



**U.S. General Services Administration**

**Freedom of Information Act Annual Report for Fiscal Year 2012**

**Message from the Chief Freedom of Information Act Officer**



I am pleased to issue the U.S. General Service Administration’s (GSA’s) Fiscal Year 2012 Freedom of Information Act (FOIA) Report to the Attorney General.

This past fiscal year, GSA has received, processed and responded to over 1,700 nationwide FOIA requests. In support of President Obama’s direction on openness and transparency in federal government operations and in line with our own strategic goals, GSA strives to respond to FOIA requests in a timely and accurate manner. Through education and awareness, the GSA leadership team has ensured program support and responsiveness to FOIA requests by employees at all levels and in all organizations.

GSA remains committed to providing the highest quality customer service to our federal partners and American citizens.

Cynthia A. Metzler

Chief Freedom of Information Act Officer

U.S. General Service Administration

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# I. Basic Information Regarding Report

1. If you have questions about the report, please contact:

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U.S. General Services Administration (H1C)

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1. If you would like to access this report on the Internet, click on the link below and select 2012 FOIA Report.

<http://www.gsa.gov/portal/content/104389>

**3.** To obtain a paper copy of the report, please contact Ms. Kimberly G. Veach at the address listed above or via email at kimberly.veach@gsa.gov.

# II. Make a FOIA Request

1. The U.S. General Services Administration's (GSA's) instructions on requesting

information through FOIA, and the names, addresses and telephone numbers of GSA regional FOIA contacts are available on the World Wide Web. Click on the following links:

<http://www.gsa.gov/portal/category/21416>

2. GSA will release information in response to requests under the FOIA unless an exemption applies and GSA has a compelling reason to invoke the exemption. Even if the information falls clearly within an exemption, GSA will disclose the information unless the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or disclosure is prohibited by law. Exemptions 2 through 7 are the most common exemptions that apply to GSA records.

a. 5 U.S.C. 552(b)(2): second statutory exemption. Generally, this language provides for exemption of matters “related solely to the internal personnel rules and practices of an agency.”

b. 5 U.S.C. 552(b)(3): third statutory exemption. The primary Exemption 3 statute that applies to GSA records is 41 USC 4702. This statute protects contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts. In the recodification of the Procurement Integrity Act, 41 USC 2102, we are also prohibited from releasing "contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates."

c. 5 U.S.C. 552(b)(4); fourth statutory exemption. GSA may withhold commercial or financial records submitted to the Government by a person (e.g., a business), if release of the information would cause substantial harm to the competitive position of the person from whom the information was obtained or when release would impair the Government's ability to obtain necessary information in the future. Lease files are especially likely to contain information protected from release under this exemption. Correspondence from prospective lessors frequently reveals information regarding the manner in which a prospective lessor operates or manages its building, which, if released, could be commercially harmful to the lessor in subsequent leasing actions for non-Government space within the building. Examples of commercial or financial information that may qualify for this exemption include:

1. Private business sales statistics.

2. Technical designs.

3. Research data.

4. Non-Federal customer and supplier lists.

5. Overhead and operating costs.

6. Non-public financial statements.

7. Resumes of company employees.

8. Names of consultants and subcontractors.

9. Details of production or quality control systems information.

10. Internal operating procedures and staffing patterns.

d. 5 U.S.C. 552(b)(5): fifth statutory exemption. Records that may be withheld under the fifth statutory exemption include predecisional agency memoranda that reveal the decisionmaking process of government agencies where the exposure of that process would result in harm.

1. Records that are part of GSA's decisionmaking process. When screening records for documents that should be withheld under the fifth statutory exemption, GSA will ask whether the document is predecisional and whether it reflects the deliberative process (makes recommendations or expresses opinions or advice). Examples of typical predecisional, deliberative material are drafts and internal memoranda expressing an opinion on a proposed policy or course of action. Predecisional material can retain its exempt status even after the final decision is made. GSA will disclose material of a purely factual nature that can be reasonably extracted from exempt material unless the factual material is exempt under some other criteria.

2. Records that are generated by the Government in the process leading up to the award of a contract. GSA may withhold records under the fifth statutory exemption if disclosure would cause commercial harm to the Government; e.g., place the Government at a competitive disadvantage in preaward negotiations. Examples include realty appraisals generated by the Government in the course of soliciting buyers for Government property and Government cost estimates. Some of these documents may lose their exempt status after award if the potential for commercial harm no longer exists. Other documents, such as cost estimates, may continue to qualify for withholding if disclosure is likely to harm a similar ongoing procurement action.

