

2012
GSA Chief FOIA Officer Report

Section I: Steps Taken to Apply the Presumption of Openness

1. Did your agency hold an agency FOIA conference or otherwise conduct training during this reporting period?

The GSA Freedom of Information Act Office along with the Office of the General Counsel, conducted a first time FOIA Telepresence conference with the Agency's Deputy Administrator. Regional FOIA Officers as well as Central Office FOIA Coordinators and many other employees involved with FOIA attended this conference. In addition to the Telepresence conference, we conducted several training sessions, including a brown bag FOIA session for GSA employees in Washington, DC to refresh employees on the basics of FOIA and encourage employees to be proactive in posting information online.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Yes, many GSA FOIA professional employees from regional offices and headquarters attended off-site training made available throughout the year by the American Society of Access Professionals (ASAP) and the Department of Justice (DOJ). In addition, these employees attended GSA training.

3. Did your agency make any discretionary releases of otherwise exempt information?

GSA does not track discretionary disclosures and therefore does not have such information. GSA's regulations require discretionary disclosures, when appropriate.

4. What exemptions would have covered the information that was released as a matter of discretion?

Although no empirical data exists, most discretionary releases normally are covered by the second and fifth exemptions of FOIA. Given the types of records GSA maintains, most records contain privileged or confidential commercial or financial information or personal privacy information so they are not eligible for discretionary release.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

All FOIA decisions are viewed through a prism of openness. Discretionary disclosures must be made whenever possible and exemptions asserted only after a determination has been made that there would be foreseeable harm to the Government, a person,

or an outside entity. This is accomplished by the program office during its review of the FOIA request, and the Office of General Counsel as any proposed redaction or withholding needs concurrence from the legal office.

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

The principle of openness and discretionary disclosures is an integral part of GSA's internal FOIA training and regulations. The regulations provide that "GSA will invoke no exemption...if disclosure would cause no demonstratable harm to any governmental or private interest."

7. Did your agency have an increase in the number of responses where records were released in full?

No. In fiscal year 2010, GSA received 1,730 FOIAs, processed 1,622 and released in full 1,033. During fiscal year 2011, GSA received 1,564 FOIAs, processed 1,677, and released in full 931.

8. Did your agency have an increase in the number of responses where records were released in part?

Yes. In fiscal year 2010, GSA released in part 226. In fiscal year 2011, GSA released in part 343.

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

1. Do FOIA professionals within your agency have sufficient IT support?

Yes, any issues and updates needed to our electronic FOIA system are responded to quickly and efficiently.

2. Is there regular interaction between agency FOIA Professionals and the Chief FOIA Officer?

The Chief FOIA Officer, the FOIA Public Liaison, and other FOIA professionals communicate regularly to discuss FOIA appeals, agency guidelines for processing FOIAs, and training.

3. Do your FOIA professionals work with your agency's Open Government Team?

Discussions and meetings are made with the Open Government Team as needed to ensure information posted is current and accurate.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration?

GSA is reviewing the workload of FOIA staff and is actively planning for a revised staffing pattern.

5. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The FOIA Office has been working to streamline and enhance its FOIA processing and tracking system. A detailed description is provided in response to the questions on technology. The FOIA staff performs monthly spot checks on the workflows to ensure compliance with the FOIA and that all workflows are complete.

Section III: Steps Taken to Increase Proactive Disclosures

1. Has your agency added new material to your website since last year?

Yes, since last year, GSA has added new material to its website.

2. Provide examples of the records, datasets, videos, etc, that has been posted this past year.

In addition to existing information about how to submit FOIAs and the GSA FOIA contact information, GSA posted the following new information on the gsa.gov FOIA page:

- FOIA Requested Records and Documents -- This makes FOIA records and documents easily available to the public in the interest of transparency and working toward a more open government.
- Status of FOIA Requests -- This report allows requesters to check on the status of their individual request consistent with the Open Government Act of 2007.
- Open Government FOIA -- To promote participation, collaboration and transparency about the agency's processes as part of President Barack Obama's Open Government Initiative.
- Links to existing GSA resources, including Federal Governmentwide Acquisition Contracts (GWACs).
- Additional resources, including a link to the GSA Congressional Affairs site.

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

GSA currently uses an electronic tracking system database to track FOIA requests. Our tracking system allows users to mark and identify records on FOIA workflows that have been frequently requested. Those records are then reviewed by the GSA FOIA staff for posting to the agency's website.

4. Beyond posting new materials, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc?

We continually solicit and use visitor feedback to improve GSA.gov content, search capabilities, navigation, site performance, etc. for our site visitors through the use of web analytics tools such as a satisfaction survey, web traffic tools, and web usability studies.

5. Describe any other steps taken to increase proactive disclosures at your agency.

It is GSA's policy to proactively disclose records. We continue to pursue proactive disclosure at training sessions. Attorneys and FOIA staff are trained on GSA's FOIA regulations and current Government policy where the idea of proactive disclosure is stressed. GSA will be updating FOIA guidelines to include proactive disclosure.

Section IV: Steps Taken to Greater Utilize Technology

1. Can FOIA requests be made electronically to your agency?

FOIA requests can be made to our agency electronically either directly from the gsa.gov web site or via e-mail to gsa.foia@gsa.gov. Additionally, if a person prefers, he/she may mail, hand-deliver, or fax a request to GSA. If requesters have questions, they are encouraged to call the GSA FOIA office. Telephone numbers are available at gsa.gov.

