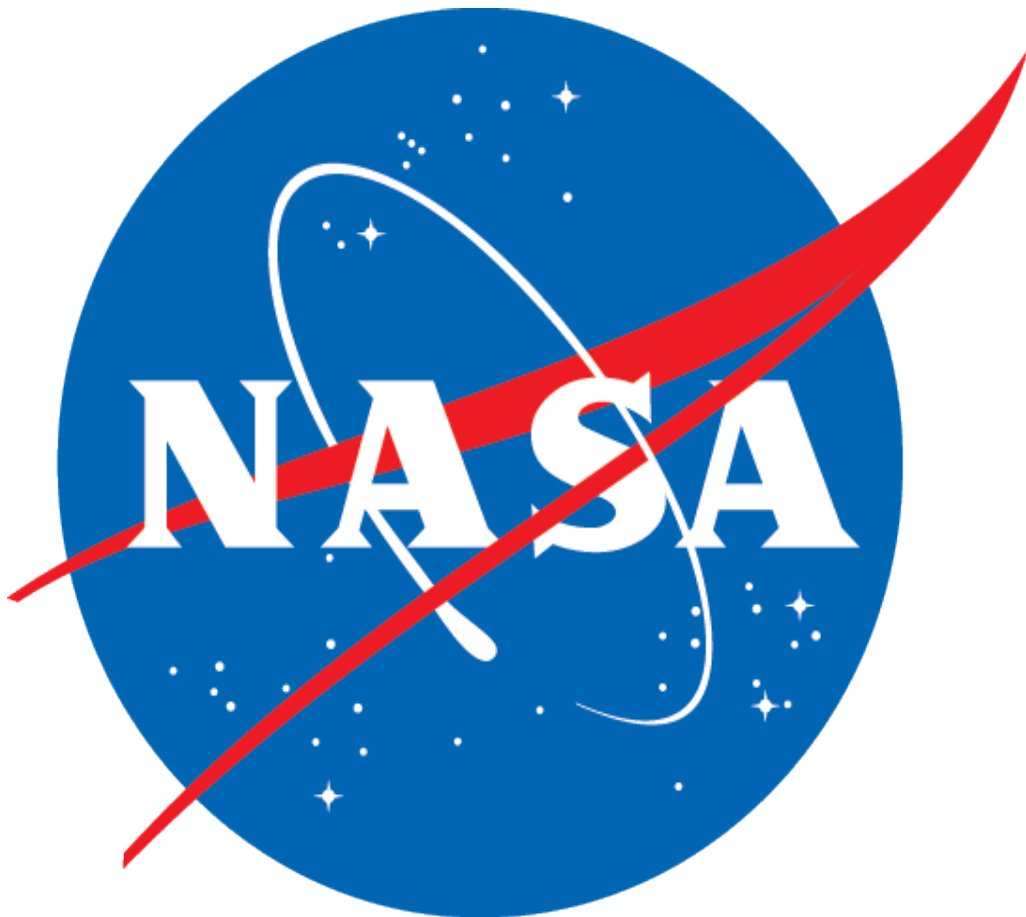


National Aeronautics and Space Administration



2022 CHIEF FOIA OFFICER REPORT

Mr. Marc Etkind
Chief FOIA Officer
Associate Administrator
Office of Communications

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's 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 Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level?

ANSWER: Yes

2. Please provide the name and title of your agency's Chief FOIA Officer.

ANSWER: Mr. Marc Etkind, Associate Administrator for Communications

B. FOIA Training

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

ANSWER: The NASA Principal Agency FOIA Officer receives training information from ASAP and OIP and distributes that information to the staff so they may attend. The Principal Agency FOIA officer also monitors Court Opinions for all FOIA litigation and provides these Court opinions to staff to further their awareness of court decisions. When necessary, the Principal Agency FOIA Officer also holds meetings to discuss with staff new procedures developed following Court precedence.

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

ANSWER: Yes.

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

ANSWER: Due to the Covid-19 pandemic, the training classes for which NASA FOIA staff registered were all virtual training offered by ASAP and DOJ. In addition, the Principal Agency FOIA Officer held quarterly TEAMS meetings with NASA's FOIA professionals to discuss any new guidance that may have been issued by DOJ, any recent case law or remands of administrative appeal decisions affecting the handling of NASA's FOIA cases, and ways to improve NASA's FOIA processes to comply with these factors.

