



**U.S. General Services Administration  
Chief Freedom of Information Act  
Officer  
Report for 2018  
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Acting Chief FOIA Officer**

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## Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

### A. FOIA Training

**1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?**

Yes.

**2. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.**

GSA FOIA professional attended a variety of FOIA courses. The courses include:

- “Freedom of Information and Privacy Acts” training offered by Graduate School USA;
- FOIA training provided at the American Society of Access Professionals 2017 National Conference held in the Washington, DC area;
- “The Freedom of Information Act for Attorneys and Access Professionals” offered by Department of Justice;
- 2017 Freedom of Information Act Improvement Act offered by Department of Justice;
- Introduction to the Freedom of Information Act - DOJ OIP Training November 2017;
- Freedom of Information Act Litigation Seminar - October 2017; and
- Annual FOIA Report Refresher Training - October 2017.

**3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

100% of our FOIA professional staff attended substantive FOIA training during this period. After the passing of the 2016 FOIA improvement Act, our staff underwent extensive training needed to ensure that GSA's operations were in compliance and employees were implementing the FOIA Act as intended within the scope of the new regulations.

**4. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.**

Not applicable.

## *B. Outreach*

### **5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?**

Yes, GSA FOIA professionals conducted significant outreach and partnered with several different segments of our FOIA requester population. This included members of the media, as well as open government groups to improve the FOIA administration.

Specifically, GSA worked within our agency and with our external stakeholders to increase access to information in a more timely and efficient manner.

This reporting period contained much interest in the Presidential Transition and GSA's involvement in support of this activity. GSA FOIA coordinated with many members of the Media community to ensure that releasable information of particular interest could be provided to them in the most effective and proactive manner.

Additionally, GSA FOIA requesters sought records related to particular segments of our more traditional and cyclical activities. Due to the nature of the services that GSA provides, we receive similar and sometimes numerous requests for data sets and information regarding Federal leased and owned real estate and office space, Federal vehicle fleet services, Federal acquisition data, Federal government employee travel and purchase card data, etc.

GSA FOIA professionals oftentimes reach out to requesters that are interested in this information to confer on ways that the agency can more effectively and proactively transmit and post information for access on a permanent or cyclical basis. Furthermore, GSA FOIA professionals do not hesitate to contact FOIA requesters on their requests to discuss a scoped, phased approach. GSA also provides partial, intermittent releases of responsive documents as necessary when reviewing records that are voluminous. GSA FOIA professionals also regularly contact FOIA requesters gain an understanding of exactly what is being requested in order to assist them in obtaining this information in the most effective and efficient manner.

## *C. Other Initiatives*

### **6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.**

GSA FOIA professionals engage GSA's non-FOIA professionals through a variety of outreach meetings and training sessions and agency wide at staff meetings. GSA employees are continually made aware that FOIA is every employee's responsibility. During these times, FOIA professionals are able to reiterate the importance of FOIA and Records Management responsibilities as well as provide necessary training and updates. Additionally, the GSA Chief FOIA Officer sends out memorandums with updates and key information regarding FOIA processes and responsibilities in a continued effort to ensure accountability of the FOIA program at GSA.

Also, during this reporting period, the GSA FOIA professionals provided full FOIA and Records Management training to the Federal government employees that were selected to work on the Presidential Transition Teams.

**7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.**

The GSA FOIA Requester Service Center has continued to partner with the GSA Open Government Team to identify information and government-wide data sets that can be proactively shared on the internet prior to a FOIA request. Some examples of GSA proactive postings of data sets at GSA include:

- SA Acquisition Hallways - <https://hallways.cap.gsa.gov>
- SAM.gov - System for Award Management data
- FBO.gov - Federal Business Opportunities
- FMI.gov - Facilities Management Institute
- Publications.USA.gov
- GSA Electronic Waste Disposal (eWaste)
- Federal Awardee Performance and Integrity Information System (FAPIIS)
- Data.gov - <https://www.data.gov>
- GSA Lease Inventory -
  - <https://www.gsa.gov/real-estate/real-estate-services/leasing-policy-procedures/lease-inventory>
  - <https://www.gsa.gov/real-estate/real-estate-services/leasing-policy-procedures/lease-documents>

## **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

**1. For Fiscal Year 2017, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2017 Annual FOIA Report.**

2.03 days.

