UNITED STATES SECTION
INTERNATIONAL BOUNDARY & WATER COMMISSION
UNITED STATES AND MEXICO (USIBWC)

FREEDOM OF INFORMATION ACT
ANNUAL REPORT

FISCAL YEAR
2009

I. BASIC INFORMATION REGARDING REPORT

1. Name, title, address, and telephone number of person(s) to be contacted with questions about the Report.

   Eric Meza
   FOIA Officer and Public Liaison
   United States Section, International Boundary and Water Commission
   4171 N. Mesa, Ste. C100
   El Paso, TX 79902
   (915) 832-4704
   ericmeza@ibwc.gov

2. Electronic link for access to the Report on the agency Web site.
   http://www.ibwc.state.gov/Organization/FOIA.html

3. How to obtain a copy of the Report in paper form.
   The report may be obtained via the above phone number or email address.

II. MAKING A FOIA REQUEST

1. Names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

   For contact information of the individuals who receive FOIA requests, the website can be visited at http://www.ibwc.state.gov/Organization/FOIA.html.

2. Brief description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply.

   The USIBWC is a federal agency and the United States component of the International Boundary and Water Commission (IBWC), a bi-national organization responsible for applying various boundary and water related treaties between the United States and Mexico. The mission of the USIBWC includes boundary demarcation, sanitation, water quality, national ownership of waters, and flood control for the U.S.-Mexico border region. The most frequent reason for some requests not being granted during fiscal year 2009 was that the agency search could not locate documents responsive to the request. The FOIA has also been applied to protect information protected by the civil discovery privileges.

III ACRONYMS, DEFINITIONS AND EXEMPTIONS

1. Agency-specific acronyms or terms used in this Report.

USIBWC	United States Section, International Boundary & Water Commission
IBWC	International Boundary & Water Commission (United States and Mexico)

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 an agency at the end of the fiscal year that are beyond the statutory time period for a response.

   d. Component – for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

   e. Consultation – the procedure whereby the agency responding to a FOIA request 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 the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

   f. Exemption 3 Statute – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

   g. FOIA Request – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e.,

"first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of 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 entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records 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 – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

ii. Simple Request – a FOIA request that an agency using multi-track processing 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 an agency using multi-track processing 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, an agency 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 an agency 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 an agency 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**: internal agency rules and practices

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

Exemption 3 was not applied to any requests received during Fiscal Year 2009.

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Number of requests pending as of start of fiscal year	Number of requests received during fiscal year	Number of requests processed during fiscal year	Number of requests pending as of end of fiscal year
0	27	24	3

V.B.(1). DISPOSITION OF FOIA REQUESTS – ALL PROCESSED REQUESTS

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									
			No Records	All records referred to other agency component	Request withdrawn	Fee-Related reason	Records not reasonably described	Improper FOIA request for other reason	Not agency record	Duplicate request	Other	**Total**
11	4	1	5	0	2	0	0	0	1	0	0	24

V.B.(2). DISPOSITION OF FOIA REQUESTS - "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

Description of "Other reasons for denials from chart B(1) and number of times reasons were relied upon	Total
N/A	N/A

V.B.(3). DISPOSITION OF FOIA REQUESTS – NUMBER OF TIMES EXEMPTIONS APPLIED

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
0	0	0	0	2	0	0	0	0	0	0	0	0	0

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING ADMINISTRATIVE APPEALS

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
0	0	0	0

VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

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
0	0	0	0	0

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

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
0	0	0	0	0	0	0	0	0	0	0	0	0	0

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

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
0	0	0	0	0	0	0	0	0	0	0

VI.C.(3). REASONS FOR DENIAL ON APPEAL --"OTHER" REASONS

Description of "other" reasons for denial on appeal from chart C(2) and number of times those exemptions were relied upon	TOTAL
0	0

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Median no. of days	Average no. of days	Lowest no. of days	Highest no. of days
0	0	0	0

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

10th Oldest Appeal		9th	8th	7th	6th	5th	4th	3rd	2nd	Date of Receipt of Oldest Appeal 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
Days	0	0	0	0	0	0	0	0	0	0

VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

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
27	21	1	88	0	0	0	0	0	0	0	0

VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

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
23	28	13	88	0	0	0	0	0	0	0	0

VII.C. PROCESSED REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Simple Requests													
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
16	5	2	0	1	0	0	0	0	0	0	0	0	24

Complex Requests													
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
0	0	0	0	0	0	0	0	0	0	0	0		0

Requests Granted Expedited Processing													
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
0	0	0	0	0	0	0	0	0	0	0	0		0

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

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
3	30	19	0	0	0	0	0	0

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

10th oldest request and no. of days pending		9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest request and no. of days pending
Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/30/2009	9/29/2009	9/15/2009
Days	0	0	0	0	0	0	0	23	32	5

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Number Granted	Number Denied	Median number of days to Adjudicate	Average number of days to Adjudicate	No. adjudicated within 10 calendar days
0	0	0	0	0

VII.B. REQUESTS FOR FEE WAIVER

Number Granted	Number Denied	Median number of days to Adjudicate	Average number of days to Adjudicate
6	0	1	1

IX. FOIA PERSONNEL AND COSTS

Personnel			Costs		
Number of "full-time FOIA Employees"	Number of "equivalent full-time FOIA Employees"	Total number of Full-time FOIA Staff	Processing costs	Litigation-related costs	Total Costs
0	.49	.49	33,304	0	33,304

X. FEES COLLECTED FOR PROCESSING REQUESTS

Total Amount of Fees Collected (in dollars)	Percentage of Total Costs
97.30	.29 %

XI. FOIA Regulations

http://www.access.gpo.gov/nara/cfr/waisidx_07/22cfr1102_07.html

XII.A. BACKLOGS OF FOIA REQUESTS & ADMINISTRATIVE APPEALS

Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
0	0

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED & PENDING CONSULTATIONS

No. of consultations received from other agencies that were pending as of start of the fiscal year	Number of consultations received from other agencies during the fiscal year	No. of consultations received from other agencies that were processed during the fiscal year	No. of consultations received from other agencies that were pending as of the end of fiscal year
0	0	0	0

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST PENDING CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

10th oldest consultation and number of days pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest consultation and number of days pending
0	0	0	0	0	0	0	0	0	0

XII.D. COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORTS -- REQUESTS RECEIVED AND PROCESSED

Number of Requests Received		**Number of Requests Processed**	
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 from fiscal year from current annual report
24	27	24	24

XII.D(II). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORTS – BACKLOGGED REQUESTS

Number of Backlogged Requests as End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as End of the Fiscal Year from Current Annual Report
0	0

XII.E. COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Number of Appeals Received		Number of Appeals Processed	
Number Received during fiscal year from last year's annual report	Number Received from fiscal year from current annual report	Number Processed during fiscal year from last year's annual report	Number Processed from fiscal year from current annual report
0	0	0	0

XII.E(II). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Number of Backlogged Appeals as End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as End of the Fiscal Year from Current Annual Report
0	0