6. Please 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: 80% of NASA's FOIA staff attended virtual FOIA training during this reporting period. The other 20% attended the quarterly meetings held by the Principal Agency FOIA Officer referenced in the previous response.

7. 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: Most of the agency's FOIA professionals have attended outside training, and/or at least one DOJ training. The NASA Principal Agency FOIA Officer also held internal training on Adobe Pro redaction features which uses text recognition and other technology to ensure consistent redactions and reduces the likelihood that redaction errors.

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?

ANSWER: No.

C. Outreach

9. Did your FOIA professionals engage in any outreach or dialogue outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

ANSWER: The NASA FOIA group always reaches out to requesters to discuss any aspect of the FOIA request that is either voluminous or unclear and/or discuss the FOIA process to better serve the requester. While the FOIA unit did not have any outreach *outside* of these standard processes, NASA has a strong and robust Communications Office with Public Affairs Officers embedded in all NASA programs to answer all inquiries received from the media related to NASA programs/missions. NASA also has a Public Inquiry unit that answers thousands of

inquiries from the public via mail, email, or phone calls. The customer service that NASA's Office of Communications provides to the public in response to any inquiry is an essential part of the agency's open government activities. These services are key activities that help reduce the number of FOIA requests NASA receives.

D. Other Initiatives

10. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe:

- how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff.
- if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations, and expectations during the FOIA process?

ANSWER: The Office of General Counsel makes a presentation about FOIA at the agency's New Employee Orientation Training sessions. Additionally, on an annual basis, the Principal Agency FOIA Officer provides training sessions for NASA Program Offices. In 2021, the Principal Agency FOIA Officer provided five training sessions for program offices at NASA Headquarters and centers. Additionally, with the change of administration that took place in 2021, the Principal Agency FOIA Officer provided senior leaders, including NASA's new Administrator, Deputy Administrator, and other new officials, with FOIA training and information regarding their duties and responsibilities under the FOIA.

11. Optional -- 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: AINS (FOIAXpress) provided a two-day virtual training session for FOIAXpress users. This training included a session presented by Richard Huff, former co-director of the Office of Information Policy, addressing recent significant FOIA case. This session was very informative for the NASA FOIA staff.

Additionally, as explained in the past, the National Aeronautics and Space Act mandates that NASA disseminate to the public as much information as possible concerning its missions and scientific findings. In this regard, the agency has a robust Office of Communications with a policy that governs the release of information to the public, which is defined as information in any form provided to news and information media outlets, especially information that has the potential to generate significant media, public interest, or other inquiries. Examples include, but are not limited to, press releases, media advisories, news features, Facebook, Twitter, or other web postings, and responses to public inquiries. All of these efforts ensure the presumption of openness regarding NASA's activities and missions.

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

DOJ's FOIA Guidelines emphasize 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 describes your agency's efforts in this area.

1. For the Fiscal Year 2021, 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 2021 Annual FOIA Report.

ANSWER: 5.7 .

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report, 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. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

ANSWER: Yes, NASA updated its regulations in 2019.

4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

ANSWER: No. NASA has a small FOIA unit with seven full-time and two part-time employees. NASA FOIA specialists follow the agency's FOIA regulations to process records. The Principal Agency FOIA Officer generally guides internal processes and monitors consistency and quality of the agency's FOIA processes. For example, NASA created template letters for FOIA specialists to use which has improved the quality of letters that are sent to FOIA requesters.

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.

ANSWER: NASA may consider developing a short SOP during this Fiscal Year and post it on its website.

6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

ANSWER: NO.

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.

ANSWER: NASA receives some first-party requests. Most requests seek information related to accidents, personnel matters, or investigations by protective services. Since the requests are not pure Privacy Act requests and NASA processes these types of requests under both Privacy Act and FOIA, we have not established alternative means of access to these types of records outside of the FOIA process.

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.

