

Public Information Handbook



**National Science Foundation
Arlington, VA 22230**

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WHAT IS THE NATIONAL SCIENCE FOUNDATION (NSF)?

The National Science Foundation (NSF) is an independent federal agency created by Congress in 1950 "to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense..." With an annual budget of about \$6.9 billion (FY 2010), we are the funding source for approximately 20 percent of all federally supported basic research conducted by America's colleges and universities. In many fields such as mathematics, computer science and the social sciences, NSF is the major source of federal backing.

We fulfill our mission chiefly by issuing limited-term grants -- currently about 10,000 new awards per year, with an average duration of three years -- to fund specific research proposals that have been judged the most promising by a rigorous and objective merit-review system. Most of these awards go to colleges and universities to support research by individual or small groups of investigators. Others provide funding for research centers, instruments and facilities that allow scientists, engineers and students to work at the outermost frontiers of knowledge.

REQUESTING INFORMATION/RECORDS FROM NSF

The National Science Foundation has a longstanding policy of making the fullest possible disclosure of information and records to any requester, without unnecessary expenses or delay.

FOIA requests are logged in and tracked by the NSF FOIA Officer, who oversees and implements the search for records, review, and response to all requests. In some cases it may be necessary for copies of documents not designed for public distribution to be reviewed and certain information protected by specific FOIA exemption(s) removed.

NSF policy documents, staff instructions and manuals are available to the public in the library at 4201 Wilson Blvd. Room 225N, Arlington, VA. These documents, and most other NSF publications, are also available in electronic form through NSF's web site: <http://www.nsf.gov>.

NSF has an Information Desk that can provide answers to general questions, or direct inquiries to the appropriate office. The Information Desk is physically located at NSF's main public entrance at 4201 Wilson Blvd., Arlington, VA, and can be reached by phone at (703) 292-5111 or email at info@nsf.gov.

This handbook is intended to assist the requester in determining what records NSF has and how to request copies. Although decisions on release of records are made on a case-by-case basis, this guide reflects the agency's general policies. These policies are subject to change without notice based upon guidance from higher authority or changes in case law.

NSF formal regulations on FOIA are published in the Code of Federal Regulations at 45 CFR 612, available from the Office of the Federal Register at: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title45/45cfr612_main_02.tpl.

Copies of the agency's Annual Freedom of Information Act report are publicly available on NSF's FOIA web site at: <http://www.nsf.gov/policies/foia.jsp> and through the NSF Open Government web site: <http://www.nsf.gov/open/>. In addition, NSF's Annual Report will also become a part of the Department of Justice's FOIA Dashboard: <http://www.justice.gov/open/plan-flagship.html>.

HOW IS NSF ORGANIZED?

NSF is organized by major functional areas as follows:

Organizations

National Science Board (NSB)

Office of the Director (OD)

- Office of Cyberinfrastructure (OD/OCI)
- Office of the General Counsel (OD/OGC)
- Office of Integrative Activities (OD/OIA)
- Office of Experimental Program to Simulate Competitive Research (OIA/EPSCoR)
- Office of International Science and Engineering (OD/OISE)
- Office of Diversity and Inclusion (ODI)
- Office of Legislative & Public Affairs (OD/OLPA)
- Office of Polar Programs (OPP)

Office of the Inspector General (OIG)

Office of Budget, Finance, and Award Management (BFA/OAD)

- Budget Division (BFA/BD)
- Division of Acquisition and Cooperative Support (BFA/DACS)
- Division of Financial Management (BFA/DFM)
- Division of Grants & Agreements (BFA/DGA)
- Division of Institution and Award Support (BFA/DIAS)

Office of Information & Resource Management (OIRM/OAD)

- Division of Human Resource Management (OIRM/HRM)
- Division of Information Systems (OIRM/DIS)
- Division of Administrative Services (OIRM/DAS)

Directorates:

- Directorate for Biological Sciences (BIO)
- Directorate for Computer and Information Science and Engineering (CISE)
- Directorate for Education and Human Resources (EHR)
- Directorate for Engineering (ENG)
- Directorate for Geosciences (GEO)
- Directorate for Mathematical and Physical Sciences (MPS)
- Directorate for Social, Behavioral and Economic Sciences (SBE)

Detailed information about the individual Offices/Directorates is available on the NSF web site: <http://www.nsf.gov/about/who.jsp>.

