

OFCCP (Yet Again) Extends Deadline and Issues Additional Guidance for Contractors Objecting to Release of EEO-1 Data

Government Contractor Compliance & Regulatory Update on **February 15, 2023**

As we previously [reported](#), OFCCP has received a Freedom of Information Act (“FOIA”) request seeking contractors’ and subcontractors’ EEO-1 reports from 2016-2020.

OFCCP originally [provided](#) contractors and subcontractors until September 19, 2022 to submit objections as to why their data should not be produced. That deadline was then [extended](#) to October 19, 2022.

On February 2, 2023, OFCCP [published](#) a list of contractors and subcontractors whose data was set to be released. OFCCP originally provided contractors and subcontractors identified on this [list](#) until February 7, 2023 to submit objections as to why their data should not be produced. OFCCP [specified](#) two limited bases on which contractors and subcontractors could contend they should be removed from the list. That deadline was then [extended](#) to February 17, 2023, and OFCCP provided contractors and subcontractors an additional basis for advocating removal.

On February 14, 2023, OFCCP provided contractors and subcontractors on the disclosure list with a [Valentine’s Day gift](#). OFCCP announced that by February 17, 2023, OFCCP will publish an updated list of non-objecting contractors and subcontractors whose data is subject to disclosure. The updated list will remove all contractors “that OFCCP has identified as incorrectly included on the February 2, 2023 list, including contractor responses submitted by February 10, 2023” as well as “all contractors that submitted objections after the publication of the February 2, 2023 list until February 10, 2023, while OFCCP evaluates these objections.”

In addition, OFCCP is providing contractors and subcontractors remaining on the updated list until March 3, 2023 to object to the production of their EEO-1 data. Any contractors and subcontractors submitting objections are not limited in what reasons they may provide for objecting to disclosure; however if their reasons are not because they (i) previously submitted an objection to the disclosure of their EEO-1 data, (ii) were not a federal contractor during the relevant period, or (iii) are an entity associated with a contractor that did file a prior objection, they must include in their objection “an explanation as to why [they] did not object in response to previous notices that [OFCCP] ha[s] issued and why there is good cause for [OFCCP] to accept the objection at this point.”

After the response period ends on March 3, 2023, “OFCCP will publish a second updated list by March 10, 2023, which will remove contractors that submitted objections after February 10, 2023 and by March 3, 2023, while OFCCP evaluates these objections.”

Following the publication of the second updated list, contractors will then have “one final opportunity to contact OFCCP no later than March 17, 2023” if they believe they have been improperly listed as not objecting to the disclosure of their EEO-1 data.

Any objections to disclosure, along with all supporting information (including the contractor’s EEO-1 unit number(s)), must be submitted to OFCCP-FOIA-EEO1-Questions@dol.gov by March 3, 2023 at 11:59 pm EST. As discussed above, contractors and subcontractors will then have an additional opportunity to contact OFCCP regarding their status as a non-objecting contractor/subcontractor by March 17, 2023. Contractors and subcontractors may consult OFCCP’s [Submitter Notice Response Portal](#) for additional information and can contact the FOIA Help Desk at 1-800-397-6251 with questions not covered by the Portal.

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