ANSWER: On a weekly basis the Principle Agency FOIA Officer conducts assessments of NASA's pending cases and provides a report to the agency's Chief FOIA Officer and other management officials. When a request is reported on several weekly reports, the Principle Agency FOIA Officer takes steps to locate bottlenecks and assist with moving those cases forward in a more timely fashion. In April 2021, NASA's FOIA Analyst for Headquarters (HQ) left the agency for another job, and it took seven months to backfill that position. The HQ FOIA office receives the highest number of FOIA requests in the agency, so this seven-month vacancy increased the number of NASA's backlogged FOIA requests for 2021. To help mitigate this issue, the Principle Agency FOIA Officer distributed cases from the HQ FOIA Office to FOIA specialists that processed other NASA centers' requests until the HQ position was filled. However, since filling the position, the Principal Agency FOIA Officer has kept the distribution of FOIA requests to others in an effort to lessen the burden on the HQ FOIA specialist and allow a more equitable workload distribution.

9. 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 the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2021 (please provide a total number or an estimate of the number).

ANSWER: NASA's Chief FOIA Public Liason received **14** requests for assistance and/or disputes from requesters regarding their FOIA requests. All 14 requests/disputes were resolved without further issues being raised to the agency's administrative appeal unit at NASA's OGC or OGIS.

10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?

ANSWER: NASA has gone through a significant organizational transformation and as of January 2021, the agency consolidated its FOIA business processes into one unit with the Principal Agency FOIA Officer in charge of monitoring FOIA compliance for all NASA centers. In the past, each NASA Center had its own FOIA officer reporting to the Center's officials. As a result of this organizational transformation, all full-time FOIA Analysts processing records for NASA's Centers now report to the Principal Agency FOIA Officer. This simplifies the oversight of business processes. In addition, and as a result of a vacancy in the HQ FOIA specialist position in April 2021, the Principal Agency FOIA Officer re-distributed to FOIA Analysts for other Centers any pending and incoming requests for HQ records. While the center FOIA Analysts continue to primarily process the center records, this organizational transformation allows the Principal Agency FOIA Officer to monitor staff workload and re-distribute work accordingly. At this point, NASA does not believe it needs additional resources. This may change depending on future demands.

11. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively

ANSWER: The Principle Agency FOIA officer frequently reviews and meets with FOIA Analysts about their FOIA cases and discusses strategies to improve the FOIA program, reduce the FOIA backlog, and speed up the processing of requests. This sometimes requires additional discussions with FOIA requesters to explain the challenges faced by FOIA Analysts in processing a backlogged request. Sometimes requesters agree to narrow the scope of their request based on these conversations.

- Any challenges your agency faces in this area

ANSWER: One of the biggest challenges NASA faces is that the nature of its work is inherently collaborative with other agencies, state/local governments, and companies. Thus, records responsive to NASA FOIA requests frequently include those requiring extensive consultations with numerous other stakeholders. These FOIA requests are extremely time-consuming and pose a great challenge to NASA, especially when voluminous records are involved.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long 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.

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

ANSWER: NASA has one of the most robust uses of social media to disseminate information of interest to the public. As explained in Section D, Question 11 above, NASA's Office of Communications routinely releases information to the public, especially information that has the potential to generate significant media, public interest, or other inquiry. Our program offices regularly post documents related to mission updates, launches, etc., and this information is further publicized through tweets, program-sponsored events, interviews, etc. The Public Inquiries Office, which receives thousands of requests for information from the members of the public, also regularly revises its website to provide direct links to material of interest to the public.

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

ANSWER: The agency proactively posts the SmartPay Card Holder's list and FOIA logs for each Fiscal Year.

The list for SmartPay Card Holders can be accessed on the NASA Shared Services Center (NSSC) FOIA reading room at [foia_cardholder_list_dec_2021.pdf \(nasa.gov\)](#).

The FOIA Logs can be accessed on the agency's HQ FOIA reading room at: <https://www.nasa.gov/FOIA/elibrary>

NASA's Presidential transition Binder can be also accessed at the following link: https://www.nasa.gov/sites/default/files/atoms/files/nasa_2020_presidential_transition_binder-508_compliant_version.pdf

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

ANSWER: Yes, one of the databases the public uses is NASA's Technical Reports Servers (NTRS). NTRS is managed by NASA's Scientific and Technical Information unit (STI). This database provides access to NASA metadata records, full-text online documents, images, and videos. The types of information included in this database are conference papers, journal articles, meeting papers, patents, research reports, images, movies, and technical videos – scientific and technical information (STI) created or funded by NASA.