3. Records that contain other legally recognized privileges. GSA may withhold records that are covered by attorney-client privilege or that may be classified as attorney work product.

e. 5 U.S.C. 552(b)(6): sixth statutory exemption. Exemption 6 protects information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy. We determine whether disclosure "would constitute a clearly unwarranted invasion of personal privacy" by balancing the privacy interest that would be compromised by disclosure against any public interest in the requested information.

f. 5 U.S.C. 552(b)(7)(A): seventh statutory exemption. Exemption 7 of the Freedom of Information Act protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings.

g. 5 U.S.C. 552(b)(7)(B): seventh statutory exemption. Exemption 7 of the Freedom of Information Act protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information would deprive a person of a right to a fair trial or an impartial adjudication.

h. 5 U.S.C. 552(b)(7)(C): seventh statutory exemption. Exemption 7 of the Freedom of Information Act protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy.

i. 5 U.S.C. 552(b)(7)(D): seventh statutory exemption. Exemption 7 of the Freedom of Information Act protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.

j. 5 U.S.C. 552(b)(7)(E): seventh statutory exemption. Exemption 7 of the Freedom of Information Act protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to endanger the life or physical safety of any individual.

# III. Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms:

|  |  |
| --- | --- |
| 1A | New England Region |
|  |  |
| 2A | Northeast and Caribbean Region |
|  |  |
| 3A | Mid-Atlantic Region |
|  |  |
| 4A | Southeast Sunbelt Region |
|  |  |
| 5A | Great Lakes Region |
|  |  |
| 6A | The Heartland Region |
|  |  |
| 7A | Greater Southwest Region |
|  |  |
| 8A | Rocky Mountain Region |
|  |  |
| 9A | Pacific Rim Region |
|  |  |
| 10A | Northwest/Arctic Region |
|  |  |
| 11A | National Capital Region |

|  |  |
| --- | --- |
| A | Administrator |
|  |  |
| AC | Chief of Staff |
|  |  |
| AD | Deputy Administrator |
|  |  |
| CBCA | Civilian Board of Contract Appeals |
|  |  |
| OCPO | Office of the Chief People Officer |
|  |  |
| FAS | Federal Acquisition Service |
|  |  |
| FOIA | Freedom of Information Act |
|  |  |
| GSA | U.S. General Services Administration |
|  |  |
| OAS | Office of Administrative Services |
|  |  |
| OCAO | Office of the Chief Acquisition Officer |
|  |  |
| OCFO | Office of the Chief Financial Officer |
|  |  |
| OCIA | Office of Congressional & Intergovernmental Affairs |
|  |  |
| OCIO | Office of the Chief Information Officer |
|  |  |
| OCM | Office of Communications & Marketing |
|  |  |
| OCR | Office of Civil Rights |
|  |  |
| OCSIT | Office of Citizen Services & Innovative Technologies |
|  |  |
| OERR | Office of Emergency Response and Recovery |
|  |  |
| OGC | Office of General Counsel |
|  |  |
| OGP | Office of Government-Wide Policy |
|  |  |
| OIG | Office of Inspector General |
|  |  |
| OSBU | Office of Small Business Utilization |
|  |  |
| PBS | Public Buildings Service |

2. Basic terms:

**a.**  **Administrative Appeal** - a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level

**b. Average number *-***  the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

**c.Backlog**- the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

**d. Component** - for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their annual FOIA Report data for both the agency overall and for each principal component of the agency.

**e. Consultation** - the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

**f. Exemption 3 Statute** - a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

**g.** **FOIA request** - a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report).

**h.** **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.

**i. Full Denial***-*  an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as a no records could be located.

**j. Median number** -the middle, not average, number. For Example, of 3, 7, and 14, the median number is 7.

**k. Multi-track processing** - asystem in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first-in/first-out basis.

**i.**  **Expedited processing**- an agency will process a FOIA request on an expedited basis when a requester satisfied the requirements for expedited processing as set forth in the statute and in agency regulations.

**ii.**  **Simple request***-*a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

**iii.** **Complex request***-* a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

**l. Partial grant/Partial denial***-* in response to a FOIA request, an agency decision to disclosure portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

**m. Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.

**n. Perfected request***-* a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

**o. Processed Request or Processed Administrative Appeal** - arequest or administrative appeal for which an agency has taken a final action in all respects.

