



National Aeronautics and Space Administration

Freedom of Information Act



FY04 Annual Freedom of Information Act Report

I. BASIC INFORMATION:

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

Stephen L. McConnell
Agency FOIA Officer

National Aeronautics and Space Administration (NASA)
300 E Street, SW, Washington, DC 20546

Telephone: 202.358.0068

Facsimile: 202.358.4345

Email: nasafoia@nasa.gov

B. Electronic address for report on the World Wide Web.

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

C. How to obtain a copy of the report in paper form.

National Aeronautics and Space Administration (NASA)
Attention: Headquarters FOIA Officer
300 E Street, SW , Washington, DC 20546-001

Email: foia@hq.nasa.gov

II. HOW TO MAKE A FOIA REQUEST:

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

NASA Headquarters Attn: FOIA Office 300 E Street, SW Washington, DC 20546 202.358.2265 foia@hq.nasa.gov	NASA Office of the Inspector General Attn: IG FOIA Office 300 E Street, SW Washington, DC 20546 202.358.2548 foiaoig@hq.nasa.gov	NASA Ames Research Center Attn: FOIA Office, Mail Stop: 19-40 Moffett Field, CA 94035 650.604.3953 foia@arc.nasa.gov
NASA Dryden Flight Research Center Attn: FOIA Office PO Box 273 Edwards, CA 93523 661.276.2704 foia@dfrc.nasa.gov	NASA Glenn Research Center Attn: FOIA Office, Mail Stop: CH 21000 Brookpark Road Cleveland, OH 44135 216.433.2755 foia@grc.nasa.gov	NASA Goddard Space Flight Center Attn: FOIA Office, Mail Stop: 130 Greenbelt, MD 20771 301.286.4721 foia@gsfc.nasa.gov
NASA Jet Propulsion Laboratory Attn: NMO NASA FOIA Office Pasadena, CA 91109 818.393.6779 foia@nmo.jpl.nasa.gov	NASA Johnson Space Center Attn: FOIA Office, Mail Stop: AP121 Houston, TX 77058 281.483.8612 foia@jsc.nasa.gov	NASA Kennedy Space Center Attn: FOIA Office, Mail Stop: XA-A1 Kennedy Space Center, FL 32899 321.867.8007 foia@ksc.nasa.gov
NASA Langley Research Center Attn: FOIA Office, Mail Stop: 430 Hampton, VA 23681 757.864.2497 foia@larc.nasa.gov	NASA Marshall Space Flight Center Attn: FOIA Office, Mail Stop: CS20 Marshall Space Flight Center, AL 35812 256.544.1837 foia@msfc.nasa.gov	NASA Stennis Space Center Attn: FOIA Office, Mail Stop: Stennis Space Center, MS 39529 228.688.3692 foia@ssc.nasa.gov

B. Brief description of the agency's response-time ranges:

Expedited 26 days	Simple 18 days	Complex 33 days
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C. Brief description of why some requests are not granted:

Mainly because of information within the responsive documents having Export Control, ITAR and Proprietary Commercial exemptible material. Also, as with years prior, initial FOIA requests were denied for other reasons; such as “no records”, referral to other agencies, withdrawn by the requester and duplicate requests.

III. DEFINITIONS OF TERMS AND ACRONYMS USED IN THE REPORT:

A. Agency-specific acronyms or other terms:

NASA – National Aeronautics and Space Administration
DFRC – Dryden Flight Research Center
KSC – Kennedy Space Flight Center
MSFC – Marshall Space Flight Center
E-FOIA – Electronic Freedom of Information Act

HQ – NASA Headquarters
GSPC – Goddard Space Flight Center
LaRC – Langley Research Center
SSC – Stennis Space Center
GC- Office of General Counsel

ARC – Ames Research Center
JSC – Johnson Space Flight Center
GRC – Glen Research Center
OIG – Office of the Inspector General

B. Basic terms, expressed in common terminology:

FOIA/PA request – Freedom of Information Act/Privacy Act request. A FOIA request is generally 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 the requester, are included in this report.)

Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.

Appeal – a request to a federal agency asking that it review at a higher administrative level a 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.

Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

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 need for records may request expedited processing (see below).

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.

Simple request – a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.

Complex request – a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

Grant – an agency decision to disclose all records in full in response to a FOIA request.

Partial grant – 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 entirety, but to withhold others in whole or in part.

Denial – an agency decision not to 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's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

Time limits – the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

"Perfected" request – a FOIA request for records that 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.

Exemption 3 statute – a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

Median number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

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.

IV. EXEMPTION 3 STATUTES:

Exemption 3 statutes relied on by agency during current fiscal year, brief description of type(s) of information withheld under each statute, and if the statute has been upheld.