**2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

Not Applicable.

**3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.**

- Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

No, GSA did not conduct a self-assessment of its FOIA program for this reporting period.

**4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or an estimate of the number).**

An estimate of 150 times for FY 2017.

**5. Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.**

FOIAonline does not track numbers of pages in record metadata, however for FY17 GSA released a total of 2,746 individual records/files to the public.

**6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.**

GSA has improved its e-discovery process during this reporting period. By effectively coordinating the email data pulls/searches on similar topics, we ensure the quickest turn around and maximum pull of potentially responsive documents. This year we have had several common requests topics where we leveraged our searches to cover multiple FOIA requests. Additionally, the FOIAonline system continues to make enhancements to the software application, thus improving the efficiency and effectiveness of the system operation and overall FOIA processing effectiveness.

### **Section III: Steps Taken to Increase Proactive Disclosures**

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

**1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.**

Here are some highlights of material that GSA has proactively posted/disclosed during the past reporting year:

- GSA Old Post Office Ground Lease
  - Site: <https://www.gsa.gov/reference/freedom-of-information-act-foia/electronic-reading-room>

- Presidential Transition Information
  - Site: <https://www.gsa.gov/reference/freedom-of-information-act-foia/electronic-reading-room>

**2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.**

Yes. For our high profile and frequently requested information, GSA's Media Affairs office directed members of the public and press to the GSA FOIA Service Requester Center's electronic reading room where the information and documents are proactively posted. Also, GSA's Office of Strategic Communication frequently uses social media to highlight key agency initiative and current events, oftentimes providing proactive posting of information for the public. This link is provided here below:

<https://www.gsa.gov/about-us/newsroom/social-media-directory>

**3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?**

Yes. In addition to posting the information and data sets to the web for public access, GSA has several innovative features and websites to assist the public to access, view, and analyze provided information and data sets. A significant portion of GSA's publicly available information is posted in a format that the user can perform analysis, view charts, graphs, tables and see historical trends either quarterly or annually as most appropriate.

Some of the nationwide data has information broken out by region of the country, by metropolitan area including demographic information A background or instructions on what the nature of the information and how to understand it is presented. Much of the posted information pages solicits feedback, includes surveys on the usefulness of the information and provides the user an opportunity to suggest ways that the information can be better presented differently in a manner more usable for public consumption. In general, GSA websites that host this information have continued to be upgraded to increase compatibility with mobile devices and social media interaction.

**4. If yes, please provide examples of such improvements.**

GSA also helps to manage and facilitate information posting for sites like Data.gov s. On sites like these, GSA formats the information in a way that the public can perform analysis based on their unique needs.

**5. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?**

The steps we have taking to improve proactive disclosures have been described in the previous section. GSA's programs and functional areas are very engaged with the public and welcome frequent communication regarding information that it's the subject of frequent FOIA requests. GSA takes steps to ensure the proactive posting of information.



## Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

**1. Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.**

Yes, GSA continues to explore emerging technological solutions available to further increase overall FOIA efficiency and information sharing. GSA's FOIAonline system helps facilitate record searching, sorting and electronic document sharing capabilities between GSA employees nationwide. The software Aid-4-mail assists GSA in the presentation and formatting of Agency emails into PDF format. By engaging this system we are able to sort and remove duplicate documents. This new software eliminates the difficulties that the caused by utilizing multiple email service providers.

Additionally, GSA FOIA professionals utilize Google Groups and Google Drive to organize and gather responsive documents for large and voluminous requests. These software applications help the GSA FOIA professionals to facilitate a collaborative environment for sharing, reviewing, and redacting information. Using these applications reduces the response times for voluminous or complex FOIA requests.

Finally, the FOIA Service Requester Center is currently coordinating with our office of General Counsel to implement a new agency wide e-discovery platform that will go live in calendar year 2018. Benefits of the platform include the ability to manage e-discovery projects in-house on a single, unified suite at reduced overall costs.

**2. Did your agency successfully post all four quarterly reports for Fiscal Year 2017?**

Yes.

**3. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.**

Not applicable.

**4. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.**

Yes, GSA posted the raw statistical data for FY2016.

