



NATIONAL SCIENCE FOUNDATION

Chief FOIA Officer Report

March 2011 to March 2012

Section 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.

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.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

The Legal Analyst for FOIA and Privacy conducts bi-weekly FOIA/PA training to all new employees, and to subgroups of employees as needed.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Yes, the Legal Analyst and the staff assistant for FOIA attended the ASAP National Training Conference in March of 2011.

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

3. Did your agency make any discretionary releases of otherwise exempt information? Yes.

4. What exemptions would have covered the information that was released as a matter of discretion? Exemption 5.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

This is an integral part of the FOIA Officer's review of responsive records, and of the General Counsel's determination on appeals. Various factors go into the decision-making on this issue. These include the age of the document, the sensitivity of the issues being discussed in the documents, and the potential for harm to the deliberative process.

