U.S. General Services Administration

FOIA Review and Plan

in Response to Executive Order 13392

June 14, 2006

Part A: Nature of Agency's FOIA Operations[1]

The U.S. General Services Administration (GSA) operates a decentralized FOIA process. Requestors can either send a FOIA request to one of 11 geographic Regions or to the GSA Central Office in Washington, DC. Requests sent to the Regions are tracked and responded to by each Region. The newly established FOIA Requestor Center does not track those requests, record the time it takes to respond, and the money and resources spent on them. Currently, the Regions account for 68 percent of the agency's FOIA requests. The Central Office in Washington, DC, which is the current location of the newly established FOIA Requestor Center, tracks and coordinates with the program offices all FOIA requests that are not sent to the specific geographic Regions. The Requestor Center also is responsible for the FOIA requests received through gsa.gov.

Currently, the FOIA Requestor Center works with the Regions and other GSA offices to coordinate responses to the requests it receives. Every Region, Service, and Staff Office has a point of contact who is responsible for obtaining the information that is needed to meet the request. This includes that point of contact working with the respective program office to obtain the information. The Center pushes the process along through these organizations to ensure the requests are answered appropriately. All appeals are sent to the Central Office for review.

As requested by the Department of Justice (DOJ), GSA prepares an annual FOIA report that includes data from Central Office and 11 geographic Regions. For FY 05, the annual report included the following information:

- An estimated $1.3 million was expended on staffing, processing, and litigation costs
- More than $58,000 in fees was collected
- A total of 1,561 FOIA requests were processed
- There were 93 pending FOIA requests at the end of FY 05
- 1 Full-time person handles FOIA requests
- 51 FOIA requests were denied
- 13 appeals were received
- 14 days was the median number of business days to process

GSA's FOIA backlog is minimal. Historically, GSA has monitored its backlog by working with the Regions to collect the information when needed since there is no agency-wide tracking system. In addition, consistency in the responses is a challenging issue in a decentralized FOIA environment. Since FOIA responses are distributed from 12 different locations, there is no way to know if a denial in one Region would not be partial or full disclosure in another region.

All of these factors create a void in the agency's ability to understand how effective and efficient it is in meeting the FOIA guidelines. GSA will not know its deficiencies

[1] This report and plan does not address FOIA requests sent to GSA's Office of Inspector General

until a mechanism is put in place to capture all of that information and measure it against benchmarks.

Part B: Areas for Review

The following addresses the 27 areas of review identified in the guide issued by the Department of Justice's Office of Information and Privacy for Executive Branch Agencies:

1. *Affirmative disclosure under subsection (a)(2).*

Historically, GSA has had limited commonality among requests. GSA is evaluating whether to create a page on gsa.gov, where common requests could be stored for six months.

2. *Proactive disclosure of information.*

Due to the diverse operations of GSA, decentralized businesses processes, and the wide range of FOIA requests, it is not an effective use of resources to place documents on-line prior to the receipt of a request.

3. *Overall FOIA Website improvement.*

GSA.gov, GSA's website, has a direct link on its homepage to the four FOIA pages. There is basic FOIA contact information by state (corresponding to GSA's geographic Regions and Central Office). FOIA requests can be submitted electronically using an on-line form on the EFOIA page. GSA Central Office receives about 90 percent of its FOIA requests electronically (via email or EFOIA). The FOIA section of the website includes GSA's rules for the public regarding FOIA, a link to DOJ's Public Law information, annual GSA FOIA reports (dating back to 1999), the Public Information Handbook—a guide to filing FOIAs at GSA, a link to DOJ's "Your Right to Federal Records"—a citizen's guide to accessing federal records, and a list of Frequently Asked Questions regarding GSA FOIA requests.

The website is an excellent source of information for potential requestors. Information on the site is reviewed every six months to ensure its accuracy. The EFOIA form is an asset and a very consumer-friendly way for requestors to submit requests. Many agencies do not have this resource.

4. *Improvement of agency's FOIA Reference Guide.*

GSA's "Public Information Handbook" is a four-and-a-half page booklet that provides guidelines to requestors. The Handbook includes information on exemptions, formats, and fees, is available only online and was last updated in January 2003.

5. *Automated tracking capabilities.*

Currently, there is no centralized database to store and track FOIA requests. Each Region uses different forms of tracking systems. This results in the inability to accurately track the types or status of responses throughout the agency or analyze the similarities among requests. It is also difficult to determine the time it takes to respond or track the money spent on responding. Since GSA does not have a universal coding system to track FOIA requests, each Region has its own numbering or coding system to organize the requests. The bulk of the agency's plan centers on improving this issue.

