



## National Aeronautics and Space Administration

### Freedom of Information Act



#### FY 2003 Annual Freedom of Information Act Report

*Amended: January 29, 2004*

#### **I. Basic Information**

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

**Stephen L. McConnell**  
Freedom of Information Act Officer

National Aeronautics and Space Administration (NASA)  
300 E Street, SW, Code: P-FOIA, Washington, DC 20546  
Telephone: 202.358.0068

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

[www.hq.nasa.gov/office/pao/FOIA](http://www.hq.nasa.gov/office/pao/FOIA)

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

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

Facsimile: 202.358.4331  
Email: [foia@hq.nasa.gov](mailto: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, Code P  
Washington, DC 20546-0001  
[foia@hq.nasa.gov](mailto:foia@hq.nasa.gov)

NASA, Office of the Inspector General  
Attn: FOIA Office, Code W  
Washington, DC 20546-0001  
[foiaoig@hq.nasa.gov](mailto:foiaoig@hq.nasa.gov)

NASA Ames Research Center  
Attn: FOIA Office, Mail Stop 19-40  
Moffett Field, CA 94035  
[foia@arc.nasa.gov](mailto:foia@arc.nasa.gov)

NASA Dryden Flight Research Center  
Attn: FOIA Office, PO Box 273  
Edwards, CA 93523  
[foia@dfrc.nasa.gov](mailto:foia@dfrc.nasa.gov)

NASA Glen Research Center  
Attn: FOIA Office, Mail Code 0610  
21000 Brookpark Road  
Cleveland, OH 44135  
[foia@grc.nasa.gov](mailto:foia@grc.nasa.gov)

NASA Goddard Space Flight Center  
Attn: FOIA Office, Mail Code 213.1  
Greenbelt, MD 20771  
[foia@gsfc.nasa.gov](mailto:foia@gsfc.nasa.gov)

NASA Johnson Space Center  
Attn: FOIA Office, Mail Code AP2  
Houston, TX 77058  
[foia@jsc.nasa.gov](mailto:foia@jsc.nasa.gov)

NASA Kennedy Space Center  
Attn: FOIA Office, Mail Code AB-F1  
Kennedy Space Center, FL 32899  
[foia@ksc.nasa.gov](mailto:foia@ksc.nasa.gov)

NASA Langley Research Center  
Attn: FOIA Office, Mail Stop 154  
Hampton, VA 23681  
[foia@larc.nasa.gov](mailto:foia@larc.nasa.gov)

NASA Marshall Space Flight Center  
Attn: FOIA Office, Mail Code C050  
Marshall Space Flight Center, AL 35812  
[foia@msfc.nasa.gov](mailto:foia@msfc.nasa.gov)

NASA Stennis Space Center  
Attn: FOIA Office, Mail Code CA100  
Stennis Space Center, MS 39529-6000  
[foia@ssc.nasa.gov](mailto:foia@ssc.nasa.gov)

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

Over 50% of all NASA initial FOIA requests in the multi-tracked processing system were processed within:		
Expedited	Simple	Complex
5.6 days	18.6 days	26.1 days

**C. Brief description of why some requests are not granted.**

Only 2% of all initial FOIA requests processed by this Agency were denied in full. Most of these requests were due to information dealing with Export Control, ITAR and Proprietary Commercial information.

Also, 29% of our 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  
**ARC** – Ames Research Center  
**GSPC** – Goddard Space Flight Center  
**KSC** – Kennedy Space Flight Center  
**GRC** – Glen Research Center  
**SSC** – Stennis Space Center  
**E-FOIA** – Electronic Freedom of Information Act

**HQ** – NASA Headquarters  
**DFRC** – Dryden Flight Research Center  
**JSC** – Johnson Space Flight Center  
**LaRC** – Langley Research Center  
**MSFC** – Marshall Space Flight Center  
**OIG** – Office of the Inspector General  
**GC** – Office of General Counsel

**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**

**1. Number of requests pending as of end of preceding fiscal year:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
38	27	1	11	6	38	0	1	19	1	0	142*

*\* While auditing our FY02 annual report, we found that the preceding FY requests pending were +5 from the 137 that was reported.*

**2. Number of requests received during current fiscal year:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
433	30	140	55	64	156	494	193	114	202	57	1938

**3. Number of requests processed during current fiscal year:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
422	43	141	60	67	166	431	190	99	202	57	1878

**4. Number of requests pending as of end of current fiscal year:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
49	14	0	6	3	28	63	4	34	1	0	202

**A. Disposition of initial requests.**

**1. Number of total grants:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
156	9	26	21	23	76	289	61	32	74	26	793

**2. Number of partial grants:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
37	19	74	15	19	49	118	28	26	81	19	485

**3. Number of denials:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
6	5	4	2	2	2	3	4	1	5	1	35

<b>a. Number of times each FOIA exemption used:</b>							
Exemption 1:	01	Exemption 2:	30	Exemption 3:	40	Exemption 4:	351
Exemption 5:	41	Exemption 6:	33	Exemption 7(A):	10	Exemption 7(B):	00
Exemption 7(C):	16	Exemption 7(D):	11	Exemption 7(E):	09	Exemption 7(F):	00
Exemption 8:	00	Exemption 9:	00				

**4. Other reasons for nondisclosure (total):**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
223	10	37	22	23	39	21	97	40	42	11	565

**a. No records:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
44	5	7	15	7	12	0	32	7	8	6	143

**b. Referrals:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
134	0	8	2	1	11	7	34	10	19	4	230

**c. Request withdrawn:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
9	5	7	3	13	12	11	8	3	11	0	82

**d. Fee-related reason:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
1	0	0	0	0	0	0	1	1	0	0	3

**e. Records not reasonably described:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
6	0	1	0	0	0	3	1	0	0	0	11

**f. Not a proper FOIA request for some other reason:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
11	0	1	0	1	0	0	9	0	2	0	24

