older than our request. The youngest of the 10 in 05' was 10 months older than our request.

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SBA	March 28, 2005 – April 22, 2005	January 19, 2003 - January 30, 2003	0	2	Same
SEC	April 19, 2002 – August 7, 2002	March 5, 2002 - June 12, 2002	2 ²⁰	3	Worse
SSA	November 9, 2004 – February 28, 2005	September 7, 2001 - May 24, 2002	0	33	Better
TRE	November 11, 1991® – May 24, 1995 ²¹	December 9, 1994 – May 24, 1995	7	10 ²²	Worse
TSA	October 21, 2004 – February 3, 2005	[REDACTED]	[REDACTED]	18	[REDACTED]
USG–Coast Guard (DOT in 03)	Request Pending	Request Pending		100+	
VET	Request Pending	July, 27, 2001 – December 27, 2002		200+	

²¹ TRE Request dated January 11, 1993 was included in the 2005 response, but missing from TRE 2003 10 oldest response – when dates of this request suggest it should have been included. It is not a referral.

²² TRE never received initial April 22, 2005 request. Request resent on July 18, 2005, responded to on July 29, 2005.