National Science Foundation
4201 Wilson Boulevard
Arlington, Virginia 22230

NATIONAL SCIENCE FOUNDATION

FREEDOM OF INFORMATION ACT REPORT

FOR OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009

I. BASIC INFORMATION:

A. Point of Contact:

Leslie A. Jensen, NSF FOIA Officer

Office of the General Counsel

4201 Wilson Blvd, Room 1265

Arlington, VA 22230

(703) 292-5065

B. Electronic Address for report: The FY 2009 FOIA Report for the National

Science Foundation (NSF) will be available as one of the choices under the

References section of the FOIA page on the NSF web site:

http://www.nsf.gov/policies/foia.jsp.

C. Paper Copies of report: Paper copies can be requested from the Point of

Contact listed above.

II. HOW TO MAKE A FOIA REQUEST:

NSF policy is to make the fullest possible disclosure of information and

records to any requester, without unnecessary expenses or delay. NSF's

"Public Information Handbook" is available electronically as one of the

choices under the References section of the FOIA page on the Foundation's web site:

http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf07135.

There are four basic agency requirements for making a FOIA request:

(1) the request must be in writing (mailed correspondence, fax, or email) and include the requester's mailing address;

(2) the envelope and letter content must identify the request as a FOIA request;

(3) the request must provide enough detail to allow identification of the requested records; and

(4) the request must include agreement to pay fees chargeable under NSF's fee schedule.

A. Agency Components:

Requests for records of the agency should be sent to the NSF FOIA Officer, Office of the General Counsel, Room 1265, 4201 Wilson Blvd, Arlington, VA 22230.

Phone: 703-292-5065, Fax: 703-292-9041. Email: foia@nsf.gov.

Requests for documents maintained by the Office of the Inspector General should be addressed directly to the OIG, FOIA, Room 1135, 4201 Wilson Blvd, Arlington, VA 22230.

Phone: 703-292-7100. Email: oig@nsf.gov

B. Why some requests are not granted:

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

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS:

1.   Agency-specific terms and acronyms:

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

2.   Basic terms:

 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 requestors 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 entireties 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 relative 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 satisfied the requirement 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 statue for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. 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 be 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

Status	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
35 U.S.C. § 122 (Patent Act)	Patent pending applications	Irons & Sears v. Dann, 606 F.2d 1215, 1219-21 (D.C. Cir. 1979).	NSF # 13 OIG # 0	13
41 U.S.C. § 253b(m)(1) (National Defense Authorization Act for Fiscal Year 1997)	Proposal documents not incorporated into contracts	Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	NSF # 3 OIG # 0	3

V. FOIA REQUESTS

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
NSF	1	318	303	16
OIG	2	77	79	0
Agency Overall	3	395	382	16

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	TOTAL
NSF	84	167	7	19	0	21	0	1	0	1	0	3	303
OIG	3	50	10	7	0	4	0	0	3	0	2	0	79
Agency Overall	87	217	17	26	0	25	0	1	3	1	2	3	382

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

	Description of "Other" Reasons for Denials from Chart B(1) & Number of Times Those Reasons Were Relied upon	TOTAL
NSF	No awarded proposal. [1] Suspended [2]	3
OIG		0

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
NSF	0	0	16	95	13	213	0	0	0	0	0	0	0	0
OIG	0	0	0	1	3	59	2	0	60	0	0	0	0	0
Agency Overall	0	0	16	96	16	272	2	0	60	0	0	0	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

	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
NSF	0	3	3	0
OIG	0	4	4	0
Agency Overall	0	7	7	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
NSF	2	1	0	0	3
OIG	3	1	0	0	4
Agency Overall	5	2	0	0	7

C.(1) Reasons for Denial on Appeal - 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
NSF	0	0	1	1	1	3	0	0	1	0	0	0	0	0
OIG	0	0	0	0	2	4	0	0	4	0	0	0	0	0
Agency Overall	0	0	1	1	3	7	0	0	5	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
NSF	0	0	0	1	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	0	0	0	1	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
NSF		0
OIG		0

C. (4) Response Time for Administrative Appeals

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
NSF	20	13	1	20
OIG	13	15	13	17
Agency Overall	17	14	1	20

C. (5) Ten Oldest Pending Administrative Appeals

		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
NSF	Perfected Date of Ten Oldest Appeals	0									0
	Number of Days Pending	0									0
OIG	Perfected Date of Ten Oldest Appeals	0									0
	Number of Days Pending	0									0
Agency Overall	Perfected Date of Ten Oldest Appeals	0									0
	Number of Days Pending	0									0

