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Description of document: Office of Science and Technology Policy (OSTP) records provided to Chairman Darrell Issa, House Oversight and Government Reform Committee, concerning the administration of the Freedom of Information Act (FOIA), 2011

Requested: 10-December-2011

Released date: 13-December-2011

Posted date: 12-March-2012

Source of document: FOIA REQUEST
Office of Science and Technology Policy
Attn: FOIA Officer
725 17th Street Room 5228
Washington, DC 20502
Fax: (202) 456-6022
Email: ostpfoia@ostp.eop.gov

Note: This is one of several files on the same subject for various agencies available on governmentattic.org. See: <http://www.governmentattic.org/5docs/chairmanIssa.htm>

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

December 13, 2011

Re: FOIA 12-17

On December 10, 2011, you sent the Office of Science and Technology Policy (OSTP) a request under the Freedom of Information Act, 5 U.S.C. § 552, seeking:

- 1) an electronic copy of the records provided to the Honorable Chairman Darrell Issa, whose office had in January 2011 asked your agency for various data concerning the administration of the Freedom of Information Act.
- 2) a copy of any correspondence whatsoever sent to Chairman Issa's office on the subject of the January 2011 inquiry, and any correspondence sent during calendar year 2011 to Chairman Issa's office on the subject of FOIA.

OSTP received your request on December 10, 2011. OSTP conducted a search of its records and has enclosed 55 pages of documents responsive to your request. Portions of these documents and some attachments have been withheld under 5 U.S.C. § 552(b)(6).

If you consider this to be an inappropriate denial of your request, you may appeal in writing within 30 days of receipt of this letter to General Counsel Rachael Leonard at ostpfoia@ostp.eop.gov or via FAX at (202) 395-1224. The email should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Diana Zunker

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5081

January 25, 2011

Rachael Leonard
General Counsel
Office of Science and Technology Policy
725 17th Street, N.W.
Washington, D.C. 20502

Dear Ms. Leonard:

The Freedom of Information Act ("FOIA") is one of the most important tools for government transparency and accountability. In their mission to find waste, fraud, and abuse, the oversight and investigative committees of Congress, including the Committee on Oversight and Government Reform ("Committee"), are often assisted by tips, complaints, and briefings from media organizations, watchdog groups, and concerned citizens. These private-sector actors are often the first to become aware of federal inefficiency or malfeasance. FOIA allows them to scrutinize the activities of federal agencies. Without FOIA, they could not hold the government accountable, nor could they provide crucial assistance to Congressional oversight. President Obama recognized the importance of FOIA when he made it the subject of an executive memorandum on his second day in office.¹

The Committee, as the principal oversight committee in the House of Representatives with broad oversight jurisdiction as set forth in House Rule X, is very interested in ensuring that all federal agencies respond in a timely, substantive, and non-discriminatory manner to requests for information under FOIA. To enable the Committee to understand the impact of recent changes to FOIA procedures and to evaluate agencies' compliance with FOIA, please provide the following information, records, and explanations by **February 15, 2011 at 5:00 pm**.

1. Provide your agency's FOIA log(s) for the five years preceding the date of this letter, in Microsoft Excel or a similar format that allows sorting by column or information category, including at least the following information: (a) the name of the requestor; (b) the date of the request; (c) a brief description of the documents or records sought by the request; (d) any tracking number assigned to the request by your agency pursuant to Section 7 of the OPEN Government Act of 2007²; (e) the date the request was closed, if it

¹ The White House, Memorandum for the Heads of Executive Departments and Agencies, Jan. 21, 2009, available at http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/ ("[T]he Freedom of Information Act, which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government").

² Pub. L. No. 110-175.

Rachael Leonard
January 24, 2011
Page 2

is not still outstanding; (f) whether any records were provided in response to the request; and (g) any additional identification number or code assigned to the request by your agency for internal use.

2. On each log provided in response to Request No. 1, identify each FOIA request to your agency that was submitted more than 45 days prior to the date of this letter and to which your agency has not yet issued a complete and final response.

3. For each FOIA request identified in response to Request No. 2, provide all communications between your agency and the requestor.

4. Identify any federal judicial action in which your agency, within the five years preceding the date of this letter, has been ordered by the court to pay any attorneys' fees or other litigation costs incurred by a FOIA requestor under 5 U.S.C. § 552(a)(4)(E) or under any similar law or regulation.

5. For each federal action identified in response to Request No. 4, provide a copy of the court order requiring your agency to pay attorney fees or other litigation costs.

Please note that for purposes of responding to this request, the terms "records," "communications," and "referring or relating" should be interpreted consistently with the attached Definitions of Terms.

Thank you for your prompt attention to this matter. If you have any questions regarding this request, please contact Hudson Hollister or Tegan Millspaw with the Committee staff at (202) 225-5074.

Sincerely,


Darrell Issa
Chairman

cc: Hon. Elijah Cummings, Ranking Member, Committee on Oversight and Government Reform

David Ferriero, Archivist of the United States

Miriam Nisbet, Director, National Archives, Office of Government Information Services

Attachment

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

February 15, 2011

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Freedom of Information Act Letter

Dear Mr. Chairman:

The Office of Science and Technology Policy (OSTP), Executive Office of the President recognizes the importance of the Freedom of Information Act (FOIA) and welcomes this opportunity to share information about OSTP's FOIA program with you in response to your letter dated January 25, 2011.

Enclosed are OSTP's responses to your five (5) requests. The agency has provided its FOIA logs for the past five years in Microsoft Excel format. Open requests for which OSTP has not yet issued a complete and final response appear in a separate list on Sheet 7 of the OSTP FOIA Log. This "Open FOIA Requests" sheet also indicates the current status of open FOIA requests and whether there are any communications between OSTP and the requestor. All such communications are attached in PDF format.

Also enclosed are a copy of OSTP's FY2010 FOIA Annual Report and the 2011 Chief FOIA Officer Annual Report, both of which are posted on OSTP's website. OSTP has no record of any federal judicial actions in the past five years for which OSTP paid attorney's fees or other litigation costs to a FOIA requestor under 5 U.S.C. § 552(a)(4)(E).

We respectfully request that the Committee treat OSTP's FOIA logs as confidential, as the names of some of the FOIA requesters should be protected from public disclosure under the Privacy Act if the documents they have requested are personal in nature, and so as not to deter prospective FOIA requesters from seeking access to government records. Should the Committee elect to publicly disclose OSTP's FOIA logs, we request advance notice of any intended disclosure, so that OSTP may notify any requester whose privacy interest may be affected.

OSTP has long recognized the value of promoting government transparency and accountability, and proactively uses its website to offer the public a variety of information that might otherwise be requested through FOIA. Even before the President issued his FOIA Memorandum, OSTP was proactive in providing copies of its documents online. Currently, the agency not only posts press releases, documents, testimony, and R&D budgets, but also provides links to many of the reports issued by the various components of the interagency National Science and Technology Council and the President's Council of Advisors on Science and Technology. This sharing of information is continuous and, as new material becomes available, OSTP posts it on its website to promote public access to information.

Please let me know if you have any further questions or require additional information. I can be reached at (202) 456-6125.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachael L. Leonard". The signature is fluid and cursive, with the first name "Rachael" being more prominent than the last name "Leonard".

Rachael L. Leonard
General Counsel

Encl.