**p. Range in Number of Days** - the lowest and highest numbers of days to process requests or administrative appeals.

**q. Time limits** - the time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from a proper receipt of a perfected FOIA request).

**FOIA Exemptions**

**Exemption 1:**Protects from disclosure information that has been deemed classified "under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy" and is "in fact properly classified pursuant to such Executive order. The current Executive Order that addresses classified National Security Information is EO 13526.

**Exemption 2:** Protects records that are “related solely to the internal personnel rules and practices of an agency.”

**Exemption 3:** Protects information that has been “specifically exempted from disclosure by statute.’  
Subpart A statutes- Absolute prohibition on disclosure; no agency discretion  
Subpart B statutes- Limited prohibition on disclosure  
Statute defines particular matters to be withheld; or  
Statute provides specific criteria for withholding

**Exemption 4:** Commercial or financial information obtained from a person that is privileged or confidential.

**Exemption 5:** Protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.”

**Exemption 6:** Protects information in personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy.

**Exemption 7:** Compiled for law enforcement purposes, the release of which

1. Could reasonably be expected to interfere with law enforcement

proceedings,

1. Would deprive a person of a right to a fair trial or an impartial

adjudication,

C) Could reasonably be expected to constitute an unwarranted invasion of

personal privacy,

D) Could reasonably be expected to disclose the identity of a confidential

source,

E) Would disclose techniques, procedures, or guidelines for investigations

or prosecutions, or

F) Could reasonably be expected to endanger an individual’s life or

physical safety.

**Exemption 8:** Protects matters contained in or related to examination, operating, or condition reports prepared by or for regulators or supervisors of financial institutions.

**Exemption 9:** Protects geological information and data, including maps, concerning wells.

# IV. Exemption 3 Statutes

**IV: GSA Exemption 3 Statutes replied upon to withhold GSA information.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Statute** | **Type of Information Withheld** | **Case Citation** | **Number of Times Relied upon** | **Total Number of Times Relied upon by Agency** |
| **41 USC 4702** | Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts | Margolin v. NASA, No. 09­CV-00421-LRH-VPC, 2011 WL 1303221, at \*6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004). | **113** | **113** |

# V. GSA FOIA Requests

**V.A: GSA Received, Processed and Pending FOIA Requests**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Number of GSA Requests Pending as of Start of Fiscal Year** | **Number of GSA Requests Received in Fiscal Year** | **Number of GSA Requests Processed in Fiscal Year** | **Number of GSA Requests Pending as of End of Fiscal Year** |
| **Agency Overall 2011** | 222 | 1564 | 1677 | 109 |
| **Agency Overall 2012** | **109** | **1690** | **1773** | **26** |

**V.B. 1: Disposition of GSA FOIA Requests – All Processed Requests**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Number of Full Grants** | **Number of Partial Grants/ Partial Denials** | **Number of Full Denials Based on Exemptions** | **Number of Full Denials Based on Reasons Other than Exemptions** | | | | | | | | |  |
|  |  |  |  | **No Records** | **All Records Referred to Another Component or Agency** | **Request Withdrawn** | **Fee-Related Reason** | **Records not Reasonably Described** | **Improper FOIA Request for Other Reason** | **Not Agency Record** | **Duplicate Request** | **Other**  **\*Explain in chart below** | **TOTAL** |
| **Agency Overall 2011** | 931 | 343 | 53 | 158 | 13 | 119 | 0 | 5 | 1 | 30 | 24 | 0 | 1677 |
| **Agency Overall 2012** | **749** | **449** | **47** | **247** | **11** | **106** | **35** | **5** | **28** | **36** | **60** | **0** | **1773** |

**V.B.2: Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart**

|  |  |  |
| --- | --- | --- |
| **Component** | **Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon** | **TOTAL** |
| **Agency Overall 2011** | 0 | 0 |
| **Agency Overall 2012** | **0** | **0** |

**V.B. 3: Disposition of FOIA Requests – Number of Times Exemptions Applied**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Ex1** | **Ex2** | **Ex. 3** | **Ex. 4** | **Ex. 5** | **Ex. 6** | **Ex. 7(A)** | **Ex. 7(B)** | **Ex. 7(C)** | **Ex. 7(D)** | **Ex. 7(E)** | **Ex. 7(F)** | **Ex8** | **Ex9** |
| **Agency Overall 2011** | 0 | 60 | 56 | 251 | 117 | 102 | 9 | 1 | 26 | 0 | 0 | 14 | 0 | 0 |
| **Agency Overall 2012** | **0** | **34** | **113** | **360** | **168** | **210** | **28** | **2** | **69** | **5** | **12** | **22** | **0** | **0** |