<https://www.gsa.gov/reference/freedom-of-information-act-foia/reports>



**5. If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.**

There were a number of technical enhancements made to the FOIAonline application in FY17 that improved GSA's ability to manage FOIA requests and appeals. Examples include creating the ability for GSA's Office of General Counsel staff to indicate the basis of appeals received (fee waiver or expedited processing). This functionality allows staff to readily identify both types of appeals and manage them more effectively by promoting efficiency and greater consistency in response determinations.

Another technical enhancement implemented in FY17 is the additional ability of FOIAonline to create and manage non-FOIA requests within the system. In some cases, the public submits a first party request that ultimately needs to be managed as a FOIA request. The opposite can occur as well. The recent enhancement now allows agencies to create non-FOIA request types and easily convert an original request to the most appropriate type and manage them accordingly without the need to replicate the case file detail.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2017 Annual FOIA Report and, when applicable, your agency's 2016 Annual FOIA Report.

### *A. Simple Track*

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

**1. Does your agency utilize a separate track for simple requests?**

Yes

**2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?**

Yes.

**3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.**

51.6%.

**4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?**

Not Applicable.

## B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

### **BACKLOGGED REQUESTS**

#### **5. If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?**

No.

#### **6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

GSA's number of backlogged requests increased in the reporting period due to a variety of factors. There was a 42% increase in the number of FOIA requests received in Fiscal Year 2017, as compared to Fiscal Year 2016. In addition to the number of requests received almost doubling, the complexity of these requests also drastically increased as well. Inclusive of these factors is that budget constraints did not allow for the addition of FOIA Professionals to the GSA FOIA Requester Service Center. However, there was fortunately no decrease in staffing levels in FY 2017 either.

GSA was heavily involved with the Presidential Transition Activities and related mission support activities, as well as other related Presidential Transition issues that were well documented in national news articles throughout the year. The volumes of information requested in many of these additional requests were also substantially greater than what GSA typically handles in any given year.

#### **7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2017.**

14.0%.

### **BACKLOGGED APPEALS**

#### **8. If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?**

No.

**9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

GSA's number of appeals increased in the reporting period due to a variety of factors. There was a 48% increase in the number of FOIA Appeal requests received in Fiscal Year 2017, as compared to Fiscal Year 2016. The significant increase in complexity of GSA's FOIA requests was a contributing factor to our increase in numbers of Appeal Requests. The legal complexity surrounding the main topics and issues of our FOIA requests in FY 2017 naturally have led to an increase in Appeal requests.

**10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."**

13.5%.

#### *C. Backlog Reduction Plans*

**11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2017?**

Not Applicable.

**12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?**

Not Applicable.

#### *D. Status of Ten Oldest Requests, Appeals, and Consultations*

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

#### **TEN OLDEST REQUESTS**

**13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

Yes.

**14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

Not Applicable.

**15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?**

None of these 10-oldest requests were closed by the requester withdrawing the request.

#### **TEN OLDEST APPEALS**

**16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

Yes.

**17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

Not Applicable.

#### **TEN OLDEST CONSULTATIONS**

**18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?**

Yes.

**19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

Not Applicable.

#### *E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans*

**20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.**

The main obstacle GSA faced in closing the ten oldest requests/appeals/consultations was the voluminous nature of the oldest requests. These requests were mostly for large data sets, reports and/or a large amount of agency correspondence and email communications, which included massive email retrievals from the GSA email system. These email retrievals take significant time to pull, review, redact and respond. The majority of these ten oldest requests also involved gathering information and coordinating with multiple GSA Programs and Regions across the country.

**21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.**

Not Applicable.

**22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2017.**

Not Applicable.

### *F. Success Stories*

Out of all the activities undertaken by your agency since March 2017 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- The transfer of power from one administration to the next marks a significant moment in U.S. history. The Presidential Transition Acts of 1963 and 2015 give the General Services Administration (GSA) a prominent role in this process. They authorize the Administrator of GSA to provide the President-elect and the Vice-President-elect the services and facilities needed to assume their official duties.
- The General Services Administration (GSA) plays an important role in Presidential Transition, including providing a variety of administrative support services needed to help them assume their official duties.
- This transition activity provided the GSA FOIA Requester Service Center a unique opportunity to provide information to the public on this historic event.
- The GSA FOIA Requester Service Center was able to increase transparency to the public by providing frequently requested information regarding the support and administrative activities that GSA provided for the Presidential Transition Team.