NATIONAL SCIENCE FOUNDATION
FREEDOM OF INFORMATION ACT REPORT
FOR OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003

I. BASIC INFORMATION:

A. Point of Contact:
Leslie A. Jensen, NSF FOIA Officer
Office of the General Counsel
4201 Wilson Blvd, Room 1265
Arlington, VA 22230
(703) 292-8060

B. Electronic Address for report: The FY2003 FOIA Report for the National Science
Foundation (NSF) will be available as one of the choices under the *References* section of
the FOIA/Privacy entry on the Foundation's home page, at
<http://www.nsf.gov/home/pubinfo/ foia.htm>.

C. Paper Copies of report: Paper copies can be requested from the person/address
listed above.

II. HOW TO MAKE A FOIA REQUEST:

NSF policy is to make the fullest possible disclosure of information and records to any
requester, without unnecessary expenses or delay. NSF's "Public Information
Handbook" is available electronically as one of the choices under the *References* section
of the FOIA/Privacy entry on the Foundation's home page, at http://www.nsf.gov/
home/pubinfo/foia/htm.

There are four basic agency requirements for making a FOIA request:
(1) request must be in writing (mailed correspondence, fax, or email) and include the
requester's mailing address;
(2) the envelope and letter content must identify the request as a FOIA request;
(3) the request must provide enough detail to allow identification of the requested
records; and
(4) the request must include agreement to pay fees chargeable under NSF's fee schedule.

A. Agency Components:

Requests for records of the agency should be sent to the NSF FOIA Officer, Office of the
General Counsel, Room 1265, 4201 Wilson Blvd, Arlington, VA 22230.
Phone: 703-292-8060, Fax: 703-292-9041. Email: foia@nsf.gov

Requests for documents maintained by the Office of the Inspector General should be
addressed directly to the OIG, FOIA, Room 1135, 4201 Wilson Blvd, Arlington, VA
22230. Phone: 703-292-7100. Email: oig@nsf.gov

B. NSF response-time ranges:

The agency generally manages to respond to FOIA requests within three to four weeks for records that can be found at the agency (allowing for time to contact submitters of potentially proprietary information). Response times over 20 working days are generally the result of difficulty in contacting the submitter for clearance, need to track and retrieve documents from off-site storage at the Federal Records Center, voluminous number of potentially responsive records, or need to consult among agency components.

C. Why some requests are not granted:

Requests for records may not be granted if the records do not exist; if records have been transferred to the ownership of the National Archives and Records Administration; if records contain predecisional information that if released would cause harm to NSF's decision- making processes; records that contain personal and/or proprietary information; if records contain information compiled for law enforcement purposes; or if the requester asked for information specifically prohibited from disclosure by other statutes.

III. DEFINITIONS OF TERMS AND ACRONYMS USED IN THE REPORT:

A. Agency-specific terms and acronyms:

1. NSF - National Science Foundation – The National Science Foundation was established by Congress to promote progress in science and engineering. The agency does so primarily through grants and cooperative agreements with colleges, universities, K-12 school systems, businesses, information science organizations and other research institutions throughout the U.S.

B. Basic terms:

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 about oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law 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 need not be in any particular format, but it must be in writing, include the requester's name and mailing address, and be clearly identified both on the envelope and in the letter, or in a facsimile or electronic mail message as a Freedom of Information Act or "FOIA" request. It must describe the records sought with sufficient specificity to permit identification, and include agreement to pay applicable fees.

14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its with holding 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. **Exemption 3 statutes relied on by NSF during current fiscal year:**
During Fiscal Year 2003 NSF used Exemption (b)(3) in 9 instances to withhold contractor proposal information not set forth or incorporated by reference into the final contract, in accordance with the changes made to 41 U.S.C. 253b, section 303B, by the National Defense Authorization Act of 1997 (Public Law 104-201).

