

**UNITED STATES POSTAL SERVICE**  
**FREEDOM OF INFORMATION ACT (FOIA)**  
**ANNUAL REPORT**  
**FOR FISCAL YEAR 1998**  
**(COVERING THE PERIOD**  
**OCTOBER 1, 1997 TO SEPTEMBER 30, 1998)**

**I. Basic Information Regarding Report****A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report.**

ELIZABETH A. RICHARDSON  
MANAGER, ADMINISTRATION AND RECORDS  
UNITED STATES POSTAL SERVICE  
475 L'ENFANT PLAZA SW RM 8800  
WASHINGTON DC 20260-5243  
TELEPHONE: 202-268-6191

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

Our FOIA Annual Reports may be accessed from our FOIA WEB Page at <http://www.usps.gov/foia>.

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

A hard copy of this report may be obtained upon written request to:

ELIZABETH A. RICHARDSON  
MANAGER, ADMINISTRATION AND RECORDS  
UNITED STATES POSTAL SERVICE  
475 L'ENFANT PLAZA SW RM 8800  
WASHINGTON DC 20260-5243.

## II. How to Make a FOIA Request

A FOIA request for Postal Service records may be directed to the “records custodian,” that is, the head of the facility where the records are maintained. For example, if a requester knows the desired records would be located at a particular post office, that postmaster would be the records custodian. If the requester knows the desired records would be maintained by a functional unit at Headquarters, the Vice President of that unit would be the records custodian. But if the requester does not know where the records are maintained, the request should be directed to the office of Administration and Records at Postal Service Headquarters in Washington, D.C.

There is no required “form” for submitting a request. A requester should simply write a letter, indicating “FOIA” somewhere on the letter, and describe the records wanted. It is also helpful to include the amount of processing fees for which the requester is willing to accept liability – if estimated processing fees exceed that amount, the requester will be notified in advance.

A request should describe with as much detail as possible the records being requested. The description should be detailed enough that an agency employee familiar with the subject matter can locate the records with a reasonable amount of effort. A reasonable description is required by the FOIA and helps ensure prompt processing to locate the records of interest while minimizing processing costs to the requester.

Following is information specifically required to be made available through this report. Detailed information on submitting a FOIA request may be found in our PUB. 549, a guide on how to obtain Postal Service records. PUB. 549 is found at: <http://www.usps.gov/foia/foiarpsr.htm>.

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

FOIA processing at the Postal Service is decentralized. As stated above, a FOIA request should be sent directly to the records custodian. That means any one of our 40,000 post offices or hundreds of administrative offices could receive a FOIA request. However, if the requester does not know where records are maintained, a request should be sent as follows:

*Non-investigative records:*

ELIZABETH A. RICHARDSON  
MANAGER, ADMINISTRATION AND RECORDS  
UNITED STATES POSTAL SERVICE  
475 L'ENFANT PLAZA SW RM 8800  
WASHINGTON DC 20260-5243.

*Investigative records:*

KENNETH J. HUNTER  
CHIEF POSTAL INSPECTOR  
UNITED STATES POSTAL SERVICE  
475 L'ENFANT PLAZA SW RM 3100  
WASHINGTON DC 20260-2100

**B. Brief description of the agency's response-time ranges.**

The Postal Service does not use multi-track processing since, due to decentralized processing, most offices are able to respond to most requests within the twenty-working-day time period set by the FOIA. Additional time may be needed if a request involves a time-consuming search or review or a voluminous amount of records. In these instances, or in the unusual case of a backlog, the requester will be notified.

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

Once the records custodian has processed a request and any fee issues have been resolved, the requester will be sent a written initial determination. It is the Postal Service's policy to make its official records available to the public to the maximum extent consistent with the public interest. So a requester will receive copies of all responsive records or parts of records that are not subject to one of several exemptions contained in the FOIA. The response letter will advise whether any information is being withheld pursuant to one or more of the exemptions. When pages are being withheld in their entirety, the records custodian either will specify the number of pages being withheld or will make a

reasonable effort to estimate the amount of the withheld information.

The exemptions in the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information, (2) internal agency rules and practices, (3) information that is prohibited from disclosure by another federal law, (4) trade secrets and other confidential business information, (5) inter-agency or intra-agency communications that are protected by legal privileges, (6) information involving matters of personal privacy, (7) certain types of information compiled for law enforcement purposes, (8) information relating to the supervision of financial institutions, and (9) geological information on wells. Although not legally obligated to do so, the records custodian may disclose exempt information as a matter of administrative discretion if that disclosure is not prohibited by any law and would not cause any foreseeable harm.

Exemptions 1), 8), and 9) are rarely, if ever, applicable to Postal Service records.

### III. Definitions of Terms and Acronyms Used in the Report

#### A. Agency-specific acronyms or other terms.

*USPS* means United States Postal Service.

