

434 E. University Blvd., Suite 300, Tucson, AZ 85705 TELEPHONE: 520.901.8500 FAX: 520.901.8571

#### Fiscal Year (FY) 2024 Annual FOIA Report

#### Section I: BASIC INFORMATION REGARDING REPORT

1. All questions about the Report should be directed to the Udall Foundation General Counsel:

Gwendolyn Franks General Counsel 434 E. University Blvd., Suite 300 Tucson, AZ 85705 (520) 901-8552 franks@udall.gov

- 2. An electronic version of this report can be found at <a href="https://udall.gov/AboutUs/FOIA.aspx">https://udall.gov/AboutUs/FOIA.aspx</a>
- 3. To obtain a copy of the Report in paper form, please contact the Udall Foundation General Counsel. Contact information for the General Counsel is listed above.

#### **Section II: MAKING A FOIA REQUEST**

1. Contact Information: The Udall Foundation Headquarters receives and responds to all FOIA requests received by the agency. The Udall Foundation may be contacted at:

Udall Foundation Tucson, AZ Headquarters 434 E. University Blvd., Suite 300 Tucson, AZ 85705 Ph. 520.901.8500

FOIA Requests can be submitted at <a href="www.FOIA.gov">www.FOIA.gov</a> by selecting the "Morris K. Udall and Stewart L. Udall Foundation" as the relevant agency.

2. The Udall Foundation strives to prioritize transparency. When possible, and consistent with FOIA requirements, we provide requested records if possible. Not all Udall Foundation records will be granted in whole, however.

For example, our mission involves providing dispute resolution services. As such, some records related to those activities are exempt from FOIA under Exemption 3 and 28 U.S.C. § 652(d) (Alternative Dispute Resolution Act of 1998).

The Udall Foundation also awards and administers contracts. To the extent a FOIA request relates to materials exempt from FOIA under Exemption 4, the request(s) may be denied.

3. The Udall Foundation FOIA regulations are located at <a href="https://www.ecfr.gov/current/title-36/chapter-XVI/part-1600">https://www.ecfr.gov/current/title-36/chapter-XVI/part-1600</a>

#### Section III: ACRONYMS, DEFINITIONS, AND EXEMPTIONS

- 1. Acronyms and Definitions:
  - 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 or component within the same 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 or component within the same 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.
- I. 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).

#### 2. FOIA exemptions:

a. **Exemption 1**: classified national defense and foreign relations information.

- b. **Exemption 2**: information that is related solely to the internal personnel rules and practices of an agency.
- 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.
- 3. Agency Component Abbreviations

Component Abbreviation	Component Name
	Morris K. Udall and
	Stewart L. Udall
MKUF	Foundation

#### **Section IV. Exemption 3 Statutes**

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
N/A	N/A	N/A	MKUF	0	0

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

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
MKUF	1	73	56	18
AGENCY OVERALL	1	73	56	18

### Section V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

				Nun	nber of Full Der	nials E	Base	d on Reaso	ns Other th	an Exe	mptions		
Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	TOTAL
MKUF	8	7	1	36	0	0	0	4	0	0	0	0	56
AGENCY OVERALL	8	7	1	36	0	0	0	4	0	0	0	0	56

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

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
MKUF	N/A	0	0
AGENCY			0
OVERALL			0

#### Section V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency /	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.						
Component	1	2	3	4	5	6	7(A)	7(B)	7(C)	7(D)	7(E)	7(F)	8	9
MKUF	0	0	0	2	2	4	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	2	2	4	0	0	0	0	0	0	0	0

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

Agency / Component	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
MKUF	0	0	0	0
AGENCY OVERALL	0	0	0	0

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

Agency / Component	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
MKUF	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0

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

Agency /	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.						
Component	1	2	3	4	5	6	7(A)	7(B)	7(C)	7(D)	7(E)	7(F)	8	9
MKUF	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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

Agency / Component	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
MKUF	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0

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

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
MKUF	N/A	0	0
AGENCY			0
OVERALL			U

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

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
MKUF	N/A	N/A	N/A	N/A
AGENCY				
OVERALL	0	0	N/A	N/A

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

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MKUF	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OVERALL	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

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

nt	SIMPLE				COMPL	EX			EXPEDI	TED PRO	CESSING	
Agency / Component	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
MKUF	6	9	<1	122	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY												
OVERALL	6	9	<1	122	0	0	N/A	N/A	0	0	N/A	N/A

