MARSHALL PROCEDURAL REQUIREMENTS

CS01

HANDLING OF FREEDOM OF INFORMATION ACT REQUESTS

*With Change 1 (6/1/20)*
## DOCUMENT HISTORY LOG

<table>
<thead>
<tr>
<th>Status (Baseline/ Revision/ Change/ Revalidation/ Canceled)</th>
<th>Document Revision/ Change</th>
<th>Effective Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline</td>
<td></td>
<td>12/4/2013</td>
<td></td>
</tr>
<tr>
<td>Change</td>
<td>1</td>
<td>6/1/2020</td>
<td>On 6/1/20, at the request of the OPRD and upon approval of the Center Directives Manager, the Expiration Date has been extended from 12/4/18 to 11/4/20 to allow time for discussion of the purpose of this directive at the Center.</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

PREFACE

P.1 Purpose
P.2 Applicability
P.3 Authority
P.4 Applicable Documents and Forms
P.5 Measurement/Verification
P.6 Cancellation

CHAPTER 1. RESPONSIBILITIES
CHAPTER 2. PROCEDURES

Appendix A Definitions
Appendix B (Reserved for Acronyms)
Appendix C (Reserved for Verification Matrix)
Appendix D Records
PREFACE

P.1 PURPOSE

This Marshall Procedural Requirements (MPR) describes the process for handling Freedom of Information Act (FOIA) requests received at the Marshall Space Flight Center (MSFC) in accordance with 5 U.S.C. Sec. 552 and 14 CFR Part 1206. The FOIA establishes a positive and continuing obligation for NASA to make available, to the fullest extent practicable, all Agency records under its jurisdiction upon request of the public. Guidelines as to the extent that records may be exempt from disclosure are provided in 14 CFR Part 1206.

P.2 APPLICABILITY

a. This MPR applies to Center personnel, programs, projects, and activities, including contractors and resident agencies to the extent specified in their respective contracts or agreements. (“Contractors” for purposes of this paragraph, include contractors, grantees, Cooperative Agreement recipients, Space Act Agreement partners, or other agreement parties.)

b. This MPR applies to the Michoud Assembly Facility.

c. This MPR applies the following: all mandatory actions (i.e., requirements) are denoted by statements containing the term “shall.” The terms: “may” or “can” denote discretionary privilege or permission, “should” denotes a good practice and is recommended, but not required, “will” denotes expected outcome, and “are/is” denotes descriptive material.

d. This MPR applies the following: all document citations are assumed to be the latest version unless otherwise noted.

P.3 AUTHORITY


P.4 APPLICABLE DOCUMENTS AND FORMS

a. NPR 1441.1, “NASA Records Retention Schedules”

b. MPR 2190.1, “MSFC Export Control Program”

P.5 MEASUREMENT/VERIFICATION

None.
P.6 CANCELLATION

MPR 1380.4Baseline, Handling of Freedom of Information Act Requests dated December 4, 2013.

Original signed by

Patrick E. Scheuermann
Director
CHAPTER 1. RESPONSIBILITIES

1.1 **Public and Employee Communications/FOIA Officer** is responsible for receiving and responding to all FOIA requests made to the Marshall Space Flight Center and serves as the Initial Determination Official for MSFC as delegated by Chief, Public Affairs Officer.

1.2 **Office of Chief Counsel** is responsible for providing the FOIA Officer a recommendation on initial determination for release of Agency record.

1.3 **Directorates/Organizations** are responsible for:

   1.3.1 Cooperating fully with the FOIA Officer to ensure that the Center meets the statutorily prescribed time limit of responding to FOIA requests.

   1.3.2 Immediately referring any requests received from members of the public for release of records under the provisions of the FOIA to the Public and Employee Communications Office/FOIA Officer for necessary response.

   1.3.3 Providing funding for all costs associated with the reproduction of requested Agency records.

1.4 **Custodians of Agency Records** are responsible for:

   1.4.1 Reviewing the FOIA request and conducting a thorough search of responsive documents under their control.

   1.4.2 Providing copies and any comments/concerns regarding the release of the responsive documents to the FOIA Office within the suspense date set by the FOIA Officer.

   1.4.3 Insuring any export control information contained in the Agency Record is identified, as defined in MPR 2190.1, and informing the FOIA Officer whether any of these records are subject to the export control restrictions.
CHAPTER 2. PROCEDURES

2.1 FOIA Requests:

2.1.1 Public and Employee Communications Office, Technology Transfer Department, Procurement Office, Academic Affairs Office, and others will continue to furnish information and handout material in accordance with the established NASA education, public inquiries, technology transfer, and similar programs. However, in the event that a request is received for information not available from one of these sources or the request is for the type of information not routinely released by one of these sources, the request shall be immediately forwarded to the FOIA Officer.