6. *Electronic FOIA -- automated processing.*

Currently, the agency does not use an automated system to scan, redact, and process FOIA requests. Due to the limited number of FOIA requests and the agency's decentralized process, this system is not required.

7. *Electronic FOIA -- receiving/responding to requests electronically.*

The agency has two ways to receive FOIA requests electronically. The first allows requestors to complete an online FOIA request form on gsa.gov. The second allows a requestor to send an email to the Regions or Central Office. GSA has also set up gsa.foia@gsa.gov as an email address for requestors to submit FOIA requests. The agency provides an automated email response that sends an acknowledgment to the requestor after they submit a request electronically, using the online form.

8. *Multi-track processing.*

GSA currently does not use a multi-track process, with the exception of expedited processing on a limited scale as discussed below. GSA responds to FOIA requests on a first-come, first-served basis. The FOIA officers contact requestors if there is a need for additional information. To date, this has served the agency well.

9. *Troubleshooting of any existing problems (even minor ones) with existing request tracking.*

As noted the agency does not use an agency-wide tracking system.

10. *Case-by-case problem identification.*

The agency can not identify case-by-case problems without a tracking system.

11. *Expedited processing.*

GSA does not externally communicate its expediting process. If the agency receives a request to expedite a FOIA request, the FOIA officer confirms that the request meets the two provisions for an expedited response: an imminent threat or an imminent deadline for a media request. Last fiscal year the agency did not have any expedited FOIA requests. The agency currently operates under a first-in, first-out system.

12. *Backlog reduction/elimination.*

Although there are certain times when the agency has a backlog, all backlogged FOIA requests are assigned to FOIA officers who are aggressively working on them. The decentralized nature of GSA and the broad range of types of requests create delays in responses which are usually met a few business days after the required date. A data call on June 1, 2006, revealed one Region where there was a substantial backlog as a result of one of the key contacts having left the agency. A new associate has been assigned to work the requests and is currently addressing them.

13. *Politeness/courtesy.*

The agency does not have a set of guidelines or best practices that address politeness or courtesy.

14. *Forms of communication with requestors.*

Communication with requestors is limited to five types. The first is the response to the request. The second is clarification for additional information by traditional mail, telephone, or email. The third is a notification of the costs associated with the request by asking if the requestor is willing to pay for the costs associated with the request. The fourth is an update on the status of the request. The fifth is the electronic acknowledgment letter notifying the requestor the agency received the request.

FOIA officers rarely receive questions from requestors on the responses. This implies that the information provided is clear and concise and does not require any additional clarification.

15. *Acknowledgment letters.*

GSA has an automatic email response acknowledging receipt when a request is submitted using the on-line form. GSA does not send acknowledgment letters on a consistent basis to FOIA requests that are emailed, mailed, or faxed into the agency.

16. System of handling referrals.

GSA's referrals are minimal and do not require an improved system to handle.

17. *System of handling consultations.*

GSA's consultations are minimal and do not require an improved system to handle.

18. *Process by which necessary cooperation is obtained from agency "program personnel."*

In general, GSA has few problems communicating with the program personnel. GSA does lack a key contact list that highlights all of the Regional program people that handle FOIA requests. When those employees leave the agency or change work responsibilities, there is no communication process notifying other FOIA personnel of the change.

19. *Improvement ideas from field office personnel (where applicable).*

Rarely does GSA request ideas for improvement from the Regions. Even though GSA's FOIA process is decentralized, it has not held an all-agency conference nor developed a FOIA "community" to exchange ideas.

20. *Additional training needed (formal and/or on-the-job).*

GSA does not require FOIA officers or personnel to go through special, formalized training. Historically, training has been at the discretion of the Region or Staff Office. This creates an inconsistency in employees understanding of FOIA process throughout GSA.

Due to the decentralized nature of the agency, many employees help to provide the necessary documentation and to generate the responses. The agency has many different tools and resources on its intranet site to help employees. Information includes:

- A link to "FOIA Training: a Self-Paced Course" with links to:
    - Explanation of the Freedom of Information Act (FOIA)
    - The state of FOIA compliance in GSA
    - What is covered by FOIA
    - Tracking Requests: Time Limits and Extensions

- Exemptions from mandatory disclosure
- Requests for Confidential Commercial Information
- Fees
- Denials
- Appeals
- Sample Letters
- Sample Denials

- Internal FOIA procedures and FOIA letters, with links to:
  - General Requirements and Responsibilities
  - Processing Procedures
  - Time Limits and Extensions
  - Requests for Confidential and Commercial Information
  - Fees and Waivers
  - Exemptions from Mandatory Disclosures
  - Initial Response: Denying Requests in whole or in Part
  - Appeals
  - Documentation and Recordkeeping Requirements
  - Sample Administrative Letters
  - Sample Letters: Granting and Denying Initial Requests
  - Sample Letters: Granting and Denying Appeals
  - Sample Letters: Appeal Responses by Exemption

Some of this information is available to employees via the Intranet site. Some of it needs to be refreshed and updated. Employees might not be aware of these resources which are available to respond to the FOIA requests.

