

***National Aeronautics and Space Administration's
Freedom of Information Act Annual Report (FY05)***

I. Basic Information Regarding Report

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

Stephen L. McConnell, NASA FOIA Officer
National Aeronautics and Space Administration (NASA)
300 E Street, SW, Washington, DC 20546
202.358.1750

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

http://www.hq.nasa.gov/pao/FOIA/FY_2005_report.pdf

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

National Aeronautics and Space Administration (NASA)
Office of Public Affairs, Freedom of Information Act Office
300 E Street, SW, Washington, DC 20546

II. How to Make a FOIA Request

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

1. NASA Ames Research Center;
Kelly Garcia, ARC FOIA Manager
Mail Stop 943-4, Moffett Field, CA 94035
916.604.3273
foia@arc.nasa.gov
2. NASA Dryden Flight Research Center;
Kim Lewis, DFRC FOIA Manager
PO Box 273, MS 4839, Edwards, CA 93523
661.276.2704
foia@dfrc.nasa.gov
3. NASA Glen Research Center;
Angela Pierce, GRC FOIA Officer
21000 Brookpark Road, MS 500-313, Cleveland, OH 44135
216.433.2813
foia@grc.nasa.gov
4. NASA Goddard Space Flight Center;
Joan Belt, GSFC FOIA Manager
Mail Code 130, Greenbelt, MD 20771
301.286.4721
foia@gsfc.nasa.gov
5. NASA Headquarters;
Kellie Robinson, HQ FOIA Officer
300 E Street, SW, Suite 9R39, Washington, DC 20546-0001
202.358.2265
foia@hq.nasa.gov

- 6. NASA Jet Propulsion Laboratory;
 Dennis Mahon, JPL FOIA Officer
 NMO NASA FOIA Officer, Pasadena, CA 91109
 818.393.6779
foia@nmo.jpl.nasa.gov

- 7. NASA Johnson Space Center;
 Stella Luna, JSC FOIA Officer
 Mail Code AP121, Houston, TX 77058
 281.483.8612
foia@jsc.nasa.gov

- 8. NASA Kennedy Space Center;
 Penny Myers, KSC FOIA Officer
 Mail Code XA-A1, Kennedy Space Center, FL 32899
 321.867.9280
foia@ksc.nasa.gov

- 9. NASA Langley Research Center;
 Cheryl Cleghorn, LaRC FOIA Officer
 Mail Stop 154, Hampton, VA 23681
 757.864.2497
foia@larc.nasa.gov

- 10. NASA Marshall Space Flight Center;
 Judi Hollingsworth, MSFC FOIA Officer
 Mail Code 943-4, Marshall Space Flight Center, AL 35812
 256.544.1837
foia@msfc.nasa.gov

- 11. NASA Stennis Space Center;
 Joy Smith, SSC FOIA Manager
 Mail Code CA100, Stennis Space Center, MS 39529-6000
 228.688.2118
foia@ssc.nasa.gov

- 12. NASA Office of the Inspector General;
 Frank LaRocca, IG FOIA Officer
 300 E Street, SW, Suite 8V69, Washington, DC 20546-0001
 202.358.2237
foia@oig.nasa.gov

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

- 13. Expedited: 5 working days
- 14. Simple: 16 working days
- 15. Complex: 47 working days

B. Brief description of why some requests are not granted:

- Mainly because of information within the responsive agency records contains ‘export control’, ‘ITAR’ and/or ‘proprietary’ exemptible material, as a majority of our FOIA requests focus on procurement contracts. Also, as with previous years initial FOIA requests were

denied for other reasons; such as ‘no records’ or referred to another agency, withdrawn by the requester, or as a duplicate request.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

1. NASA - National Aeronautics and Space Administration
2. HQ - Headquarters
3. ARC - Ames Research Center
4. DFRC - Dryden Flight Research Center
5. GSFC - Goddard Space Flight Center
6. GRC - Glenn Research Center
7. JPL -Jet Propulsion Laboratory
8. JSC - Johnson Space Center
9. KSC- Kennedy Space Center
10. LaRC -Langley Research Center
11. MSFC - Marshall Space Flight Center
12. SSC - Stennis Space Center
13. OIG - Office of the Inspector General
14. OGC - Office of the General Counsel
15. E-FOIA- Electronic Freedom of Information Act

B. Basic terms, expressed in common terminology.

1. 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.)
2. Initial Request - a request to a federal agency for access to records under the Freedom of Information Act.
3. 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.
4. 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.