# VI. Administrative Appeals and Determination of FOIA Requests

VI.A: Received, processed and pending Administrative GSA Appeals

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Number of GSA Appeals Pending as of Start of Fiscal Year** | **Number of GSA Appeals Received in Fiscal Year** | **Number of GSA Appeals Processed in Fiscal Year** | **Number of GSA Appeals Pending as of End of Fiscal Year** |
| **Agency Overall  2011** | 2 | 22 | 21 | 3 |
| **Agency Overall  2012** | **3** | **33** | **28** | **8** |

**VI.B: Disposition of Administrative Appeals – All GSA Processed Appeals**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Number Affirmed on Appeal** | | **Number Partially Affirmed & Partially Reversed/Remanded on Appeal** | **Number Completely Reversed/Remanded on Appeal** | **Number of Appeals Closed for Other Reasons** | **TOTAL** |
| 2011 | 19 | 0 | 0 | 2 | 21 |
| **2012** | **13** | **7** | **1** | **7** | **28** |

**VI.C. (1): GSA Reasons for Denial on Appeal -Number of Times Exemptions Applied**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Ex 1** | **Ex 2** | **Ex 3** | **Ex 4** | **Ex 5** | **Ex 6** | **Ex 7(A)** | **Ex 7(B)** | **Ex 7(C)** | **Ex 7(D)** | **Ex 7(E)** | **Ex 7(F)** | **Ex 8** | **Ex 9** |
| 2011 | 0 | 1 | 4 | 7 | 5 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **2012** | **0** | **0** | **2** | **2** | **1** | **2** | **1** | **0** | **2** | **0** | **0** | **1** | **0** | **0** |

**VI.C. (2): GSA Reasons for Denial on Appeal – Reasons Other than Exemptions**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **No Records** | **Records Referred at Initial Request Level** | **Request Withdrawn** | **Fee-Related Reason** | **Records not Reasonably Described** | **Improper Request for Other Reasons** | **Not Agency Record** | **Duplicate Request or Appeal** | **Request in Litigation** | **Appeal  Based Solely  on Denial  of Request for Expedited Processing** | **Other**  **\*Explain in chart below** |
| 2011 | 4 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| **2012** | **5** | **0** | **3** | **1** | **0** | **0** | **1** | **0** | **0** | **0** | **0** |

**VI.C (3): GSA Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart**

|  |  |
| --- | --- |
| **Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied upon** | **TOTAL** |
| N/A | 0 |
| **N/A** | **0** |

**VI.C. (4): Response Time for GSA Administrative Appeals**

|  |  |  |  |
| --- | --- | --- | --- |
| **Median Number of Days** | **Average Number of Days** | **Lowest Number of Days** | **Highest Number of Days** |
| 24 | 30 | 1 | 49 |
| **42** | **46.93** | **3** | **168** |

**VI.C. (5): Ten Oldest Pending Administrative GSA Appeals**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Agency Overall  2011** | **10th** | **9th** | **8th** | **7th** | **6th** | **5th** | **4th** | **3rd** | **2nd** | **Oldest Appeal** |
| **Date of Receipt of Ten Oldest Appeals** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 08/09/2011 | 08/04/2011 | 06/21/2011 |
| **Number of Days Pending** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 40 | 71 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Agency Overall  2012** | **10th** | **9th** | **8th** | **7th** | **6th** | **5th** | **4th** | **3rd** | **2nd** | **Oldest Appeal** |
| **Date of Receipt of Ten Oldest Appeals** | 0 | 0 | 9/25/2012 | 9/25/2012 | 9/25/2012 | 9/24/2012 | 8/27/2012 | 8/21/2012 | 7/26/2012 | 7/09/2012 |
| **Number of Days Pending** | 0 | 0 | **5** | **5** | **5** | **6** | **34** | **40** | **66** | **83** |

