

U. S. CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Report for Fiscal Year 2007 The Administration of The Freedom of Information Act

I. BASIC INFORMATION REGARDING THE REPORT

- A. Contact for questions about the report: Todd Stevenson, Director, Office of the Secretary, Division of Information Management, Office of Information and Technology Services, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Suite 502, Bethesda, Maryland 20814-4408.
Telephone: 301-504-7923, Facsimile: 301-504-0127,
Email: tstevenson@cpsc.gov or cpSC-os@cpsc.gov.
- B. Web address for this report:
<http://www.cpsc.gov/cpscpub/pubs/reports/foia07.pdf>
- C. A paper copy of the report is available from CPSC's Office of the Secretary at the address above.

II. HOW TO MAKE A FOIA REQUEST

- A. All FOIA requests received by the CPSC are processed at CPSC's headquarters. The address is: Freedom of Information Act Request, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Suite 502, Bethesda, Maryland 20814-4408. Telephone: 301-504-7923, Facsimile: 301-504-0127, Email: tstevenson@cpsc.gov or cpSC-os@cpsc.gov.
- B. Other Reference Information about the Agency: The CPSC's World Wide Web site, www.cpsc.gov, contains extensive information about the agency's activities, including agency meetings, product recalls and hazards, job vacancies, publications, a calendar of public meetings, other important activities and the Guide to Public Information. The site also includes an interactive feature that allows consumers to report unsafe products and related injuries electronically. CPSC also maintains an electronic mail address: Info@cpsc.gov. This can be used for inquiries about product recalls or to report potential product hazards. The CPSC's public reference reading room contains numerous agency records, including the materials the CPSC makes available for public inspection and

copying pursuant to the FOIA, 5 U.S.C. §§ 552(a)(2) and (5). The reading room is accessed via Suite 419 at the CPSC's headquarters at 4330 East-West Highway, Bethesda, Maryland 20814-4408. Call the Office of the Secretary for an appointment, 301-504-7923. Reading room records are also available on the CPSC's electronic reading room on CPSC's World Wide Web site, www.cpsc.gov, in the "Library - FOIA" section.

- C. Response Time Ranges: The CPSC responds within 10 days to most of the FOIA requests that are received. These are simple requests for materials that are frequently requested or where we have anticipated the subject of the requests. More complex requests require additional preparation and processing time. The median time to complete complex requests is 40 days. Complex requests involve one or more of the following: voluminous records or records which are not easily accessible and have to be collected from several Commission offices or from archived storage facilities; proprietary data; material with privacy concerns; material that is part of an investigatory file; or materials where review is required by section 6(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b).¹ The Commission reviews all agency records that are responsive to FOIA requests according to the requirements of section 6(b). These notifications and the extensive analyses they require are in addition to procedures routinely conducted pursuant to the FOIA. The process not only involves the staffs of the Offices of the Secretary and the General Counsel, but also frequently involves other technical staff where their expertise is required for an understanding of the materials being processed. The time-consuming reviews and material preparations of FOIA requests involving section 6(b) lengthen the period of time required in the processing of these requests.
- D. The CPSC generally does not disclose to the public the following types of information:
1. Documents prohibited from disclosure by the CPSA, 15 U.S.C. §§ 2055(a), (b) and (e)(1), which prohibits the release of: trade secrets and confidential commercial or financial information; and information that identifies manufacturers of consumer products, unless the CPSC has taken reasonable steps to assure it is accurate, its release would be fair under the circumstances, and its release is reasonably related to effectuating the purposes of the acts the Commission administers; and information reported by manufacturers to the Commission under section 37 of the CPSA.
 2. Information that identifies injured persons and the persons who treated them, without their consent to disclosure.

¹ On June 9, 1980, the U. S. Supreme Court ruled that section 6(b) of the CPSA applies to FOIA requests, CPSC v. GTE Sylvania, 447 U.S. 102 (1980). Section 6(b) requires that, with certain exceptions, the Commission notify manufacturers or private labelers of consumer products before disclosing information from which their identities can be readily ascertained by the public. Section 6(b) prohibits the disclosure of information earlier than 30 days after notification to identified firms to allow the firms to make claims and comments. Firms must be given 10 days to file suit to enjoin the disclosure if they claim that the information is confidential or inaccurate. Efforts to satisfy the statutory requirements in the CPSA necessarily delay many responses to FOIA requests.

