

FY 2013 Annual Freedom of Information Act Report of the Legal Services Corporation

The Legal Services Corporation (“LSC” or “Corporation”) was established as a private, non-membership, non-profit corporation by the Legal Services Corporation Act, Pub. L. 93-355 (1974), as amended, 42 U.S.C. § 2996 *et seq.* Section 2996(g) of Title 42 provides that the Corporation is subject to the requirements of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. This report is submitted pursuant to the FOIA and relates to the Corporation’s FOIA activities for the period from October 1, 2012 through September 30, 2013.

The Congress of the United States, in the declaration of purpose of the Legal Services Corporation Act, found that "there is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances," that "there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel," [...and that] "providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice and assist in improving opportunities for low-income persons." In keeping with these congressional findings LSC’s mission is:

To promote equal access to justice in our Nation and to provide high quality civil legal assistance to low-income persons.

I. BASIC INFORMATION REGARDING REPORT

1. Following are the persons available to discuss this report:

Ronald S. Flagg

Vice President for Legal Affairs, General Counsel,
Corporate Secretary and Chief FOIA Officer
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522
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and

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2. This report may be found in the **FOIA** section of LSC's web site at <http://www.lsc.gov/foia/reports>.
3. A copy of this report may be obtained in paper form by submitting a written request for "LSC's FY 2013 Annual FOIA Report" to:

Cheryl A. DuHart

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II. MAKING A FOIA REQUEST

LSC's FOIA Handbook provides a brief overview of the history and purpose of FOIA, and explains how to submit a FOIA request for LSC records.

The handbook may be found at <http://www.lsc.gov/foia/handbook>.

1. Following are the LSC offices to which FOIA requests may be submitted.
 - a. **Office of Legal Affairs**
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522
Telephone: (202) 295-1500
FOIA@lsc.gov
 - b. **Office of Inspector General**
Legal Services Corporation
3333 K Street, N.W.
Washington, DC 20007-3522
Telephone: (202) 295-1500
FOIA@oig.lsc.gov
2. Some requests are denied in whole or in part because the material requested is either statutorily exempt from disclosure or the records requested are not in the possession of the Corporation. For example:
 - an individual's personal telephone number, personal electronic mail address, and residential address would be withheld pursuant to Exemption 6, which protects from disclosure information the release of which would result in the unwarranted invasion of personal privacy;
 - Similarly, personal records of a type that would normally be maintained in an employee's personnel or medical file would be withheld pursuant to the protection afforded by Exemption 6; and

- Records in the Corporation’s possession related to an investigation of an LSC-funded grantee by LSC’s Office of Inspector General may be withheld pursuant to Exemption 7(a), which protects information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings, due to an ongoing investigation and/or enforcement proceedings.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. **LSC or Corporation** – refers to the Legal Services Corporation.
2. Definitions of terms 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 the end of the fiscal year that are beyond the statutory time period for a response.
 - d. **Component** –The FOIA requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency. In the case of LSC, there are two components that process FOIA requests: the Office of Inspector General (“OIG”) processes requests for records exclusively in the possession and control of the OIG, and, the Office of Legal Affairs (“OLA”) processes all other requests for LSC.
 - e. **Consultation** – the procedure whereby LSC first forwards a record to another 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 LSC, which then responds to the FOIA requester.

- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which LSC relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request for copies of records concerning the requester (i.e., “first party” requests), another person (i.e., a “third-party” request), an organization, or a particular topic of interest.

A FOIA request includes records referred to LSC for processing and direct response to the requester. It does not, however, include records for which LSC has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.) FOIA requests received by LSC are included in 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 exist or 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** – LSC will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in FOIA and at 45 C.F.R. Part 1602, the regulation that implements FOIA for LSC.

