

## **How to File a FOIA Request for NASA Records**

A FOIA request for NASA Agency records must include the requester's name, an email and mailing address, a description of the record(s) being sought, the fee category into which the requester wishes to be placed, and the total amount of fees the requester is willing to pay or justification for a fee waiver (**see Fees/Fee Waiver Guidance**). It is also helpful to provide a telephone number in case the FOIA office has any questions regarding the request. NASA encourages requesters to submit their requests online via the [NASA FOIA Public Access Link \(PAL\)](#). However, if you wish to submit your request via mail or email, please be sure to include the above required information. Please do not include social security numbers on any correspondence with the FOIA office.

NASA records are decentralized and maintained at various Centers throughout the country. A member of the public may request a NASA record by *mail, facsimile (FAX), electronic mail (e-mail)*, or by submitting a written request in person to one of the thirteen [NASA FOIA Requester Service Centers](#). Contact information for those Requester Service Centers are available on the NASA FOIA website at the previous link. It is preferable, however, that requesters submit their requests online using [PAL](#). To do so, you will need to create an account which allows you to check on the status of your request and correspond with the FOIA office through PAL. Submitting a request this way also walks requesters through populating the information required for inclusion in a FOIA request, and allows requesters to select the appropriate NASA Center to which the request will be sent. If a requester knows which Center maintains the requested records, it is best to send the request directly to that Center; however, when a requester is unable to determine the proper Center, the requester may send the request to the NASA Headquarters (HQ) FOIA Office. The HQ FOIA Office will forward the request to the Center(s) determined to be most likely to maintain the requested records. It is in the requester's best interest to send the request to the appropriate FOIA Office as a misdirected request may take up to 10 additional working days to be re-routed to the proper office.

## **How to file a Privacy Act request**

A requester who is making a request for records about him or herself (a Privacy Act request) must comply with the verification of identity provisions set forth in [14 CFR § 1212.202](#). If a request pertains to a third party, a requester may receive greater access by submitting one of the following: (1) a notarized authorization signed by the individual who is the subject of the request; (2) a declaration by the individual made in compliance with the requirements set forth in [28 U.S.C. § 1746](#), authorizing disclosure of the records to the requester; or (3) proof that the individual is deceased (e.g., a copy of a death certificate, a verifiable obituary, etc.).

As an exercise of its administrative discretion, each Center FOIA Office may require a requester to supply additional information if necessary in order to verify that a particular individual has consented to a third party disclosure. Information will only be

released on a case-by-case basis to third party requesters if they have independently provided authorization from the individual who is the subject of the request.

## **Describing Records Sought**

In view of the time limits under 5 U.S.C. § 552(a)(6) for an initial determination on a request for an Agency record, a request must be addressed to the appropriate FOIA office and be clearly identified in the letter as a request for an Agency record under the "Freedom of Information Act." **It is also important to conduct some research on NASA's website** or the world wide web **before** submitting a request in order to provide as much information about the records as possible.

NASA FOIA offices often receive FOIA requests seeking records clearly belonging to other agencies. Thus, it may be helpful to know that NASA's mission is to pioneer the future in space exploration, scientific discovery and aeronautics research. NASA conducts its work in five principal organizations, called "mission directorates," discussed below:

1. The **Science Mission Directorate (SMD)** expands the frontiers of Earth science, heliophysics, planetary science, and astrophysics. Using robotic observatories, explorer craft, ground-based instruments, and a peer-reviewed portfolio of sponsored research, SMD seeks knowledge about our solar system, the farthest reaches of space and time, and our changing Earth. You can learn more about SMD and its programs at <https://science.nasa.gov/about-us>.
2. The **Aeronautics Research Mission Directorate (ARMD)** transforms aviation with research to reduce the environmental impact of flight, and improves aircraft and operations efficiency while maintaining safety in increasingly crowded skies. ARMD also generates innovative aviation concepts, tools, and technologies for development and maturation by the aviation community. You can learn more about ARMD and its programs at <https://www.nasa.gov/aeroresearch/about-armd>.
3. The **Space Technology Mission Directorate (STMD)** pursues transformational technologies that have a high potential for offsetting future mission risk, reducing cost, and advancing existing capabilities. STMD uses merit-based competition to conduct research and technology development, demonstration, and infusion of these technologies into NASA's missions and American industry. This mission directorate is being refocused as a new Exploration Research & Technology (ER&T) organization to support exploration as a primary customer. You can learn more about STMD and its programs at [https://www.nasa.gov/directorates/spacetech/about\\_us/index.html](https://www.nasa.gov/directorates/spacetech/about_us/index.html).
4. The **Human Exploration and Operations Mission Directorate (HEOMD)** leads human exploration in and beyond low Earth orbit by developing new transportation systems and performing scientific research to enable sustained and affordable human life outside of Earth. HEOMD also manages space communication and navigation services for the Agency and its international partners. You can learn more

about HEOMD and its programs at <https://www.nasa.gov/directorates/heo/about.html>.

5. The **Space Operations Mission Directorate** (SOMD) is responsible for enabling sustained human exploration missions and operations in our solar system. SOMD manages NASA's current and future space operations in and beyond low-Earth orbit (LEO), including commercial launch services to the International Space Station. SOMD operates and maintains exploration systems, develops and operates space transportation systems, and performs broad scientific research on orbit. In addition, SOMD is responsible for managing the space transportation services for NASA and NASA-sponsored payloads that require orbital launch, and the agency's space communications and navigation services supporting all NASA's space systems currently in orbit. You can learn more about SOMD and their programs at <https://www.nasa.gov/directorates/space-operations-mission-directorate>.