3. Certain inter-agency and intra-agency memoranda containing opinions and recommendations prepared to assist in decision-making.
4. Personnel, medical and similar files, the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.
5. Investigatory records compiled for law enforcement purposes when disclosure could reasonably be expected to interfere with enforcement proceedings, reveal identities of confidential information sources, or would disclose techniques, guidelines and procedures for law enforcement investigations or prosecutions.

III. DEFINITIONS OF TERMS AND ACRONYMS USED IN THE REPORT

- A. Agency-Specific Acronyms or Other Terms.
 1. CPSA • the Consumer Product Safety Act . 15 U.S.C. §§ 2051-2084.
 2. CPSC or Commission • Consumer Product Safety Commission.
 3. Section 6(a) of the CPSA, 15 U.S.C. § 2055(a) • prohibits the disclosure of trade secrets, confidential or proprietary business information or other matters referred to in 18 U.S.C. § 1905 or FOIA Exemption 4; requires notification to submitters of information prior to disclosure of any potential confidential information.
 4. Section 6(b) of the CPSA, 15 U.S.C. § 2055(b) • prohibits the disclosure of information from which the identity of a manufacturer or private labeler of a consumer product can be readily ascertained by the public, earlier than 30 days after notification of the manufacturer or private labeler; requires the Commission to take reasonable steps to assure, prior to disclosure, that the information to be disclosed is accurate, that the disclosure is fair in the circumstances and that disclosure is reasonably related to effectuating the purposes of the statutes that the Commission administers; requires the Commission to notify a firm 10 days prior to disclosure of information that the firm claims is inaccurate, but for which the Commission believes it has complied with the requirements of section 6(b)(1).
 5. Section 6(e)(1) of the CPSA, 15 U.S.C. § 2055(e)(1) • prohibits the disclosure of information furnished to the Commission under section 37 of the CPSA.
 6. Section 15(b) submissions • Section 15(b) of the CPSA, 15 U.S.C. § 2064(b), requires manufacturers, distributors or retailers of consumer products to notify the Commission of certain hazardous products.

7. Section 37 • Section 37 of the CPSA, 15 U.S.C. § 2084, requires manufacturers to report certain information on consumer product lawsuits if certain statutory criteria are met.
- B. Basic Terms expressed in common terminology.
1. FOIA/Privacy Act Request • Freedom of Information Act request.
A FOIA request is 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 a 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 an initial 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.
 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 or compelling need for records may request expedited processing.
 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 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, availability and complexity of records requested.
 9. Granted Request • an agency decision to disclose all records in full in response to a FOIA request.
 10. Partially Granted Request • 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 or Full Denial • an agency decision to not 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 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 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 either requiring that matters be withheld from the public in such a manner as to leave no discretion on the issue or establishes particular criteria for withholding or refers to particular types of matter to be withheld.
15. Median Number • the middle, not the average number.
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

- A. Section 6(a)(2) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(a)(2). Trade secret and other confidential business information. *Mulloy v. Consumer Prod. Safety Comm'n*, No. C-2-85-645, 1985 U.S. Dist. LEXIS 17194, at **2-5 (S.D. Ohio Aug.2, 1985).
- B. Section 6(b)(1) of the CPSA, 15 U.S.C. § 2055(b)(1). Information that identifies a particular brand-name of consumer product. *Consumer Prod. Safety Comm'n v. GTE Sylvania, Inc.*, 447 U.S. 102, 122 (1980); and *Krugler v. U.S. Consumer Prod. Safety Comm'n*, 1:03-CV-1905-JTC (N.D.GA. June 22, 2004), and *Reliance Elec. Co. v. Consumer Prod. Safety Comm'n*, 924 F.2d 274 (D.C. Cir. 1991)
- C. Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5). Information submitted under statutory reporting requirement for certain potentially unsafe consumer

products. *Reliance Elec. Co. v. Consumer Prod. Safety Comm'n*, 924 F.2d 274 (D.C. Cir. 1991)