The **NSF Staff Directory** is publicly available from the NSF web site.

TYPES OF RECORDS COMMONLY REQUESTED FROM NSF

Most requests for records to NSF concern awards made by the agency for research in the sciences, mathematics and engineering. Requests for NSF records should be made directly to the Freedom of Information Act Officer in the Office of the General Counsel. Information on funded grant applications may be released to the public upon removal of personal and/or proprietary information. Requests for documents maintained by the Office of the Inspector General (OIG) should be addressed directly to the OIG: <http://www.nsf.gov/oig/>.

Publications are available electronically through the “Publications” page on NSF’s web site <http://www.nsf.gov/publications/>. See below for an example of the types of publications available:

- Directory of Projects
- Forms
- General Information - includes annual “Guide to Programs”
- News Releases
- Newsletters/Journals
- Policies & Procedures
- Program Announcements & Information
- Reports - includes “State Award Summary by Fiscal Year/Institution”
- Statistical Reports on U.S. Science - includes various reports on Science & Engineering
- Summary of Awards
- Vacancy Announcements

An index of FOIA Frequently Requested Records is published, if applicable, on the FOIA web site under “Public Information - FOIA and Privacy Act Requests.”

A FOIA request is **NOT** required to receive a copy of the NSF list of GSA SmartPay Program Credit Card Holders. The updated listing is available on the following web page: <http://www.nsf.gov/policies/impac.cfm>.

Records within Privacy Act “system of records” (containing information about individuals where records are retrieved by an individual’s personal identifier) are covered under published system notices. Requests for your own records should be directed to the Privacy Act Officer (see “**ADDRESSES**” below).

Please note that requests for records should be specific enough so that the agency can locate any responsive records.

HOW DO I ASK FOR RECORDS/INFORMATION?

NSF policy is to make the fullest possible disclosure of records to any requester, without unnecessary expenses or delay.

Foundation FOIA request procedures are published at 5 CFR 612 and also on the NSF FOIA web page: <http://www.nsf.gov/policies/foia.jsp>.

A FOIA request need not be in any particular format, but it must be in writing, include the requester's name and mailing address, and be clearly identified both on the envelope and in the letter, or in a facsimile or electronic mail message as a Freedom of Information Act or FOIA request. It must describe the records sought with sufficient specificity to permit identification, and include agreement to pay applicable fees as described in §612.10. NSF is not obligated to act upon a request until it meets these procedural requirements.

Requests may be sent electronically to FOIA@nsf.gov or directly to ljensen@nsf.gov. In addition, FOIA requests may be mailed to the NSF FOIA Officer in Room 1265 at 4201 Wilson Blvd., Arlington, VA 22230; or sent by FAX/facsimile transmission to 703-292-9242.

WHAT HAPPENS WHEN I MAKE A REQUEST?

If your request does not adequately identify the records you are seeking or include agreement to pay any applicable fees, you will be contacted to clarify your request. Please remember to include your contact information (affiliation/telephone/email/ mailing address) in your request.

Upon receipt of a FOIA request in the Office of the General Counsel, the FOIA Officer logs in the request, retrieves responsive records, reviews them, and prepares records for release. In most instances, an acknowledgement email is sent to the requester. NSF handles FOIA requests on a first in-first out basis (single track). Any request for expedited processing must specifically document "compelling need" as described under "HOW LONG WILL IT TAKE?" below.

HOW MUCH WILL IT COST TO GET RECORDS?

Fees are charged based upon the requester's category, as noted below:

Requesters seeking records for commercial use (business entities, law firms, contractors, etc) are charged the full costs of search, duplication, and review.

Representatives of educational and non-commercial scientific institutions seeking records for scholarly or scientific research are charged duplication fees only, and only after receiving the first 100 pages free - no charge for search or review.

News media representatives are charged duplication fees only, and only after receiving the first 100 pages free - no charge for search or review.

Others (general public) are charged for search time (after the first two hours, which are free) and duplication fees (only after receiving the first 100 pages free) - no charge for review.

Note that search fees can be charged to “commercial” and “other” requesters even if no responsive records are found.

NSF fee schedule is as follows:

Search (time spent looking for responsive records) is charged for paper records at \$10/hour clerical and \$30/hour professional; for electronic searches the charge is the actual direct cost of computer time/operator salary involved

Duplication - \$0.25/page for paper records, actual cost (including operator time and cost of materials) for copies prepared by computer

Review (time inspecting documents to determine if any information should be withheld and marking them for release) is charged at reviewer’s salary plus 16% to cover overhead.