In addition to the above five mission directorates, NASA also has a **Mission Support Directorate** (MSD) that provides effective and efficient institutional support to enable the successful accomplishment of NASA mission objectives. This unit oversees the critical mission support resources and services across NASA field centers. You can learn more about MSD and its programs at <https://www.nasa.gov/msd/aboutus>.

It is important to review NASA's organizational structure to help identify, to the extent possible, a particular program office within one of NASA's Mission Directorates, Field Offices, and/or Administrator Staff Offices that may maintain the records sought. This can be found at [https://www.nasa.gov/about/org\\_index.html](https://www.nasa.gov/about/org_index.html). Additionally, to help identify a particular NASA mission that may be encompassed by the subject of a request, a list of "NASA's Missions A-Z" is available at <https://nasa.gov/missions>.

By conducting this research, requesters can provide better descriptions of the records sought to better enable agency personnel who are familiar with the subject area to identify and locate records with a reasonable amount of effort. The details that may assist a FOIA office in identifying the requested records include the particular NASA Centers, program offices, and/or names of officials believed to maintain the records, contract number(s) if the work was completed by a contractor, date ranges or time frames, etc.

If the requester fails to reasonably describe the records sought, the FOIA office will inform the requester of what additional information is needed or why the request is deficient. The FOIA office will also notify the requester that it will not be able to comply with the FOIA request unless additional information is provided within 20 working days from the date of the letter. If the additional information is not provided within that time frame, the request will be closed administratively without further notification.

NASA need not comply with a blanket or categorical request (such as "all matters relating to" a general subject) where it is not reasonably feasible to determine what record is sought. NASA will in good faith attempt to identify and locate the record(s) sought and will consult with the requester when necessary and appropriate for that purpose in accordance with our regulations. NASA is not required to create or compile records in response to a FOIA request.

## **Request for Contracts**

NASA receives a great number of FOIA requests for contracts. A request for contracts should include the specific NASA contract numbers of interest and a detailed explanation of the documents requested. You may find contract numbers via the [System for Award Management \(SAM\)](https://sam.gov), SAM.gov. SAM.gov allows anyone to register and access records pertaining to all federal agency procurement actions. This includes the ability to run a variety of reports based on specified criteria.

Requesters seeking contracts awarded by NASA are generally categorized as “commercial use requesters” for fee assessment purposes. Commercial use is defined as any use or purpose that furthers the commercial, trade, or profit interests of the requester. In accordance with NASA’s FOIA Regulation [14 CFR § 1206.507](https://www.ecfr.gov/current/title-49/chapter-I/subchapter-B/part-1206/subpart-1206.507), commercial use requesters pay all fees associated with processing their requests, which include search, review, and duplication fees. A request that does not identify the amount a requester is willing to pay for the associated fees will be placed on hold until the requester agrees to pay fees. If a requester only states his/her willingness to pay a limited amount for processing the request, and it is for more than one document, then the requester must state the order in which he/she would like the request for records to be processed. Additionally, the requester may limit the scope of the request to reduce processing fees.

### **What NASA Generally Releases:**

- Amounts actually paid by the Government under a contract, such as total contract award amounts and total modification amounts.
- Total option year pricing.
- Explanatory material and headings associated with costs and pricing.
- Names of federal employees and key contractor employees.
- Contractual provisions and clauses authored by NASA.

### **What NASA Generally Withholds:**

- Technical and cost proposals submitted in response to a solicitation (automatically withheld under an Exemption (b)(3) statute);
- Unique ideas, methods, or processes (trade secrets);
- Equipment, materials, processes, or systems that are patented, copyrighted, or contains restricted information; or
- Cost and pricing data that is not already generally known as a part of regular business practices, such as burdened labor rates or G&A rates.
- Plans or submissions submitted by the contractor which are incorporated into the finalized contract.

## **FOIA Appeals**

If you deem the response you receive to your FOIA to be an adverse determination, you may exercise your appeal rights.

### **14 C.F.R. §1206.700 – How to submit an appeal.**

- (a) A member of the public who has requested an Agency record in accordance with subpart C of this part, and who has received an initial determination which does not comply fully with the request, may appeal such an adverse initial determination to the Administrator, or, for records as specified in §1206.805, to the Inspector General within 90 days from the date of the initial determination letter.
- (b) The appeal must:
- (1) Be in writing;
  - (2) Be addressed to the Administrator, NASA Headquarters, Executive Secretariat, Washington, DC 20546, or, for records as specified in §1206.805, to the Inspector General, NASA Headquarters, Room 8U71, 300 E Street, SW, Washington, DC 20546;
  - (3) Be identified clearly on the envelope and in the letter as an “Appeal under the Freedom of Information Act;”
  - (4) **Include a copy of the initial request for the Agency record and a copy of the adverse initial determination along with any other correspondence with the FOIA office;**
  - (5) To the extent possible, state the reasons the adverse initial determination should be reversed; and
  - (6) Be sent to the Administrator or the Inspector General, as appropriate, within 90 days of the date of the initial determination.
- (c) An official authorized to make a final determination may waive any of the requirements of paragraph (b) of this section, in which case the time limit for the final determination (see §1206.701(a)) shall run from the date of such waiver.

## **NASA Office of Inspector General (OIG)**

FOIA requests for OIG documents are handled independently by the NASA OIG. For more information about where to send your request see instructions available at the OIG website at [https://oig.nasa.gov/FOIA\\_requests.html](https://oig.nasa.gov/FOIA_requests.html).