

National Indian Gaming Commission 2001 Annual FOIA Report

I. Basic Information Regarding Report

- A. Name, title, address, and telephone number of person to be contacted with questions about the report.

Gregory A. Smith
FOIA/PA Officer
National Indian Gaming Commission
1441 L Street, N.W. , Suite 9100
Washington, D.C. 20005
Telephone number: (202) 632-7003
Fax number: (202) 632-7066

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

http://www.nigc.gov/foia/foia_2001.jsp

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

A paper copy of this report can be obtained by request from the address listed above or printed from the NIGC web site.

II. How to Make a FOIA Request

- Agencies may either include descriptions here or provide them by cross-reference to their FOIA reference guides (which should be electronically linked for convenient electronic reference purposes).

Please follow the suggestions listed below when preparing your FOIA request:

- **identify the records requested (be as specific as possible, i.e., describe the subject matter of the records, and, if known, indicate the dates of the records, the places where they originated, and the names of the originating persons or offices);**
- **state that the records are requested under the Freedom of Information Act;**
- **include daytime telephone numbers in case additional information is needed before answering requests, and**
- **forward all requests to NIGC's FOIA Office by one of the methods listed below:**

Mail the request (mark the outside of the envelope, "FOIA Request") to:

FOIA/PA Officer
National Indian Gaming Commission
1441 L Street, N.W., Suite 9100
Washington, D.C. 20005
OR Fax the request to the FOIA Office at (202) 632-7066.

Individuals with questions concerning their requests may call NIGC's FOIA Officer at (703) 632-7003.

- A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.
N/A
- B. Brief description of the agency's response-time ranges.
Response times are from one day to more than one year in some cases.
- C. Brief description of why some requests are not granted.
As part of our regulatory function the NIGC requires Tribes to submit to the Commission management contracts and audits for gaming facilities. Since most of these submissions contain privileged and personal information, exemptions (b)(4) and (b)(6) are used to withhold this exempt material.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

Agency-specific acronyms or other terms.

- A. 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 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).
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 (nonexpedited) track based on the volume and/or simplicity of records requested.
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.
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.

IV. Exemption 3 Statutes

List of Exemption 3 statutes relied on by agency during current fiscal year.

0. Brief description of type(s) of information withheld under each statute.

None

1. Statement of whether a court has upheld the use of each statute. If so, then cite example.

None

V. Initial FOIA/PA Access Requests

Numbers of initial requests.

0. Number of requests pending as of end of preceding fiscal year 56
1. Number of requests received during current fiscal year 101
2. Number of requests processed during current fiscal year 89

3. Number of requests pending as of end of current fiscal year 68 (Enter this number also in Line VII.B.1.)

A. Disposition of initial requests.

0. Number of total grants 20

1. Number of partial grants 8

2. Number of denials 3

a. number of times each FOIA exemption used (counting each exemption once per request)

(1) Exemption 1 0

(2) Exemption 2 0

(3) Exemption 3 0

(4) Exemption 4 3

(5) Exemption 5 4

(6) Exemption 6 3

(7) Exemption 7(A) 0

(8) Exemption 7(B) 0

(9) Exemption 7(C) 1

(10) Exemption 7(D) 0

(11) Exemption 7(E) 0

(12) Exemption 7(F) 0

(13) Exemption 8 0

(14) Exemption 9 0

3.

4. Other reasons for nondisclosure (total) 58

a. no records 25

b. referrals 3

c. request withdrawn 30

d. fee-related reason 0

e. records not reasonably described
0

f. not a proper FOIA request for some other reason
0

g. not an agency record 0

h. duplicate request 0

i. other (specify) 0

VI. Appeals of Initial Denials of FOIA/PA Requests

Numbers of appeals.

0. Number of appeals received during fiscal year
2

1. Number of appeals processed during fiscal year
1

A. Disposition of appeals. (Pending)

0. Number completely upheld 0

1. Number partially reversed 1

2. Number completely reversed 0

a. number of times each FOIA exemption used (counting each exemption once per appeal)

(1) Exemption 1 0

(2) Exemption 2 0

(3) Exemption 3 0

(4) Exemption 4 1

(5) Exemption 5 0

(6) Exemption 6 0

(7) Exemption 7(A) 0

(8) Exemption 7(B) 0

(9) Exemption 7(C) 0

(10) Exemption 7(D) 0

(11) Exemption 7(E) 0

(12) Exemption 7(F) 0

(13) Exemption 8 0

(14) Exemption 9 0

3. Other reasons for nondisclosure (total) 0

a. no records 0

b. referrals 0

c. request withdrawn 0

d. fee-related reason 0

e. records not reasonably described
0

- f. not a proper FOIA request for some other reason 0
- g. not an agency record 0
- h. duplicate request 0
- i. other (specify) 0

VII. Compliance with Time Limits/Status of Pending Requests

Median processing time for requests processed during the year.

- 0. Simple requests.
 - a. number of requests processed 64
 - b. median number of days to process 16
- 1. Complex requests.
 - a. number of requests processed 20
 - b. median number of days to process 184
- 2. Requests accorded expedited processing.
 - a. number of requests processed 5
 - b. median number of days to process 45

A. Status of pending requests.

- 0. Number of requests pending as of end of current fiscal year 68

(Enter this number from Line V.A.4.)
- 1. Median number of days that such requests were pending as of that date 70

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

~~Agencies should state comparisons both in total numbers and in percentage of change.~~

~~A. Note that the agency's annual report for 1997 covers a partial calendar year.~~

~~B. Comparison of numbers of requests received~~

~~C. Comparison of numbers of requests processed~~

~~D. Comparison of median numbers of days requests were pending as of end of fiscal year~~

~~E. Other statistics significant to agency~~

~~F. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records)~~

IX. Costs/FOIA Staffing

Staffing levels.

. Number of full time FOIA personnel 1

A. Number of personnel with part-time or occasional FOIA duties (in total work years) 0

B. Total number of personnel (in work years) 1

A. Total costs (including staff and all resources).

. FOIA processing (including appeals)
\$110,000.00

A. Litigation related activities (estimated)
\$5,000.00

B. Total costs \$115,000.00

C. Comparison with previous year(s) (including percentage of change) (optional)

B. Statement of additional resources needed for FOIA compliance (optional)

X. Fees

- . Total amount of fees collected by agency for processing requests \$285.00
- A. Percentage of total costs <1%

XI. FOIA Regulations (Including Fee Schedule)

NIGC's FOIA regulations and fee schedule can be found in chapter 25 of the C.F.R. sec. 517. A paper copy of these regulations can be obtained by contacting the NIGC's FOIA Officer (see section I(A) of this report) or electronically at <http://www.nigc.gov/>.