1. OSTP Five-year FOIA log in Microsoft Excel format
2. Communications between OSTP and the requestor in open FOIA requests in PDF format
3. OSTP's FY 2010 Freedom of Information Act Annual Report in PDF format
4. 2011 Chief FOIA Officer Report in PDF format

Office of Science and Technology Policy FOIA Log 2011

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------|--|--|---|-------------------------|
| 11-01 | 10/1/2010 | National Security Archive | Steps to update FOIA guidance and assessing adequate resources | 10/4/2010 | 2 |
| 11-02 | 10/8/2010 | Physicians Committee for Responsible Medicine (PCRM) | Radiation involving non-human primates | 11/05/2010 (referred to NASA & responded to requestor) | 0 |
| 11-03 | 10/26/2010 | Grant Cameron, presidency.com | OSTP FOIA 01-22 and 01-23 | 10/28/2010 | 0 |
| 11-04 | 10/27/2010 | Vincent Michael Marino | Self Search | 10/28/2010 | 0 |
| 11-04(A) | 11/8/2010 | Vincent Michael Marino | Self Search – Appeal | 11/8/2010 | 0 |
| 11-05 | 11/29/2010 | Joshua Evans, Public Record Strategies | WH Chief of Staff | 11/30/2010 | 0 |
| 11-06 | 12/17/2010 | Larry Bush | Open Government FOIA Contracting | 1/13/2011 | 0 |
| 11-07 | 1/15/2011 | Elizabeth Van Auken | IES | 2/3/2011 | 0 |
| 11-08 | 1/17/2011 | Elizabeth Van Auken | IES | 2/3/2011 | 0 |
| 11-09 | 1/24/2011 | Amy Woodward, Independence Institute | FOIA Logs | 2/3/2011 | 0 |
| 11-10 | 1/12/2011 | Vanessa Ray-Hodge (DOI Referral) | Will Shafroth, Tom Strickland, Kit Batten | 1/25/2011 | 6 |

Office of Science and Technology Policy FOIA Log 2010

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|--------------------------|--|--|---|----------------------------|-------------------------|
| 10-01 | 2/26/2010 | Benjamin Scott Sands | Self search | 2/26/2010 | 0 |
| 10-02 | 3/3/2010 | Jim McElhatton, Washington Times | Transition Reports | 3/17/2010 | 0 |
| 10-03 | 3/3/2010 | Abigail Madoff, Syracuse University | SES | 3/3/2010 | 0 |
| 10-03(A)* misnumbered | 3/23/2010 | Jim McElhatton, Washington Times | Transition Reports | 4/20/2010 | 44 |
| 10-04-R | 3/11/2010 | CREW – Referral from CEQ | Climate Change Science Program | 3/22/2010 | 74 |
| 10-05 | 1/7/2010 | John Greenewald | 2009 FOIA Log | 4/19/2010 | 1 |
| 10-06 | 10/27/2009 | Charles Duhigg – NYT (New York Times) | Arsenic in Water | 4/26/2010 | 0 |
| 10-07 | 4/1/2010, perfected on 4/12/2010 | John M. Simpson, Consumer Watch Dog | Andrew McLaughlin Google | 5/10/2010 | 133 |
| 10-08 | 4/23/3010 | Rachel Everett | Drupal contract | 5/3/2010 | 0 |
| 10-09 | 5/3/2010 | Kenneth Chang, NYT | Presenters and attendees at the April 15, 2010 space conference | 5/4/2010 | 2 |
| 10-08(A) | 5/6/2010 | Rachel Everett | Drupal contract | 5/7/2010 | 0 |
| 10-10 | 5/7/2010 | Josh Gerstein, Politico | Dec 15 2009 WH summit with entertainment executives | 5/10/2010 | 0 |
| 10-11 | 5/14/2010 | Nancy Scola, Personal Democracy | Consumer Watchdog FOIA, Dr. Holdren's email | 5/14/2010 | 135 |
| 10-12 | 5/14/2010 | Alexander Schultz | Federal Employees Compensation Act (FECA) wage payments paid by the Office of Workers Compensation Programs (OWCP) when computing interest under the Back Pay Act | 5/24/2010 | 0 |

Office of Science and Technology Policy FOIA Log 2010

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------------------|---|--|---|-------------------------|
| 10-13 | 5/24/2010 | National Legal and Policy Center | Meeting with the Open Internet Coalition | 6/17/2010 | 20 |
| 10-14 | 5/18/2010 | Yost Associated Press AP | Consumer Watchdog FOIA | 5/18/2010 | 133 |
| 10-15 | 5/18/2010 | Shields Bloomberg | Consumer Watchdog FOIA | 5/18/2010 | 133 |
| 10-16 | 5/15/2010 | Wilmer Hale | Consumer Watchdog FOIA | 5/15/2010 | 133 |
| 10-17 | 5/7/2010 | DOE – Referral re | Secretary Chu and Holdren re service lives of nuclear warheads | 5/10/2010 | 64 |
| 10-18 | 5/26/2010 | National Legal and Policy Center | Andrew McLaughlin's correspondence | 6/24/2010 | 282 |
| 10-19 | 5/26/2010 | National Legal and Policy Center | Andrew McLaughlin's calendar | 6/24/2010 | 268 |
| 10-20 | 6/15/2010 | CyberFEDS Janice Nicely | OSTP Policy Directives, personnel memos, labor agreements | 6/16/2010 | 0 |
| 10-21 | 6/14/2010 | EPA - Referral | IND PARs/PAGs | 6/19/2010 | 2 |
| 10-22 | 6/25/10, perfected 7/22/2010 | Russell Carollo | Google | In progress | |
| 10-24 | 7/21/2010 | LA Times/Tribune Washington Bureau | Scientific Integrity | Rolling document production in progress | 196 |
| 10-25 | 8/11/2010 | Sidley | EPA rules | 9/23/2010 | 0 |
| 10-26 | 8/11/2010 | PEER – Public Employees for the Environment – Jeff Ruch | Scientific Integrity | Rolling document production complete; currently in litigation | 196 |

Office of Science and Technology Policy FOIA Log 2010

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|-----------------------------------|---|--|----------------------------|-------------------------|
| 10-27 | 9/1/2010 | Jason Smathers | FOIA Log - April | 9/2/2010 | 1 |
| 10-26(A) | 9/10/2010 | PEER – Public Employees for the Environment – Jeff Ruch | Scientific Integrity | 9/20/2010 | 0 |
| 10-28 | 9/8/2010, finalized 9/16/2010 | Jason Smathers, Witnesses Unto Me | Requests provided to an investigator or investigative agency | 9/22/2010 | 0 |
| 10-27 | 9/16/2010, Open but not perfected | Campbell Helton | NASA | In progress | |
| 10-28 | 9/16/2010, Open but not perfected | Campbell Helton | NASA | In progress | |
| 10-29 | 9/16/2010, Open but not perfected | Campbell Helton | NASA | In progress | |
| 10-30 | 9/21/2010 | Referral from CDC | NYT and Associated Press | 10/4/2010 | 0 |

Office of Science and Technology Policy FOIA Log 2009

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------|------------------------------|---|----------------------------|-------------------------|
| 09-01 | 12/3/2008 | Nita Farahany | Brain Technology etc | 4/20/2009 | 0 |
| 09-02 | 1/16/2009 | Dan Kramer | Records re: Steve Poizner | 4/7/2009 | 0 |
| 08-07(A) Appeal | 2/9/2009 | Public Citizen | Charlie Black, Paul Noe, Thomas Reed, BKSH & Associates, C&M Capitolink, Federal Affairs Office | 3/9/2009 | 1 |
| 09-01(R) Referral | 2/12/2009 | USDA (Beveridge & Diamond) | "Indventitious presence" or "inadvertent, Intermittent, low-level presence of" biotechnology-derived genes or contamination in agricultural or food crops. Field test requirements. | 3/16/2009 | 1 |
| 09-03 | 10/27/2009 | Andre Francisco | List of FOIA requests from 2007 | 4/6/2009 | 0 |
| 09-05 | 1/16/2009 | Michael Ravnitzky | Nell Boyce's FOIA | 4/6/2009 | 0 |
| 09-06 | 3/6/2009 | Michael Ravnitzky | 5-30 FOIA documents | 4/6/2009 | 0 |
| 09-01(R) (A) Appeal | 4/17/2009 | USDA (Beveridge & Diamond) | "Indventitious presence" or "inadvertent, Intermittent, low-level presence of" biotechnology-derived genes or contamination in agricultural or food crops. Field test requirements. | 4/29/2009 | 14 |
| 09-07 | 3/12/2009 | Elliott Brand, USA Marketing | Promotional marketing point of contact buyers | 4/20/2009 | 0 |
| 09-10 | 5/8/2009 | Judicial Watch | Climate geoengineering /technologically altering the climate (shooting pollution particles...) | 5/18/2009 | 159 |
| 09-11 | 5/19/2009 | OMB Watch | Open Government Directive | Withdrawn 6/4/2009 | 0 |