**g. Not an agency record:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
4	0	1	0	0	1	0	2	3	2	1	14

**h. Duplicate request:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
14	0	12	0	0	3	0	3	1	0	0	33

**i. Other (specify):**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
0	0	0	2	1	0	0	7	15	0	0	25
V.B.4i. Required the creation of records										7	
V.B.4i. Mail received via FOIA email and handled outside FOIA										18	

**VI. Appeals of Initial Denials of FOIA/PA Requests**

**A. Numbers of appeals.**

- Number of appeals received during fiscal year: **20**
- Number of appeals processed during fiscal year: **20**

**B. Disposition of appeals.**

- Number completely upheld: **14**
- Number partially reversed: **4**
- Number completely reversed: **2**

**a. Number of times each FOIA exemption used:**

Exemption 1:	0	Exemption 2:	3	Exemption 3:	0	Exemption 4:	2
Exemption 5:	2	Exemption 6:	1	Exemption 7(A):	0	Exemption 7(B):	0
Exemption 7(C):	0	Exemption 7(D):	0	Exemption 7(E):	0	Exemption 7(F):	0
Exemption 8:	0	Exemption 9:	0				

**4. Other reasons for nondisclosure (total):**

- No records: **0**
- Referrals: **0**
- Request withdrawn: **0**
- Fee-related reason: **0**
- Records not reasonably described: **0**
- Not a proper FOIA request for some other reason: **0**
- Not an agency record: **0**
- Duplicate request: **0**
- Other (specify): **0**

**VII. Compliance with Time Limits/Status of Pending Requests**

**A. • Median processing time for requests processed during the year.**

**1. Simple requests.**

**a. Number of requests processed:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
175	43	136	53	26	9	320	72	92	142	57	<b>1125</b>

**b. Median number of days to process:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC
35	135	31	18	13	7	6	7	28	22	19

**2. Complex requests.**

**a. Number of requests processed:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
245	0	5	0	41	157	111	118	7	18	0	<b>702</b>

**b. Median number of days to process:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC
26	0	8	0	30	39	30	20	36	50	0

**3. Requests accorded expedited processing.**

**a. Number of requests processed:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
2	0	0	7	0	0	0	0	0	42	0	<b>51</b>

**b. Median number of days to process:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC
19	0	0	12	0	0	0	0	0	37	0

**B. Status of pending requests.**

**1. Number of requests pending as of end of current fiscal year:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
49	14	0	6	3	28	63	4	34	1	0	<b>202</b>

**2. Median number of days that such requests were pending as of that date:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC
142	397	0	59	74	0	140	73	108	72	0

**VIII. Comparisons with Previous Year(s) (Optional)**

**A. Comparison of numbers of requests received:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
219/433	NA/30	145/140	37/55	54/64	180/156	434/494	130/193	133/114	283/202	58/57	<b>1673/1938</b>

**B. Comparison of numbers of requests processed:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
253/422	NA/43	164/141	35/60	55/67	156/166	434/431	132/190	131/99	282/202	58/57	<b>1700/1878</b>

**C. Comparison of median numbers of days requests were pending as of end of Fiscal Year:**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC
124/142	NA/74	1/0	79/34	74/14	38/28	0/63	44/73	49/108	90/72	0/0

**D. Other statistics significant to agency:**

On February 1, 2003 the world witnessed a major catastrophe that had an immediate impact on NASA's FOIA program. That day the [Columbia Space Shuttle](#) was lost over Texas, while returning from its mission in space. The influx of requests caused this agency to create a separate electronic reading room for documents that were responsive to those specific requests about mission STS-107 and the Space Shuttle Program. This agency received 51 requests for expeditious processing and we granted 51 of those requested actions; none were declined, most related to the Columbia Accident involving media requesters.

**E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the:**

Additional resources were added to the reviewing of responsive agency records after February 1<sup>st</sup>. NASA uploaded over 210 responsive records to the agency's web site, relating to the [Columbia Space Shuttle](#) and its STS-107 mission. The Agency also decided to waive, on a discretionary basis, the (b)(5) exemption as applied to pre-accident records and placed these on the web site.

**IX. Costs/FOIA Staffing**

**A. Staffing levels.**

**1. Number of full-time FOIA personnel:**

HQ	OIG	GC	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
3	0	0	0	0	0	3	1	1	0	1	0	<b>9</b>

**2. Number of personnel with part-time or occasional FOIA duties (in work-years):**

HQ	OIG	GC	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
.7	1	1	1	.65	.75	1.05	.5	1	2.1	0	.5	<b>10.25</b>

**3. Total number of personnel (in work-years):**

HQ	OIG	GC	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
3.7	1	1	1	.65	.75	4.05	1.5	2	2.1	1	.5	<b>19.25</b>

**B. Total costs.**

**1. FOIA processing (including appeals):**

HQ	OIG	ARC	DFRC	GRC	GSFC	JSC	KSC	LaRC	MSFC	SSC	NASA Total
259,961	21,845	80,000	19,311	51,689	172,317	94,540	77,378	95,830	90,798	30,000	<b>\$993,669</b>

**2. Litigation-related activities:**

**\$104,336.00**

**3. Total costs:**

**\$1,098,005.00**

**X. Fees**

**A. Total amount of fees collected by agency for processing requests:**

**\$24,713**

**B. Percentage of total costs:**

**2.3%**

**XI. FOIA Regulations (Including Fee Schedule)**

**[www.hq.nasa.gov/pao/FOIA](http://www.hq.nasa.gov/pao/FOIA)**