



NASA
CHIEF FOIA OFFICER REPORT
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National Aeronautics and Space Administration
2015 Chief FOIA Officer Report

NASA Chief FOIA Officer
David Weaver
Associate Administrator for Communications

FOIA TRAINING:

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

- Such training or events can include offerings from OIP, your own agency or another agency or organization.

Yes. NASA FOIA Staff attended the DOJ FOIA training in July as well as the NASA-day FOIA one day training. NASA FOIA Staff also participate in a monthly FOIA VITS meeting to discuss any processing issues or concerns.

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

100%

3. In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

- Include any successes or challenges your agency has seen in implementing your plan.

NASA FOIA staff will continue to participate in monthly FOIA training through the VITS. In addition, FOIA staff will be taking the DOJ FOIA training on-line.

OUTREACH:

Not applicable

DISCRETIONARY RELEASES:

4. Does your agency have a distinct process or system in place to review records for discretionary release?

- If so, please briefly describe this process.
- If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

Yes. NASA Center FOIA offices do consider discretionary release as appropriate. NASA FOIA Staff work with the program office to determine if the records in question can be released. Although our Agency is decentralized, FOIA offices follow the same policy and guidance.

5. During the reporting period, did your agency make any discretionary releases of information?

No, the information requested was not suitable for discretionary release. Additionally, NASA releases as much information as possible.

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance [on implementing the President's and Attorney General's FOIA Memoranda](#).

NA

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

NA

8. If your agency was not able to make any discretionary releases of information, please explain why.

The information requested was not suitable for discretionary release.

OTHER INITIATIVES:

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

NASA continues to have one of the top rated websites in the Federal Government due to the frequent updating of information that is of interest to the public. NASA also has multiple avenues for the public to acquire information of interest, which has helped to reduce the need to submit a FOIA request to the Agency.

If any of these initiatives are online, please provide links in your description

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

As the Attorney General emphasized in his [FOIA Guidelines](#), "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

PERSONNEL:

NOT REQUIRED

PROCESSING PROCEDURES:

1. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2014 Annual FOIA Report.

- Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2014.

1.8 days

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less

Adjudicated time was 1.8 days.

REQUESTER SERVICES:

3. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration? See OIP Guidance, "[Notifying Requesters of the Mediation Services Offered by OGIS.](#)" (July 9, 2010)

Yes, they are notified by the Office of General Counsel following the Agency final determination.

4. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? See OIP Guidance, "[The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications.](#)" (Nov. 22, 2013)

Yes. FOIA Staff provide the breakdown in the invoice. This contains the category, i.e., clerical, professional, managerial, reproduction, as well as the hourly rates.

5. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester? See [id.](#)

Yes. When they provide the estimate.

OTHER INITIATIVES:

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

NASA FOIA staff participates in monthly VITS meetings to discuss processing issues, concerns, and any FOIA related questions. Although the FOIA program is decentralized, the Agency FOIA staff is unified, working closely together to improve the program and building a collaborative team across the Agency. They regularly consult one-another to discuss FOIA requests and processing techniques in order to provide a consistent approach to responses. The success of the team approach has helped to streamline many business processes and ultimately directly affected backlog, leading to the lowest backlog of record.

Section III: Steps Taken to Increase Proactive Disclosures

Both the **President** and **Attorney General** focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received. Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

POSTING MATERIAL:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

NASA does not have a 'distinct process' to identify records for proactive disclosure. NASA offices post material that is of current public interest on the program and mission websites. Generally, the offices post as much as possible to provide the public with information and provide awareness of the Agency programs and initiatives. Current public interest is determined by the program offices and agency initiatives; NASA has very robust websites and public outreach programs.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Agency staff posts information outside of the FOIA. Our websites are kept current with information that is informative and noteworthy. If there is particular information the program office believes may ultimately become the subject of a FOIA request, the office will alert the FOIA staff and work with them to ensure the records are processed under the FOIA or proactively posted as appropriate.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

FOIA staff generally try to post the responsive records for contracts, regardless of the frequency. Other records are posted following the 'requested twice, anticipation of a third' and in other cases when we know a request may become the subject of additional requests, etc., we will post those responsive records.

