

FINAL WARNING: LAST CHANCE FOR FEDERAL CONTRACTORS TO OBJECT TO RELEASE OF CONFIDENTIAL DATA

Insights
Feb 3, 2023

In what seems like a nod to Groundhog Day, the Office of Federal Contract Compliance Programs (OFCCP) announced yesterday it is once again allowing federal contractors an opportunity to object to the release of sensitive demographic information from Type 2 Consolidated EEO-1 Report. However, the objection must be based on one of two bases: either because an objection was previously filed, or because the contractor was incorrectly included on the list. You may recall that the agency warned federal contractors that their data could be released if an objection was not filed by October 19, 2022 (an extended deadline from the original September 19, 2022). In our previous [Insight](#), we discussed the Freedom of Information Act (FOIA) request by the Center for Investigative Reporting, which led to the notice from OFCCP on August 18, 2022. At the time, it was unclear whether OFCCP would release data if an objection was not filed. Now we know that OFCCP plans to do just that.

What Happened?

Yesterday, [OFCCP announced](#) that it will be releasing the demographic data contained in the consolidated reports filed by federal contractors and first-tier subcontractors between 2016 and 2020, on or about February 8 – UNLESS an objection is filed by 11:59pm EST on February 7, 2023. It's still unclear whether OFCCP will ultimately override objections made by federal contractors, but OFCCP has announced that it will, in fact, release the data of all federal contractors who have not objected.

What Should You Do?

Related People



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OFCCP has provided [a list of federal contractors](#) whose data will be released, absent an objection filed by the deadline. You should check the list on each tab of the Excel spreadsheet to determine whether your organization is on one or more of the lists. If you previously filed an objection, or believe that you should not be on the list (i.e. because you are not a multi-establishment federal contractor or first-tier subcontractor), you will need to contact OFCCP at OFCCP-FOIA-EE01-Questions@dol.gov prior to the deadline.

If you are on the list, and would like our assistance in filing an objection, please contact us right away. Fisher Phillips has a dedicated team of attorneys in our [Affirmative Action and Federal Contract Compliance Practice group](#) that can assist in developing a response.

Conclusion

Our [Affirmative Action and Federal Contract Compliance Practice group](#) stands ready to assist in determining your best next steps and in developing a response, if necessary. Please contact your Fisher Phillips attorney, the author of this insight, or any attorney in our [Affirmative Action and Federal Contract Compliance Practice group](#) with questions. We will continue to monitor developments on this topic. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information direct to your inbox.