

**ANNUAL REPORT ON THE FREEDOM OF INFORMATION ACT
FOR FISCAL YEAR 2007**

**FEDERAL OPEN MARKET COMMITTEE
Submitted on January 31, 2008**

The following information is submitted to the U.S. Department of Justice by the Federal Open Market Committee of the Federal Reserve System (FOMC) in accordance with the requirements of the Freedom of Information Act (5 U.S.C. § 552(e)), as amended.

I. Basic Information Regarding Report

- A. The FOMC's contact person for questions about this report is: Ms. Carol R. Low, FOMC Secretariat Specialist, Federal Open Market Committee, Mail Stop 55, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551; (202) 452-3255; FAX (202) 452-2921.
- B. A paper copy of this report may be obtained by requesting it from Ms. Carol R. Low, (see I.A. above).

II. How to Make a FOIA Request

- A. The Federal Open Market Committee does not have individual agency components or offices that receive requests; all requests may be made to Mr. Brian F. Madigan, Secretary of the Federal Open Market Committee, electronically on the FOMC FOIA web site at <http://www.federalreserve.gov/fomc/foia/FOMCForm.cfm>; or c/o Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551 (Tel: 202-452-3828); or to the FOMC's contact person (see I.A. above).
- B. The FOMC tries diligently to comply with the statutory time period for responding to FOIA requests. All of the 21 simple requests that were processed during fiscal year 2007 were responded to within the 20 working days provided by the FOIA. There were no complex requests.
- C. Of the 21 requests received during FY 2007, 11 were denied because no responsive records were found, three were transferred to other departments or agencies, one was not a proper FOIA request, and one was partially granted. The remaining five requests were granted in full. During past reporting periods, some FOIA requests were denied in part or in full because certain information was determined to fall within the scope of one or more of the FOIA exemptions. The types of information that the FOMC most often withheld consisted of privileged or confidential commercial or financial information (exemption 4), and inter- and intra-agency predecisional deliberative communications (exemption 5). All information withheld was carefully reviewed for compliance with the requirement in subsection (b) of the FOIA to identify and disclose any reasonably segregable nonexempt information.

III. *Definition of Terms and Acronyms Used in the Report.*

A. Agency-specific acronyms or other terms.

1. Board -- Board of Governors of the Federal Reserve System
2. FOMC -- Federal Open Market Committee
3. FOIA -- Freedom of Information Act (5 U.S.C. § 552)
4. FY -- Fiscal year which covers the period from October 1 to September 30
5. PA-- Privacy Act (5 U.S.C. § 552a)

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 the FOMC for access to records under the Freedom of Information Act.
3. Appeal -- a request to the FOMC asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA rules, or any other FOIA determination such as a matter pertaining to fees.
4. Processed request or appeal -- a request or appeal on which the FOMC has taken a final action 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 less complicated complex request, however, may be completed faster than an earlier-received more complex request. A requester who has an urgent need for records may request expedited processing (see III.B.6 below).
6. Expedited processing -- the FOMC 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 received earlier.

7. Simple request -- a FOIA request that the FOMC places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested. A simple request usually involves records that are readily identifiable by the FOMC Secretariat.
8. Complex request -- a FOIA request that the FOMC places in a slower track based on the volume and/or complexity of records requested. A complex request is a request that does not qualify as a simple request and is processed under the FOMC's normal procedures, unless the request has been accorded expedited processing.
9. Grant -- a decision by the FOMC to disclose all records in full in response to a FOIA request.
10. Partial grant -- a decision by the FOMC 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 rules exemptions; or a decision to disclose some records in their entirety but to withhold others in whole or in part.
11. Denial -- a decision by the FOMC 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 FOMC to be exempt under one or more of the FOIA's rules 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 FOIA for a federal agency, including the FOMC, to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request (see III.B. 13 & 17 below)). Note: the FOMC's response times in Part VII below are, in accordance with U.S. Department of Justice guidance, expressed in calendar days. The overall working day equivalent can be approximately calculated by multiplying the calendar day total by .7 (thus, 10 calendar days equates to approximately 7 working days, although the precise mix of working and nonworking days can vary from request to request depending on the date of receipt and the proximity to a holiday).
13. "Perfected" request -- a FOIA request for records that adequately describes the records sought, which has been received by the FOMC 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 the 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.
17. Working days -- days excepting Saturdays, Sundays, and legal public holidays. As noted, the FOMC's response times in Part VII below are expressed in median calendar days, and the number of "working days" would be somewhat less.

IV. *Exemption 3 Statutes*

During fiscal year 2007, the FOMC did not rely on Exemption 3 (5 U.S.C. §552 (b)(3)).