# VII: GSA FOIA Requests: Response Time or Processed and Pending Requests

Information captured for the period October 1, 2011 to September 30, 2012

**VII.A: GSA Processed Requests – Response Time for All Processed Perfected Requests**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Simple** | | | | **Complex** | | | | **Expedited processing** | | | |
| **Median Number of Days** | **Average Number of Days** | **Lowest Number of Days** | **Highest Number of Days** | **Median Number of Days** | **Average Number of Days** | **Lowest Number of Days** | **Highest Number of Days** | **Median Number of Days** | **Average Number of Days** | **Lowest Number of Days** | **Highest Number of Days** |
| **Agency Overall 2011** | 29 | 36 | 1 | 455 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Agency Overall 2012** | **35** | **49.73** | **0** | **1507** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |
| *For FY 2011 and FY 2012 GSA reported all FOIAs under Simple. Going forward for FY 2013, GSA’s data will reflect Simple and Complex requests.* | | | | | | | | | | | | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Simple** | | | | **Complex** | | | | **Expedited PROCESSING** | | | |
| **Median Number of Days** | **Average Number of Days** | **Lowest Number of Days** | **Highest Number of Days** | **Median Number of Days** | **Average Number of Days** | **Lowest Number of Days** | **Highest Number of Days** | **Median Number of Days** | **Average Number of Days** | **Lowest Number of Days** | **Highest Number of Days** |
| **Agency Overall 2011** | 29 | 35 | 0 | 396 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Agency Overall 2012** | **30** | **44.13** | **0** | **1507** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |

*For FY 2011 and FY 2012 GSA reported all FOIAs under Simple. Going forward for FY 2013, GSA’s data will reflect Simple and Complex requests.*

**VII.B: GSA Processed Requests – Response Time for Perfected Requests in Which Information Was Granted**

**VII.C: GSA Processed Requests – Response Time in Day Increments**

**GSA Simple Requests**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **1-20 Days** | **21-40 Days** | **41-60 Days** | **61-80 Days** | **81-100 Days** | **101-120 Days** | **121-140 Days** | **141-160 Days** | **161-180 Days** | **181-200 Days** | **201-300 Days** | **301-400 Days** | **401+ Days** | **TOTAL** |
| **Agency Overall 2011** | 502 | 654 | 321 | 80 | 45 | 27 | 26 | 6 | 4 | 6 | 2 | 2 | 2 | 1677 |
| **Agency Overall 2012** | **380** | **612** | **329** | **130** | **70** | **94** | **129** | **7** | **6** | **4** | **6** | **3** | **3** | **1773** |

*For FY 2011 and FY 2012 GSA reported all FOIAs under Simple. Going forward for FY 2013, GSA’s data will reflect Simple and Complex requests.*

**GSA Complex Requests**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **1-20 Days** | **21-40 Days** | **41-60 Days** | **61-80 Days** | **81-100 Days** | **101-120 Days** | **121-140 Days** | **141-160 Days** | **161-180 Days** | **181-200 Days** | **201-300 Days** | **301-400 Days** | **401+ Days** | **TOTAL** |
| **Agency Overall 2011** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Agency Overall 2012** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **1-20 Days** | **21-40 Days** | **41-60 Days** | **61-80 Days** | **81-100 Days** | **101-120 Days** | **121-140 Days** | **141-160 Days** | **161-180 Days** | **181-200 Days** | **201-300 Days** | **301-400 Days** | **401+ Days** | **TOTAL** |
| **Agency Overall 2011** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Agency Overall 2012** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |

**VII.C: GSA** **Requests Granted Expedited Processing**

**VII.D: GSA Pending Requests – All Pending Perfected Requests**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Simple** | | | **Complex** | | | **Expedited PROCESSING** | | |
| **Number Pending** | **Median Number of Days** | **Average Number of Days** | **Number Pending** | **Median Number of Days** | **Average Number of Days** | **Number Pending** | **Median Number of Days** | **Average Number of Days** |
| **Agency Overall 2011** | 129 | 19 | 27 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Agency Overall 2012** | **181** | **34** | **52.48** | **0** | **0** | **0** | **0** | **0** | **0** |

*For FY 2011 and FY 2012 GSA reported all FOIAs under Simple. Going forward for FY 2013, GSA’s data will reflect Simple and Complex requests.*

