

OFFICE OF SCIENCE AND TECHNOLOGY POLICY
FREEDOM OF INFORMATION ACT
UPDATED STATUS REPORT PURSUANT TO EXECUTIVE ORDER 13,392
AUGUST 1, 2008

On December 14, 2005, the President issued Executive Order 13392, entitled “Improving Agency Disclosure of Information.” This Order directed each federal agency to review its FOIA processing operations, to develop a FOIA Improvement Plan, and to report on its progress in implementing the milestones and goals established in its plan. Section 3(c) of the Executive Order requires each agency to periodically report both its successes and deficiencies in implementing its Improvement Plan.

This report follows the uniform template set out by the Department of Justice in Guidance entitled, “Updated Status Reports by Agencies That Reported Deficiencies in Their Implementation of Executive Order 13392, ‘Improving Agency Disclosure of Information.’”

1. FOIA Improvement Plan area to which the deficient milestone relates.

OSTP Regulatory Standards.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

OSTP intended to have drafted FOIA regulations by January 31, 2007 and to have issued final regulations by September 30, 2007, but did not do so. OSTP missed the September 30, 2007 deadline because it is a very small agency and it lost the individual who used to manage its FOIA program, so FOIA tasks, such as responding to incoming FOIA requests, had to be divided among other personnel who balanced FOIA-processing with other pressing items.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

In 2007, OSTP did review OSTP policies and FOIA regulations issued by other agencies and has drafted FOIA regulations, but has not yet coordinated with the DOJ or OMB, issued guidance, prepared and published a proposed rule and considered comments, or issued a final rule.

4. Future remedial steps and the dates by which the steps will be completed.

OSTP will take the steps necessary to issue a final rule by January 21, 2011.

1. FOIA Improvement Plan area to which the deficient milestone relates.

Backlog Reduction.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

In the original improvement plan, OSTP set a goal to eliminate its entire backlog by the end of FY 2006. Pursuant to the August 1, 2007 Updated Status Report, OSTP intended to completely eliminate their backlog of 21 cases by August 31, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

Of these 21 cases, OSTP has only 11 currently in its backlog. OSTP missed this August 31, 2007 deadline because it is a very small agency and it lost the individual who used to process its FOIA, so the FOIA tasks had to be divided among other personnel who had to balance FOIA-processing with other pressing items. On an ongoing basis between October 1, 2006 and September 30, 2007, OSTP continued to process the backlogged FOIA requests with incoming requests as quickly as possible given our staff resources; OSTP remained in contact with the requestors to inform them of the status of their request where complicated issues exist; and, OSTP coordinated with DOJ where necessary.

4. Future remedial steps and the dates by which the steps will be completed.

OSTP will continue the actions described in 3 above. OSTP will eliminate the remaining 11 backlogged cases by January 31, 2010.