21. *In-house training on "safeguarding label"/FOIA exemption distinctions.*

GSA is not aware of any problems with denying FOIA requests because of “safeguard labeling.”

22. *Increased staffing (where applicable).*

GSA has identified 31 primary FOIA contacts. They are the Regional and Staff Office representatives who are the points of contact for FOIA requests and can coordinate the responses with the respective program offices. Initially, the FOIA Requestor Service Center was being staffed by the Central Office FOIA officer, who did not have a backup. This can create a problem when the officer is absent.

23. *Changes to personnel practices (job series, grades, etc.) needed.*

Most FOIA primary contacts are at different grade levels with various levels of experience. This is currently meeting the agency’s needs.

24. *Contracting out/hiring of contract employees.*

GSA has or will have the necessary resources in place.

25. *Purchase of new equipment needed.*

GSA's FOIA primary contacts have not identified additional equipment needs other than the tracking software licenses.

26. *Centralization/decentralization.*

GSA is very much decentralized in its operations and business processes. With 11 different geographic Regions independently responsible for operating, and information relating to those operations residing in the Regions, there is no benefit to a centralized FOIA process. Currently 68 percent of FOIA requests are sent to the Regions, which imply requestors understand, given the structure of GSA, to request information from the Regions. Central Office will maintain overall management of the GSA FOIA Program through the new tracking system.

27. *Recycling of improvement information gleaned from FOIA Requester Service Centers.*

Currently GSA does not request information or survey requestors in order to find out what kind of experience the requestor had.

Part C. Include narrative statement summarizing results of review

GSA receives about 1,500 FOIA requests annually, which is about average for a medium-size agency. With very few backlogged FOIA requests, the agency is adequate in meeting the statutory guidelines, but can improve, among other things, its understanding of processing times, fees collected, uniformity among responses, and levels of customer service. Without an agency-wide tracking system, it is impossible to capture this information and then calculate and set milestones. Once the tracking system is in place and the agency starts tracking this information, the agency can then capture all of the necessary information, measure it, create benchmarks against it, and then measure against those benchmarks. This is identified as a major area to improve operations.

Additional opportunities for improvement include educating employees about FOIA by leveraging the current content on GSA's Intranet site, updating gsa.gov with additional links to commonly requested sites, improving customer service by providing acknowledgement letters, and requesting survey information from requestors regarding their experience. In addition, establishing the GSA FOIA community and increasing the staff at the FOIA Requestor Service Center will further improve customer service.

Incorporating all of these policy, operational, and technological changes will drive the agency towards meeting the intent of the Executive Order. The agency operations will be more results-orientated, more citizen-focused, and more customer-service driven.

Part D. List all areas chosen as improvement areas for agency plan

Improvement area number and description

1. *Affirmative disclosure (#1 from Part B)*
2. *Proactive disclosure of information* (#2)
3. *Overall FOIA Website improvement* (C#3)
4. *Automated tracking capabilities (#5)*
5. *Politeness/courtesy (#13)*
6. *Acknowledgment letters (#15)*
7. *Process by which necessary cooperation is obtained from agency "program personnel" (#18)*
8. *Improvement ideas from field office personnel (#19)*
9. *Additional training needed (formal and/or on-the-job) (#20)*
10. *Increased staffing (where applicable)* (#22)
11. *Recycling of improvement information gleaned from FOIA Requester Service Centers* (#27)

Part E. Improvement areas:

Improvement Area #1

1. Name: Affirmative disclosure of information by creating a Webpage to store common requests

2. Statement of objective: Reduce the number of FOIA requests by creating an area on gsa.gov to store documents that are repetitively requested

3. List of all distinct steps planned to be taken:

1. Design the new tracking system to be able to segregate repetitive requests
2. Create a page on gsa.gov
3. Develop a process to update gsa.gov with the repetitive requested documents

4. Time Milestones

1. Implement the new tracking system with the ability to flag repetitive requested documents: **12/31/06**
2. Develop a page on gsa.gov, and develop the process to update the site: **2/01/07**
3. Begin posting repetitively requested documents: **6/01/07**

5. Measurement(s) of Success

1. A lack of requests for posted information

<u>Improvement Area #2</u>

1. Name: Proactive disclosure of information to reduce the number of Task Order FOIA requests

2. Statement of objective: Reduce the number of Task Order Purchase Agreement FOIA requests by posting greater information on gsa.gov about the limitations on what the agency can, or cannot, release.

