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DDA

14 MAR 1978

MEMORANDUM FOR: [redacted] STAT
Office of Legislative Counsel

FROM : [redacted] STAT
Chief, Information and Privacy Staff

SUBJECT : Input for Paper Requested by DCI's Note of 6 March

1. We are now averaging approximately 90 new requests per week, of which slightly more than 40 percent have been Freedom of Information requests. Thus far in 1978, we have been devoting the equivalent of almost [redacted] employees to the processing of Freedom of Information, Privacy, and Executive Order requests, appeals, and law suits. The processing backlog for requests amounts to 2,640 cases, and for appeals, 284 cases. (All of the above figures are as of 8 March 1978.) STAT

2. From 1 January 1976 through 8 March 1978, 66 Freedom of Information cases were canceled or withdrawn because of fees. They fell into three categories: (a) some requesters refused to commit themselves to paying all reasonable search and copying fees; (b) other requesters were asked to make a deposit against the search fees, and failed to comply; (c) in the remaining instances, copies of records were offered to requesters upon payment of duplication fees, and they did not avail themselves of the offer. In three of the above cases, the requesters wrote to us withdrawing their requests. In the remaining cases, they did not even bother to respond to our letters. (The above statistics are probably on the conservative side. An additional 24 Freedom of Information requests were canceled during this time frame because the requesters failed to reformulate their requests so as to comply with the requirement that the records sought be reasonably described. Fees may very well have been a factor in the failure of requesters to follow through, inasmuch as it was always pointed out to them that search fees were likely to be considerable for requests which are broad in scope.)

3. If because of judicial interpretation or legislative amendment we were no longer authorized to charge fees to journalists and others who intended to publish their research, we estimate that the volume of Freedom of Information requests would double. Our processing backlogs would quickly grow to

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twice their present size, and the time required to respond to requests would be greatly extended. Not only would the number of requests increase, but requesters would no longer be inhibited from "fishing expeditions," and we could expect to receive a large number of omnibus-type queries.

STAT

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