**VII.E: GSA Pending Requests – Ten Oldest Pending Perfected Requests**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Agency Overall 2011** | **10th Oldest Request and Number of Days Pending** | **9th** | **8th** | **7th** | **6th** | **5th** | **4th** | **3rd** | **2nd** | **Oldest Request and Number of Days Pending** |
| 07/23/2011  48 days | 07/22/2011  49 days | 06/30/2011  64days | 06/23/2011  69 days | 06/21/2011  71 days | 06/14/2011  76 days | 06/09/2011  79 days | 06/08/2011  80 days | 05/26/2011  87 days | 04/27/2011  109 days |
| **Agency Overall  2012** | **04/12/2012**  **164 days** | **04/12/2012**    **171 days** | **04/06/2012**  **177 days** | **03/28/2012**  **186 days** | **03/27/2012**  **187 days** | **03/24/2012**  **190 days** | **02/06/2012**  **230 days** | **01/23/2012**  **246 day** | **01/18/2012**  **256 days** | **01/05/2012**  **269 days** |

# VIII. GSA Requests for Expedited Processing and Requests for Fee Waiver

**VIII.A: Requests for Expedited Processing**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Number Granted** | **Number Denied** | **Median Number of Days to Adjudicate** | **Average Number of Days to Adjudicate** | **Number Adjudicated Within Ten Calendar Days** |
| **Agency Overall 2011** | 0 | 0 | 0 | 0 | 0 |
| **Agency Overall 2012** | **12** | **21** | **33** | **39.88** | **2** |

**VIII.B: Requests for Fee Waiver**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Number Granted** | **Number Denied** | **Median Number of Days to Adjudicate** | **Average Number of Days to Adjudicate** |
| **Agency Overall 2011** | 32 | 15 | N/A | N/A |
| **Agency Overall 2012** | **12** | **21** | **33** | **39.88** |

# IX. GSA FOIA Personnel and Costs

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **PERSONNEL** | | | **Costs** | | |
| **Number of “Full-Time FOIA Employees”** | **Number of “Equivalent Full-Time FOIA Employees”** | **Total Number of “Full-Time FOIA Staff”** | **Processing Costs** | **Litigation-Related Costs** | **Total Costs** |
| **Agency Overall 2011** | 3 | 5 | 8 | $2,400,000 | 0 | $2,400,000 |
| **Agency Overall 2012** | **3** | **5** | **8** | **$2,400,000** | **$6,500** | **$2,406,500** |

Note: These figures do not adequately portray GSA's work year investment in FOIA activities. GSA's FOIA program is

very decentralized; the agency relies on the program officials who maintain the records to respond to requests for them.

Therefore, in one sense, every GSA employee may be responsible for FOIA related work at some time.

# X: GSA Fees Collected for Processing Requests

|  |  |  |
| --- | --- | --- |
|  | **Total Amount of Fees Collected** | **Percentage of Total Costs** |
| **Agency Overall 2011** | $56,783 | 2.37 |
| **Agency Overall 2012** | **$50,071.79** | **2.09** |

# 

# XI: GSA FOIA Regulations

<http://www.access.gpo.gov/nara/cfr/waisidx_01/41cfr105-60_01.html>

# XII. Backlogs, Consultations, and Comparisons

**XII.A: GSA Backlogs, Consultations and Comparisons**

**A. Backlogs of FOIA Requests and Administrative Appeals**

|  |  |  |
| --- | --- | --- |
|  | **Number of Backlogged Requests as of End of Fiscal Year** | **Number of Backlogged Appeals as of End of Fiscal Year** |
| **Agency Overall 2011** | 21 | 3 |
| **Agency Overall 2012** | **56** | **4** |

**XII. B: GSA Consultations on FOIA Requests – Received, Processed, and Pending Consultations**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Number of Consultations Received from Other Agencies that Were Pending at GSA as of Start of the Fiscal Year** | **Number of Consultations Received from Other Agencies During the Fiscal Year** | **Number of Consultations Received from Other Agencies that Were Processed by GSA During the Fiscal Year** | **Number of Consultations Received from Other Agencies that Were Pending at GSA as of End of the Fiscal Year** |
| **Agency Overall 2012** | 0 | 0 | 0 | 0 |
| **Agency Overall 2011** | **0** | **0** | **0** | **0** |

**XII.C: Consultations on FOIA Requests – Ten Oldest Consultations Received from Other**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **10th Oldest Consultation and Number of Days Pending** | **9th** | **8th** | **7th** | **6th** | **5th** | **4th** | **3rd** | **2nd** | **Oldest Consultation and Number of Days Pending** |
| **Agency Overall 2011** | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Agency Overall 2012** | **Number of Days** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |

