

## **2011 GSA Chief FOIA Officer Report**

### **I. Steps Taken to Apply the Presumption of Openness**

#### **a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.**

The FOIA Office promptly posted the link to the President's memorandum, and the Attorney General's memorandum on its website. This information was also disseminated through a quarterly publication in the form of an electronic newsletter which allows information to be sent directly to our FOIA Officers as well as other GSA employees who may be involved with FOIA. This newsletter addresses any policy changes to the FOIA as well as upcoming training and processing changes.

#### **b. What training has been attended and/or conducted on the new FOIA Guidelines?**

In house training for Central Office and Region FOIA staff was conducted in response to the new FOIA Guidelines. Many of the GSA employees who are involved with the FOIA have also attended offsite training which is made available throughout the year. The GSA Office of General Counsel offer both standardized and informal FOIA training for any GSA employee needing to learn about FOIA or wanting refresher training. OGC also conducted continuing legal education on FOIA during its annual conference attended by all GSA attorneys from across the country. Additionally, the FOIA Office staff provides daily guidance on FOIA related policy.

#### **c. How has your agency created or modified your internal guidance to reflect the presumption of openness?**

We are currently reviewing and updating our FOIA procedures to ensure all guidance and policies are up to date. However, GSA's FOIA processing regulations already have a presumption of openness. The regulations provide that "GSA will not withhold a record 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." (41 CFR 105-60.103-2).

#### **d. To what extent has your agency made discretionary releases of otherwise exempt information?**

GSA does not track discretionary disclosures and is therefore unable to provide statistical data. However, as explained above, GSA's regulations require discretionary

disclosures when appropriate and officials are reminded of that policy by the staffs of the FOIA Office and Office of General Counsel.

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

Although no empirical data exists, most discretionary releases would normally have been covered by the second and fifth exemptions of FOIA. Given the nature of most of GSA's records requested through FOIA, GSA is not able to make discretionary releases and provide information protected by the fourth or sixth exemptions of FOIA.

**f. How does your agency 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 government or private interests, or that disclosure is prohibited by law. For those records that are withheld, approval must be obtained by the appropriate program attorney to ensure that the information being withheld meets all the appropriate requirements.

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

During training sessions the principle of openness and discretionary disclosures is discussed.

**2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.**

We released in full 1033 and 226 partial releases and last year we released in full 1306 and 168 partial releases. A majority of the information that is withheld deals with contracts. The FOIA regulations which determine the information that can be released regarding contracts has not changed, therefore, the information withheld is exempt from disclosure.

**II. Steps Taken to Ensure that Your Agency has an Effective System In Place for Responding to Requests**

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

Yes, any issues we encounter with our electronic FOIA system and the FOIA webpage are responded to quickly and efficiently. We are planning on working with the IT staff to reduce the time required and improve the quality of our annual report.

**b. Describe how your agency's FOIA professionals interact with your Open Government Team.**

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

**c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.**

Since GSA is very decentralized, virtually anyone in GSA can assist in the processing of a FOIA request. When FOIA requests are sent to the business lines, FOIA liaisons are responsible for updating the workflow document with a point of contact so we know that the request is being processed. Based on the Agency's timely response to FOIA requests, we feel our staffing is sufficient.

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

The FOIA staff performs periodic spot checks on the workflows within the Intranet Quarum (IQ system) to ensure compliance with the FOIA Act and to ensure all documentation associated with the workflow is complete. This system tracks all received FOIA requests electronically and allows us to monitor each request as it is being processed.

**III. Steps Taken To Increase Proactive Disclosures**

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

We have not added any new material to our website since last year. We regularly review existing and available content and update that content as necessary. We have not had a situation where new material needed to be added.

**b. What types of records have been posted?**

Not applicable.

**c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.**

Not applicable.

**d. What system do you have in place to routinely identify records that are appropriate for posting?**

Our current FOIA tracking system allows users to mark and identify records on the workflow that have been frequently requested. Those records are then reviewed for posting on the agency's website.

**e. How do you utilize social media in disseminating information?**

At this time we have not chosen to use social media outlets to disseminate information. It may be something that we will view in the future based on the policies at that time.

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

At this time there are no other steps taken, however, we are always looking for additional means for proactive disclosure.

