

## Information Guide

### Introduction

The Freedom of Information Act (FOIA) (5 U.S.C. §552) generally provides that any person has a right, enforceable in court, to obtain access to Federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions.

Requesters should be aware that there is no central office in the government that processes FOIA requests for all federal agencies. Each agency responds to requests for its own records. Therefore, before sending a request to General Services Administration (GSA) you should determine whether this agency is likely to have the records you are seeking. Each agency should have information about its programs and operations on its website, so you may wish to review various agencies program descriptions on their respective websites before making a FOIA request. Please be aware that the FOIA does not require agencies to answer questions, or to create records to respond to a request

Many GSA documents are already available at its website accessed at: [www.gsa.gov](http://www.gsa.gov). This website includes a wealth of information available without filing a FOIA request

### How to Request a Document

A FOIA request can be made for any agency record. This does not mean, however, that GSA will disclose all records sought. There are statutory exemptions that authorize the withholding of information of a sensitive nature.

Requests may be submitted by USPS, fax, or, at our FOIA On-Line Request form located at the site listed below:

<http://www.gsa.gov/portal/content/103778>

### Make sure your request is complete and clear.

In making your request you should be as specific as possible with regard to names, dates, events, subjects, the office likely to maintain the records, etc. In addition, if you are requesting records about a contract or a solicitation, you should provide the contract number, contracting officer's name or location, solicitation number or any other information associated with the administration of the contract.

If the records you are requesting are likely to cost more than \$25 (see fee category), include in your letter assurance that you are willing to pay the required fees.

## Response Times

Once the FOIA request is received by the Agency, it has twenty working days in which to make a determination on the request.

GSA will in all cases attempt to comply with the time limits for responding to requests under the FOIA. An extension of ten additional days can be granted when (1) the office needs to collect responsive documents from field offices (2) the request involves a “voluminous” amount of records that must be located, compiled and reviewed; or (3) GSA needs to consult with another agency that has a substantial interest in the request. When such a time extension is needed, the office will notify you in writing.

**Creation of New Records:** The FOIA does not require that GSA compile a record that does not already exist. For example, FOIA does not require GSA to collect and compile information from multiple sources to create a new record or develop a new computer program to extract requested records. GSA may compile records or perform minor reprogramming when doing so will not significantly interfere with the operation of the automated system in question.

**Applying Exemptions:** GSA may deny a request for a GSA record if it falls within an exemption under the FOIA. GSA will not withhold a record unless its disclosure would violate a Federal statute, or unless there is a compelling reason to do so; i.e., disclosure will likely cause harm to a Governmental or private interest. In the absence of a compelling reason, GSA will disclose a record even if it otherwise is subject to exemption. GSA will cite the compelling reason(s) to requesters when any record is denied under FOIA, and will, if possible, show the location and extent of deletions.

## Expedited Handling

A request for expedited processing should be submitted with your FOIA request. You must include a statement in your request describing a compelling need for expedited processing certifying that this need is true and correct to the best of your knowledge and belief. You must demonstrate to the satisfaction of GSA that your request meets one of the following criteria:

**Imminent threat.** Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.

**Imminent deadlines for media requests.** With respect to a request made by a person primarily engaged in disseminating information (the media), urgency to inform the public concerning actual or alleged Federal Government activity may justify expedited processing.

GSA will notify you of its decision about whether to grant expedited processing within no more than 10 calendar days after receiving your letter. If your request is denied, you will be advised of your right to submit an administrative appeal of that denial.

## Fee Waivers

A request for a waiver of fees must be included with your FOIA request. GSA will waive or reduce fees for requests if disclosure will contribute significantly to public understanding of the operations and activities of the Government or agency and will not be primarily in the commercial interest of the requester. Requests for waivers must explain:

- \* How the subject matter of the requested information directly and clearly concerns identifiable operations or activities of the Federal Government;
- \* How disclosure will contribute to the public's understanding of Government operations or activities, including how and in what forum the requester will publish the information to inform and educate the public;
- \* How the materials are unique and do not duplicate materials already in the public domain; and
- \* What the impact on the commercial interests of the requester will be, if any.

## **Fees**

There is not initial fee to file a FOIA request. However, by law an agency is entitled to assess fees to recover some of the direct costs of locating and reproducing records for specific categories of requesters. Requesters are not charged if the fee is \$25 or less.

The FOIA divides requesters into three categories as listed below:

1. Commercial users pay for all search, review, & copying.
2. News media and educational requesters pay for copying only (but the first 100 pages are provided free).
3. "All Others" pay for all search and all copying (but the first 2 hours of search and the first 100 pages are provided free).

Our current fee schedule is shown below:

Manual searches by clerical staff	\$13 per hour or fraction of an hour
Manual searches and reviews by professional staff	\$29 per hour or fraction of an hour
Computer searches	Direct cost to GSA

Transportation or special handling	Direct cost to GSA
------------------------------------	--------------------

Make checks or money orders payable to the General Services Administration. Requesters may also pay by MasterCard or Visa.

### **Appealing a Denial of a Request**

You may file an appeal if you are not satisfied with GSA's initial response. This would include a denial of records in full or in part, a fee waiver denial, denial of expedited processing and no records responses. Send the appeal to the GSA FOIA Office (ACMC) in Washington, DC, 20405, no later than 120 calendar days after you receive GSA's denial of your request for records. Your appeal must be in writing, and must include the following:

- A brief statement of the reasons that you think GSA should release the records, find the records, or grant the waiver or expedited processing;
- A copy of the initial request; and
- A copy of GSA's denial.

Include the words "Freedom of Information Act Appeal" on the face of the appeal letter and on the envelope.