- D. Section 6(e)(1) of the CPSA, 15 U.S.C. § 2055(e)(1). Information submitted under statutory reporting requirement for certain consumer products involved in product liability actions. None
- E. Section 25(c) of the CPSA, 5 U.S.C. § 2074(c). Information that identifies injured persons or those treating injured persons, absent consent. None

V. INITIAL FOIA/PA ACCESS REQUESTS

- A. Numbers of Initial Requests.
 - 1. Number of requests pending at end of fiscal year 2006 • 84
 - 2. Number of requests received during fiscal year 2007 • 4,598
 - 3. Number of requests processed during fiscal year 2007 • 4,402
 - 4. Number of requests pending at end of fiscal year 2007 • 280

- B. Disposition of Initial Requests.
 - 1. Number of total grants • 3,467
 - 2. Number of partial grants • 379
 - 3. Number of (full) denials • 91
 - a. Number of times each FOIA exemption used in partial grants and denials (counting each exemption once per request).
 - (1) Exemption 1 • 0
 - (2) Exemption 2 • 0
 - (3) Exemption 3 • 369
 - (4) Exemption 4 • 164
 - (5) Exemption 5 • 277
 - (6) Exemption 6 • 104
 - (7) Exemption 7(A) • 100

| | | | |
|------|---|---|-----|
| (8) | Exemption 7(B) | • | 0 |
| (9) | Exemption 7(C) | • | 0 |
| (10) | Exemption 7(D) | • | 12 |
| (11) | Exemption 7(E) | • | 2 |
| (12) | Exemption 7(F) | • | 0 |
| (13) | Exemption 8 | • | 0 |
| (14) | Exemption 9 | • | 0 |
| 4. | Other reasons for nondisclosure (total) | • | 465 |
| a. | No records | • | 154 |
| b. | Referrals | • | 240 |
| c. | Request withdrawn | • | 30 |
| d. | Fee-related reason | • | 12 |
| e. | Records not reasonably described | • | 0 |
| f. | Not a proper FOIA request for some other reason | • | 1 |
| g. | Not an agency record | • | 0 |
| h. | Duplicate request | • | 28 |

VI. APPEAL OF INITIAL DENIALS OF FOIA/PA REQUESTS

- A. Numbers of Appeals.
1. Number of appeals received during fiscal year 2007 • 19
 2. Number of appeals processed during fiscal year 2007 • 19
- B. Disposition of Appeals.
1. Number completely upheld • 16
 2. Number partially reversed • 1
 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 • 12
 - (4) Exemption 4 • 6
 - (5) Exemption 5 • 9
 - (6) Exemption 6 • 5
 - (7) Exemption 7(A) • 4
 - (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) • 2
 - a. No records • 0
 - b. Referrals • 0
 - c. Request withdrawn • 1
 - 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 • 1

VII. COMPLIANCE WITH TIME LIMITS / STATUS OF PENDING REQUESTS

- A. Median Processing Time for Requests Processed During Fiscal Year 2007.
1. Simple Requests.
 - a. Number of requests processed • 3,883
 - b. Median number of days to process • 10 days
 2. Complex Requests.
 - a. Number of requests processed • 519
 - b. Median number of days to process • 40 days
 3. Requests Accorded Expedited Processing.
 - a. Number of requests processed • 0
 - b. Median number of days to process • Not Applicable
- B. Status of Pending Requests (for Each Multiple Track).
1. Number of simple requests pending at end of fiscal year 2007 • 105
 2. Number of complex requests pending at end of fiscal year • 175
- Median number of days that such requests were pending as of that date • 48

VIII. COMPARISONS WITH PREVIOUS YEARS

A. Comparison of Numbers of Requests Received •

| Fiscal Year 2006 | Fiscal Year 2007 | Number of Change | Percentage of Change |
|------------------|------------------|------------------|----------------------|
| 4,700 requests | 4,598 Requests | -102 requests | -2.2 |