A few additional examples of data available online for the public without the need to submit a FOIA request to NASA are:

[NASA Space Act Agreements Community of Practice](#) - NASA has the ability to enter into special agreements, called Space Act Agreements, to further the aims of the agency.

[NASA History Office, Headquarters](#) - Includes many electronic books.

[NASA Office of Inspector General \(OIG\)](#) - full-text reports, audits, memoranda, testimony, etc.

[Management and Policy Documents](#) - Collected scans of policies, reports, and other documents important to NASA operations.

[NASA Online Directives Information System \(NODIS\)](#) - provides a full-text of NASA Policy Directives (NPDs) and NASA Procedural Directives (NPRs) by date and by name.

[NASA Image Library](#) – Consolidates imagery and videos in one searchable location. Users can download content in multiple sizes and resolutions and see the metadata associated with images, including EXIF/camera data on many images.

4. 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, the scientific community, media requesters, and others continually use NASA's websites to view new events and published information. As explained in [Section D, Question 11](#), NASA has a statutory mandate to post as much information concerning its missions and scientific findings as possible. For this reason, NASA provides a vast amount of data on its websites for all types of groups (scientific, media, researchers, students, vendors, etc.) which is continually updated.

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

ANSWER: All of NASA's Mission Directorates continually update their public websites with new information. NASA is a leader among federal agencies in providing open data to citizens and has a robust infrastructure for internet-facing open data management. NASA has cataloged a comprehensive data inventory, available at data.nasa.gov, that allows search and access to over 30k datasets, and the list continues to grow as the Agency implements the Evidence-Based Policymaking Act under the purview of the NASA Data Governance Council. In an effort to make NASA data as interoperable as possible, NASA established api.nasa.gov which provides machine-readable access to data. NASA's events can be viewed at www.nasa.gov by clicking on any topics of interest or by clicking on NASA Audiences (Media, Educators, Students) to view the most updated event/information available to the public. While the examples are far too many to provide in this response, one that can be listed is the Science Mission Directorate. This

division posts its latest science news, podcasts, grant award announcements, publications, and final reports on research results for the public and/or researchers at science.nasa.gov.

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

ANSWER: Yes, please see the response to question 5 above.

Optional -- Please describe:

- Best practices used to improve proactive disclosures

ANSWER: See the response in question one (1) under this section.

- Any challenges your agency faces in this area

ANSWER: N/A

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. 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 describes your agency's efforts in this area.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

ANSWER: Yes. NASA uses FOIAXpress to track its FOIA workflow. We also use SharePoint to store our FOIA request files which allow all relevant personnel to collaborate on records received and processed in response to FOIA requests. In addition, NASA uses its Office of Information Technology to conduct FOIA searches of employee and Capstone official email accounts. This has greatly helped to streamline the administration of our FOIA program.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

ANSWER: In October 2021, NASA purchased a second license for EverMap AutoPortfolio which is a plug-in for Adobe Acrobat that enables de-duplication of PDF documents. This additional license will help us to de-duplicate voluminous records when the need arises.

3. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your

agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

ANSWER: Yes. NASA updated its website, fixed any broken links, and also added updated information to its FOIA guidance webpage during this year.

4. Did all four of your agency's quarterly reports for the Fiscal Year 2021 appear on your agency's website and on FOIA.gov?

ANSWER: Yes

5. 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 the Fiscal Year 2022

ANSWER: N/A

6. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.

ANSWER: Both FY 2020 and 2021 Annual Reports are available at the following link: <https://www.nasa.gov/FOIA/annual-reports.html>

7. Optional -- Please describe:

- Best practices used in greater utilizing technology

ANSWER: N/A

- Any challenges your agency faces in this area

ANSWER: One challenge NASA faces is de-duplicating voluminous records and emails. We purchased two licenses for EverMap AutoPortfolio, a plug-in for Adobe Acrobat that de-duplicates voluminous emails and pdf's. While NASA obtained one additional license in 2021, we also continue to evaluate whether a more robust e-discovery or document management tool is necessary.