**XII.D. (1):** **GSA Comparison of Numbers of GSA Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Number of Request Received** | | **Number of Requests Processed** | |
| **Number Received During Fiscal Year from Last Year’s Annual Report** | **Number Received During Fiscal Year from Current Annual Report** | **Number Processed During Fiscal Year from Last Year’s Annual Report** | **Number Processed During Fiscal Year from Current Annual Report** |
| **Agency Overall 2011** | 1730 | 1564 | 1622 | 1677 |
| **Agency Overall 2012** | **1564** | **1690** | **1677** | **1773** |

|  |  |  |
| --- | --- | --- |
|  | **Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report** | **Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report** |
| **Agency Overall**  **2011** | 26 | 21 |
| **Agency Overall**  **2012** | **21** | **56** |

**XII.D. (2): GSA Comparison of Number of Requests Backlogged**

**XII.E.(1): Comparison of Numbers of GSA Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Number of Appeals Received** | | **Number of Appeals Processed** | |
| **Number Received During Fiscal Year from Last Year’s Annual Report** | **Number Received During Fiscal Year from Current Annual Report** | **Number Processed During Fiscal Year from Last Year’s Annual Report** | **Number Processed During Fiscal Year from Current Annual Report** |
| **Agency Overall**  **2011** | 23 | 22 | 21 | 21 |
| **Agency Overall**  **2012** | **22** | **33** | **21** | **28** |

**XII.E. (2): GSA Comparison of Number of Administrative Appeals Backlogged**

|  |  |  |
| --- | --- | --- |
|  | **Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report** | **Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report** |
| **Agency Overall 2011** | 2 | 3 |
| **Agency Overall 2012** | **3** | **4** |

# APPENDIX A: GSA Organization Overview

|  |
| --- |
| [**GSA Leadership Directory**](http://www.gsa.gov/portal/category/21415) Organization chart showing structure of GSA leadership. |
| [**Office of the Administrator**](http://www.gsa.gov/portal/category/21034) The administrator's office oversees the operations and management of GSA. ([administrator's bio](http://www.gsa.gov/portal/content/100882)) |
| [**Federal Acquisition Service**](http://www.gsa.gov/fas) FAS supports the mission of government agencies by ensuring a positive, efficient, and compliant buying experience. |
| [**Public Buildings Service**](http://www.gsa.gov/pbs) PBS provides superior workplaces for federal customer agencies at good economies to the American taxpayer. |
| [**Office of Government-wide Policy**](http://www.gsa.gov/ogp) OGP ensures that governmentwide policies encourage agencies to develop and use the best and most cost-effective management practices for the conduct of their specific programs. |
| [**Office of the Chief Financial Officer**](http://www.gsa.gov/portal/category/21401) OCFO ensures that GSA operates in a compliant and efficient manner by providing accurate, cost-effective financial and performance analysis, reporting, and advice. |
| [**Office of the Chief People Officer**](http://www.gsa.gov/portal/category/21403) OCPO works to attract, motivate, develop and retain GSA employees through the implementation of effective programs, policies, and operations regarding human capital. |
| [**Office of the Chief Information Officer**](http://www.gsa.gov/portal/category/21404) OCIO pursues new ways of applying computing and communications technology to the practical problems of information management in order to reduce the cost and improve the quality of government services, reduce technology risk, and share the results of projects throughout the federal sector. |
| [**Congressional and Intergovernmental Affairs**](http://www.gsa.gov/portal/category/21405) CIA serves as adviser to the administrator and supervises and maintains agency liaison with all members of Congress and congressional committees. |
| [**Office of Citizen Services and Innovative Technologies**](http://www.gsa.gov/portal/category/25729) OCSIT serves as the nation’s focal point for information and services offered by the federal government. |
| [**Office of Communications and Marketing**](http://www.gsa.gov/portal/category/25728) OCM focuses on conveying information about GSA to federal employees and external audiences, including the media, agency customers, stakeholders, and the American public. |
| [**Office of Small Business Utilization**](http://www.gsa.gov/aboutosbu) OSBU promotes increased access to GSA’s nationwide procurement opportunities. |
| [**Office of General Counsel**](http://www.gsa.gov/portal/category/21410) OGC provides sound and timely legal advice and representation to GSA clients to enhance their ability to help federal agencies better serve the public by offering, at best value, superior workplaces, expert solutions, acquisition services, and management policies. |
| [**Office of Civil Rights**](http://www.gsa.gov/portal/category/21411) OCR ensures equal opportunities and nondiscrimination in GSA programs and activities. |
| [**Office of Emergency Response and Recovery**](http://www.gsa.gov/portal/category/21412) OERR ensures that GSA maintains a constant state of readiness to perform its essential functions in response to emergencies, and prepares for the swift resumption of normal operations during emergency situations. |
| [**Office of Inspector General**](http://www.gsa.gov/portal/category/21413) OIG promotes economy, efficiency, and effectiveness within GSA and works to prevent and detect fraud, waste, and abuse in the agency's programs and operations. |
| [**Board of Contract Appeals**](http://www.gsa.gov/portal/category/21414) BCA hears and decides contract disputes between government contractors and executive agencies. |