B. Comparison of Numbers of Requests Processed •

| Fiscal Year 2006 | Fiscal Year 2007 | Number of Change | Percentage of Change |
|------------------|------------------|------------------|----------------------|
| 4,728 requests | 4,402 requests | -326 requests | -6.9 |

C. Comparison of Median Numbers of Days Requests Were Pending as of End of Fiscal Year •

| Fiscal Year 2006 | Fiscal Year 2007 | Number of Change | Percentage of Change |
|------------------------------------|-------------------------------------|-------------------------------|----------------------|
| 84 requests pending 40 median days | 280 requests pending 48 median days | 196 requests 8 median days | 233.0 20.0 |

D. Other Statistics Significant to Agency • Expedited Requests, Numbers of Notifications Under the Consumer Product Safety Act (CPSA) and Other Responses Made to Fulfill FOIA Requests.

1. The number of requests for expedited processing received • 8
2. The number of requests for expedited processing granted • 0
3. Section 6(b)(1) notifications made to manufacturers or private labelers of consumer products to inform them of the proposed disclosure of information that identifies their products and allow them to comment on the disclosure. (Many notices are made at the time the documents are initially filed, before the agency has received an FOIA request.) • 11,003
4. Section 6(b)(2) notifications made to manufacturers or private labelers to inform them 10 days prior to disclosure of information that the firms had claimed was inaccurate or unfair to release, but for which the Commission believes it has complied with the requirements of Section 6(b)(1) and has overruled the comments or claims made by the firm • 237
5. Instances where Section 6(b)(1) applied to requested materials and upon completion of notifications and other requirements of Sections 6(b)(1) and 6(b)(2), the Commission disclosed materials • 1,430
6. Section 6(a)(3) notifications made to submitters of information to the Commission prior to disclosure of any potential confidential information • 241
7. Section 6(a)(5) notifications made to submitters of information 10 days prior to the intended disclosure, where the Commission had overruled any firm claims of proprietary or confidential business information • 130

E. Other Agency Efforts to Improve Timeliness of FOIA Performance and to Make Records Available to the Public • The CPSC has increased its activities to make more available to the public the records of interest, by expanding the placement of records on its World Wide Web site (www.cpsc.gov). The CPSC's Web site had 32,287,709 visits and 77,352,833 hits during fiscal year 2007, including 115,359 visits and 131,142 hits to the Library and FOIA Electronic Reading Room. We responded to 1,775 internet inquiries about agency activities. The information provided included records regarding the Commission's regulatory and compliance activities, documents filed in adjudicatory proceedings,

Commission decisions, press releases, safety alerts, publications, the Public Calendar of meetings and briefings, briefing materials on matters before the Commission, advisory opinions of the General Counsel, materials requested under the FOIA by more than one requester, contracting activities, job vacancies, and many other matters.

The Commission continues to maintain materials of interest to the public in a reading room in its headquarters location. Few visitors used the reading room. The Commission’s Office of the Secretary (301)-504-7923 or cpssc-os@cpssc.gov is available to assist the public in locating information or with preparing an FOIA request for information.

IX. COSTS / FOIA STAFFING

A. Staffing Levels.

- 1. Number of full-time FOIA personnel (in total work-years) • 9
- 2. Number of personnel with part-time or occasional FOIA duties (in total work-years) • 1
- 3. Total number of personnel (in work years) • 10

B. Total Costs (Including Staff and All Resources).

- 1. FOIA processing (including appeals) • \$912,869
- 2. Litigation-related activities (estimated) • \$8,450
- 3. Total costs • \$921,319
- 4. Comparison with previous years (including percentage of change) •

Staffing – Total Number of Personnel (in work years)

| Fiscal Year 2006 | Fiscal Year 2007 | Number of Change | Percentage of Change |
|------------------|------------------|------------------|----------------------|
| 10 | 10 | 0 | 0 |

FOIA Processing (including appeals)

| Fiscal Year 2006 | Fiscal Year 2007 | Number of Change | Percentage of Change |
|------------------|------------------|------------------|----------------------|
| \$987,939 | \$912,869 | - \$75,070 | - 7.6 |

