



NASA
CHIEF FOIA OFFICER REPORT
JANUARY 2017

National Aeronautics and Space Administration 2017 Chief FOIA Officer Report

NASA Chief FOIA Officer
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Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's [FOIA Memorandum](#) and the DOJ's [2009 FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. 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?

ANSWER: Yes

2. If yes, please provide a brief description of the type of training attended and the topics covered.

ANSWER: FOIA Staff attend a monthly VITS for training. In October, FOIA staff attending training in Washington, DC. Advanced FOIA training was covered, including recent changes in the law, case-law, fees, and search issues.

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

ANSWER: 100%

4. OIP has **directed agencies** to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

ANSWER: 100% of our staff attended training either in-person or through the monthly VITS.

B. Outreach

5. *OPTIONAL*: Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

ANSWER: Yes. When appropriate, FOIA staff contact the requester/organization and explain the agency search capabilities as well as the requirement to maintain records.

C. Other Initiatives

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

ANSWER: FOIA Staff are providing overview training to other staff throughout the Agency.

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

ANSWER: 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.

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

The DOJ’s **2009 FOIA Guidelines** emphasized that “[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.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

A. Processing Procedures

1. For Fiscal Year 2016, 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 2016 Annual FOIA Report.

ANSWER: 2.82 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.

ANSWER: N/A

3. *OPTIONAL*: During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

ANSWER: Yes. On a regular basis, reviewing caseload, procedures, etc. When a FOIA Office began incurring a heavy caseload, the staff worked across the Agency to provide assistance when possible.

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

ANSWER: 333 requests or roughly 39%. JSC received the majority.

B. Requester Services

5. *OPTIONAL*: Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

ANSWER: Yes. Some Centers provide a feedback website.

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

ANSWER: Less than five times.

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

ANSWER: <https://www.nasa.gov/FOIA/guidance.html>

C. Other Initiatives

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

ANSWER: NASA continues to have one of the top rated websites in the Federal Government due to the continual updates 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.

Section III: Steps Taken to Increase Proactive Disclosures

Both the **President's** and **DOJ's** FOIA memoranda 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.

A. Posting Material

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

ANSWER: NASA offices post material that is of current public interest on the FOIA and mission websites. Typically, FOIA offices post all contract documents that have been requested under the FOIA. In general, the FOIA offices post material that has been the subject of public interest or is anticipated to be of public interest regardless of the number of FOIA requests for

the documents. The FOIA offices also work with the mission/program offices to identify documents that should be posted on both websites.

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

ANSWER: 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. Public interest is determined by the program offices coupled with agency initiatives; NASA has very robust websites and public outreach programs.

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

ANSWER: Yes.

4. If so, briefly explain those challenges and how your agency is working to overcome them.

ANSWER: If records contain pictures or tables, the FOIA staff are not able to ensure they are 508 compliant and the queue for obtaining 508 compliance is long. We are hoping there is software developed that helps process pictures and tables in a relatively easy format so the FOIA staff can ensure compliance themselves.

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

ANSWER: Documents related to the Presidential transition as well as travel information. Other program offices post documents related to missions on their websites. The Office of the Inspector General posts reviews, reports, report announcements.

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

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

ANSWER: Yes. Our program offices regularly post documents related to mission updates, launches, etc., and this information is further publicized through tweets, program-sponsored events. The Public Inquiries Office has revised their website to provide direct links to material of interest to the public. For example, following the death of Astronaut John Glenn, NASA received thousands of inquiries asking about his life. The Public Inquiries Office published a direct link on their homepage to his bio and other information, thus reducing the number of inquiries and providing the public with the information they sought.

B. Other Initiatives

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

ANSWER: NASA uses webmetrics to determine what the public is seeking and then works with the program offices to ensure information is posted about these topics.

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.

A. Making Material Posted Online 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?

ANSWER: Yes.

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

ANSWER: The websites are continually updated with the most current information as events occur. The Public Inquiries site updates and posts links to information that is timely, for example the John Glenn, Hidden Figures and Eugene Cernan information.

B. Other Initiatives

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

ANSWER: Yes

4. 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 2017.

ANSWER: N/A, all reports were posted.

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

The President's **FOIA Memorandum** and the DOJ's **2009 FOIA Guidelines** have emphasized the importance of improving timeliness in responding to requests. This section of 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 2016 Annual FOIA Report and, when applicable, your agency's 2015 Annual FOIA Report.

A. 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?

ANSWER: Yes

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

ANSWER: YES

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

ANSWER: 61%

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?

ANSWER: Yes. The Agency does track simple requests separately as well.

B. 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 2015 and Fiscal Year 2016 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 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

ANSWER: The backlog decreased.

6. 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. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

ANSWER: N/A, the backlog decreased.

7. 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 2016.

ANSWER: .0008 percent

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

ANSWER: Increased by 1. It was a very complex case.

9. 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 appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

ANSWER: It was a complex request and appeal. Some requests and associated appeals contain a wide-variety of information that needs to be carefully considered for a final determination, including ITAR, submitter, critical information.

10. 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 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

ANSWER: 15%

C. 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 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

11. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

ANSWER: Yes

12. 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 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

ANSWER: N/A, all were closed.

13. 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?

ANSWER: None. All requests were processed.

TEN OLDEST APPEALS

14. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

ANSWER: YES

15. 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 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

ANSWER: N/A. all appeals were closed.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

ANSWER: None were pending at and of FY 15

17. 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 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

ANSWER: No consultations were pending at end of FY 15

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

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

ANSWER: We did not have any obstacles. Many of the requests and appeals received at NASA are very complex, requiring extensive program, attorney, ITAR review. This will increase the timelines, but these are expected obstacles for the type of Agency information.

19. 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.

ANSWER: NASA closed all oldest cases.

20. 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 2017.

ANSWER: NASA closed all outstanding requests, appeals and consultations.

F. Success Stories

OPTIONAL: Out of all the activities undertaken by your agency since March 2016 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, these agency **success stories** will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

ANSWER: This year the NASA FOIA program has undergone a very thorough review of its business processes. The Headquarters FOIA Office has a dedicated FOIA Officer processing the requests received by the Centers that have few requests, thus shifting the workload and expertise requirements to a full-time FOIA Officer. NASA has a very limited full-time FOIA staff, which is a problem when the offices receive very complex requests (some have over 10,000 pages). In order to ensure we maintain a constant flow of requests/responses, the FOIA staff work together helping each other out with redactions, letters, etc. This has been extremely beneficial across the board and ultimately helped to keep the backlog at a minimum. The NASA FOIA Program is no

longer Center-specific, but all the FOIA staff are taking ownership for the Agency program, which is a tremendous benefit to the staff as well as the Agency.