NSF does not charge requesters if the applicable fee will be less than \$25.00. If the fees would be over \$250.00, NSF may ask for payment before beginning processing, depending upon the past payment record of the requester.

Note that NSF regulations allow the aggregation of requests where it is clear that a requester is attempting to avoid fees by breaking up a single large request into smaller pieces. Also, failure to pay fees will result in future requests being held from processing until payment for past releases has been made in full.

FEE WAIVER

If you wish to request a waiver of fees, you must provide detailed information about why the disclosure of the requested records is not primarily in your commercial interest, how release of the requested records would show significant information about NSF’s operations and activities, and how you intend to disseminate such information to the public.

HOW LONG WILL IT TAKE?

Most requests for NSF-created records are reviewed and completed within twenty working days, unless the request is for a voluminous amount of records, the records must be retrieved from off-site storage, or there is a need to consult with another agency or agency component. The requester will be informed of any reason for delay, and given an estimated date of release.

Requests for copies of funded grants, other award documents, contracts, etc. require the FOIA Officer to notify the submitter institution and/or the Principal Investigator (PI) to allow for review for any confidential/proprietary business information which may be contained in the record. When this procedure is required the response for records may take longer than 20 working days. The FOIA allows the submitter a reasonable amount of time for review. However, because of occasional difficulties in reaching the submitter (particularly during academic holidays: December, Spring break and the summer months), and/or negotiation with the submitter when the agency does not agree with the submitter's requested withholding, release of records can sometimes be delayed. In such cases, the requester will be notified of the reason for the delay and given an estimated date of release.

Requests for records that must be retrieved from off-site storage (generally award documents that have been closed for over five years) will sometimes be delayed because of the necessity for requesting retrieval of those documents from the off site storage facility. Whenever possible, the requester will be notified of the need for retrieval in advance, and given an estimated date of release.

EXPEDITED PROCESSING

Requesters can ask for their requests to be expedited under the FOIA if they show compelling need. The requester must justify compelling need by providing a certified statement that:

(1) failure to obtain records on an expedited basis could pose an imminent threat to the life or physical safety of an individual; or

(2) on the part of news media requesters, that there is an urgent need to inform the public concerning actual or alleged Federal Government activity.

Additional guidance on expedited processing may be found at §612.5 (d) of the NSF's FOIA regulation.

WHAT INFORMATION DOES NSF WITHHOLD?

The Freedom of Information Act has nine exemptions that allow (or in some cases require) the withholding of certain information that meets the requirements of the exemption. This agency most often uses the following:

Exemption 3 - to protect information required by other statutory authority to be withheld (i.e. patent pending material contained in funded grant proposals; technical proposals that have not been set forth or incorporated by reference in contracts between NSF and contractors (The National Defense Authorization Act for Fiscal Year 1997 (Public Law No. 104-201), Section 821(b)).

Exemption 4 - to protect trade secrets and commercial or financial information received from a source when release would cause harm to the competitive position of submitter

Exemption 5 - to protect the agency's internal deliberative process in areas of decisionmaking, recommendations, and legal advice

Exemption 6 - to protect personal information about individuals when release would result in an unwarranted invasion of privacy (SSN, home telephones, home emails, personal financial information).

Exemption 7 - may be used by the Office of the Inspector General to protect investigative records

All grant proposals are reviewed by the FOIA Officer before release. All contracts and other funding documents are reviewed by staff in NSF's Division of Acquisition and Cooperative Support and by the FOIA Officer before release. Personal information is removed, and the submitter of the business information is contacted and given the opportunity to designate confidential commercial information that should be removed from the documents.

Other agency records are reviewed by the FOIA Officer to determine releasability.

HOW DO I KNOW WHAT'S BEEN WITHHELD AND WHY?

When records (or portions of the records) are withheld, the withheld portion of the record is marked and contains the applicable FOIA Exemption. The response letter to the requester provides information on what was withheld and explains the FOIA Exemption.

TO WHOM DO I TALK IF I HAVE PROBLEMS WITH MY FOIA REQUEST?