FOIA Litigation-Related Activities (estimated)

| Fiscal Year 2006 | Fiscal Year 2007 | Number of Change | Percentage of Change |
|------------------|------------------|------------------|----------------------|
| \$23,437 | \$8,450 | - \$14,987 | - 63.9 |

Total FOIA Costs

| Fiscal Year 2006 | Fiscal Year 2007 | Number of Change | Percentage of Change |
|------------------|------------------|------------------|----------------------|
| \$1,011,376 | \$921,319 | - \$90,057 | - 8.9 |

X. FEES

- A. Total Amount of Fees Collected by Agency for Processing Requests • \$14,726
- B. Percentage of Total Costs • 1.6

XI. FOIA REGULATIONS (INCLUDING FEE SCHEDULE)

- A. Title 16, Code of Federal Regulations, Part 1015 – Procedures for Disclosure or Production of Information under the FOIA, which includes the fee schedule, is electronically located at:
<http://www.cpsc.gov/cpscpub/pubs/reports/16cfr1015.pdf> .
- B. Title 16, Code of Federal Regulations, Part 1101 – Information Disclosure under Section 6(b) of the Consumer Product Safety Act is electronically located at:
<http://www.cpsc.gov/cpscpub/pubs/reports/6b1101.pdf> .

XII. FOI Performance Improvement Plan

The June 14, 2006 FOIA Performance Improvement Plan for the Consumer Product Safety Commission is located on our website:

<http://www.cpsc.gov/library/foia/foiareports.html>

A. Description of supplementation/modification of agency improvement plan

1. Not Applicable

B. Agency implementation of its plan

1. All of the Areas Selected for Improvement by December 31, 2006, have been completed. One item that was pending at the end of fiscal year 2006, 2. Processing of Office of Compliance Corrective Action or CPSA Section 15 Files, was completed with the installation of a FOIA request tracking, processing and records storage system, including the computer applications, FOIAXpress and Documentum.

Anticipated To Be Completed By December 31, 2007

1. Initial Processing of FOIA Requests

- a. Reduce Backlog of FOIA Requests from anticipated 90 requests on December 31, 2006, to 75 Requests.

The backlog of FOIA requests has increased to 290.

- b. Train ITIM staff and implement new automated FOIA scanning and redaction system.

Staff training has been completed on new scanning equipment and redaction systems.

- c. Upgrade and replace color printers for the ITIM.

Completed.

- d. Train NIIC to directly process more FOIA requests.

Completed - The NIIC staff has been trained and is directly responding to FOIA requests.

- e. Create a database of other CPSC organizations' reports.

We have started this process using the new electronic FOIA processing system.

2. Processing of Office of Compliance Corrective Action or CPSA Section 15 Files

- a. Scan files for quicker handling and automated records redaction.

At the end of FY 2007, we contracted for a scanning service to expedite this process. This project is on-going.

- b. Implement system to electronically send Compliance Update notices to Flammable Fabrics Manufacturers.

This project has been postponed due to higher priority Agency Information Technology projects.

3. CPSC Website – www.cpsc.gov – FOIA Information

- a. Implement a system for the public to easily track their FOIA requests.

A new webpage and tracking system with the FOIA Requester Service Center has been added to the website to allow consumers to obtain the status of the request or to contact the FOIA Requester Service Center.

- b. Develop and implement customer feedback section on FOIA website.

FOIA Requester Service Center includes contacts and addresses for customer feedback.

4. Staff Resources and Training

- a. Complete Phase Two of intra-organizational cross training of staff to reduce backlog.

Staff training has been completed.

- b. Require all FOIA staff to utilize government-wide FOIA training.

Completed.

5. Public Release of Investigation Reports (IDIs) with Confidential or Sensitive Attachments or Information
 - a. Follow-up training for ITIM and NIIC staff to ensure that FOUO reports or those marked with Warning Cover Sheets are properly screened to identify or remove confidential information prior to public disclosure.

Staff training has been completed.