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

nt	SIMPLE				COMPL	EX			EXPEDITED PROCESSING			
Agency / Component	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
MKUF	8	15	<1	122	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	8	15	<1	122	0	0	N/A	N/A	0	0	N/A	N/A

### Section VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
MKUF	51	0	0	0	0	0	1	0	0	0	0	0	0	52
AGENCY OVERALL	51	0	0	0	0	0	1	0	0	0	0	0	0	52

#### Section VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
MKUF	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

# Section VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
MKUF	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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

	SIMPLE			COMPLEX	(		EXPEDITE	D PROCES	SING
Agency / Component	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
MKUF	18	9	8	0	N/A	N/A	0	N/A	N/A
AGENCY									
OVERALL	18	9	8	0	0	0	0	0	0

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

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Date of	2024-	2024-	2024-	2024-	2024-	2024-	2024-	2024-	2024-	2024-
	Receipt	09-17	09-17	09-17	09-17	09-17	09-17	09-17	09-17	09-17	09-17
	Number										
	of Days										
MKUF	Pending	9	9	9	9	9	9	9	9	9	9
	Date of	2024-	2024-	2024-	2024-	2024-	2024-	2024-	2024-	2024-	2024-
ACENICY	Receipt	09-17	09-17	09-17	09-17	09-17	09-17	09-17	09-17	09-17	09-17
AGENCY OVERALL	Number										
OVERALL	of Days										
	Pending	9	9	9	9	9	9	9	9	9	9

### Section VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
MKUF	0	0	N/A	N/A	0
AGENCY					
OVERALL	0	0	0	0	0

### **Section VIII.B. Requests for Fee Waiver**

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
MKUF	0	0	N/A	N/A
AGENCY				
OVERALL	0	0	0	0

#### **Section IX. FOIA Personnel and Costs**

	PERSONNEL			COSTS		
Agency / Component	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
MKUF	0	0.24	0.24	3973.00	0.00	3973.00
AGENCY OVERALL	0	0.24	0.24	3973.00	0.00	3973.00

### **Section X. Fees Collected for Processing Requests**

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
MKUF	0.00	0.0000
AGENCY OVERALL	0.00	0.0000

### Section XI.A. Number of Times Subsection (C) Used

Agency / Component	Number of Times Subsection Used
MKUF	0
AGENCY OVERALL	0

### Section XI.B. Number of Subsection (A)(2) Postings

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
MKUF	6	0
AGENCY OVERALL	6	0

## Section XII.A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
MKUF	0	0
AGENCY OVERALL	0	0

## Section XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

	Number of			Number of
	Consultations		Number of	Consultations
	Received from	Number of	Consultations	Received from
	Other Agencies	Consultations	Received from	Other Agencies
Agency /	that were	<u>Received</u> from	Other Agencies	that were
Component	<u>Pending</u> at the	Other Agencies	that were	<u>Pending</u> at the
	Agency as of	During the Fiscal	<u>Processed</u> by the	Agency as of
	<u>Start</u>	Year	Agency During	<u>End</u>
	of the Fiscal		the Fiscal Year	of the Fiscal
	Year			Year
MKUF	0	1	1	0
AGENCY	0	1	1	0
OVERALL	0	1	1	0

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

Agency /		10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
Component		Consultation	9111	otii	7111	OLII	כנוו	4111	SIU	2110	Consultation
	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number										
MKUF	of Days	0	0	0	0	0	0	0	0	0	0
ACENCY	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	Number										
OVENALL	of Days	0	0	0	0	0	0	0	0	0	0

# Section XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

	NUMBER OF REQ	UESTS <u>RECEIVED</u>	NUMBER OF REQUESTS PROCESSED		
Agency / Component	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 During Fiscal Year from Current Annual Report	
MKUF	20	73	19	56	
AGENCY OVERALL	20	73	19	56	

# Section XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
MKUF	1	18
AGENCY OVERALL	1	18

# Section XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

	NUMBER OF APPL	EALS <u>RECEIVED</u>	NUMBER OF APPEALS <u>PROCESSED</u>		
Agency / Component	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 During Fiscal Year from Current Annual Report	
MKUF	0	0	0	0	
AGENCY					
OVERALL	0	0	0	0	

## Section XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report		
MKUF	0	0		
AGENCY OVERALL	0	0		