Statute Rule
41 U.S.C. § 253b
Type of Information Withheld
Business Proposal Documents not incorporated in Contracts
Case Citation
None

V. INITIAL FOIA/PA ACCESS REQUESTS:

A. Numbers of initial requests:
    1. Number of requests pending as of end of preceding fiscal year: 2
    2. Number of requests received during current fiscal year: 237
    3. Number of requests processed during current fiscal year: 231
    4. Number of requests pending as of end of current fiscal year: 8
B. Disposition of initial requests:
    1. Number of total grants (records released in full):   43
    2. Number of partial grants (records released in part):   151
    3. Number of denials (total withholding of records):   5
        a. Number of times each FOIA exemption was used:
            Exemption 1   0
            Exemption 2   1
            Exemption 3   9
            Exemption 4   50
            Exemption 5   6
            Exemption 6   142

Exemption 7 (A)   1

Exemption 7 (B)   0
Exemption 7 (C)   9
Exemption 7 (D)   2
Exemption 7 (E)   0
Exemption 7 (F)   0

4. Other reasons for nondisclosure (total):   32
        a. No records   22
        b. Referrals   0
        c. Request withdrawn   2
        d. Fee-related reason   3
        e. Records not reasonably described   3
        f. Not a proper FOIA request for some other reason   0
        g. Not an agency record   0
        h. Duplicate request   0
      * i. other (specify)   2
        (* Requests were for information, not for documents: no creation of records).

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS

A. Numbers of appeals
     1. Number of appeals received during fiscal year   2
     2. Number of appeals processed during fiscal year   2

B. Disposition of appeals
     1. Number completely upheld   2
     2. Number partially reversed   0
     3. Number completely reversed   0
        a. Number of times each FOIA exemption used:
           Exemption 1   0
           Exemption 2   0
           Exemption 3   0
           Exemption 4   1
           Exemption 5   1
           Exemption 6   1
           Exemption 7 (A)   0
           Exemption 7 (B)   0
           Exemption 7 (C)   0
           Exemption 7 (D)   0
           Exemption 7 (E)   0
           Exemption 7 (F)   0

     4. Other reasons for nondisclosure (total):   0

a. No records	<u>0</u>
b. Referrals	<u>0</u>
c. Request Withdrawn	<u>0</u>
d. Fee-related reason	<u>0</u>
e. Records not reasonably described	<u>0</u>
f. Not a proper FOIA request for some other reason	0
g. Not an agency record	<u>0</u>
h. Duplicate Request	<u>0</u>
i. Other: (Adequacy of Search)	<u>0</u>

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS

A. Median processing time for requests processed during the year:
NOTE: NSF uses a single first-in, first-out method for processing requests.

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1. Number of requests processed	<u>231</u>
2. Median number of days to process	<u>14.34</u>

B. Status of pending requests:
1. Number of requests pending as of end of current fiscal year (see V.A.4)
   <u>8</u>
2. Median number of days that such requests were pending as of that date <u>40</u>

VIII. Comparisons with Previous Year

- Expedited Process: During FY 2003, NSF received 1 request for expedited access. The request was denied; records were processed and released in full within 20 working days.

IX. COSTS/FOIA STAFFING

A. Staffing levels:
1. Number of full-time FOIA personnel   -   <u>0</u>
2. Number of personnel with part-time or occasional FOIA duties – <u>1.40</u>
3. Total number of personnel (in work years) = <u>1.40</u>

B. Total costs (including staff and all resources)
1. FOIA processing (including appeals) $ 172,137.00
2. Litigation-related activities (estimated)   No litigation in FY03
3. Total costs $ 172,137.00

X. FEES
A. Total amount of fees collected by agency for processing requests $ 974.39

B. Percentage of total costs   <u>.06%</u>

XI. FOIA REGULATIONS (INCLUDING FEE SCHEDULE)

NSF FOIA regulations are published at 45 C.F.R. 612, available electronically at
<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>.