3. List of all distinct steps planned to be taken:

1. Meet with Task Order employees who answer the FOIA requests
2. Determine what common FOIA requests they receive
3. Out of those requests, determine what information is releasable and what is not
4. Create verbiage to inform requestors on the type of information the agency can release and what information is not releasable.
5. Post information on gsa.gov

4. Time Milestones

1. Meet with Task Order group: **9/01/06**
2. Determine common FOIA requests: **02/01/07**
3. Determine what components are releasable: **06/01/07**
4. Create verbiage: **10/01/07**
5. Post new content on gsa.gov: **12/31/07**

5. Measurement(s) of Success

1. A reduction in the number of Task Order Purchase Agreement FOIA requests
2. Decrease the number of referrals

<u>Improvement Area #3</u>

1. Name: Improve FOIA Website content to provide greater information to requestors and reduce the number of requests

2. Statement of objective: By making content improvements and adding additional GSA and federal links to gsa.gov, the agency can direct common FOIA requestors to gsa.gov to answer requests faster and reduce the number of requests

3. List of all distinct steps planned to be taken:

1. Review where common website requests are referred to or where common FOIA requested information is held on websites

2. Update gsa.gov with links to:

   - FPDS (Federal Procurement Data System-- central repository of statistical information on federal contracting)
   - FedBizOpps (Federal government procurement opportunities over $25,000)
   - Schedules e-Library (Schedules and GWAC contract award information)
   - NARA /Federal Personnel Records Center
   - DOJ's "Principle FOIA Contacts to Federal Agencies"
   - GSA Credit Card list.

4. Time Milestones

1. Review common websites: **5/01/06 COMPLETED**
2. Update gsa.gov with links: **8/01/06**

5. Measurement(s) of Success:

1. A reduction in the number of FOIA requests for information held on websites

<u>Improvement Area #4</u>

1. Name: Implement an automated tracking system to capture all agency-wide FOIA information

2. Statement of objective: Implement a tracking system to create a centralized location to collect information on all of GSA's FOIA requests, and then establish baselines for processing times, fees collected, and uniformity among responses.

3. List of all distinct steps planned to be taken:

1. Determine the information needed to be tracked to establish baselines
2. Select a system to use that meets the requirements
3. Start logging into the system all Central Office FOIA requests
4. Use the system to track all Central Office FOIA requests
5. All Regions start using the system to track FOIA request
6. After a full year, perform a review of all FOIA requests to calculate the processing times to establish baselines.

4. Time Milestones

1. Determine information to be tracked: **5/01/06 COMPLETED**
2. Select a system to use: **5/01/06 COMPLETED**
3. Start logging Central Office FOIA requests: **6/01/06 COMPLETED**
4. Start using the system to track Central Office FOIA requests: **8/01/06**
5. All Regions begin using the tracking system: **12/31/06**
6. Review and establish baselines for processing times, responses rates, and fees collected for the previous calendar year: **03/01/08**

5. Measurement(s) of Success

1. Reduce the number of backlogs (amount TBD after baseline is established)
2. Reduce the average and median processing time (amount TBD after baseline is established)
3. Establish a baseline amount of fees collected

Improvement Area #5

1. Name: Develop a best practices pamphlet to create standards for politeness and courtesy when dealing with requestors

2. Statement of objective: Increase politeness and courtesy in responding to FOIA requests

3. List of all distinct steps planned to be taken:

1. Create a pamphlet highlighting the best practices in encouraging politeness and courtesy when dealing with responses, including changing voicemail messages when absent from the office for an extended amount of time, using out-of-office auto email replies, and providing backup contact information
2. Implement the new standards across the agency

4. Time Milestones

1. Create the standards pamphlet: **9/01/06**
2. Implement the new standards: **10/01/06**

5. Measurement(s) of Success

1. Increased customer satisfaction, as identified through surveys after the creation of an initial baseline.

Improvement Area #6

1. Name: Send out acknowledgment letters to requestors

2. Statement of objective: Inform FOIA requestors that their requests have been received by the agency

3. List of all distinct steps planned to be taken:

1. Create a response postcard to be sent to requestors acknowledging receipt of the request
2. Start sending out the acknowledgment responses for all Regions and Central Office

