Chief FOIA Officer Report

Reporting Agency: National Aeronautics and Space Administration (NASA)

I. *Steps Taken to Apply the Presumption of Openness*

1. *Describe below the steps your agency has taken to ensure that presumption is being applied to all decisions involving the FOIA. This section should include a discussion of the range of steps taken by your agency to apply this presumption, from publicizing the President's FOIA Memorandum and Attorney General's FOIA Guidelines and providing training on them, to implementing the presumption in response to FOIA requests and administrative appeals, with examples or statistics illustrating your agency's action in making discretionary releases of records or partial releases when full disclosure is not possible.*

Copies of the President's Memorandum and the Attorney General's guidelines were provided to all FOIA Public Liaison's Officers and Legal Offices within NASA. Our agency's goal is to have all agency-wide FOIA staff attend the American Society of Access Professionals (ASAP) National Training Conference (February 7-10, 2010), where the Directors for DOJ's Office of Information Policy and NARA's Office of Government Information will be speaking directly to the attendees on these newly enacted policies; as well as NASA's follow on agency FOIA conference (February 11, 2010) directly addressing our implementation of these new guidelines; as we are continually analyzing all requests to ensure compliance with both the memorandum and the guidance are being followed. Eleven of our thirteen FOIA Requester Service Centers were in attendance and received this information first hand.

2. *Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.*

NASA has remained relatively constant in both of these categories for both fiscal years 2008 and 2009. We've held at 30-31% of all processed requests are provided to the public as 'full grants' and 'in part' averaged 28%.

	Full Grants	Partial Grants	Total Requests Processed
FY09	358 (30%)	339 (28%)	1173
FY08	397 (31%)	353 (28%)	1258

Full Grants (by Centers)												
	ARC	DFRC	GRC	GSFC	HQ	JPL	JSC	KSC	LaRC	MSFC	NSSC	SSC	OIG
FY09	14	6	12	28	51	14	135	21	6	55	9	3	4
FY08	15	6	11	51	125	9	96	27	8	36	8	1	4
Partial Grants (by Centers)												
	ARC	DFRC	GRC	GSFC	HQ	JPL	JSC	KSC	LaRC	MSFC	NSSC	SSC	OIG
FY09	77	5	21	13	39	18	34	30	7	53	1	17	24
FY08	70	1	12	65	9	6	50	38	11	65	1	8	16

II. *Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests*

NASA has changed its FOIA request database management system from a self-developed in house program to a commercial off the shelf web based program.

Beginning in FY10, NASA implemented FOIAXpress agency-wide as our web based FOIA tracking program. This now allows all decentralized offices to input their requests into one repository; which now complies and assimilates annual reporting information.

This program has allowed many offices to begin to use electronic redaction tools to speed the process of reviewing responsive materials. Also, this newly purchased software incorporates many of the new enacted reporting requirements in the Open Government Act of 2007, and has enhanced features such as the Public Access Link which allows the public to monitor the status their requests via the web based access program.

III. *Steps Taken To Increase Proactive Disclosures*

Yes, in the past we've proactively posted agency records on issues which would be considered significant news or public interest; e.g., Columbia Accident. However, due to the nature of our requests and the vastness and diverse technical information requested we've only posted those records which were requested by multiple requesters or of immense public interest. It should be noted that this agency's FOIA program is embedded within the Office of Public Affairs which proactively provides releases of agency information via news releases or single source media contacts which are provided outside the FOIA; these 'hot topics' from the embedded Public Affairs Officers will provide the pulse of what records should be considered as proactive disclosure and posted onto the agency FOIA electronic reading room.

IV. *Steps Taken To Greater Utilize Technology*

1. *Does your agency currently receive requests electronically?*

   Yes, we have email links to our 13 FOIA Requester Service Centers and also email addresses to each of our center's FOIA Public Liaison Officers which can receive initial FOIA requests. We've initiated the Public Access Link on our FOIA database which allows the requesters to directly input their requests into our system.

2. *If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?*

   Not applicable.

3. *Does your agency track requests electronically?*

   Yes, by switching over to FOIAXpress we are now able to track and monitor the status of all open FOIA requests. This system also allows the requesters to track and monitor the status of their requests.

