



U.S. AGENCY FOR  
GLOBAL MEDIA

U.S. Agency for Global Media

# Freedom of Information Act Annual Report

Fiscal Year 2023

Submitted to: The Attorney General of the United States and the  
Director of the Office of Government Information Services

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## I. Basic Information Regarding Report

1. *Name, title, address, and telephone number of person(s) to be contacted with questions about the Report:*

David Kligerman  
Chief FOIA Officer  
U.S. Agency for Global Media  
330 Independence Avenue, SW  
Room 3349  
Washington, DC 20237  
(202) 920-2435

2. *Electronic link for access to the Report on the agency Web site:*

<https://www.usagm.gov/foia-reports/>

3. *Explain how to obtain a copy of the Report in paper form:*

Requests for hardcopy versions of this report can be mailed to the Chief FOIA Officer at the address listed above or sent to [foia@usagm.gov](mailto:foia@usagm.gov).

## II. Making a Request

1. *Names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.*

U.S. Agency for Global Media  
330 Independence Avenue, SW  
Room 3349  
Washington, DC 20237

USAGM maintains a centralized FOIA processing system. All FOIA requests directed to USAGM and its component networks are received and processed by USAGM headquarters.

2. *A brief description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply.*

USAGM may not always grant every request in full. It may withhold a limited amount of information after determining that certain records or information found in those records is exempt or excluded from mandatory release under the FOIA and the agency reasonable foresees that disclosure of the records or information would harm an interest protected by that information. Most frequently, the agency protects information that would: (1) disclose trade secrets or confidential business information of contracting partners, (2) violate certain legal privileges, such as the deliberative process privilege which protects agency decision making, or attorney-client communication privilege, which protects the relationship between the agency and its legal representation, and (3) constitute a clearly unwarranted invasion of personal privacy if released, such as information related to internal investigatory processes or sensitive personally identifiable information of agency personnel or other third parties. In other circumstances, the agency may determine that the request was improper or misdirected, or that the agency was unable to locate records responsive to the request.

3. *A functional electronic link to agency FOIA regulations, including the agency's fee schedule.*

USAGM FOIA Regulations contained in 22 C.F.R. §503.1 - §503.9 can be accessed at <https://ecfr.io/Title-22/pt22.2.503>.

### III. Acronyms, Definitions, and Exemptions

#### 1. *Definition of terms, as used in this report:*

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **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. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency or component within the same agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency or component within the same agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.

- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety 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.
  - l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
  - m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
  - o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
  - q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
2. *Concise descriptions of the nine FOIA exemptions:*
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** information that is related solely to the internal personnel rules and practices of an agency

- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
  - f. **Exemption 6:** information involving matters of personal privacy
  - g. **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 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
  - h. **Exemption 8:** information relating to the supervision of financial institutions
  - i. **Exemption 9:** geological information on wells
3. *Agency Component Abbreviations*
- a. **USAGM**            U.S. Agency for Global Media



#### 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
41 U.S.C. § 4702 (formerly at 41 U.S.C. § 253b(m)(1))	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	<i>Sinkfield v. HUD</i> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <i>Margolin v. NASA</i> , No. 09- 00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); <i>Hornbostel v. U.S. Dep't of the Interior</i> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	USAGM	1	1

## V. FOIA Requests

### A. FOIA Requests – Received, Processed, and Pending FOIA Requests

Agency	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
USAGM	85	120	178	27

*\*After reviewing its database, USAGM updated the number of requests pending at the start of the Fiscal Year.*

### B. Dispositions of Requests

#### (1) Disposition of Requests – All Processed Requests

Agency	Full Grants	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	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper for Other Reason	Not Agency Record	Duplicate Request	Other	
USAGM	26	39	0	27	0	1	0	26	2	0	0	57	178

#### (2) Disposition of Requests – “Other” Reasons for Full Denials Based on Reasons Other than Exemptions

Agency	Description	Number of Times Used	TOTAL
USAGM	Consolidated	57	57

(3) Disposition of Requests – Number of Times Exemptions Applied

Agency	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
USAGM	0	0	1	8	12	37	0	0	0	0	0	0	0	0