5. 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).
6. 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.
7. Simple request - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. 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.
9. Grant - an agency decision to disclose all records in full in response to a FOIA request.
10. 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 entireties, but to withhold others in whole or in part.
11. 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).
12. 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).
13. "Perfected" request - a FOIA request for records which 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.
14. 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).
15. Median number - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. 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

A. List of Exemption 3 statutes relied on by agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.
 - a. 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.
 - b. 10 USC 2305(g); Procurement, unsuccessful proposals for competitive procurements and those portions of successful proposals that were not incorporated into the contracts.

c. 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.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

a. None cited.

b. None cited.

c. None cited.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year:	257
2. Number of requests received during current fiscal year:	1229
3. Number of requests processed during current fiscal year:	1351
4. Number of requests pending as of end of current fiscal year:	135

B. Disposition of initial requests.

1. Number of total grants:	469
2. Number of partial grants:	367
3. Number of denials:	40

a. Number of times each FOIA exemption used:

i. Exemption 1:	1
ii. Exemption 2:	27
iii. Exemption 3:	47
iv. Exemption 4:	294
v. Exemption 5:	71
vi. Exemption 6:	51
vii. Exemption 7(A) :	6
viii. Exemption 7(B) :	2
ix. Exemption 7(C) :	21
x. Exemption 7(D) :	3
xi. Exemption 7(E) :	3
xii. Exemption 7(F) :	2

xiii. Exemption 8:	0
xiv. Exemption 9:	0
4. Other reasons for nondisclosure (total):	475
a. No records:	163
b. Referrals:	137
c. Request withdrawn:	47
d. Fee-related reason:	7
e. Records not reasonably described:	41
f. Not a proper FOIA request for some other reason:	15
g. Not an agency record:	20
h. Duplicate request:	11
i. Other (specify) :	
- Required creating records	8
- Received via FOIA email and handled outside FOIA	26

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

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

B. Disposition of appeals.

1. Number completely upheld:	16
2. Number partially reversed:	2
3. Number completely reversed:	4

a. number of times each FOIA exemption used:

i. Exemption 1:	0
ii. Exemption 2:	3
iii. Exemption 3:	2
iv. Exemption 4:	3
v. Exemption 5:	8
vi. Exemption 6:	1

vii. Exemption 7(A) :	1
viii. Exemption 7(B) :	0
ix. Exemption 7(C) :	2
x. Exemption 7(D) :	1
xi. Exemption 7(E) :	2
xii. Exemption 7(F) :	0
xiii. Exemption 8:	0
xiv. Exemption 9:	0
4. Other reasons for nondisclosure (total):	0
a. No records:	0
b. Referrals:	0
c. Request withdrawn:	0
d. Fee-related reason:	0
e. Records not reasonably described:	0
f. Not a proper FOIA request for some other reason:	0
g. Not an agency record:	0
h. Duplicate request:	0
i. 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:	938
b. Median number of days to process:	19
2. Complex requests:	
a. Number of requests processed:	410
b. Median number of days to process:	49
3. Requests accorded expedited processing:	
a. Number of requests processed:	3

- b. Median number of days to process: 15
- B. Status of pending requests.
 - 1. Number of requests pending as of end of current fiscal year: 135
 - 2. Median number of days that such requests were pending as of that date: 64

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

- A. Comparison of numbers of requests received: NA
- B. Comparison of numbers of requests processed: NA
- C. Comparison of median numbers of days requests were pending as of end of fiscal year: NA
- D. Other statistics significant to agency: NASA received five (5) FOIA requests seeking expedited processing and granted three (3).
- E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records) :
 - NASA combined annual training with the agency’s annual FOIA conference; thus providing all assigned FOIA staff professional developed training. Combining the two allowed center management to conserve travel and training dollars making it cost effective to send their staff to attend both events.
 - Conducting technical assistance visits to each of the decentralized FOIA offices to conduct a review of their processing procedures, and to standardize the FOIA process across the agency, which will increase of interoperability between the NASA centers.

IX. Costs/FOIA Staffing

- A. Staffing levels.
 - 1. Number of full-time FOIA personnel: 15
 - 2. Number of personnel with part-time or occasional FOIA duties: 3.8
 - 3. Total number of personnel (in work-years) : 18.8
- B. Total costs (including staff and all resources).
 - 1. FOIA processing (including appeals) : \$1,128,410.00
 - 2. Litigation-related activities (estimated) : \$0.00
 - 3. Total costs: \$1,128,410.00
 - 4. Comparison with previous year(s):
 - a. \$1,659,840.00 (FY04)
 - b. \$1,128,410.00 (FY05)

c. Difference of 33% from previous year.

C. Statement of additional resources needed for FOIA compliance:

- In accordance with Executive Order 13392, this agency is currently reviewing its current process, policies and procedures to evaluate the need for any additional resources (logistics, personnel, etc...) to improve upon our agency's compliance under the FOIA.

X. Fees

A. Total amount of fees collected by agency for processing request: \$21,362

B. Percentage of total costs: 1.9%

XI. FOIA Regulations

Title 14, Code of Federal Regulations, Chapter V- National Aeronautics and Space Administration, Availability of Agency Records to Members of the Public, Part 1206.

<http://www.hq.nasa.gov/pao/FOIA/fedregix.html>