4. *If not, what are the current impediments to your agency utilizing a system to track requests electronically?*

   Not applicable.

5. *Does your agency use technology to process requests.*

Yes, each of our processing offices will provide responsive agency records via email. Also, a number of our FOIA Requester Service Centers have become paperless; depending on the size of the documents provided, as many of our searching offices provide responsive documents via email or on compact disks.

6. *If not, what are the current impediments to your agency utilizing technology to process requests?*

Not applicable.

7. *Does your agency utilize technology to prepare you agency Annual FOIA Report.*

Yes, beginning FY10 this function will be totally implemented for preparing our agency's FOIA report. However, we still will have to manually input some numbers from the carryovers from the previous fiscal year. Current impediments have been eliminated with the procurement of FOIAXpress COTS software. In past years our additional reporting requirements, under the Open Government Act, had to be manually pulled together for reporting purposes since our previous FOIA database could not calculate these additional requirements without reconfiguration of this internal IT program. But again, we will still have collation issues until all the backlog requests are closed in the previously used FileMakerPro database system.

8. *If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?*

Not applicable.

V. *Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests*

1. *If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of the numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and in terms of the age of those requests and appeals.*

In FY09, our agency's overall backlog increased 10% over the previous year's reported numbers. In FY08, we reported 389 as our agency's overall backlog versus FY08 number of 431, which is an overall increase of 42 requests.

As our decentralized process shows our agency backlog breakdown has increased at five (5) of our 13 FOIA Requester Service Centers and three (3) of those were very insignificant as those backlogs were just over the 20 day threshold for this report.

ARC	DFRC	GRC	GSFC	HQ	JPL	JSC	KSC	LaRC	MSFC	NSSC	SSC	OIG	NASA
-24	-3	-3	+81	-15	-21	+1	+1	+12	+3	0	0	-2	+42

However, overall only three of our FOIA Requester Service Centers have a significant backlog.

ARC	DFRC	GRC	GSFC	HQ	JPL	JSC	KSC	LaRC	MSFC	NSSC	SSC	OIG	NASA
18	4	10	113	195	3	3	5	70	4	0	0	6	431

In each case our backlog could be traced to personnel issues; e.g., unfilled vacancies, extended medical leave, and internal reorganizations.

As for appeals our numbers compared to previous years have held steady with no backlog.

	Appeal Received	Upheld	Partially Overturned	Completely Overturned	Other Reasons
FY09	22	11	6	2	9
FY08	22	6	6	3	2

1. *If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.*

   As detailed above, we've experienced a 10% increase in our annual backlog numbers; which is 42 additional over the previous year. We attribute this 'cause and effect' mainly to the two (2) agency FOIA Requester Service Centers with substantial increases over the previous year's reported having there only staff member out for a significant period of time on extensive medical and personal leave. Staffing issues are being addressed at those centers and a FOIA Assistance Program has been implemented for those FOIA Requester Service Centers with no backlog issues to assist those with backlogs. Additionally, all centers have now dedicated a FOIA subject matter trained backup to their FOIA offices to prevent any future non-processing issues.

2. *Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.*

   - Replaced our FOIA tracking system with a COTS product.
   - Eliminating 'single point' failures at those centers without FOIA trained backups.
   - Increase our use of IT (scanning, emails, etc…) to process our requests and communicate with our requesters.
   - Hire temporary FOIA subject matter trained contractors at locations with significant backlog issues.
   - Conduct 'technical assistance visits' to all of the agency's FOIA Requester Service Center review policy and procedural compliance.
   - Established a FOIA Assistance Program; where all centers will assist others with backlog issues.
   - Focus our processing efforts to close out the ten oldest pending perfected requests; since the close of the end of year report our agency has already closed seven of those previously listed.

CURRENT PENDING REQUESTS – TEN OLDEST PENDING PERFECTED REQUESTS. (DATE OF RECEIPT)									
10th OLDEST	9th	8th	7th	6th	5th	4th	3rd	2nd	OLDEST
20070709	20070613	20070611	20070523	20070501	20060911	20060725	20060324	20060331	20060206