Office of Science and Technology Policy FOIA Log 2009

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------|--|--|----------------------------|-------------------------|
| 09-12 | 6/8/2009 | Susan Casey, Service Employees International Union | Contracts with security contractors | 6/8/2009 | 0 |
| 09-13 | 6/9/2009 | Nicholas Howie | Robert F. McDonnell | 6/8/2009 | 0 |
| 09-14 | 6/15/2009 | DOI – Referral back from DOI of documents from 08-09 | Endangered Species Act, Polar Bear, Oil and Gas Lease Sale 193 | 6/15/2009 | 7 |
| 09-15 | 6/23/2009 | Linda Deavers | Self-search | 6/23/2009 | 0 |
| 09-16 | 6/23/2009 | Joe Goldberg | Employees exempt from the Fair Labor Standards Act (FLSA) | 6/23/2009 | 0 |
| 09-17(R) | 7/7/2009 | EPA - Landmark Legal Foundation | Greenhouse Gasses | 7/14/2009 | 9 |
| 09-18 | 7/15/2009 | Randy Michael Leer | Myanmar Burma | 7/20/2009 | 0 |
| 09-19 | 8/10/2009 | Jenny Small, Judicial Watch | John Holdren & Czar | 8/11/2009 | 0 |
| 09-20 | 8/10/2009 | Jenny Small, Judicial Watch | Aneesh Chopar & Czar | 8/11/2009 | 0 |
| 09-21 | 8/21/2009 | Jim Melnick | National Center for Science Education | 9/2/2009 | 0 |
| 09-22(R) | 8/21/2009 | Dept of State Referral – Beverage & Diamond | Beverage & Diamond | 8/21/2009 | 1 |
| 09-23 | 8/31/2009 | KOIN Local 6, Kacey Montoya | Committee on Science & Technology | 9/2/2009 | 0 |
| 09-24 | 8/24/2009 | Vanderbilt David Lewis | Schedule C appointees | 11/5/2009 | 33 |
| 09-25 | 9/15/2009 | National Security Archive | Guidance, directives, memos, training materials, legal analysis re: President's FOIA memo and/or Eric Holder's FOIA memo | 9/16/2009 | 8 |

Office of Science and Technology Policy FOIA Log 2009

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------|------------------------|--|----------------------------|-------------------------|
| 09-26 | 8/31/2009 | Covington & Burlington | OSTP's consideration of the application of the US Space Transportation Policy to launch vehicles proposed to be used in connection with a NASA procurement | 9/21/2009 | 52 |
| 09-27 | 10/7/2009 | Ryan Rodighiero | Broadband internet in rural towns | 10/7/2009 | 0 |
| 09-28 | 10/12/2009 | John Greenewald | Mind Control | Withdrawn 10/12/2009 | 0 |
| 09-29 | 10/20/2009 | John Greenwald | EOP Employee Manual | 10/20/2009 | 1 |
| 09-30 | 11/5/2009 | Jay Cohen | Credit Card Holders | 11/5/2009 | 0 |
| 09-31 | 12/2/2009 | Judicial Watch | Holdren's correspondence with Mann, Jones, Trenberth, and anyone from East Anglia. | 12/3/2009 | 0 |
| 09-32 | 11/10/2009 | Henry Schuck | Org Chart | 12/3/2009 | 0 |
| 09-33 | 12/17/2009 | Judicial Watch | OSTP's correspondence with the Intergovernmental Panel on Climate Change (IPCC) | 1/6/2009 | 0 |
| 09-34 | 12/29/2009 | Cameron Grant | UFOs | 1/5/2009 | 3 |
| 09-35 | 12/30/2009 | Judicial Watch | Holdren's contacts with the President concerning the climate research unit. | 2/22/2010 | 75 |
| 09-35(A) Appeal | 3/3/2010 | Judicial Watch | Holdren's contacts with the President concerning the climate research unit. | 3/17/2010 | 76 |

Office of Science and Technology Policy FOIA Log 2008

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------|--|---|----------------------------|-------------------------|
| 08-02 | 12/20/2007 | Sunlight | Congressional letter log | 1/22/2008 | 1 |
| 08-03 | 12/28/2007 | National Sec Archive | OSTP's procedures on archiving and preserving electronic docs | 6/15/2009 | 1 |
| 08-03(I) | 1/25/2008 | Associated Press | Pharmaceuticals in the Environment Toxics and Risk | 3/7/2008 | 30 |
| 08-04 | 2/7/2008 | Sunlight | Congressional Letter log | 3/12/2008 | 1 |
| 08-04(R) | 2/11/2008 | NSF, Union of Concerned Scientists, Krystina Lafontant | Media and communications policy | 7/30/2008 | 1 |
| 08-05 | 3/12/2008 | Michael Frandsen | Schedule A hiring authority for people with disabilities, severe physical, mental retardation, etc. | 3/27/2008 | 0 |
| 08-06 | 3/24/2008 | Sunlight | Congressional Letter Log | 3/26/2008 | 0 |
| 08-07 | 4/2/2008 | Public Citizen | Charlie Black, Paul Noe, Thomas Reed, BKSH & Associates, C&M Capitolink, Federal Affairs Office | 1/14/2009 | 350 |
| 08-08 | 4/21/2008 | Rebecca Rankle Engleby | Self search | 4/21/2008 | 0 |
| 08-09 | 4/21/2008 | Center for Biological Diversity | Endangered Species Act, Polar Bear, Oil and Gas Lease Sale 193 | 7/9/2008 | 8 |
| 08-10 | 4/30/2008 | Nathan McCarroll | U.S. Representative Kenny Hulshof of Missouri and/or his staff | 9/30/2008 | 0 |
| 08-11 | 5/23/2008 | Daniel Lee Moore | Self search | 5/23/2008 | 0 |
| 08-12 | 5/6/2008 | cyberFeds, LRP Publications | Guides, manuals, memos, labor agreements, policy directives | 5/31/2008 | 1 |
| 08-13 | 6/2/2008 | Perkins Coie, Kate S. Keane | Records related to former Governor Mark Warner | 11/17/2008 | 19 |
| 08-14 | 7/23/2008 | Mark Edward Hughes | Self search | 7/23/2008 | 0 |

Office of Science and Technology Policy FOIA Log 2008

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------|---|--|----------------------------|-------------------------|
| 08-15(R) | 7/25/2008 | NIST, Union of Concerned Scientists, Krystina Lafontant | Media and communications policy | 7/25/2008 | 1 |
| 08-16 | 8/18/2008 | Akin Gump, Andrea Vavonese | Tanning | 9/29/2008 | 0 |
| 08-17 | 9/29/2008 | David Lord, Robert Boyajian | UFOs | 10/8/2008 | 0 |
| 08-18 | 9/29/2008 | Michael Ravnitzky | Employee colloquia, brown bag lunch talks, and employee seminar discussions | 10/1/2008 | 0 |
| 08-19 | 10/16/2008 | Klotz | FOIA Logs | 10/16/2008 | 3 |
| 08-20 | 10/16/2008 | Ravnitzky | Old FOIAs | 10/16/2008 | 5 |
| 08-20(A) | 11/6/2008 | Ravnitzky | Appeal of FOIA request 08-20 | 12/18/2008 | |
| 08-21(R) | 7/17/2008 | CEQ | Center for Biological Diversity regarding the polar bear and the OCS Oil and gas Lease sale of 193 | 4/7/2009 | 1 |
| 08-22 | 11/5/2008 | Judicial Watch | Venezuela's Satellite (Simon Bolivar/Venesat) | 3/30/2009 | 76 |
| 08-23 | 10/23/2008 | Monica Jones, INPUT | STPI's Winning Proposal | Withdrawn 12/2//2008 | 0 |

