

December 6, 2023

FOIA Officer  
National Science Foundation  
2415 Eisenhower Avenue  
Alexandria, Virginia 22314

Dear NSF FOIA Officer:

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I am requesting access to National Science Foundation (NSF) National Center for Science & Engineering Statistics (NCSES) records of specific metrics for question items included in the 2021 National Survey of College Graduates (NSCG). NCSES' statements to the U.S. Office of Management & Budget (OMB) on April 20, 2023 confirm that NCSES has already generated these metrics.<sup>1</sup> These metrics therefore constitute existing records maintained by NCSES. The requested records are:

- **Breakoff rates** for sexual orientation, gender identity, assigned birth sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG nonproduction bridge panel; and for sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG production survey
- **Item nonresponse rates** for sexual orientation, gender identity, assigned birth sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG nonproduction bridge panel; and for sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG production survey
- **Completion times** for sexual orientation, gender identity, assigned birth sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG nonproduction bridge panel; and for sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG production survey
- **Number of changed answers** for sexual orientation, gender identity, assigned birth sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG nonproduction bridge panel; and for sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG production survey
- **Number of previous clicks** for sexual orientation, gender identity, assigned birth sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG nonproduction bridge panel; and for sex, race, ethnicity, salary, earned income, and disability in the 2021 NSCG production survey

The above records are maintained by NCSES Chief Statistician John Finamore, NCSES Supervisory Program Director Elizabeth Grieco, and NCSES Survey Manager Lynn Milan.

NCSES spokesperson Julia Milton and NSF spokesperson Joshua Chamot told *Science Magazine* in January 2023 that the above records would be made publicly available "later this year".<sup>2</sup> This public statement, and other similar statements by NCSES and NSF officials, indicate that NCSES and NSF view these records as able to be publicly released by December 31, 2023 at the latest, and that they view such release as compatible with existing statutes and guidance, including OMB Statistical Policy Directive No. 4. The purpose of these records was to assist NCSES' decision-making with respect to the design of the 2023 NSCG.<sup>1</sup> Such design decisions have long been finalized and were approved by

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<sup>1</sup> NCSES Supporting Statement A: 2023 NSCG (see p. 5) <https://www.reginfo.gov/public/do/DownloadDocument?objectID=127306002>

<sup>2</sup> *Science Magazine* (January 13, 2023), <https://www.science.org/content/article/nsf-still-won-t-track-sexual-orientation-among-scientific-workforce-prompting>

OMB on April 20, 2023.<sup>3</sup> The requested records therefore do not constitute predecisional information or are exempted by an ongoing deliberative process.

In order to help you determine my status for the purpose of assessing fees, please know that I am affiliated with a non-profit institution, Columbia University, and this request is made for a scholarly or scientific purpose and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it will contribute significantly to public understanding of the operations of the government and is not in my commercial interest. The records requested are of significant public interest as they will be used to resolve questions publicly disseminated by the media about the scientific approaches NCSSES has taken – and may continue to take – in its ongoing sexual orientation and gender identity measurement efforts, including these approaches' alignment with Executive Orders 14075 and 13985 and relevant OMB guidance.<sup>4-5</sup> The records may identify scientific flaws or limitations in NSF's operations that lead to a waste of government resources, which may be prevented through the records' release.

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance under the Section 16 obligations of the Act as to how I can refine my request.

Please send the records via email to [jon.freeman@columbia.edu](mailto:jon.freeman@columbia.edu). If you have any questions about handling this request, you may email me or call me at 212-853-4317. Thank you for your time.

Yours sincerely,



Jonathan B. Freeman, Ph.D.  
Associate Professor of Psychology  
Columbia University

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<sup>3</sup> OMB Approval Record of NSCG, <https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3145-0141>

<sup>4</sup> *Nature Magazine* (January 13, 2023), <https://www.nature.com/articles/d41586-023-00082-5>

<sup>5</sup> OMB Recommendations on Best Practices for Collection of Sexual Orientation and Gender Identity Data on Federal Statistical Surveys <https://www.whitehouse.gov/wp-content/uploads/2023/01/SOGI-Best-Practices.pdf>