2. If your agency processes request on a decentralized basis, do all components of your agency receive request electronically?

All offices which are designated to receive initial FOIA requests have the capability to receive them electronically.

3. Can a FOIA requester track the status of his/her request electronically?

Yes, the GSA FOIA website allows users to track and obtain the status of their FOIA requests.

4. If not, is your agency taking steps to establish this capability?

Not applicable.

5. Beyond using technology to redact documents is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such

as improving records search capabilities, utilizing documents hare platforms for consultations and referrals, or employing software that can sort and duplicate documents?

GSA currently tracks all FOIA requests through an electronic tracking database. This year, the system has been enhanced by adding additional data fields within the workflows which has streamlined our administrative process. These enhancements are:

- FOIA Fee Calculator -- The new field allows the database to calculate the processing costs and any additional cost data information associated with the request. It allows for documentation, tracking, automated billing and more efficient collection of research and copying fees.
- Concurrence Field -- As a FOIA is processed, each concurrence is recorded in this field. This ensures that we have a record of review prior to the release of information.
- Associated Workflow Field -- This field provides a link to other workflows that may be associated to a request. By annotating associated workflows, duplication is eliminated and there is a path search to subject information.
- Quick Reports for Invoicing Requesters -- These reports provide customized printouts incorporating GSA's letterhead to document the fees being charged and an explanation of the charges. This reduces time spent by the FOIA staff preparing letters.
- System Archivist -- A module which automatically puts a closed FOIA request on a three (3) year retention schedule. This reduces time spent searching for FOIA requests and manually taking care of each one.
- Fast and Easy Credit Card Billing Form -- This form is automatically sent to the requester at the same time as their invoicing, allowing the requester to quickly pay for their request via credit card. When the fees are received by GSA, recording and processing of the collected fees are handled efficiently through the Register of Remittances quick report. The credit card billing form reduces the number of steps and correspondence with the requester, saving time and money.

6. If so, describe the technological improvements being made?

As mentioned above, the tracking system was enhanced with many updates and revisions to the current processing system, which has improved the overall efficiency.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests.

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

GSA tracks and monitors all FOIA requests received through one tracking system.

b. If so, for your agency over, for Fiscal Year 2011, was the average number of days to process non-expedited requests twenty working days or fewer?

Not applicable.

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

Our average to process non-expedited requests exceeded the twenty working days.

2. Sections XII.D.(2) and XII.E(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report.

a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

Fiscal year 2010, GSA reported a backlog of 26 requests. For fiscal year 2011 we are reporting 21 requests on backlog. The agency's backlog for fiscal year 2011 did decrease.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

Fiscal year 2010, GSA reported two appeals on backlog. For fiscal year 2011, GSA is reporting three appeals on backlog.

c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

Yes, GSA closed its ten oldest FOIA requests.

d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

Yes, GSA closed its oldest appeals.

3. If you answered "no" to any of the above questions, describe why that has occurred.

a. Was the lack of reduction in the request backlog a result of an increase in the number of incoming requests?

Not applicable

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

Not applicable.

c. Was the lack of reduction in the request backlog caused by an increase in the complexity of the requests received?

Not applicable.

d. What other causes, if any, contributed to the lack of a decrease in the backlog?

Not applicable.

Administrative Appeal Backlog:

a. Was the lack of reduction in the appeal backlog caused by a loss of staff?

No.

b. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

GSA did not have a lack of reduction in the appeal backlog. However, two of the appeals involved security issues and the other appeal involved some difficulty in communication with the requester.

c. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

Not applicable.

Describe the steps your agency is taking to improve the timeliness in responding to requests and appeals.

1. Does your agency routinely sets goals and monitor the progress of your FOIA caseload?

GSA's goals are to proactively disclose records, view FOIA decisions through a prism of openness, and attempt to process FOIA responses within the statutory timeframe. Our tracking system is designed to set alert reminders for each open workflow, which allows the FOIA Officer to prompt the business line to ensure the deadlines will be met. The FOIA Office also produces a weekly report, which lists all

open FOIAs and their status and follows up by phone and e-mail with FOIA Officers and managers in GSA organizations to emphasize the importance of responding to FOIA.

2. Has our agency increased in FOIA staffing?

GSA has not increased its FOIA staffing.

3. Has your agency made IT improvements to increase timeliness?

Upgrades to our FOIA system will contribute to the reduction in processing time as described in the section on technology.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

Our agency receives very few consultations from other agencies and those that we receive are processed in a timely manner.

Use of FOIA's Law Enforcement "Exclusions"

1. Did your agency invoke a statutory exclusion this Fiscal Year 2011?

No.

2. If so, what is the number of times exclusions were invoked?

Not applicable.

Spotlight on Success

To improve the administrative processing of FOIA requests, GSA has made several technological enhancements to its online tracking system that save time, better track concurrences, and facilitate the calculation of processing of fees. Notably, we developed customized reports detailing fees with an explanation of charges to make it easier for FOIA requesters to understand charges. Additionally, we developed a fast and easy credit card billing form that is automatically sent to the requester at the same time as their invoice to aid in the collection and processing of FOIA fees.