Office of Science and Technology Policy FOIA Log 2007

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------|---------------------|---|----------------------------|-------------------------|
| 07-01 | 10/19/2006 | Ravnitzky | Agreements, Log | 2/1/2007 | 7 |
| 07-02 26A | 10/25/2006 | Hunton Appeal | Appeal of 06-26 | 9/24/2007 | 0 |
| 07-03 | 12/29/2006 | Beveridge | AP | 5/29/2007 | 12 |
| 07-03A | 7/2/2007 | Bev. Appeal | AP | 9/24/2007 | 5 |
| 07-04 | 12/31/2006 | Koutoujidn | FOIA information | 1/26/2007 | 1 |
| 07-05 | 1/30/2007 | Nat Sec. Arc. | 10 oldest FOIAs | 6/15/2009 | 1 |
| 07-06 | 2/6/2007 | EPA Referral | Nano comments | 4/6/2007 | 0 |
| 07-07 | 2/8/2007 | Patrick Warren | SF-311 | 4/3/2007 | 3 |
| 07-08 | 2/13/2007 | John Avalos | Personal records, surveillance, etc. | 3/13/2007 | 0 |
| 07-09 | 3/27/2007 | Sunlight Foundation | Congressional letters log | 4/3/2007 | 3 |
| 07-10 | 4/11/2007 | Sunlight Foundation | Congressional letters log | 9/25/2007 | 1 |
| 07-11 | 4/20/2007 | Greenpeace | Exxon communications | 7/9/2007 | 2 |
| 07-12 | 5/31/2007 | CA AG | EO on Greenhouse Gases | 12/18/2008 | 2 |
| 07-13 | 5/31/2007 | Sunlight | Congressional letters log | 9/25/2007 | 1 |
| 07-14 | 6/14/2007 | Structurewise | IMPAC card | 6/20/2007 | 0 |
| 07-15 | 6/26/2007 | Howard Burns | Lie detectors | 7/24/2007 | 0 |
| 07-16 | 7/27/2007 | Ravnitzky | Old FOIAs | Withdrawn | 0 |
| 07-17 | 7/30/2007 | Connelly | Race Stats | 7/30/2007 | 0 |
| 07-18 | 8/28/2007 | Klotz | FOIA logs | Withdrawn | 0 |
| 07-19 | 9/6/2007 | Sunlight | Congressional letters | 9/25/2007 | 1 |
| 07-20 | 9/30/2007 | R Hoffman | R Hoffman | 1/22/2008 | 0 |

Office of Science and Technology Policy FOIA Log 2006

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Date Request Closed | Records Released |
|------------------------|------------------------|--------------------------------|---|----------------------------|-------------------------|
| 06-09 | 2/8/2006 | Vincent Marino | Mind Control | 6/19/2006 | 0 |
| 6-11 | 2/16/2006 | CEQ | Acid Precip TF | 5/16/2006 | 113 |
| 06-12 | 2/15/2006 | DOE | NAPAP Rept | 1/24/2007 | 1 |
| 06-13 | 2/23/2006 | Drew Himmelstien | H/S Directives | 6/22/2006 | 0 |
| 06-14 | 3/2/2006 | Judicial Watch | Dubai Ports CFIUS | 3/31/2006 | 0 |
| 06-15 | 3/10/2006 | Judicial Watch | Dubai – Doncaster CFIUS | 4/17/2006 | 0 |
| 06-15A | 5/17/2006 | JW – APPEAL | CFIUS | 7/1/2006 | 0 |
| 06-16 | 3/15/2006 | Cassie Meyer | Phone contracts | 4/6/2006 | 20 |
| 06-17 | 4/4/2006 | DSCC | Hillary Rodham Clinton as records | 4/13/2006 | 0 |
| 06-18 | 3/21/2006 | NARA | ISOO plan referral | 6/22/2006 | 1 |
| 06-19 | 5/18/2006 | Thomas Long | Stardust Missions | 6/22/2006 | 4 |
| 06-20 | 5/18/2006 | CYBER FEDS | Policy Directives | 6/22/2006 | 0 |
| 06-21 | 5/26/2006 | Vets Office Products | IMPAC card holder | 6/22/2006 | 1 |
| 06-22 | 6/13/2006 | NB Equities | Undeliverable checks | 6/22/2006 | 0 |
| 06-23 | 6/29/2006 | NB Equities | Undeliverable checks | 7/5/2006 | 0 |
| 06-24 | 8/7/2006 | Vincent Marino | Mind Control | 8/21/2006 | 1 |
| 06-25 | 8/17/2006 | Ctr. for Pub. Integrity | Ahmanson/Rich visits | 9/1/2006 | 0 |
| 06-26 | 8/21/2006 | Hunton & Williams | RIM Patents | 9/18/2006 | 28 |
| 06-26(A) | 10/25/2006 | Hunton & Williams | Appeal of 06-26 | 9/24/2007 | 0 |
| 06-27 | 9/14/2006 | State (referral) | Biometrics | 9/28/2006 | 6 |
| 06-28 | 11/30/2006 | Business Decisions Information | EEO Investigations | 1/9/2007 | 0 |

Office of Science and Technology Policy Open FOIA Requests

| Tracking Number | Date of Request | Requestor | Description of Documents or Records Sought | Status | Communications Attached? |
|------------------------|---|---|---|---|---------------------------------|
| 10-22 | 6/25/10, perfected 7/22/2010 | Russell Carollo | Google | In progress | Yes |
| 10-24 | 7/21/2010 | LA Times/Tribune Washington Bureau | Scientific Integrity | Rolling document production in progress | Yes |
| 10-26 | 8/11/2010 | PEER – Public Employees for the Environment – Jeff Ruch | Scientific Integrity | Rolling document production complete; currently in litigation | Yes |
| 10-27 | 9/16/2010, Open but not perfected | Campbell Helton | NASA | In progress | Yes |
| 10-28 | 9/16/2010, Open but not perfected | Campbell Helton | NASA | In progress | Yes |
| 10-29 | 9/16/2010, Open but not perfected | Campbell Helton | NASA | In progress | Yes |

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

February 4, 2011

Ms. Kim Geiger
Reporter
The Los Angeles Times &
The Tribune (Washington Bureau)
1090 Vermont Avenue, N.W.
Suite 1000
Washington, DC 20005

Re: FOIA 10-24

Dear Ms. Geiger,

On July 21, 2010, you sent the Office of Science and Technology Policy (OSTP) a request under the Freedom of Information Act, 5 U.S.C. § 552. You requested records between officials at OSTP and the Office of Management and Budget and officials at other agencies, offices and departments within the federal government relating to recommendations developed in response to the President's March 9, 2009 directive on scientific integrity. OSTP received your request on July 21, 2010. You requested expedited processing. We grant that request.

On February 2, 2011, you spoke about your request with the OSTP General Counsel, Rachael Leonard, and agreed that your request excludes public comments. You agreed to receive responsive records on a rolling basis, that is, as documents were processed and became available. OSTP conducted a search of its records and has enclosed its first batch of responsive documents. OSTP has withheld portions of these documents under 5 U.S.C. § 552(b)(5) and (b)(6) or because certain portions were not responsive to your request. OSTP is continuing to process your request and will provide records to you on a rolling basis.

Sincerely,



Diana Zunker

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

February 8, 2011

Ms. Kim Geiger
Reporter
The Los Angeles Times &
The Tribune (Washington Bureau)
1090 Vermont Avenue, N.W.
Suite 1000
Washington, DC 20005

Re: FOIA 10-24

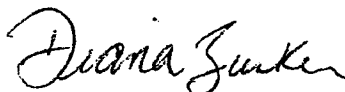
Dear Ms. Geiger,

On July 21, 2010, you sent the Office of Science and Technology Policy (OSTP) a request under the Freedom of Information Act, 5 U.S.C. § 552. You requested records between officials at OSTP and the Office of Management and Budget and officials at other agencies, offices and departments within the federal government relating to recommendations developed in response to the President's March 9, 2009 directive on scientific integrity.