- b. Develop more explicit informational cover sheets for confidential reports to clarify reasons for confidentiality.

Completed.

Areas Under Consideration for Completion beyond 2007:

1. Redesign FOIA web page on www.cpsc.gov.

C. Identification and discussion of any deficiency in meeting plan milestones

1. FOIA Improvement Plan area to which the deficient milestone relates.

Initial Processing of FOIA Requests

2. Deficient milestone and the original target date from the FOIA Improvement Plan

Reduce Backlog of FOIA Requests from anticipated 90 requests on December 31, 2006 to 75 requests by December 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

On January 5, 2008, the CPSC began the implementation process of an electronic FOIA processing application (FOIAXpress) and new document scanning procedures. FOIA staff spent extensive time with the contractors to develop workflows and customizing the system to fit CPSC's requirements. The process involves extensive training of all FOIA employees. Full implementation will take place by the end of 2008.

4. Future remedial steps and the dates by which the steps will be completed.

With implementation of the FOIA processing application, we intend to reduce the backlog to 200 by December 31, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.

Processing of Office of Compliance Corrective Action or CPSC Section 15 Files

2. Deficient milestone and the original target date from the FOIA Improvement Plan

Scan files for quicker handling and automated records redaction. To be completed by December 31 2007.

Implement system to electronically send Compliance Update notices to Flammable Fabrics Manufacturers. To be completed by December 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

At the end of 2007 the CPSC contracted for a scanning service to expedite this process. The project is ongoing. The details of the scanning process and the indexing and work components are being prepared at this time. We intend to complete the project by December 31, 2008.

In early 2007, a page was been added to the CPSC website to automatically search for and review Flammable Fabrics Manufacturers and updated Continuing Guaranties.

4. Future remedial steps and the dated by which the steps will be completed.

No additional steps necessary. With full implementation of the file scanning project and webpage for Flammable Fabrics Manufacturers, the goal is complete.

D. Other executive order-related activities

1. Not applicable

E. Descriptions of the FOIA exemptions

1. The nine exemptions to 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) 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; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

2. The Commission generally applies the following FOIA exemptions for the withholding of the following types of information:
 - a. FOIA exemptions 3 and 4: Documents prohibited from disclosure by the CPSA, 15 U.S.C. §§ 2055(a), (b) and (e), which prohibits the release of: trade secrets and confidential commercial or financial information; and information that identifies manufacturers of consumer products, unless the CPSC has taken reasonable steps to assure it is accurate, its release would be fair under the circumstances, and its release is reasonably related to effectuating the purposes of the acts the Commission administers and information reported to the Commission by manufacturers under Section 37 of the CPSA. Information that identifies injured persons and the persons who treated them, without their consent to disclosure;
 - b. FOIA exemption 5: Certain inter-agency and intra-agency memoranda containing opinions and recommendations prepared to assist in decision-making;
 - c. FOIA exemption 6: Personnel, medical and similar files, the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.
 - d. FOIA exemption 7(A), (D), and (E): Investigatory records compiled for law enforcement purposes when disclosure could reasonably be expected to interfere with enforcement proceedings, reveal identities of confidential information sources, or would disclose techniques, guidelines and procedures for law enforcement investigations or prosecutions.

F. Additional statistics

1. Ten Oldest Pending FOIA Requests

| Calendar Year | 2004 | 2005 | 2006 | 2007 |
|---------------|----------------------------------|---|------|------|
| Requests | July 29 August 8 August 30 | February 16 July 14 August 9 August 10 August 26 October 24 November 29 | | |

Time range of requests pending: July 26, 2004 through January 22, 2007.

2. Consultations

i) Number of Consultations Received, Processed and Pending

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

ii) Ten Oldest Pending Consultations Received From Other Agencies (as of January 1, 2008)

| | |
|-------------------|------|
| Calendar Year | 2007 |
| Consults Received | 0 |

G. Attachment: Agency improvement plan:

- a. The June 14, 2006 FOIA Performance Improvement Plan for the Consumer Product Safety Commission is located on our website:
<http://www.cpsc.gov/library/foia/foiareports.html>