**IV. Steps Taken To Greater Utilize Technology**

**1. Electronic receipt of FOIA requests:**

**a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?**

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

**b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

Not applicable.

**c. What methods does your agency use to receive requests electronically?**

GSA has an online FOIA request form located on GSA's website which allows requesters to submit their request electronically to the GSA E-FOIA mailbox. These requests are all received by the FOIA Staff. For the few requests we receive from the USPS or another delivery service, these requests are immediately entered into the IQ system. All of the documents received with the hard copy request are scanned into the IQ system as part of the electronic record of the request and from that point all processing is done electronically. FOIA requests can also be e-mailed to the Agency.

**2. Electronic tracking of FOIA requests:**

**a. What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?**

All of the components that receive FOIA requests have the capability to track them electronically.

**b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

Not applicable.

**c. What methods does your agency use to track requests electronically?**

GSA tracks and monitors all of FOIA requests electronically through its Intranet Quorum (IQ) tracking system. This tracking system is supported by contracted IT support personnel. Each request is assigned a workflow with a unique tracking number generated by the system. The FOIA workflows contain all pertinent information regarding or gathered in responding to each request, and each office with FOIA responsibilities has access to IQ to ensure proper and prompt updates as appropriate.

**3. Electronic processing of FOIA requests:**

**a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?**

All of the FOIA requests received are processed through the IQ system as identified above.

**b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

Not applicable.

**c. What methods does your agency use to process requests electronically?**

All FOIA requests are processed utilizing the IQ system identified above. This system allows us to capture the history of each workflow from beginning to end as it is processed. This system also performs search capabilities in various key fields of the FOIA request.

**Electronic preparation of your Annual FOIA Report:**

**a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.**

The GSA automated IQ system generates the information required for the annual report. The system was not FOIA-specific, but the contractor modified the product for GSA's purposes to become FOIA-specific.

**b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.**

Not applicable

**V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests**

**1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.**

GSA's backlog reported in FY 09 for requests was ten. Those ten requests were closed out in FY 10. At the end of FY 10 we reported 16 backlog requests and they have all been closed. Our numbers indicate that our back backlog is minimal as the overdue requests change on a daily basis and is temporary. Our oldest pending FOIA request at the end of FY 10 was 105 days late. This request involved gathering information on GSA employees nationwide. Several offices and regions were involved in gathering this data and parties involved met several times to review documents. The requester was notified of the additional time needed to complete the request. We reported two appeals as pending for FY 10. Those two appears have been closed. In FY 09 we did not have any appeals pending.

**2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:**

**a. Is the backlog increase a result of an increase in the number of incoming requests or appeals?**

No.

**b. Is the backlog increase caused by a loss of staff?**

No.

**c. Is the backlog increase caused by an increase in the complexity of the requests received?**

The backlog of requests did increase slightly this year. This increase was due to the complexity of the initial requests and the amount of information being requested.

**d. What other causes, if any, contributed to the increase in backlog?**

Not Applicable.

**3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.**

**a. Does your agency routinely set goals and monitor the progress of your FOIA caseload?**

Our goal as always is to respond to requests within the statutory time period allowed by the FOIA. The IQ tracking system is designed to set alert reminders of each open workflow. This allows the FOIA Officer to prompt the business line to ensure the response deadline will be met. The FOIA Office also produces on a weekly basis, a report which lists requests which are overdue. This report is sent to the Chief FOIA Officer as well as the Deputy Administrator.

**b. Has your agency increased its FOIA staffing?**

GSA has not increased its FOIA staffing.

**c. Has your agency made IT improvements to increase timeliness?**

None have been required.

**d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?**

A new Chief FOIA Officer was very recently appointed. He is actively educating himself on our current processes, procedures and requirements. The previous Chief FOIA Officer was involved in overseeing the Agency's capacity to process the requests

**Spotlight on Success**

Responding to FOIA requests within the statutory timeframe is a top priority at GSA. As a result of the agency's commitment to the program, our backlog is minimal. Our success results primarily from the following: (1) the good work of GSA's FOIA offices in

our headquarters office and regional offices; (2) an electronic tracking system that allows us to easily communicate with FOIA officers nationwide and closely follow the status of each request; (3) prompt attention to each incoming FOIA request to determine whether requested records reside at GSA or with another agency; and (4) top notch customer service.