# APPENDIX B: GSA Contacts

**GSA Office of the Administrator**  
(202) 501-0800

**Office of the FAS Commissioner**  
(703) 605-5400  
[contactfas@gsa.gov](mailto:contactfas@gsa.gov)

**Office of the PBS Commissioner**  
(202) 501-1100  
(202) 219-2310 Fax

**Office of OGP Associate Administrator**  
(202) 501-8880

**GSA Chief Financial Officer**  
(202) 208-5559

**GSA Chief Acquisition Officer**  
(202) 501-0843

**Office of the Chief People Officer**  
(202) 501-0398

**Office of the Chief Information Officer**  
(202) 501-1000

**Office of Congressional and Intergovernmental Affairs**  
(202) 501-0563  
(202) 219-5742 Fax

**Office of Citizen Services and Innovative Technologies**  
(202) 501-0705

**Office of Communications and Marketing**  
(202) 501-1231

**Office of Small Business Utilization**  
(202) 501-1021  
(202) 208-5938 Fax  
[small.business@gsa.gov](mailto:small.business@gsa.gov)

**Office of General Counsel**   
(202) 501-2200  
(202) 501-2509 Fax  
[mark.davis@gsa.gov](mailto:mark.davis@gsa.gov)

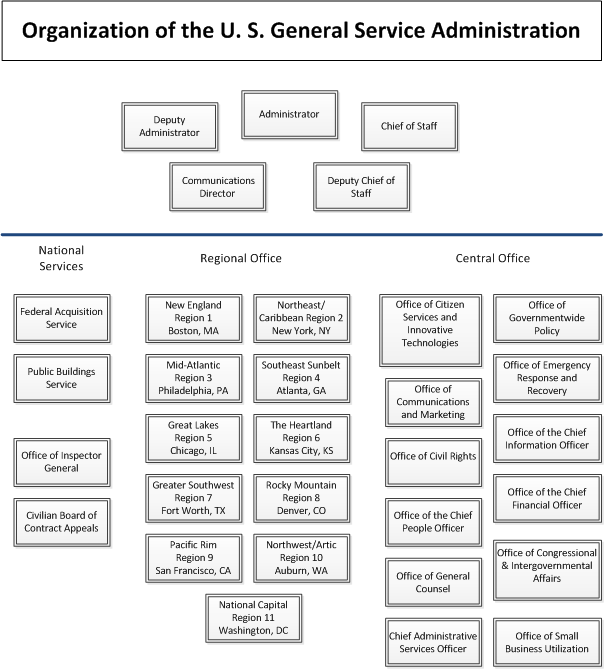
**Office of Civil Rights**  
(202) 501-0767  
(202) 219-3369 Fax

**Office of Emergency Response and Recovery**  
(202) 501-0012  
(202) 501-1439 Fax

**OIG Public Affairs Officer**  
(202) 219-1062  
(202) 208-7607 Fax  
[OIG\_PublicAffairs@gsa.gov](mailto:OIG_PublicAffairs@gsa.gov)

**Civilian Board of Contract Appeals**  
(202) 606-8800  
[stephen.daniels@gsa.gov](mailto:stephen.daniels@gsa.gov)

# APPENDIX C: Organization of the U. S. General Service Administration

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# APPENDIX D: Names, Address, and Contact Information

**GSA Freedom of Information Act (FOIA) Office**

Ms. Cynthia A. Metzler  
Chief Freedom of Information Officer   
(202) 357-9697  
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Mr. Ralph L. Boldt  
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Mr. Michael Upchurch  
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Program Analyst   
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[michael.upchurch@gsa.gov](mailto:michael.upchurch@gsa.gov)