NATIONAL SCIENCE FOUNDATION

2018 CHIEF FOIA OFFICER REPORT

Chief FOIA Officer:
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Section I: Steps Taken to Apply the Presumption of Openness

A. FOIA Training

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

   Yes.

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

   The Chief FOIA Officer attended the Federal Privacy Council "Privacy Bootcamp," in the spring of 2017, which included a session on FOIA. The NSF FOIA Officer and NSF Information Specialist attended the Department of Justice, OIP, Continuing FOIA Education Seminar on April 18, 2017.

3. **Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

   100%

4. **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**.

   Not applicable.

B. Outreach

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

No response.

C. Other Initiatives

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

The FOIA Officer makes a presentation about FOIA responsibilities at bi-weekly New-Employee Orientation Training sessions.

7. **If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.**

The Chief FOIA Officer makes presentations about FOIA to different groups within NSF upon request. In addition, the Chief FOIA Officer and FOIA Officer meet with NSF staff who are impacted by FOIA requests on an as needed basis to explain applicable FOIA obligations.

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 Fiscal Year 2017, what was the average number of days your agency reported for adjudicating requests for expedited processing?**

   There is a typographical error in the FOIA Annual Report, which shows that on average it took NSF 414 days to respond to requests for expedited processing. In fact, it took an average of 16 days for NSF to respond to requests for expedited processing.

2. **If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

   The average number of days was above ten because of one expedited request that took a long time to adjudicate. In the future, NSF's FOIA team will work to ensure that there are no outliers and all requests are responded to within ten calendar days.

3. **During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.**

   No.

4. **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 2017 (please provide a total number or an estimate of the number).**

   The public did not seek assistance from the NSF FOIA Public Liaison during FY 2017.

5. **Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.**

   No response. NSF does not track this data.

6. **If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.**

   The NSF FOIA database is maintained electronically and continually reviewed for efficiency and updated with any additional requirements. Many of the FOIA requests that NSF receives are for research proposals. This information is maintained in an electronic database allowing for direct access by the FOIA Officer and Information Specialist resulting in more efficient electronic redaction. NSF also asks individuals who submit proposals to the agency to identify potential confidential commercial information at the time that the proposal is submitted. While this preliminary identification does not mean the information will necessarily be withheld under an exemption, the identification does make the submitter notice process more efficient if a proposal is requested pursuant to FOIA.

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. **Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.**

   NSF continually updates its public database of awards with abstracts of awarded proposals, resulting publications, and final reports on research results: https://www.nsf.gov/awardsearch/. In addition, NSF publicizes agency data sets on the agency's Open Government (https://www.nsf.gov/open/), Digital Strategy (https://www.nsf.gov/digitalstrategy/), Open Data (https://www.nsf.gov/data/) and Developer (https://www.nsf.gov/developer/) web pages, as well as through the agency's social media sites. Research is also highlighted on the agency website at https://www.nsf.gov.

2. **Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.**

   On the agency website, NSF publicizes information about National Science Board meeting announcements and minutes; NSF solicitations; NSF funding trends data; NSF budget information; NSF-related statistical information; lists of publications available for download; award and funding information; minutes from the various directorate, office and NSF-wide advisory committees; committee of visitor reports for the various directorates and offices; an events calendar; texts of speeches given by the NSF Director and Deputy Director; a list of NSF-related congressional hearings; news releases and media advisories; factsheets about NSF programs and priorities; feature articles; audio podcasts and videos about NSF-supported research results; and the NSF Multimedia Gallery which provides images and other visual media for educational and informational use.

   In addition, NSF participates in several government-wide initiatives that provide the public with access to NSF data including Data.gov, Science and Engineering Indicators State Data Tool, Science and Engineering Indicators Digest, USASpending.gov, and the Federal IT Dashboard.

3. **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?**

   NSF uses a variety of social media tools to share news about research NSF funds, funding opportunities offered by the foundation, job openings at NSF and more. These social media tools can be accessed at https://www.nsf.gov/social/. NSF also has a prominent tab on its website landing page titled "Document Library" where publicly available agency documents can be searched by topic (i.e. "forms," "reports," Science and Engineering indicators," etc…) and/or by NSF organization.

4. **If yes, please provide examples of such improvements.**

   NSF social media outlets can be accessed at https://www.nsf.gov/social/. This webpage contains links to podcasts, twitter feeds, web apps, blogs, and more. Further, interested members of the public can sign up to receive notice of updates to the NSF Document Library via email or RSS feed.

5. **If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?**

   NSF engages with the public through many different on-line and in-person events, such as the annual NSF Grants Conference. Based in part on these interactions, NSF continuously updates its website with information that is of public interest.

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 identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, please describe the best practices, the types of technology used and the impact on your agency's processing.**

   NSF has moved towards making all of its FOIA processes electronic and eliminating paper records in an effort in increase FOIA efficiency. For example, NSF sends out its FOIA responses via email (using secure encryption software) unless the FOIA requestor asks for paper format.

2. **Did your agency successfully post all four quarterly reports for Fiscal Year 2017?**

   Yes.

3. **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 Fiscal Year 2018.**

   No response.

4. **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 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.**

   The raw statistical data used to compile the NSF Annual FOIA Reports can be found here: https://www.nsf.gov/policies/foia-logs.jsp

5. **If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.**

   No response.

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.

A. Simple Track

1. **Does your agency utilize a separate track for simple requests?**

   Yes.

2. **If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?**

   No.

3. **Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.**

   18%

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?**

   No applicable.

B. Backlogs

BACKLOGGED REQUESTS

5. **If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?**

   No.

6. **If no, 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.

The NSF FOIA team focused on the oldest pre-2017 backlogged requests this year. The NSF FOIA team was able to successfully reduce the backlog of pre-2017 FOIA requests by 50%. However, this focus on the oldest, and often most complex cases, meant there was less time to process new requests causing the overall backlog number to grow bigger.

7. **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 2017.**

    81%

BACKLOGGED APPEALS

8. **If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?**

    NSF did not have a backlog of appeals in Fiscal Year 2017.

9. **If not explain why and describe the causes that contributed to your agency not being able to reduce its backlog.**

    Not applicable.

10. **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 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A"**

    N/A

C. Backlog Reduction Plans

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 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 2017?

Not applicable.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018.

Not applicable.

D. Status of Ten Oldest Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

Yes.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year. If you had less than ten total oldest requests to close, please indicate that.

Not applicable.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

Five of the ten oldest requests were closed because the request was withdrawn by the requestor. NSF provided and interim response prior to the withdrawal of one of the requests.

TEN OLDEST APPEALS

16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

NSF did not have any pending appeals in the Fiscal Year 2016 Annual FOIA Report.

17. **If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year. If you had less than ten total oldest appeals to close, please indicate that.**

    Not applicable.

TEN OLDEST CONSULTATIONS

18. **In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

    NSF did not have any consultations pending in its Fiscal Year 2016 Annual FOIA Report.

19. **If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year. If you had less than ten total oldest consultations to close, please indicate that.**

    Not applicable.

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

20. **Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.**

    May of our oldest requests are complex and involve contacting multiple individuals through the submitter notice process. These obstacles make these requests more work intensive and difficult to close.

21. **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.**

    Not applicable.

22. **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 2017.**

    Not applicable.

F. Success Stories

Out of all the activities undertaken by your agency since March 2017 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. As noted above, OIP will highlight these agency success stories during Sunshine Week. 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.

- In FY 2017 NSF focused on its pre-2017 FOIA request backlog and was able to reduce this backlog by approximately 50%.