On February 2, 2011, you spoke about your request with the OSTP General Counsel, Rachael Leonard. You agreed to receive responsive records on a rolling basis, that is, as documents were processed and became available. OSTP conducted a search of its records and has enclosed its second batch of responsive documents. OSTP has withheld portions of these documents under 5 U.S.C. § 552(b)(5) and (b)(6) or because certain portions were not responsive to your request. OSTP has identified an additional 311 pages of responsive documents, all of which are withheld in full because these documents are pre-decisional and there is no non-exempt portion of any document that is responsive to your request. OSTP is continuing to process your request and will provide records to you on a rolling basis.

In response to your interest in the composition of the interagency panel that developed recommendations relating to the President's scientific integrity directive, OSTP has enclosed the names of the panel members included on interagency panel correspondence.

Sincerely,


Diana Zunker

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

September 20, 2010

Mr. Jeff Ruch
Public Employees for
Environmental Responsibility
2000 P Street, N.W., Suite 240
Washington, D.C. 20036

RE: FOIA Request Nos. 10-26 and 10-26A

Dear Mr. Ruch:

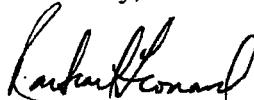
Please be advised that the Office of Science and Technology Policy (OSTP) of the Executive Office of the President is in receipt of your Freedom of Information Act (FOIA) request of August 11, 2010, No. 10-26. Further, this office is also in receipt of your FOIA Appeal, dated September 10, 2010, No. 10-26A. This letter is to acknowledge your original FOIA request and grant your appeal.

Because of the extensive nature of this request, OSTP is currently in the information gathering stage and does not believe it can complete its review within the response period. The basis for this belief is that a large number of the documents requested are those in which other agencies may have a substantial interest, and thus OSTP must consult with each of these agencies pursuant to 5 U.S.C. § 552(a)(6)(B)(iii)(III) regarding their release.

You have the option to limit the scope of the original request so that OSTP can respond more quickly. In the mean time, we will continue to process your original request.

Please be assured that this office is proceeding with due diligence in the handling of this matter. If you have any questions regarding the above, or wish to exercise the option described in the preceding paragraph, please contact me at [REDACTED]

Sincerely,



Rachael Leonard
General Counsel

Lee, Jennifer

From: J. Campbell Helton [REDACTED]
Sent: Wednesday, October 20, 2010 9:49 AM
To: Crowley, Elaine
Subject: RE: FOIA Requests

Elaine, thanks for the note. I did get your voicemail. I'm in most of today, Wednesday, and would love to visit with you. I've left a voice mail for you. I look forward to talking with you. J. Helton. 515.246.5502.

From: Crowley, Elaine [mailto:[REDACTED]]
Sent: Wednesday, October 13, 2010 4:38 PM
To: J. Campbell Helton
Subject: FOIA Requests

Dear Mr. Helton – Good afternoon. I am working on your FOIA request “for any and all correspondence [OSTP has] between any members of the Columbia Accident Investigation Board and the National Aeronautics and Space Administration (NASA) Administrator or Assistant Administrator,” as well as “for any correspondence [OSTP has] between the CAIB and NASA Administrator or Asst. Administrator regarding cancellation or continuation of Constellation program, CAIB findings, President’s new vision for space.”

I don't know if you received my voicemail message of Tuesday afternoon, but I have several questions I would like to discuss with you in order to clarify these two FOIA requests. I am happy to contact you at a specific time if that would be helpful. Otherwise, I can be reached at the number listed below. I will be available anytime after 2 pm Thursday afternoon.

Thank you. I look forward to speaking with you.

Elaine Crowley
Attorney Advisor
Office of Science and Technology Policy
Executive Office of the President
[REDACTED]

NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it. Thank you.
IRS CIRCULAR 230 DISCLOSURE. To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Leonard, Rachael

From: Russell Carollo [REDACTED]
Sent: Thursday, July 22, 2010 3:00 PM
To: Leonard, Rachael L.
Subject: Re: FW: FOIA request

Thank you.

On Thu, Jul 22, 2010 at 12:40 PM, Leonard, Rachael L. <[REDACTED]> wrote:

Dear Mr. Carollo,

Based on our conversation today, you've clarified your request as follows:

- (a) Defining specifically who are Google's "representatives, surrogates or subcontractors." – OSTP will search on the word "Google."
- (b) Defining specifically what is meant by the "matters" discussed in the attachments. – OSTP will search on the word "Google."

Thank you,

Rachael Leonard

General Counsel

Office of Science and Technology Policy

Executive Office of the President

From: Russell Carollo [mailto:[REDACTED]]
Sent: Wednesday, July 21, 2010 7:03 PM

To: Leonard, Rachael L.
Subject: Re: FW: FOIA request

Ms. Leonard,
We will call you at 2:30 p.m. EST Thursday.

Russell

On Wed, Jul 21, 2010 at 4:20 PM, Leonard, Rachael L. <[REDACTED]> wrote:

Okay. I will hold that time for now. If we need to choose another time, please let me know.

Rachael Leonard

General Counsel

Office of Science and Technology Policy

Executive Office of the President

From: Russell Carollo [mailto:[REDACTED]]
Sent: Wednesday, July 21, 2010 6:20 PM

To: Leonard, Rachael L.
Subject: Re: FW: FOIA request

Checking.

Thanks

On Wed, Jul 21, 2010 at 4:17 PM, Leonard, Rachael L. <[REDACTED]> wrote:

Dear Mr. Carollo,

Are you and your partner available at 2:30 EST tomorrow?

Thank you,

Rachael Leonard

General Counsel

Office of Science and Technology Policy

Executive Office of the President

[REDACTED]

From: Russell Carollo [mailto:[REDACTED]]

Sent: Wednesday, July 21, 2010 6:16 PM

To: Leonard, Rachael L.

Subject: Re: FW: FOIA request

Ms. Leonard,

We're awaiting times you're available.

Russell

On Wed, Jul 21, 2010 at 4:14 PM, Leonard, Rachael L. <[REDACTED]> wrote:

Dear Mr. Carollo,

Thank you for your email. As I stated in my prior email, I am happy to speak with your partner at her convenience. Ms. Williams has not contacted me.

Sincerely,

Rachael Leonard

General Counsel

Office of Science and Technology Policy

Executive Office of the President

[REDACTED]

From: Russell Carollo [mailto:[REDACTED]]

Sent: Wednesday, July 21, 2010 6:12 PM

To: Leonard, Rachael L.

Subject: Re: FW: FOIA request

Still awaiting your decision.
Thank.

On Sun, Jul 18, 2010 at 12:59 PM, Russell Carollo <[REDACTED]> wrote:

Ms. Leonard,

Thanks.

Let's set a time then for Monday or any another day this coming week to talk.

Russell

On Sun, Jul 18, 2010 at 12:38 PM, Leonard, Rachael L. <[REDACTED]> wrote:

Dear Mr. Carollo,

Please accept this email as acknowledgment of receipt.

Regarding (a), we are happy to search on the word "google.". If there are additional words you would like us to search, please provide them to us.

Regarding (b), yes, I did review the highlighted portion but we need a more specific phrase to conduct an electronic search - unless you wish us to use the highlighted phrase as our search. I'm happy to speak with your partner at her convenience.

Thank you and have a nice weekend.

Rachael Leonard
[REDACTED]

From: Russell Carollo <[REDACTED]>
To: Leonard, Rachael L.
Cc: [REDACTED] <[REDACTED]>
Sent: Sun Jul 18 14:32:19 2010
Subject: Re: FW: FOIA request

Ms. Leonard,

Hello.

Please acknowledge receipt of this email.

Concerning (a), I'm referring to any entity you are able to identify as working on behalf of Google.

Concerning (b), there was specific highlighted text. If you need something further, let's set up a conference call and include my partner in this project, Margot Williams.

Thank you.

Russell

On Fri, Jul 16, 2010 at 4:33 PM, Leonard, Rachael L. <[REDACTED]> wrote:

Dear Mr. Carollo,

I am writing to request that you clarify your FOIA request to enable OSTP to conduct a search of its records. Specifically, please clarify your request by:

- (a) Defining specifically who are Google's "representatives, surrogates or subcontractors."
- (b) Defining specifically what is meant by the "matters" discussed in the attachments.