4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

We have posted links to launches, as well as a host of other material. NASA is a leader in proactive disclosure of material through the use of websites and other forms of media. Agency staff regularly posts contract information, reports, a variety of records from current hot topics, records that provide background information on events in the news, Agency oversight, and new initiatives reports, documents, etc. The material can be found at the nasa.gov websites as well as links through any of the FOIA websites by following:

<http://www.hq.nasa.gov/office/pao/FOIA/agency/>

OTHER INITIATIVES:

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

NASA is a leader in media-centric initiatives. Various media tools are used on a continual basis to provide the public with information regarding NASA initiatives, events and business-related activities. Social media is utilized to inform the public of a proactive disclosure of agency information. Staff posts the material once it has been cleared in anticipation of public interest or in the case of FOIA additional requests. If the FOIA office has not received a request for the information but believes it would be of current interest to the public, they will work with the program office to post the material outside of the FOIA process, thus providing the public with as much information as possible.

The Agency uses all forms of media to proactively disclose information.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's [FOIA Memorandum](#) was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

Online Tracking of FOIA Requests and Appeals:

NOT REQUIRED

MAKING MATERIAL POSTED ON-LINE MORE USEFUL:

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

- Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Yes. NASA is a leader in media-centric initiatives. Various media tools are used on a continual basis to provide the public with information regarding NASA initiatives, events and business-related activities. NASA posts hyperlinks to information, launches, etc. that is of interest to the public.

2. If yes, please provide examples of such improvements.

- If your agency is already posting material in its most useful format, please describe these efforts.

NASA is continually improving and updating the websites by posting new material on a continual basis. Material and information is available through media resources including twitter, Facebook, Youtube, reddit, news conferences, media bulletins, etc.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No

4. If so, please briefly explain what those challenges are.

Use of Technology to Facilitate Processing of Requests:

NOT REQUIRED

OTHER INITIATIVES:

5. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

- Please see OIP's [guidance](#) for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website but not appearing on FOIA.gov, please contact OIP in order to resolve the issue.)

YES

6. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

NASA successfully posted the reports.

7. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "[The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications](#)." (Nov. 22, 2013) If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters?

Yes. NASA professionals correspond with requesters through email. We also speak with requesters on the phone.

8. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See [id](#).

We do communicate electronically.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The [President](#) and the [Attorney General](#) have emphasized the importance of improving timeliness in responding to requests. This section your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2014 Annual FOIA Report and, when applicable, your agency's 2013 Annual FOIA Report.

Simple Track: Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

The average number of days was 5.78.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

45.58%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

NASA tracks simple requests separately.

Backlogs: Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS:

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

The NASA backlog was the same; 11.

- If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:
 - An increase in the number of incoming requests
 - A loss of staff
 - An increase in the complexity of the requests received

Some of the requests in the backlog were very complex and required incremental releases.

6. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2014. If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."

- To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of requests received in Fiscal Year 2014, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

1.38%

BACKLOGGED APPEALS:

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

- If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog. When doing so, please also indicate if any of the following were contributing factors:
 - An increase in the number of incoming appeal
 - A loss of staff
 - An increase in the complexity of the appeals received

N/A

8. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with "N/A."

To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2014 Annual FOIA Report by the number of appeals received in Fiscal Year 2014, which can be found in Section VI.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.

N/A

Backlog Reduction Plans:

NOT REQUIRED

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS:

9. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No.

10. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

- For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.

NASA closed 9 out of 10

11. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

No requests were withdrawn.

TEN OLDEST APPEALS:

12. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes

13. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

- For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

TEN OLDEST CONSULTATIONS:

14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes

15. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

The oldest backlogged request required 13 interim responses before it was completed.

17. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

NA

18. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2015.

The oldest case is now closed.

INTERIM RESPONSE:

NOT REQUIRED

Use of the FOIA’s Law Enforcement Exclusions:

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?

No.

If so, please provide the total number of times exclusions were invoked

Success Story:

In August 2014, the NASA FOIA regulations were republished. They were completely revamped with detailed information for both the requester as well as the FOIA staff, thus hoping to ensure consistency in approach/responses to requesters as well as provide requesters with the information required to substantiate fee waiver requests, timing of responses, what to expect, etc. The fee threshold was also raised. The result has been a more streamlined approach for the FOIA staff as well as increasing timeliness.