OFCCP Publishes Non-Objecting Contractors' EEO-1 Data And Provides Details Of Its Review Of Pending Objections

Government Contractor Compliance & Regulatory Update   on **April 24, 2023**

On April 17, 2023, after giving federal contractors and subcontractors ("Contractors") several opportunities to submit objections, OFCCP published EEO-1 data for Contractors that "either affirmatively agreed to, or did not object to, the release of their EEO-1 data." As we previously reported, OFCCP had received a Freedom of Information Act ("FOIA") request from the Center for Investigative Reporting for federal Contractors' Type 2 EEO-1 Report data from 2016-2020. OFCCP decided to publish the information it produced to the Center for Investigative Reporting in response to the request on its website.

As noted above, thus far OFCCP has only produced and published data from Contractors who did not object to the release of their data. OFCCP will not publish EEO-1 data for objecting Contractors until it has completed evaluating those objections. OFCCP is "unable to give specifics as to when contractors will receive a response to their objection" but the agency will provide written notice and a "specified disclosure date" to contractors whose data will be published pursuant to the FOIA request on a rolling basis, through September 2023. Contractors that objected to disclosure on the basis that they were not a federal contractor "will be given an additional opportunity to object to the release of their entities' data" if they are determined to have been a federal contractor during the relevant period.

After OFCCP completes its consideration of all contractor objections by late-September 2023, the agency will publish a supplemental disclosure of EEO-1 data for contractors determined to not have a valid exemption, as well as provide the Center for Investigative Reporting with a list of contractors whose EEO-1 data was exempted from disclosure.

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