

March 21, 2014

Ms. Miriam Brown-Lam
National Aeronautics and Space Administration
via Regulations.gov

Re: Procedures for Disclosure of Records Under the Freedom of Information Act (FOIA)
79 F.R. 9430, RIN 2700-AE04

Dear Ms. Brown-Lam,

The Center for Effective Government welcomes the opportunity to comment on the National Aeronautics and Space Administration's (NASA) proposed Freedom of Information Act (FOIA) regulations.

Up-to-date FOIA regulations that support transparency are important to the effective functioning of the FOIA system. Based on our study of agency FOIA regulations and input from FOIA requesters, in December 2013 we published a report entitled *Best Practices for Agency Freedom of Information Act Regulations*.¹ This report is designed to be a practical guide for agencies engaged in improving FOIA regulations and practices.

We encourage NASA to review the report's recommendations and consider adopting any applicable best practices when revising the proposed regulations. For instance, we recommend that NASA:

- Revise § 1206.201 of the proposed regulations to provide that NASA will establish categories of records to proactively disclose by posting on its website: see Best Practice 1, "Establish Categories of Records to Be Disclosed Regularly;"²
- Revise § 1206.503(c) of the proposed regulations to provide a minimum threshold of \$50 for charging fees to FOIA requesters: see Best Practice 27, "Adopt a Reasonable Threshold for Minimum Fee Charges;"³ and

¹ Gavin Baker, *Best Practices for Agency Freedom of Information Act Regulations*, Center for Effective Government, December 2013, available at <http://www.foreffectivegov.org/foia-best-practices-guide>.

² *Id.* at 10.

³ *Id.* at 36.



- Revise § 1206.700(a) of the proposed regulations to provide a minimum of 60 days for requesters to prepare and submit appeals: see Best Practice 30, “Provide Adequate Time Limits for Requesters to Submit Appeals.”⁴

The Center for Effective Government appreciates the opportunity to comment on NASA’s proposed FOIA regulations. We hope you take our recommendations into consideration. If you have questions about our comments or want to discuss the issues further, please feel free to contact us.

Sincerely,

A handwritten signature in black ink that reads "Gavin R. Baker". The signature is written in a cursive, slightly slanted style.

Gavin R. Baker

Open Government Policy Analyst

⁴ *Id.* at 39-40.