4. Time Milestones

1. Create response cards: **9/01/06**
2. Start using the response cards: **10/01/06**

5. Measurement(s) of Success

1. Compliance will be confirmed through the GSA FOIA tracking system

<u>Improvement Area #7</u>

1. Name: Improve the process by which necessary cooperation is obtained from agency program personnel by creating a key contact list

2. Statement of objective: Improve communication throughout the agency by creating a contact list of all key agency FOIA contacts

3. List of all distinct steps planned to be taken:

1. Ask the Regions, Services, and Staff Offices FOIA contacts for their contacts in each organization
2. Collect the information and keep it up-to-date

4. Time Milestones

1. Ask Regions for their FOIA contacts: **9/01/06**
2. Collect, create, and distribute the key contact list: **10/01/06**

5. Measurement(s) of Success

1. Creation and maintenance of a Two Letter Office Code contact list

Improvement Area #8

1. Name: Capture improvement ideas from field office personnel

2. Statement of objective: Assist the FOIA community at GSA to develop and exchange ideas

3. List of all distinct steps planned to be taken:

1. Begin holding bi-monthly conference calls with the GSA FOIA community in the Regions, Services, Staff Offices, and Central Office

4. Time Milestones

1. Begin bi-monthly conference calls: **4/27/06 COMPLETED**

5. Measurement(s) of Success

1. Solicit ideas during the bi-monthly conference calls
2. Drive better understanding of similarities in responses identified by the tracking system by discussing them during the conference calls

Improvement Area #9

1. Name: Increase informal training for employees by providing better online resources

2. Statement of objective: Create an educational campaign for GSA employees to educate them on FOIA

3. List of all distinct steps planned to be taken:

1. Review current information on the Intranet site
2. Reorganize and update the Intranet pages
3. Re-launch the pages
4. Create a campaign to educate employees on FOIA and increase awareness of the tools available to answer requests
5. Use bi-monthly conference calls to discuss and educate personnel

4. Time Milestones

1. Review current information: **12/31/06**
2. Launch updated pages: **6/01/07**
3. Implement education and awareness campaign: **7/01/07**

5. Measurement(s) of Success

1. Reduce the number of backlogs (amount TBD after baseline is established)
2. Reduce the average and median processing times (amount TBD after baseline is established)

Improvement Area #10

1. Name: Increase Central Office staffing

2. Statement of objective: Add staffing to the FOIA Requestor Center to ensure it is appropriately staffed

3. List of all distinct steps planned to be taken:

1. Move one FTE to the Requestor Center

4. Time Milestones

1. Fill the position: **5/15/06 COMPLETED**

5. Measurement(s) of Success

1. Reduce the number of backlogs (amount TBD after baseline is established)
2. Reduce the average and median processing times (amount TBD after baseline is established)
3. Increased customer satisfaction, as identified through surveys

Improvement Area #11

1. Name: Capture information at the Service Center from requestors regarding their FOIA experience at GSA to drive improvements

2. Statement of objective: Improve customer satisfaction by sending out satisfaction surveys to requestors

3. List of all distinct steps planned to be taken:

1. Create a customer-satisfaction survey to capture the customers' FOIA request experience
2. Create and implement an electronic version to be sent out via email
3. Create and implement a traditional mail version to be sent out
4. Capture the responses to establish baselines

4. Time Milestones

1. Create the survey: **8/01/06**
2. Create and implement an email version: **12/01/06**
3. Create and implement a traditional mail version: **12/01/06**
4. Capture the responses to establish baselines: **12/31/06**

5. Measurement(s) of Success

1. Increased customer satisfaction, as identified through surveys

Part F. For the entire plan, group the improvement areas into the following time periods:

1. Areas anticipated to be completed by December 31, 2006

1. Improve FOIA Website content to provide greater information to requestors and reduce the number of requests
2. Implement an automated tracking system to capture all agency-wide FOIA information
3. Develop a best-practices pamphlet to create standards for politeness and courtesy when dealing with requestors
4. Send out acknowledgment letters to requestors
5. Improve the process by which necessary cooperation is obtained from agency program personnel by creating a key contact list
6. Capture information at the Service Center from requestors regarding their FOIA experience at GSA to drive improvements
7. Increase Central Office staffing
8. Capture improvement ideas from field office personnel

2. Areas anticipated to be completed by December 31, 2007

9. Affirmative disclosure of information by creating a Webpage to archive common requests
10. Proactive disclosure of information to reduce the number of Task Order FOIA requests
11. Increase informal training for employees by providing better online resources

3. Areas anticipated to be completed after December 31, 2007

None