Thank you for your assistance.

Sincerely,

Rachael Leonard

From: Russell Carollo [mailto:]
Sent: Friday, June 25, 2010 11:44 AM
To: Leonard, Rachael L.
Subject: FOIA request

Ms. Leonard,

Hello.

To avoid my having to use FedEx, please acknowledge receipt of the attached FOIA request with a simple "received" email reply.

Thank you.

Russell

OFFICE OF SCIENCE AND TECHNOLOGY POLICY
FREEDOM OF INFORMATION ACT
ANNUAL REPORT
FISCAL YEAR 2010

I. BASIC INFORMATION REGARDING REPORT

1. Provide name, title, address, and telephone number of person(s) to be contacted with questions about the Report.

Rachael Leonard
General Counsel
Office of Science and Technology Policy
Executive Office of the President
725 17th Street, N.W.
Washington, D.C. 20585
(202) 456-6125
(202) 395-1224

2. Provide an electronic link for access to the Report on the agency Web site.

<http://www.whitehouse.gov/administration/eop/ostp/library/compliance/foia>

3. Explain how to obtain a copy of the Report in paper form.

Contact:

Rachael Leonard
General Counsel
Office of Science and Technology Policy
Executive Office of the President
725 17th Street, N.W.
Washington, D.C. 20585
(202) 456-6125
(202) 395-1224

II. MAKING A FOIA REQUEST

1. Provide names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

The Office of Science and Technology Policy (OSTP) has no separate components or offices. The contact information listed in Section I should be used for all FOIA requests. Due to uncertainties in mail delivery, submitting requests via fax or the OSTP FOIA website is strongly recommended. For basic information on how to make a FOIA request, visit our website at:

<http://www.whitehouse.gov/administration/eop/ostp/library/compliance/foia>

2. Provide a brief description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply.

The most common reason requests are not granted is that no records responsive to the request are located. When records are located, the primary reasons for not granting a request are that disclosure is protected by the confidential business information and deliberative process privileges.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Provide any agency-specific acronyms or terms used in this Report.
2. Include the following definitions of terms used in this Report:
 - a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
 - b. **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.
 - c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
 - d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

- i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
 - m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
 - n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
 - o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
 - p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
 - q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
- 3. Include the following concise descriptions of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

IV. EXEMPTION 3 STATUTES

A. Exemption 3 Statutes Relied upon to Withhold Information

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | Total Number of Times Relied upon by Agency |
|----------------|-------------------------------------|----------------------|--|--|
| N/A | N/A | N/A | N/A | N/A |
| N/A | N/A | N/A | N/A | N/A |

V. FOIA REQUESTS

- For charts in Section V, include all “purported” FOIA requests, both perfected and non-perfected. Non-perfected requests are further reflected in various columns in Chart V, B (1) below.

A. Received, Processed and Pending FOIA Requests

| | Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------|--|---|--|--|
| | Number of Requests Pending as of Start of Fiscal Year | Number of Requests Received in Fiscal Year | Number of Requests Processed in Fiscal Year | Number of Requests Pending as of End of Fiscal Year |
| AGENCY OVERALL | 1 | 44 | 37 | 8 |

B. (1) Disposition of FOIA Requests – All Processed Requests

| | Number of Full Grants | Number of Partial Grants/ Partial Denials | Number of Full Denials Based on Exemptions | Number of Full Denials Based on Reasons Other than Exemptions | | | | | | | | | |
|----------------|-----------------------|---|--|---|---|-------------------|--------------------|----------------------------------|--|-------------------|-------------------|----------------------------------|----|
| | | | | No Records | All Records Referred to Another Component or Agency | Request Withdrawn | Fee-Related Reason | Records not Reasonably Described | Improper FOIA Request for Other Reason | Not Agency Record | Duplicate Request | Other *Explain in chart below | |
| AGENCY OVERALL | 15 | 4 | 1 | 16 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 37 |

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart

| Component | Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon | TOTAL |
|-----------|--|-------|
| N/A | N/A | N/A |
| N/A | N/A | N/A |

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

| | Ex. 1 | Ex. 2 | Ex. 3 | Ex. 4 | Ex. 5 | Ex. 6 | Ex. 7(A) | Ex. 7(B) | Ex. 7(C) | Ex. 7(D) | Ex. 7(E) | Ex. 7(F) | Ex. 8 | Ex. 9 |
|---------------------------|----------|----------|----------|----------|----------|----------|-------------|-------------|-------------|-------------|-------------|-------------|----------|----------|
| AGENCY OVERALL | 0 | 3 | 0 | 0 | 6 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|---|--|--|
| Number of Appeals Pending as of Start of Fiscal Year | Number of Appeals Received in Fiscal Year | Number of Appeals Processed in Fiscal Year | Number of Appeals Pending as of End of Fiscal Year |
| 0 | 1 | 1 | 0 |

B. Disposition of Administrative Appeals – All Processed Appeals

| Number Affirmed on Appeal | Number Partially Affirmed & Partially Reversed/Remanded on Appeal | Number Completely Reversed/Remanded on Appeal | Number of Appeals Closed for Other Reasons | TOTAL |
|---------------------------|---|---|--|-------|
| 0 | 1 | 0 | 0 | 1 |

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

- Note: If an administrative appeal results in the denial of information based on exemptions and *also* based on a reason or reasons presented in Charts C (2) and C (3) below, report that appeal in all applicable charts.

| Ex. 1 | Ex. 2 | Ex. 3 | Ex. 4 | Ex. 5 | Ex. 6 | Ex. 7(A) | Ex. 7(B) | Ex. 7(C) | Ex. 7(D) | Ex. 7(E) | Ex. 7(F) | Ex. 8 | Ex. 9 |
|----------|----------|----------|----------|----------|----------|-------------|-------------|-------------|-------------|-------------|-------------|----------|----------|
| 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

| No Records | Records Referred at Initial Request Level | Request Withdrawn | Fee- Related Reason | Records not Reasonably Described | Improper Request for Other Reasons | Not Agency Record | Duplicate Request or Appeal | Request in Litigation | Appeal Based Solely on Denial of Request for Expedited Processing | Other *Explain in chart below |
|---------------|---|----------------------|---------------------------|---|---|-------------------------|--------------------------------------|-----------------------------|--|--|
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

| Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon | TOTAL |
|---|-------|
| N/A | N/A |

C. (4) Response Time for Administrative Appeals

| Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
|-----------------------|------------------------|-----------------------|------------------------|
| 11 | 11 | 11 | 11 |

C. (5) Ten Oldest Pending Administrative Appeals

| | 10 th Oldest Appeal | 9 th | 8 th | 7 th | 6 th | 5 th | 4 th | 3 rd | 2 nd | Oldest Appeal |
|--|--------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|
| Date of Receipt of Ten Oldest Appeals | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Number of Days Pending | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests – Response Time for All Processed Perfected Requests

| | SIMPLE | | | | COMPLEX | | | | EXPEDITED PROCESSING | | | |
|----------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
| | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| AGENCY OVERALL | 2 | 11.26 | 1 | 123 | 20 | 21.3 | 7 | 52 | 20 | 37 | 2 | 123 |

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

| | SIMPLE | | | | COMPLEX | | | | EXPEDITED PROCESSING | | | |
|-----------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
| | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| AGENCY OVERALL | 1 | 8.18 | 1 | 70 | 20 | 24.13 | 11 | 52 | 20 | 15.5 | 2 | 20 |

C. Processed Requests – Response Time in Day Increments

Simple Requests

| | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|-----------------------|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| AGENCY OVERALL | 24 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 27 |

Complex Requests

| | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|---------------------------|--------------|---------------|---------------|---------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|-------|
| AGENCY OVERALL | 7 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |

Requests Granted Expedited Processing

| | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|---------------------------|--------------|---------------|---------------|---------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|-------|
| AGENCY OVERALL | 4 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |