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

The Department of Justice has 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 FY2020 and 2021 Annual FOIA Reports.

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. NASA utilizes a multi-track system and has a separate track for simple requests.

2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency's overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?

ANSWER: Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

ANSWER: 39.87%

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: N/A

B. Backlogs

When answering these questions, please refer to your Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compares the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal year 2020?

ANSWER: Yes.

6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

ANSWER: N/A

7. If your agency's request backlog increased during Fiscal Year 2021, please 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

8. 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 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

ANSWER: 3.69%

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

ANSWER: No.

10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

ANSWER: No.

11. If your agency's appeal backlog increased during Fiscal Year 2021, please 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.
- Impact of COVID-19 and workplace and safety precautions.
- Any other reasons – please briefly describe or provide examples when possible.

ANSWER: NASA's appeals are reviewed by attorney advisors who advise on FOIA and a variety of additional legal areas. COVID-19 and the multitude of legal questions related to COVID-19 created a significant demand on attorney resources. This demand, coupled with reduced attorney personnel during this time, caused a backlog of appeals this reporting year.

12. 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 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A."

ANSWER: 61.54%

C. Backlog Reduction Plans

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2021?

ANSWER: NASA did not implement a backlog reduction plan last year because its backlog in Fiscal Year 2020 was less than 1,000 requests.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.

ANSWER: N/A. NASA's backlogged cases reported in the 2021 Annual Report are less than 1,000.

D. Status of 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 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report?

ANSWER: Yes.

16. 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 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

ANSWER: N/A. NASA closed all 10 of its oldest pending FOIA requests that were reported in the Fiscal Year 2020 Annual FOIA Report.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

ANSWER: One way the Principle Agency FOIA Officer works to reduce the age of pending requests is to re-distribute pending cases from FOIA specialists experiencing heavy work volumes to other FOIA specialists with lesser caseloads. However, due to the loss of the HQ FOIA Analyst (the office that receives the highest number of requests), the receipt of several very complex FOIA requests with voluminous records, it was challenging to reduce the overall age of NASA's pending requests.

TEN OLDEST APPEALS

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report?

ANSWER: No.

19. 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 VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

ANSWER: NASA reported one oldest pending appeal in its Fiscal Year 2020 annual report. NASA did not close that appeal during Fiscal Year 2021.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

ANSWER: NASA received 12 FOIA Appeals in FY 2021, and NASA's Office of Inspector General (OIG) received one (1) FOIA appeal. The OIG closed the one appeal it received in FY 2021. However, for the reasons explained above in question 11, NASA closed 5 of the 12 appeals it received during the fiscal year, leaving 8 cases in the backlog at the end of FY 2021.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report?

ANSWER: Yes.

22. 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 2020 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

ANSWER: N/A

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from fiscal Year 2020.

ANSWER: NASA closed its 10 oldest requests from FY 2020. Obstacles related to appeals are addressed in question 11 above.

24. 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: N/A.

25. 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 2022.

ANSWER: During Fiscal Year 2021 NASA closed all 10 of its oldest pending FOIA requests and consultations reported on the Fiscal Year 2020 Annual Report. With respect to the pending appeal from Fiscal Year 2020 which was not closed in Fiscal Year 2021, as previously explained, NASA faced obstacles related to COVID-19 and limited attorney resources during this period. Though COVID-19 still presents a challenge, attorney resources have improved as a result of an increased number of personnel and we anticipate a higher closure rate of FOIA

appeals in Fiscal Year 2022, including the closure of the oldest pending appeal from Fiscal Year 2020.

F. Success Stories

Out of all the activities undertaken by your agency since March 2021 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, but should not be something that you have reported in a prior year. 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: Since NASA switched its email system to Office 365, email searches are now completed by NASA's Office of Information and Technology (IT) rather than the individuals whose emails were requested. Having IT perform these searches ensures accuracy of the search results, uniformity of the records delivered, and reduces the time spent by the FOIA Office training numerous individuals how best to complete and deliver the results of an email search. IT is also able to decrypt any emails that are encrypted so the FOIA unit no longer has to seek out the originators or recipients of encrypted emails to request decrypted copies. While requests for emails are still voluminous and pose a time-consuming review process, having IT perform these searches has greatly streamlined the process.