

OFCCP's New February 17 Deadline for Asserting Objections to EEO-1 Data Release

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In a notice released on February 7, 2023, the Office of Federal Contract Compliance Programs (OFCCP) posted an [updated](#) final notice of the agency's impending release of EEO-1 Type 2 (Consolidated) reports for 2016-2020 to all entities that may be subject to the [Center for Investigative Reporting's Freedom of Information Act \(FOIA\) request](#) for EEO-1 Type 2 data. The deadline for contractors appearing on the non-objectors list to respond to OFCCP has been extended from February 7, 2023, to 11:59 p.m. EST on February 17, 2023.

In the February 7 notice, OFCCP clarified that the opportunities for objection remain limited to the following scenarios:

- the organization previously submitted an objection to the disclosure of its EEO-1 data, but remains on the non-objector list;
- the organization is on the list of non-objectors but was not a federal contractor during the relevant period; and/or
- one or more entities on the non-objector list is associated with an organization that should be covered within a FOIA release objection that was already filed. This new category seemingly invites expansion of a prior objection by allowing clarification of coverage related to organizational relationships such as subsidiaries, mergers, or acquisitions.

OFCCP acknowledged that it is facing a significant challenge in fulfilling the FOIA request due to its scope. The agency noted that it understands the importance of the rights at stake, so it will conduct additional quality assurance checks to ensure accuracy prior to making the disclosures.

Ogletree Deakins' [Affirmative Action and OFCCP Compliance Practice Group](#) will continue to monitor developments with regard to EEO-1 Type 2 reporting and will update the [Affirmative Action / OFCCP](#) and [Government Contractors](#) blogs as additional information becomes available. Important information for employers is also available via the firm's [webinar](#) and [podcast](#) programs.