D. Pending Requests – All Pending Perfected Requests

| | SIMPLE | | | COMPLEX | | | EXPEDITED PROCESSING | | |
|-----------------------|----------------|-----------------------|------------------------|----------------|-----------------------|------------------------|----------------------|-----------------------|------------------------|
| | Number Pending | Median Number of Days | Average Number of Days | Number Pending | Median Number of Days | Average Number of Days | Number Pending | Median Number of Days | Average Number of Days |
| AGENCY OVERALL | 2 | 32.5 | 32.5 | 3 | 50 | 45.67 | 0 | 0 | 0 |

E. Pending Requests – Ten Oldest Pending Perfected Requests

| Agency Overall | 10th Oldest Request and Number of Days Pending | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest Request and Number of Days Pending |
|-----------------------|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|
| | N/A | N/A | N/A | N/A | N/A | 9/21/10 8 | 8/11/10 36 | 7/22/10 50 | 7/21/10 51 | 7/13/10 57 |

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

- Section VIII now reflects new mandatory reporting requirements and is no longer an optional Section.
- Provide information for adjudicated requests for expedited processing or adjudicated requests for a fee waiver, i.e., requests for expedited processing or requests for a fee waiver which were granted or denied. Do not include requests for expedited processing or requests for a fee waiver which became moot for various reasons and, as a result, were neither granted nor denied.

A. Requests for Expedited Processing

| | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number Adjudicated Within Ten Calendar Days |
|-------------------|-------------------|------------------|--|---|--|
| AGENCY OVERALL | 5 | 1 | 1.5 | 21.67 | 5 |

B. Requests for Fee Waiver

| | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |
|-------------------|-------------------|------------------|--|---|
| AGENCY OVERALL | 0 | 0 | N/A | N/A |

IX. FOIA PERSONNEL AND COSTS

- Provide the number of “Full-Time FOIA Staff” by adding the number of “Full-Time FOIA Employees” and the number of “Equivalent Full-Time FOIA Employees,” as described below. Also provide costs expended by the agency both for processing and litigating FOIA requests.

Column 1 Column 2

| | PERSONNEL | | | COSTS | | |
|-------------------|---|---|---|---------------------|---------------------------------|----------------|
| | Number of “Full-Time FOIA Employees” | Number of “Equivalent Full-Time FOIA Employees” | Total Number of “Full-Time FOIA Staff” | Processing Costs | Litigation- Related Costs | Total Costs |
| AGENCY OVERALL | 0 | .30 | .30 | 34,000 | 0 | 34,000 |

X. FEES COLLECTED FOR PROCESSING REQUESTS

- Report the dollar amount of fees collected from FOIA requesters for processing their requests. Also report the percentage of total processing costs (from the “Processing Costs” column in the Section IX chart) that those fees represent. In calculating the amount of fees collected, include fees received from a FOIA requester for search, review, document duplication, and any other direct costs permitted by agency regulations.

| | Total Amount of Fees Collected | Percentage of Total Costs |
|-------------------|-----------------------------------|---------------------------|
| AGENCY OVERALL | 0 | 0 |

XI. FOIA REGULATIONS

- Agencies must provide an electronic link to their FOIA regulations, including their fee schedule.

OSTP does not currently have agency-specific FOIA regulations. Instead, OSTP follows the regulations promulgated by the Department of Justice at USDOJ: FOIA: DOJ FOIA and Privacy Act Regulations.

OSTP does not currently charge fees to process FOIA requests.

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

| | Number of Backlogged Requests as of End of Fiscal Year | Number of Backlogged Appeals as of End of Fiscal Year |
|----------------|--|---|
| AGENCY OVERALL | 8 | 0 |

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

- The consultation portions of the Annual Report require information about consultations received from other agencies, not sent to other agencies.

| | Column 1 | Column 2 | Column 3 | Column 4 |
|----------------|---|--|--|---|
| | Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Agency as of <u>Start</u> of the Fiscal Year | Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year | Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Agency During the Fiscal Year | Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Agency as of <u>End</u> of the Fiscal Year |
| AGENCY OVERALL | 0 | 5 | 3 | 2 |

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Agency

| Agency Overall | 10 th Oldest Consultation and Number of Days Pending | 9 th | 8 th | 7 th | 6 th | 5 th | 4 th | 3 rd | 2 nd | Oldest Consultation and Number of Days Pending |
|----------------|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--|
| | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 9/21/10 | 7/13/10 |
| | Number of Days | | | | | | | | 8 | 57 |

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

| | Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------------|---|---|--|--|
| | NUMBER OF REQUESTS <u>RECEIVED</u> | | NUMBER OF REQUESTS <u>PROCESSED</u> | |
| | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| AGENCY OVERALL | 31 | 44 | 39 | 37 |

| | Column 1 | Column 2 |
|-----------------------|--|---|
| | Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report | Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report |
| AGENCY OVERALL | 1 | 8 |

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

| | Column 1 | Column 2 | Column 3 | Column 4 |
|---------------------------|--|--|---|---|
| | NUMBER OF APPEALS <u>RECEIVED</u> | | NUMBER OF APPEALS <u>PROCESSED</u> | |
| | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| AGENCY OVERALL | 3 | 1 | 3 | 1 |

| | Column 1 | Column 2 |
|---------------------------|--|---|
| | Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report | Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report |
| AGENCY OVERALL | 0 | 0 |

F. Discussion of Other FOIA Activities (Optional)

1. Provide here any further information about the agency's efforts to improve FOIA administration.

2011 Chief FOIA Officer Report
Office of Science and Technology Policy

I. Steps taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

- a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.

Every employee of the Office of Science and Technology Policy (OSTP) is notified of their responsibilities under the Federal Records Act (FRA) and the Freedom of Information Act (FOIA) as part of their "entrance training" upon coming to OSTP. Every OSTP employee receives a basic overview of their FOIA responsibilities during their annual ethics and FRA training. These issues are also addressed at staff meetings.

OSTP has two full-time employees who work directly on FOIA issues, as well as one temporary employee and four student volunteers. All of these individuals have reviewed the President's FOIA Memorandum and the Attorney General's FOIA Guidelines, and have actively implemented the presumption of openness in response to FOIA requests and administrative appeals.

- b. What training has been attended and/or conducted on the new FOIA Guidelines?

OSTP FOIA reviewers have attended the Department of Justice, Office of Information Policy's FOIA for Attorneys and Access Professionals Training, which emphasizes the new FOIA Guidelines, and the Annual Agency FOIA Report and Annual Chief FOIA Officer Report sessions, which also emphasize the new FOIA Guidelines and the presumption of openness. In addition, the new FOIA Guidelines are discussed with new OSTP employees during all entrance training, as well as during annual ethics and FRA training.

- c. How has your agency created or modified your internal guidance to reflect the presumption of openness?

OSTP has posted on its website the President's FOIA Memorandum, the Attorney General's FOIA Guidelines, the Chief of Staff's FOIA Memorandum, and a link to Department of Justice, Office of Information Policy's guidelines for the staff and the

public to see. In addition, the Chief FOIA Officer discusses the presumption of openness with those individuals working on FOIA requests to encourage the release of documents that might otherwise have been withheld. Responsive documents are often reviewed several times, keeping in mind potential discretionary releases. When several requests have been made for the same information, OSTP has made this information available on its website.

- d. To what extent has your agency made discretionary releases of otherwise exempt information?

Since January 21, 2009, OSTP has typically made discretionary releases of material that would otherwise be withheld under exemption 5 U.S.C. 552(b)(5). In one appeal, an employee responded to each of the items appealed and then went through the entire portfolio of responsive documents to determine whether there were any documents where OSTP could make discretionary disclosures of information; OSTP chose to make these discretionary disclosures on 10 pages of these documents.

- e. What exemptions would have covered the information that was released as a matter of discretion?

OSTP has released material as a matter of discretion that would otherwise have been withheld under exemption 5 U.S.C. 552(b)(5). This exemption protects inter- or intra-agency memoranda through either the deliberative process or the attorney work-product privileges.

- f. How does your agency review records to determine whether discretionary releases are possible?

All individuals reviewing FOIA requests are tasked with the responsibility to review the responsive documents with an eye to making a discretionary release whenever possible.