*Records custodian* means the head of a postal facility such as an area, district, post office, or other postal installation that maintains Postal Service records and information. Vice Presidents are the custodians of records and information maintained at Headquarters. Custodians are responsible for seeing that records within their facilities or organizations are managed according to Postal Service policies.

*Basic Request* means a request that took less than two hours of resources to process.

*Complicated Request* means a request that took two hours or more of resources to process.

e-FOIA means the Electronic Freedom of Information Act Amendments of 1996, Public Law No. 104-231, 110 Stat. 3048, making major revisions to the FOIA, including subsection (e) that pertains to the submission of annual reports by federal agencies on their administration of the Act.

#### 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). *Note: The Postal Service does not have a multi-track processing system since it usually does not have FOIA backlogs.*
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. *Note: The Postal Service does not have a multi-track processing system since it does not usually have a backlog. However, in calculating median processing time, it does distinguish between basic and complicated requests. See III.A. above.*
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. *Note: The Postal Service does not have a multi-track processing system since it does not usually have a backlog. However, in calculating median processing time, it does distinguish between basic and complicated requests. See III.A. above.*
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.

#### IV. Exemption 3 Statutes

**A. List of Exemption 3 statutes relied on by agency during current fiscal year, with 1) a brief description of type(s) of information withheld under each statute; and 2) a statement of whether a court has upheld the use of each statute. If so, then cite example.**

<i>Exempting Statute</i>	<i>Types of Information Withheld Under Statute</i>
39 U.S.C. 410(c)(1)	names and addresses of postal customers
39 U.S.C. 410(c)(2)	commercial information not disclosed under good business practice
39 U.S.C. 410(c)(3)	information prepared for use in collective bargaining
39 U.S.C. 410(c)(4)	information prepared for use in Postal Rate Commission proceedings
39 U.S.C. 410(c)(5)	reports and memoranda of consultants and independent contractors
39 U.S.C. 412	lists of names or addresses of postal customers
18 U.S.C. 1461	obscene or crime-inciting matter
18 U.S.C. 2510	wire and electronic communications interception
28 U.S.C. Rule 6(e), Federal Rules of Criminal Procedure	grand jury materials

Two courts have upheld the use of 39 U.S.C. 410(c)(2) as an exemption 3 statute: Weres Corporation v. U.S. Postal Service, Civil Action No. 95-1984 (D.D.C. 1996) and National Western Life Ins. Co. v. U.S., 512 F. Supp. 454 (N.D. Tex. 1980). No court has made a determination with regard to the exemption 3 status of the other title 39 provisions listed above.

## V. Initial FOIA/PA Access Requests

**Note:** *The e-FOIA amendments require agencies to collect substantially more detailed information than they had to collect in the past. Because FOIA processing at the Postal Service is decentralized to the extent that any of 40,000+ postal locations may receive and process a FOIA request, it was necessary for the Postal Service to develop a methodology and system to capture the information from that number of sites. Accomplishing this by the beginning of the fiscal year covered by this report was an impossibility. Consequently, while the initial request data in the report covers the period of October 1, 1997 to September 30, 1998, it relates to requests received only at the two major FOIA processing offices – the Records office and the Inspection Service. Because these offices receive the bulk of requests, the report is believed representative of FOIA processing at the Postal Service.*

### A. Numbers of initial requests.

	Records Office	Inspection Service	Total
1. No. of requests pending as of end of preceding fiscal year	*	*	*
2. No. of requests received during current fiscal year	703	549	1252
3. No. of requests processed during current fiscal year	685	402	1087
4. No. of requests pending as of end of current fiscal year	18	147	165

\*not captured

**B. Disposition of initial requests.**

		<i>Total</i>
<b>1. No. of total grants</b>		709
<b>2. No. of partial grants</b>		157
<b>3. No. of denials</b>		99
<b>a. No. of times each FOIA exemption used (counting each exemption once per request)</b>		
(1) exemption 1		0
(2) exemption 2		31
(3) exemption 3		41
(4) exemption 4		16
(5) exemption 5		80
(6) exemption 6		101
(7) exemption 7(A)		47
(8) exemption 7(B)		0
(9) exemption 7(C)		116
(10) exemption 7(D)		49
(11) exemption 7(E)		23
(12) exemption 7(F)		6
(13) exemption 8		0
(14) exemption 9		0
<b>4. Other reasons for nondisclosure (total)</b>		515
a. no records		188
b. referrals		4
c. request withdrawn		21
d. fee-related reason		51
e. records not reasonably described		188
f. not a proper FOIA request for some other reason		16
g. not an agency record		2
h. duplicate request		26
i. other		
referred to USPS source for public sale		3
requested authorization of records subject		15
requested to designate a physician to receive records		1