2.1.2 Requests shall be written and will be accepted in paper, fax, or electronic mail formats.

2.1.3 NASA has established a Headquarters Information Center in Washington, D.C. and a network of field information centers. Field information centers are augmenting information resources to receive and fill public requests not normally and routinely handled by other established information resources. The FOIA Officer’s office at MSFC is established as the MSFC Field Information Center and is open to the public during all regular workdays from 8:30 a.m. to 4:00 p.m.

2.2 The FOIA Officer:

2.2.1 Shall log all requests into the FOIA database and assign a control number.

2.2.2 Shall establish a 20-work day suspense in the FOIA database. If an extension is required, the FOIA Officer will contact the requester and come to an agreement of the new suspense date. The new suspense date will be noted in the FOIA file and notification sent to the record custodian and the Office of Chief Counsel.

2.2.3 Shall conduct a search of the FOIA database to verify if the Agency record has been requested previously.

2.2.4 If the request is for commercial information (i.e., contracts, contract deliverables, etc.), shall send a submitter notice to the person or entity that is the source of the commercial information contained in the document.

2.2.5 Shall search all sources to verify the Agency record custodian.

2.2.6 Shall send the request for the Agency records to the custodian with instructions to forward the requested documents along with comments/concerns regarding the release of the documents to the FOIA Officer. The custodian is given a 5-work day suspense for response to the FOIA Officer.

2.2.7 After an Agency response is retrieved, shall ensure the record custodian has identified any
export control information in the record and forward the FOIA file to the Office of Chief Counsel for interpretation of the requirements of the FOIA.

2.2.8 After review of the Agency Records by Office of Chief Counsel, shall access fees according to guidelines set forth in 14 CFR Part 1206, prepare and sign the initial determination letter, along with the requested Agency record, to be sent to the requester.

2.2.9 Shall forward a copy of the signed letter to the NASA Shared Services Center for collection of any fees.

2.2.10 Shall note in the FOIA database when the request is completed and maintain according to file retention plan set forth in NPR 1441.1.

2.3 Records Custodians

2.3.1 Shall provide a copy of the requested documents, or statement that the document could not be located, to the FOIA Officer within the 5-work day suspense. Only in unusual circumstances will an extension be granted. If an extension is required, the custodian should notify the FOIA Officer and a new suspense date will be established.

2.3.2 If the request is for large volumes of records, the record custodian shall notify the FOIA Officer to ensure the requester is aware of the costs of obtaining such records. Search of the records ceases until the FOIA Officer verifies with the requester the costs involved and the requester agrees to pay the associated fees with this request. The FOIA Officer will notify the record custodian of any changes to the request or to proceed with the search as originally requested. A new suspense date is established.
Appendix A
Definitions

Agency Record or Records. All books, papers, maps, photographs, emails, or other documentary materials, regardless of physical form or characteristics, made or received by MSFC in pursuance of Federal law or in connection with the transaction of public business. NASA preserves them as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities or because of the informational value of data contained therein. It does not include tangible objects or articles such as structures, furniture, paintings, sculptures, exhibits, models, vehicles or equipment; library or museum material made or acquired and preserved solely for reference or exhibition purposes; or records of another Agency, a copy of which may be in NASA’s possession.

FOIA. Freedom of Information Act.

FOIA Officer. A point of contact established within MSFC to manage the FOIA Program. This includes coordinating the receipt of requests, searching for documents, obtaining legal reviews of documents, and signing the initial determination of all FOIA requests.

FOIA Request. Any request for NASA records that has been addressed to the MSFC FOIA Office or otherwise clearly identified as a request for Agency records under the “Freedom of Information Act.”

Initial Determination. A decision by the FOIA Officer as to whether the record described in the request can be identified and located after a reasonable search, and, if so, whether the record (or portions thereof) will be made available or will be withheld from disclosure.

Statutorily Prescribed Time Limit. According to 5 U.S.C. Sec. 552, the time limit for answering all FOIA requests is 20 work days from the time the request is received by the FOIA Officer.
Appendix B
(Reserved for Acronyms)
Appendix C
(Reserved for Verification Matrix)
Appendix D

Records

A file is maintained by the FOIA Officer for each FOIA request. All contents of this file are considered the record for this process. The file may contain the following: original request from requester, memo to custodian of an Agency record with suspense noted and amount of time spent searching for the record, background information on the record being requested (if applicable), Office of Chief Counsel’s memorandum stating review and recommendation of initial determination, copies of deletions made from an Agency record prior to release, and/or memorandum to requester with determination to release or giving the rationale for totally or partially withholding the record requested. This file is maintained according to the file retention plan set forth in NPR 1441.1 Schedule 1/49/A.

Note: The FOIA Log is a HQS Record and is maintained by the FOIA Office at NASA HQS.