- g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

OSTP uses its website to offer the public a variety of information that might otherwise be requested through FOIA. The agency has placed various documents, testimony, and R&D budgets on its website for the public to view at its convenience, as well as its Open Government Plan. In addition, OSTP has provided links to many of the reports issued by the various committees and subgroups of the National Science and Technology Council (NSTC), an interagency committee, and also to the reports issued by the President's Council of Advisors on Science and Technology (PCAST).

2. Report the extent to which the numbers of requests where records have been released in full and the number of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.

In FY2010, OSTP responded to 15 requests by releasing the records in full and to 4 requests by releasing partial records. In FY2009, OSTP responded to 11 requests by releasing the records in full and to 7 requests by releasing partial records.

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

As the Attorney General emphasized in his FOIA Guidelines, "[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."

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

- a. Do FOIA professionals within your agency have sufficient IT support?

Yes, OSTP's FOIA professionals are supported by both an internal IT specialist, as well as by the Office of Administration, Executive Office of the President. These individuals have been instrumental in providing administrative support, such as assisting OSTP in acquiring software that aids the processing of FOIA requests.

- b. Describe how your agency's FOIA professionals interact with your Open Government Team?

OSTP's Chief FOIA Officer has worked closely with the Open Government team to provide the public with easy access to information on the OSTP website.

- c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.

OSTP makes the determination as to whether it has adequate staff devoted to responding to FOIA requests on a case by case basis. Depending upon the scope of the request, the Chief FOIA Officer is able to tap the necessary people resources to produce the responses as timely as possible.

- d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

Every FOIA request is logged in when received and reviewed for (1) a request for expedited treatment and (2) substance. The relevant employees who may have records are contacted within 1-2 business days of receipt and notified when they must provide the records. The records are sorted, copied, and reviewed for relevant exceptions. The records are then provided to the requestor.

III. Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.

- a. Has your agency added new material to your agency website since last year?

OSTP posts new material such as documents, reports, and testimony as they become available, usually soon after they are issued. Additionally, OSTP has chosen to voluntarily release certain information when OSTP has received repeated requests for the same material or there seems to be significant public interest in an issue. Finally, OSTP hosts the Open Government Office and regularly issues blog postings, “tweets” on Twitter, and posts press releases so that more information is readily available to the public.

- b. What types of records have been posted?

As mentioned earlier, OSTP has posted its R&D budgets, its Open Government Plan, reports issued by NSTC and PCAST, and documents and testimony.

- c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.

Under the current Administration, OSTP maintains a blog, tweets, and a virtual Press Room, each of which offer the public a window into the different initiatives and activities spearheaded by the agency. The blog posts and tweets provide information that was once only obtainable through a FOIA request, and then only the individual requester received the information. Through these new media outlets, OSTP can reach a larger audience than is possible through a FOIA request. The virtual Press Room maintains a collection of OSTP’s press releases for the public to view. By hosting a Press Room, OSTP ensures the public has ready access to the same

information OSTP provides directly to the Press, without having to file a FOIA request.

- d. What system do you have in place to routinely identify records that are appropriate for posting?

As new documents, reports, and testimony become available, the materials undergo a standard clearance process, which includes a review by OSTP Leadership for potential posting on OSTP's website. Openness, transparency, newsworthiness, enhancing public understanding and participation, timeliness, protection of the deliberative process, and frequency of requests for a particular document under FOIA are some of the factors that go into these posting determinations.

- e. How do you utilize social media in disseminating information?

OSTP sends out information via blog postings and "tweets."

- f. Describe any other steps taken to increase proactive disclosures at your agency.

N/A.

IV. Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 agencies reports widespread use of technology in handling OFIA requests. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:

1. Electronic receipt of FOIA requests:

- a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?

OSTP does not have any component agencies. However, the agency has the ability to received FOIA requests electronically.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

N/A

- c. What methods does your agency use to receive requests electronically?

OSTP receives FOIA requests by email and by fax.

2. Electronic tracking of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?

OSTP does not have any components. The agency tracks its FOIA requests electronically.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

N/A

- c. What methods does your agency use to track requests electronically?

OSTP uses a spreadsheet to track FOIA requests.

3. Electronic processing of FOIA requests:

- a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?

N/A.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?

N/A

- c. What methods does your agency use to process requests electronically?

OSTP receives FOIA requests by email and by fax. The Chief FOIA Officer reaches out by email to those personnel likely to have responsive documents, and tracks the requests on a spreadsheet. Recently, OSTP has begun using a computer program to produce the response for the requestor.

4. Electronic preparation of your Annual FOIA Report:

- a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.

OSTP uses a generic data-processing system to prepare its Annual FOIA Report.

- b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.

At this time, OSTP is satisfied with its existing system used to prepare its Annual FOIA Report.

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

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are both ongoing agency efforts. The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals for the past two fiscal years. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In this section you should address the following elements.

1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. Second, report whether you agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.

OSTP saw an increase in the number of requests made in FY2010 from FY2009, to 44 up from 31, and this is also reflected in an increase in the its backlog of requests. OSTP ended FY2009 with only one pending request, having cleared its backlog from the prior years. In FY2010, OSTP ended the year with eight pending requests, three of which had not yet been perfected. OSTP did not have any backlogged appeals in either FY2009 or FY2010.

OSTP had only one pending request from FY2009, which it closed out in FY2010. OSTP did not have any pending appeals from FY2009.

2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:
 - a. Is the backlog increase as a result of an increase in the number of incoming requests or appeals?

Yes. OSTP saw the number of incoming requests increase by one-third in FY2010.

- b. Is the backlog increase caused by a loss of staff?
No.
 - c. Is the backlog increase caused by an increase in the complexity of the requests received?
Yes. A number of the pending requests have had a very broad scope that has resulted in a large number of documents being produced. It is more time consuming to review and produce these broad requests. Other requests have had multiple parts that require several reviews of potentially responsive records before the final set of responsive records can be determined. Again, this adds to the time needed to process the requests.
 - d. What other causes, if any, contributed to the increase in backlog?
Several of the requests OSTP is processing involve other agencies having equities in the responsive documents, including the White House. At times, several agencies have equities in the same record, and OSTP is coordinating the consultation process with the necessary agencies to produce the records all at once.
3. Describe the steps your agency is taking to reduce any backlogs and to improve the timelines in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.
- a. Does your agency routinely set goals and monitor the progress of your FOIA caseload?
The Chief FOIA Officer frequently reviews the status of FOIA requests and will assign personnel as appropriate to process the requests as quickly as possible. The Chief FOIA Officer also contacts FOIA requestors to discuss the possibility of narrowing the FOIA request, as well as of making periodic releases rather than holding all responsive documents until the end.
 - b. Has your agency increased its FOIA staffing?
OSTP has not increased its permanent FOIA staffing.
 - c. Has your agency made IT improvements to increase timeliness?
Yes, OSTP, with the assistance of its IT specialist and the Office of Administration, has recently provided access to a production program that allows electronic processing of responsive FOIA documents.

- d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?

OSTP's Chief FOIA Officer oversees its capacity to process requests.

Spotlight on Success

Consistent with the President's FOIA Memorandum's and the Open Government Initiative's policy of greater government transparency, OSTP uses Web 2.0 technologies to notify the public about OSTP's mission-critical work. Rather than wait for a FOIA request to release information, OSTP provides the public with information on a daily basis through the use of blog postings and "tweets." Working with other agencies, OSTP develops "Dashboards" that provide information to the public on a wide variety of topics, such as the research and development budgets of the National Institutes of Health and the National Science Foundation or the progress of the Open Government Initiative at the various agencies. The use of these technologies not only allows OSTP to provide more information to the public but, in many instances, the public can interact with OSTP via these new technologies to provide the public feedback on OSTP's policies and programs. The Dashboard technology allows the public to "mash" or combine the data in different ways that provides new information to others. The use of FOIA is a one-way street in promoting transparency. By using Web 2.0 technologies, OSTP is not only promoting government transparency, it is also making the government more accountable to the people.