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

<b>A. Numbers of appeals</b>	
<b>1. No. of appeals received during fiscal year</b>	162
<b>2. No. of appeals processed during fiscal year</b>	108
<b>B. Disposition of appeals</b>	
<b>1. No. completely upheld</b>	42
<b>2. No. partially reversed</b>	10
<b>3. No. completely reversed</b>	8
<i>a. No. of times each FOIA exemption used (counting each exemption once per appeal)</i>	
(1) exemption 1	0
(2) exemption 2	6
(3) exemption 3	14
(4) exemption 4	1
(5) exemption 5	17
(6) exemption 6	20
(7) exemption 7(A)	6
(8) exemption 7(B)	0
(9) exemption 7(C)	17
(10) exemption 7(D)	5
(11) exemption 7(E)	3
(12) exemption 7(F)	0
(13) exemption 8	0
(14) exemption 9	0
<b>4. Other reasons for nondisclosure (total)</b>	48
a. no records exist	21
b. referrals	3
c. request withdrawn	4
d. fee-related reason	1
e. records not reasonably described	3
f. not a proper FOIA request for some other reason	2
g. not an agency record	0
h. duplicate request	1
i. other	
rendered moot when custodian provided records	13

## VII. Compliance with Time Limits/Status of Pending Requests

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

	1. BASIC REQUESTS		2. COMPLICATED REQUESTS	
	<i>Median No. of Days</i>	<i>Average No. of Days</i>	<i>Median No. of Days</i>	<i>Average No. of Days</i>
Records Office	11	16	24	26
Inspection Service	18	29	46	55

### 3. Requests accorded expedited processing.

The Inspection Service received and denied one request for expedited processing. The median number of days to process the request was 49 days. The Records office received no requests for expedited processing.

### B. Status of pending requests.

	1. No. of Requests Pending as of end of Current Fiscal Year	2. Median No. of Days Such Requests Were Pending as of end of Current Fiscal Year
Records Office	18	*
Inspection Service	147	*

\*not available

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

Because a new system had to be developed to collect the information required for annual reporting by the e-FOIA amendments, limited information is available on previous years. However, we can report the Records office received 552 requests in the previous fiscal year compared to 656 the year before that. We also know that for fiscal year 1998, the number of requests received by the Records office from postal employee unions increased from 14 to 67. In addition, our office of Payroll Accounting, which was part of the Records office in fiscal year 1998, received an unprecedented 165 requests from the unions. These requests were all for the same type of information; i.e., the amounts of payments members of management had received under the Postal Service's financial performance management system.

During fiscal year 1998, the Postal Service made several efforts to improve FOIA processing. It:

- conducted training for its coordinators, one of which is located in each of the Postal Service's 95 district and area offices. These coordinators act as liaison to reporting post offices by providing general guidance and will receive and verify reports containing data that become part of this report.
- provided Headquarters training on the procedural and reporting changes made by the e-FOIA amendments.
- continued to enhance its FOIA WEB page.
- developed a new automated system for capturing the information required by this report and a new form to be completed by records custodians each time a request is completed. It has published follow-ups and reminders to records custodians of the requirement to complete the form.
- published updated fees for retrieving information by computer.
- added a full-time staff member to the Records office, which administers FOIA policy.

## IX. Costs/FOIA Staffing

### A. Staffing levels.

	<i>Records Office</i>	<i>Inspection Service</i>	<i>Law Department</i>
<b>1. No. of full- time FOIA personnel</b>	0	0	0
<b>2. No. of personnel with part-time or occasional FOIA duties (in total work-years)*</b>	5	3	3
<b>3. Total no. of personnel (in work-years)</b>	5	3	3

\*This represents staff in main FOIA processing offices. However, since any of 40,000+ facilities may receive a request, personnel at those facilities may or may not process a FOIA request(s) within the year.

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

	<i>Records Office</i>	<i>Inspection Service</i>	<i>Law Department</i>	
<b>1. Costs to process initial FOIAs *</b>	\$128,315	\$140,543		
<b>2. Costs to process FOIA appeals</b>			\$178,654	
<b>3. Estimated litigation-related costs</b>			7,445	
<b>TOTAL</b>				\$454,957

\*Costs captured reflect estimated costs for request processing and does not include other costs such as building use, etc.

## **X. Fees**

**A. Total amount of fees collected by agency for processing requests: \$ 260,544**

**B. Percentage of total costs:** The costs and fees collected should not be compared this year since the costs represent only those incurred by the Records office and Inspection Service while the fees received represent those collected nationally.

## **XI. FOIA Regulations (Including Fee Schedule)**

The Postal Service's Release of Information regulations in support of the FOIA is found at:

<http://www.access.gpo.gov/nara/cfr/waisidx/39cfr265.html>

The fee provisions are contained at section 265.9 of those regulations.