- ii. **Simple Request** – a FOIA request that LSC 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 LSC 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, LSC’s 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 LSC 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 LSC 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).
3. 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

IV. EXEMPTION 3 STATUTES

Component	Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
OLA	5 U.S.C. app. § 107(a)	Confidential Financial Disclosure Information	<u>Meyerhoff v. EPA</u> , 958 F.2d 1498, 1500-02 (9 th Cir. 1992); <u>Concepcion v. FBI</u> , 606 F. Supp. 2d 14, 33 (D.D.C. 2009), <u>renewed motion for summary judgment granted in part on other grounds</u> , 699 F. Supp. 2d 106 (D.D.C. 2010).	1	1
OIG	N/A	N/A	N/A	0	0

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

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
OLA	0	24	24	0
OIG	0	13	13	0
AGENCY OVERALL	0	37	37	0

B. (1) Disposition of FOIA Requests -- All Processed Requests

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 With-drawn	Fee-Related Reason	Records Not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	
OLA	10	3	5	5	0	1	0	0	0	0	0	0	24
OIG	3	5	5	0	0	0	0	0	0	0	0	0	13
AGENCY OVERALL	13	8	10	5	0	1	0	0	0	0	0	0	37

B. (2) Disposition of FOIA Requests -- “Other” Reasons

Component	Description of “Other” Reasons for Denials from Chart B (1)	Number of Times “Other” Reason was Relied Upon	COMPONENT TOTAL
OLA	N/A	N/A	N/A
OIG	N/A	N/A	N/A
AGENCY OVERALL	N/A	N/A	N/A

B. (3) Disposition of FOIA Requests -- Number of Times Exemptions Applied

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
OLA	0	0	1	0	0	5	2	0	0	0	0	0	0	0
OIG	0	0	0	0	2	1	6	0	3	0	0	0	0	0
AGENCY OVERALL	0	0	1	0	2	6	8	0	3	0	0	0	0	0

VI. ADMINISTRATIVE APPEALS

A. Received, Processed and Pending Administrative Appeals

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
OLA	1	0	1	0
OIG	0	0	0	0
AGENCY OVERALL	1	0	1	0

In the FY 2012 Annual FOIA Report, LSC misreported that there were no appeals pending at the end of fiscal year 2012. However, LSC received one appeal at the very end of fiscal year 2012 and processed it early in fiscal year 2013. Therefore, LSC had one appeal pending at the start of FY 2013 as reported in Section VI.A.

B. Disposition of Administrative Appeals -- All Processed Appeals

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
OLA	1	0	0	0	1
OIG	0	0	0	0	0
AGENCY OVERALL	1	0	0	0	1

C. (1) Reasons for Denial on Appeal -- Number of Times Exemptions Applied

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
OLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	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

C. (2) Reasons for Denial on Appeal -- Reasons Other than Exemptions

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
OLA	1	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	1	0	0	0	0	0	0	0	0	0	0

C. (3) Reasons for Denial on Appeal -- Other Reasons

Component	Description of “Other” Reasons for Denial on Appeal from Chart	Number of Times “Other” Reason Was Relied Upon	COMPONENT TOTAL
OLA	N/A	N/A	N/A
OIG	N/A	N/A	N/A
AGENCY OVERALL	N/A	N/A	N/A

C. (4) Response Time for Administrative Appeals

Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
OLA	19	19	19	19
OIG	N/A	N/A	N/A	N/A
AGENCY OVERALL	19	19	19	19

C. (5) Ten Oldest Pending Administrative Appeals

Component OLA	10 th Oldest Appeal	9 th	8 th	7 th	6 th	5 th	4 th	3rd	2 nd	Oldest Appeal
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	0	0	0	0	0	0	0	0	0	0

Component OIG	10 th Oldest Appeal	9 th	8 th	7 th	6 th	5 th	4 th	3rd	2 nd	Oldest Appeal
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	0	0	0	0	0	0	0	0	0	0

VII.A. Processed Requests -- Response Time for All Processed Perfected Requests

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
OLA	9	12.625	1	53	0	0	0	0	0	0	0	0
OIG	3	5	1	15	0	0	0	0	0	0	0	0
AGENCY OVERALL	7	9.94	1	53	0	0	0	0	0	0	0	0