## VI. Administrative Appeals of FOIA Request Determinations

### A. Received, Processed, and Pending Administrative Appeals

Agency	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
USAGM	1	1	1	1

### B. Disposition of Administrative Appeals – All Processed Appeals

Agency	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
USAGM	0	1	0	0	1

### C. Additional Appeal Data

#### (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

Agency	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
USAGM	0	0	0	0	1	1	0	0	0	0	0	0	0	0

#### (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

Agency	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 Expedited Processing	Other
USAGM	0	0	0	0	0	0	0	0	0	0	0

(3) Reasons for Denial on Appeal – “Other” Reasons

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

(4) Response Time for Administrative Appeals

Agency	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
USAGM	55	55	55	55

(5) Ten Oldest Pending Administrative Appeals

Agency		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
USAGM	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2023-08-29
	Number of Days Pending	0	0	0	0	0	0	0	0	0	23

## VII. FOIA Requests: Response Time for Processed and Pending Requests

### A. Response Time for All Processed Perfected Requests

Agency	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
USAGM	16	40	<1	277	117	156	14	452	N/A	N/A	N/A	N/A

### B. Response Time for Perfected Requests in Which Information Was Granted

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
USAGM	23	53	1	276	127	169	18	452	N/A	N/A	N/A	N/A

### C. Processed Requests – Response Time in Day Increments

#### (1) Processed Simple Requests – Response Time in Day Increments

Agency	<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
USAGM	25	6	4	3	1	1	1	0	1	0	2	0	0	44

#### (2) Processed Complex Requests – Response Time in Day Increments

Agency	<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
USAGM	3	3	4	2	9	3	3	4	1	3	8	1	4	48

(3) Processed Requests Granted Expedited Processing – Response Time in Day Increments

Agency	<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
USAGM	0	0	0	0	0	0	0	0	0	0	0	0	0	0

D. Pending Requests – All Pending Perfected Requests

Agency	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
USAGM	4	5	5	22	11	54	0	N/A	N/A

E. Pending Requests – Ten Oldest Pending Perfected Requests

Agency		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USAGM	Date of Receipt	2023-09-14	2023-09-09	2023-09-08	2023-07-21	2023-07-14	2023-07-11	2023-07-05	2023-02-09	2022-12-22	2021-11-01
	Number of Days Pending	12	15	16	50	55	58	62	162	194	476

## VIII. Requests for Expedited Processing and Fee Waivers

### A. Requests for Expedited Processing

Agency	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
USAGM	0	9	3	3	9

### B. Requests for Fee Waiver

Agency	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
USAGM	0	0	N/A	N/A



## IX. FOIA Personnel and Costs

Agency	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
USAGM	0	1.50	1.50	187418.00	16666.00	204084.00

X. Fees Collected for Processing Requests

Agency	Total Amount of Fees Collected	Percentage of Total Costs
USAGM	0.00	0.0000

XI. Number of Times Subsections (c) Used and Number of Subsection (a)(2) Postings

A. Number of Times Subsection (C) Used

Agency	Number of Times Subsection Used
USAGM	0

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

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
USAGM	4	45

## XII. Backlogs, Consultations, and Comparisons

### A. Backlogs of FOIA Requests and Administrative Appeals

Agency	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
USAGM	7	1

### B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Agency	Number of Consultations Received from Other Agencies that were Pending at the Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were Processed by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at the Agency as of End of the Fiscal Year
USAGM	0	2	1	1

### C. Consultations on FOIA Requests – Ten Oldest Pending Consultations Received from Other Agencies

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
USAGM	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2023-09-25
	Number of Days	0	0	0	0	0	0	0	0	0	5

## D. Comparison of Numbers of Requests from Previous and Current Annual Report

### (1) Requests Received and Processed

Agency	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
USAGM	92	120	77	178

### (2) Backlogged Requests

Agency	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
USAGM	84	7

## E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report

### (1) Appeals Received and Processed

Agency	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
USAGM	1	1	1	1

(2) Backlogged Appeals

Agency	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
USAGM	1	1