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

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

	SIMPLE				EXPEDITED			
	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
NSF	16	22	1	1825	8	21	6	41
OIG	14	13	1	20	0	0	0	0
Agency Overall	15	20	1	1825	8	21	6	41

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

	SIMPLE				EXPEDITED			
	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
NSF	17	24	1	1825	0	0	0	0
OIG	15	14	4	20	0	0	0	0
Agency Overall	16	22	1	1825	0	0	0	0

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
NSF	234	60	5	1	1	0	0	0	0	0	1	0	1	303
OIG	79	0	0	0	0	0	0	0	0	0	0	0	0	79
Agency Overall	313	60	5	1	1	0	0	0	0	0	1	0	1	382

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
NSF	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	0	0	0	0	0	0	0	0	0	0	0	0	0	0

D. Pending Requests - All Pending Perfected Requests

	SIMPLE			EXPEDITED		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
NSF	16	10	18	0	0	0
OIG	0	0	0	0	0	0
Agency Overall	16	10	18	0	0	0

E. Pending Requests - Ten Oldest Pending Perfected Requests

		10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
NSF	Perfected Date of Ten Oldest	9/18/2009	9/17/2009	9/11/2009	9/10/2009	9/9/2009	9/8/2009	9/8/2009	9/2/2009	8/31/2009	3/23/2009
	Number of Days Pending	9	10	14	15	16	17	17	20	22	135
OIG	Perfected Date of Ten Oldest	0	0	0	0	0	0	0	0	0	0
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
Agency Overall	Perfected Date of Ten Oldest	9/18/2009	9/17/2009	9/11/2009	9/10/2009	9/9/2009	9/8/2009	9/8/2009	9/2/2009	8/31/2009	3/23/2009
	Number of Days Pending	9	10	14	15	16	17	17	20	22	135

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

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
NSF	0	4	14	100	1
OIG	0	0	0	0	0
Agency Overall	0	4	14	100	1

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
NSF	0	1	13	13
OIG	0	0	0	0
Agency Overall	0	1	13	13

IX. FOIA PERSONNEL AND COSTS

	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
NSF	0	3.6	3.6	320,000.00	0	320,000.00
OIG	0	0.23	0.23	29,224.00	0	29,224.00
Agency Overall	0	3.83	3.83	349,224.00	0	349,224.00

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
NSF	1085.72	0.3
OIG	0	0
Agency Overall	1085.72	0.3

XI. FOIA REGULATIONS

http://www.nsf.gov/policies/ogc1009.pdf

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
NSF	0	0
OIG	0	0
Agency Overall	0	0

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

	Number of Consultation Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year
NSF	0	0	0	0
OIG	0	0	0	0
Agency Overall	0	0	0	0

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

		10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
NSF	Oldest Consultation and Number of Days Pending	0									N/A
	Number of Days Pending	0									N/A
OIG	Oldest Consultation and Number of Days Pending	0									N/A
	Number of Days Pending	0									N/A
Agency Overall	Oldest Consultation and Number of Days Pending	0									N/A
	Number of Days Pending	0									N/A

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

	Number of Requests Received		Number of Requests Processed	
	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
NSF	314	318	315	302
OIG	39	77	37	77
Agency Overall	353	395	352	379

	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
NSF	1	0
OIG	0	0
Agency Overall	1	0

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

1. Provide the number of administrative appeals received and the number of administrative appeals processed during the fiscal year from last year's Annual Report and the number of those received and processed during the fiscal year from the current Annual Report.

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	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
NSF	7	3	7	3
OIG	3	4	3	4
Agency Overall	10	7	10	7

2. Starting with the Annual Report for Fiscal Year 2009, provide the number of backlogged administrative appeals as of the end of the fiscal year from the previous Annual Report and the number of backlogged administrative appeals as of the end of the fiscal year from the current Annual Report.

	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
NSF	0	0
OIG	0	0
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.

- During the 2009 reporting period the NSF developed an electronic FOIA tracking system that logs, tracks and reports NSF's FOIA program.
- NSF receives and replies to the majority of all FOIA requests electronically.
- Most pending requests are due to receipt/perfected dates that fell toward the end of the 2009 reporting period, when the 20 working day response becomes due during the 2010 reporting period.
- NSF currently has no backlog.
- NSF reports a significant number of withholdings under Exemption 6. The majority of Foundation requests are for copies of funded grant proposals. Most funded grant proposals would be released in full. However, every proposal contains personal information that is protected under Exemption 6; thus the high number of citations to that exemption.
- FOIA costs increased significantly this reporting period due to the development and implementation of the new electronic FOIA system.