VII.B. Processed Requests -- Response Time for Perfected Requests in Which Information Was Granted

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
OLA	11	12.15	2	27	0	0	0	0	0	0	0	0
OIG	5.5	6.75	1	4	0	0	0	0	0	0	0	0
AGENCYOVERALL	9	10.09	1	27	0	0	0	0	0	0	0	0

VII.C.1. Processed Requests -- Response Time in Day Increments – Simple Requests

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
OLA	21	2	1	0	0	0	0	0	0	0	0	0	0	24
OIG	13	0	0	0	0	0	0	0	0	0	0	0	0	13
AGENCY OVERALL	34	2	1	0	0	0	0	0	0	0	0	0	0	37

VII.C.2. Processed Requests -- Response Time in Day Increments – Complex Requests

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
OLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	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.3. Processed Requests -- Response Time in Day Increments – Expedited Requests

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
OLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	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

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
OLA	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0

VII. E. Pending Requests -- Ten Oldest Pending Perfected Requests

Component OLA	10 th Oldest Appeal	9 th	8 th	7 th	6 th	5 th	4 th	3rd	2 nd	Oldest Request and Number of Days Pending
Date	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	0	0	0	0	0	0	0	0	0	0

Component OIG	10 th Oldest Appeal	9 th	8 th	7 th	6 th	5 th	4 th	3rd	2 nd	Oldest Request and Number of Days Pending
Date	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	0	0	0	0	0	0	0	0	0	0

VIII. A. Requests for Expedited Processing

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

VIII. B. Requests for Fee Waiver

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
OLA	1	0	15	15
OIG	0	0	0	0
AGENCY OVERALL	1	0	15	15

IX. FOIA PERSONNEL AND COSTS

Component	PERSONNEL			COSTS		
	Number of “Full-Time FOIA Employees”	Number of “Equivalent Full-Time FOIA Employees”	Total Number of “Full-Time FOIA Staff” (The sum of Columns 1 & 2	Processing Costs	Litigation- Related Costs	Total Costs
OLA	0	.57	.57	42,850	0	42,850
OIG	0	.026	.026	3,198	0	3,198
AGENCY OVERALL	0	.596	.596	46,048	0	46,048

X. FEES COLLECTED FOR PROCESSING REQUESTS

Component	Total Amount of Fees Collected	Percentage of Total Costs
OLA	536.74	1.25%
OIG	0	0%
AGENCY OVERALL	536.74	1.17%

XII. A. Backlogs of FOIA Requests and Administrative Appeals

Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
OLA	0	0
OIG	0	0
AGENCY OVERALL	0	0

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

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at LSC 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 LSC During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at LSC as of <u>End</u> of the Fiscal Year
OLA	0	0	0	0
OIG	0	0	0	0
AGENCY OVERALL	0	0	0	0

XII. C. Consultations on FOIA Requests -- Ten Oldest Consultations Received from Other Agencies and Pending at LSC

Component OLA	10 th Oldest Consultation	9 th	8 th	7 th	6 th	5 th	4 th	3rd	2nd	Oldest Consultation and Number of Days Pending
Date	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	0	0	0	0	0	0	0	0	0	0

Component OIG	10 th Oldest Consultation	9 th	8 th	7 th	6 th	5 th	4 th	3rd	2nd	Oldest Consultation and Number of Days Pending
Date	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	0	0	0	0	0	0	0	0	0	0

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

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
OLA	30	24	30	24
OIG	9	13	9	13
AGENCY OVERALL	39	37	39	37

XII D.2. Comparison of Backlogged Requests from Previous and Current Annual Report

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
OLA	0	0
OIG	0	0
AGENCY OVERALL	0	0

XII. E.1 Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report

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
OLA	2	0	2	1
OIG	0	0	0	0
AGENCY OVERALL	2	0	2	1

XII. E.2 Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report

	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
OLA	0	0
OIG	0	0
AGENCY OVERALL	0	0

Questions regarding this Report or any aspect thereof should be directed to Cheryl DuHart at (202) 295-1500 or at duhartc@lsc.gov.