NSF's Chief FOIA Officer is D. Matthew Powell. He may be reached at mpowell@nsf.gov or 703-292-8060 if you have unresolved issues pertaining to a FOIA request. Additional information on NSF's Chief FOIA Officer and FOIA Service Center/Liaison is available at the following web site: http://www.nsf.gov/policies/chief_foia_officer.jsp.

The Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA) was created when the OPEN Government Act of 2007 amended the Freedom of Information Act (5 U.S.C. 552). OGIS offers mediation services to

resolve disputes between persons making FOIA requests and agencies (non-exclusive alternative to litigation).

OGIS Contact Information:
Office of Government Information Services (OGIS)
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Phone: 301-837-1996
Web Site: <http://www.archives.gov/ogis/>

Fax: 301-837-0348
Toll-free: 1-877-684-6448

HOW DO I APPEAL THE AGENCY'S RESPONSE?

Requesters can appeal if they do not receive some or all of the requested records, or if NSF refuses to reduce or waive fees (see "**FEE WAIVER**" below).

Appeals must be filed within ten working days of receipt of the agency response. All appeals must be made in writing to the Office of the General Counsel, 4201 Wilson Blvd., Arlington VA, 22230. You must include a copy of your original request, the NSF's response, and an explanation of why you believe the response was in error. See § 612.9 of the NSF FOIA regulation.

ADDRESSES:

FOIA requests: National Science Foundation (NSF)
FOIA Officer (Room 1265)
4201 Wilson Blvd.
Arlington, VA 22230
Fax: (703) 292-9242
Telephone: 703-292-5065
Email: foia@nsf.gov or ljensen@nsf.gov.

Information Desk: Information Desk
4201 Wilson Blvd.
Arlington, VA 22230

Phone: (703) 292-5111
info@nsf.gov

Office of the Inspector General (OIG):
Room 1135
4201 Wilson Blvd.
Arlington, VA 22230
oig@nsf.gov
Telephone: 703-292-7100

Privacy Act Officer: National Science Foundation
Privacy Act Officer (Room 1265)
4201 Wilson Blvd.
Arlington, VA 22230
Email: ljensen@nsf.gov
Telephone: 703-292-5065
Fax: 703-292-9242

MAJOR INFORMATION SYSTEMS OF NSF

NSF has seven major information systems:

- (1) Proposal System - contains data on proposal submission, review and award

NSF releases information about funded proposals, withholding only information personal to Principal Investigator(s) or other persons under Exemption 6 and proprietary information under Exemption 4. Information on unfunded proposals is released only to the submitter of the proposal. Predecisional materials such as reviews are withheld under Exemption 5.

- (2) Reviewer System - contains names and institutional affiliations of individuals serving as reviewers for NSF.

NSF releases names of reviewers by NSF Division and at the Federal Advisory Committee Act (FACA) chartered committee/panel level as reported in the NSF Annual FACA Report to the General Services Administration (GSA). Names and other identifying information about individuals who participated in the review process for particular proposals are withheld to protect the privacy of the individual (Exemption 6) and the decisionmaking process of the agency (Exemption 5).

(3) Awards System - contains publicly available information about awards officially granted by NSF. (NOTE: Abstracts for all awards made by NSF since 1989 are available on NSF's web site at <http://www.nsf.gov/awardsearch/>).

NSF releases the following information about awards funded by the agency: title, type, NSF organization, latest amendment date, file and award number, type of award instrument, NSF Program Manager name, start and expiration dates, expected total amount of award, Principal Investigator (PI) name and institutional affiliation, NSF Program Designation and field application, and text of abstract.

(4) Financial System - contains information on NSF budget and financial activities including funds control and disbursement and payroll processing.

(5) Human Resource Management - contains records about NSF staffing, classification and personnel, labor relations, performance management, training, and committee management.

(6) Information Systems - contains records about data systems acquisition and use, applications development and maintenance, data integrity, reporting training and external dissemination,

(7) Administrative Systems - contains records about NSF procurement, facilities, operations, travel, telecommunications, and printing.

RECORD LOCATOR SYSTEMS OF NSF

The NSF web site at <http://www.nsf.gov> allows searching record locator systems for

- (1) specific documents (by type/reference number/text search/date range);
- (2) information about specific program areas;
- (3) staff locator information; and
- (4) information about specific awards/grants (by date range/program area/institution/state/text search).

NSF also maintains an Information Desk that provides information about locating agency staff and publications. Phone: 703-292-5111, Email: info@nsf.gov