5 USC 638(j)(2)	Contracts, Withheld data generated by contractors who elected to retain their data rights in accordance with the retention period agreed to under the contract.	No
10 USC §2305(g)	Procurement, Withheld unsuccessful proposals for competitive procurements and those portions of successful proposals that were not incorporated into the contract.	No
22 USC §2751	Arms Export Control Act, technical data withheld according to regulations establishing lists or categories of technical data that may not be exported.	No
41 USC §423	Public Contracts, Prohibited the release of source selection information before the award of a contract to which the information relates.	No

V. INITIAL FOIA/PA ACCESS REQUESTS:

A. Number of Requests:

1. Number of requests pending as of end of preceding fiscal year: 202
2. Number of requests received during current fiscal year: 1622
3. Number of requests processed during current fiscal year: 1567
4. Number of requests pending as of end of current fiscal year: 257

B. Disposition of Initial Requests:

1. Number of total grants: 579
2. Number of partial grants: 390
3. Number of denials: 27

a. Number of times each FOIA exemption used:

- | | | | | | | | |
|--------------|-----------|--------------|-----------|--------------|-----------|--------------|------------|
| Exemption 1: | <u>0</u> | Exemption 2: | <u>29</u> | Exemption 3: | <u>21</u> | Exemption 4: | <u>267</u> |
| Exemption 5: | <u>29</u> | Exemption 6: | <u>42</u> | Exemption 7: | <u>41</u> | Exemption 8: | <u>0</u> |
| Exemption 9: | <u>0</u> | | | | | | |

4. Other reasons for nondisclosure (total): 571
 - a. No records: 137
 - b. Referrals: 146
 - c. Request withdrawn: 65
 - d. Fee-related reason: 10
 - e. Records not reasonably described: 74
 - f. Not a proper FOIA request for some other reason: 36
 - g. Not an agency record: 68
 - h. Duplicate request: 13
 - i. Other (specify): 22
 - Requires the creation of records: 4
 - Mail recd via FOIA email and handled outside FOIA: 18

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS:

A. Numbers of appeals:

1. Number of appeals received during fiscal year: 22
2. Number of appeals processed during fiscal year: 22

B. Disposition of appeals:

1. Number completely upheld: 13
2. Number partially reversed: 8
3. Number completely reversed: 0

a. Number of times each FOIA exemption used:

- | | | | | | | | |
|--------------|----------|--------------|----------|--------------|----------|--------------|----------|
| Exemption 1: | <u>0</u> | Exemption 2: | <u>3</u> | Exemption 3: | <u>1</u> | Exemption 4: | <u>4</u> |
| Exemption 5: | <u>3</u> | Exemption 6: | <u>0</u> | Exemption 7: | <u>1</u> | Exemption 8: | <u>0</u> |
| Exemption 9: | <u>0</u> | | | | | | |

4. <u>Other reasons for nondisclosure (total):</u>	<u>1</u>
a. No records:	<u>0</u>
b. Referrals:	<u>0</u>
c. Request withdrawn:	<u>1</u>
d. Fee-related reason:	<u>0</u>
e. Records not reasonably described:	<u>0</u>
f. Not a proper FOIA request for some other reason:	<u>0</u>
g. Not an agency record:	<u>0</u>
h. Duplicate request:	<u>0</u>
i. Other (specify):	<u>0</u>

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS:

A. <u>Median processing time for requests processed during the year:</u>	
1. <u>Simple requests:</u>	
a. Number of requests processed:	<u>1069</u>
b. Median number of days to process:	<u>18</u>
2. <u>Complex requests:</u>	
a. Number of requests processed:	<u>454</u>
b. Median number of days to process:	<u>33</u>
3. <u>Requests accorded expedited processing:</u>	
a. Number of requests processed:	<u>44</u>
b. Median number of days to process:	<u>26</u>
B. <u>Status of pending requests:</u>	
1. Number of requests pending as of end of current fiscal year:	<u>257</u>
2. Median number of days that such requests were pending as of that date:	<u>76</u>

VIII. COMPARISONS WITH PREVIOUS YEAR(S) (OPTIONAL): (See previous year's report)

IX. COSTS/FOIA STAFFING:

A. <u>Staffing levels:</u>	
1. Number of full-time FOIA personnel:	<u>7.0</u>
2. Number of personnel with part-time or occasional FOIA duties:	<u>12.65</u>
3. Total number of personnel:	<u>19.65</u>
B. <u>Total costs:</u>	
1. FOIA processing:	<u>\$1,541,496</u>
2. Litigation-related activities:	<u>\$ 118,344</u>
3. Total costs:	<u>\$1,659,840</u>

X. FEES

A. <u>Total amount of fees collected by agency for processing requests:</u>	<u>\$27,658</u>
B. <u>Percentage of total costs:</u>	<u>1.7%</u>

XI. FOIA REGULATIONS (INCLUDING FEE SCHEDULE): www.hq.nasa.gov/pao/FOIA