V. *Initial FOIA/PA Access Requests*

A. Numbers of initial requests.

1. Number of requests pending as of end of FY 2006: 0
2. Number of requests received during FY 2007: 21
3. Number of requests processed during FY 2007: 21
4. Number of requests pending as of end of FY 2007: 0 (enter on Line VII.B.1)

B. Disposition of initial requests.

1. Number of total grants: 5
2. Number of partial grants: 1
3. Number of denials: 0
 - a. number of times each FOIA exemption used (counting each exemption once per request)
 - (1) Exemption 1: 0
 - (2) Exemption 2: 1
 - (3) Exemption 3: 0
 - (4) Exemption 4: 0
 - (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

4. Other reasons for nondisclosure (total): 15

a. no records: 11 (defined as a “denial” in item III(B)(11), above)

b. referrals: 1

c. request withdrawn: 0

d. fee-related reason: 0

e. records not reasonably described: 1

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

g. not an agency record: 2

h. duplicate request: 0

i. other (specify): 0

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

A. Numbers of appeals.

1. Number of appeals received during FY 2007: 0

2. Number of appeals processed during FY 2007: 0

B. Disposition of appeals.

1. Number completely upheld: 0
2. Number partially reversed: 0
3. 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: 0
 - (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
4. 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*

A. Median processing time for requests processed during FY 2007.

1. Simple requests.

- a. number of requests processed: 21
- b. median number of calendar days to process: 10

2. Complex requests.

- a. number of requests processed: 0
- b. median number of calendar days to process: N/A

3. Requests accorded expedited processing: 0

- a. number of requests processed: 0
- b. median number of calendar days to process: N/A

B. Status of pending requests.

1. Number of requests pending as of end of FY 2007: 0
(entered from Line V.A.4.)

2. Median number of calendar days that such requests were pending as of that date:
N/A

VIII. *Comparison with Previous Year(s) (Optional)*

	2006	2007	Change
A. Requests received:	11	21	90% increase
B. Requests processed:	11	21	90% increase
C. Median Days Pending end of FY:	0	0	no change
D. The FOMC Secretariat continued to respond to FOIA requests on a timely basis. The FOMC is making an increasing amount of information available through the Board's public website, as well as the FOMC's public website, and this may reduce the number of FOIA requests received as well as processing times.			

During fiscal year 2007, the FOMC received no requests for expedited treatment.

IX. *Cost/FOMC Secretariat Staffing*

A. Staffing levels.

1. Number of full-time FOIA personnel: 0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years): .40
3. Total number of personnel (in work-years): .40

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

1. FOIA processing (including appeals): \$30,820.
2. Litigation-related activities (estimated): N/A
3. Total costs: \$30,820.

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

	2006	2007	Change
A. FOIA Processing:	\$26,500	\$30,820	16.30% increase
B. Litigation Related:	--	--	--
C. Total Costs:	\$26,500	\$30,820	16.30% increase

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

This information will be provided in future reports, as appropriate.

X. Fees

A. Total amount of fees collected by FOMC for processing requests: None

B. Percentage of total costs: None

XI. FOIA Regulations (Including Fee Schedule)

The FOMC's Rules Regarding Availability of Information, including the fee schedule, are codified at 12 CFR Part 271.

XII. Report on FOIA Executive Order Implementation

A. Description of supplementation/modification of agency improvement plan (if applicable)

N/A

B. Report on agency implementation of its plan, including its performance in meeting milestones with respect to each improvement area.

The FOMC has met all milestones set forth in its Plan to Improve FOIA Operations as detailed below. Many scheduled improvements and milestones were implemented ahead of their scheduled completion time.

Commencing in June 2007, the FOMC Service Center in conjunction with staff in the Board's Information Technology Division developed an FOMC-dedicated webpage. The webpage includes guidance on submitting FOMC FOIA requests, contact information for the FOMC FOIA Service Center and the FOMC Public Liaison, and access to other publicly available Committee information.

Upon establishment of the FOMC FOIA webpage, it was determined that the inclusion of the status inquiry and feedback features on the FOMC-dedicated webpage were not feasible at that time. The FOMC Service Center continues to increase public awareness of the FOMC FOIA webpage and the ability to file requests electronically by informing requesters of this capability when responding to requests received by other means, i.e., U.S. mail, e-mail, and telephone. The FOMC Service Center will continue to review the situation to determine the feasibility of including the status inquiry and feedback features on its webpage from time to time.

The Board developed an on-line, Board-specific training program for use by all personnel who routinely process FOIA requests and other personnel who are likely to become involved in processing FOIA requests. This program was implemented and made available on-line to the staff in early December 2007.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

N/A

D. Additional narrative statement regarding other executive order-related activities (optional).

Senior Board staff, responsible for FOIA matters, including the FOMC's Public Liaison and the FOMC's FOIA Service Center Manager, have attended a series of conferences and training sessions sponsored by the Department of Justice concerning implementation and compliance with the directives set forth in the Executive Order and recommended in the Attorney's General's Report, dated June 1, 2007. The training sessions included a follow-up seminar for FOIA Public Liaisons and a seminar on FOIA Website improvement. Board staff also attended a follow-up meeting of the Inter-agency Working Group on Technology.

E. Concise descriptions of FOIA exemptions.

The FOIA authorizes 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) records or information compiled for law enforcement as permitted under 5 USC 552(b)(7); (8) information relating to

F. Additional statistics:

1. Ten Oldest Pending FOIA Requests as of January 1, 2008

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	0	Nov 26

2. Consultations

a.) Number of Consultations Received, Processed, and Pending

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	0	0

b.) Ten Oldest Pending Consultations Received From Other Agencies as of January 1, 2008.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

The FOMC has no consultations pending from other agencies.

G. Attachment: Agency improvement plan (in current form).

<http://www.federalreserve.gov/fomc/foia/fomcservicecenter.htm>.