Chief FOIA Officer Report 2020

U.S. General Services Administration

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U.S. General Services Administration

Chief FOIA Officer Report Fiscal Year 2020

Robert Stafford, Chief FOIA Officer

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 Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at this level?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Robert Stafford, Chief Administrative Service Officer.

B. FOIA Training

3. 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.

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

GSA FOIA Specialists attended a variety of training courses, including the following:

- American Society of Access Professional (ASAP) 2019 National Conference

- Graduate School USA Freedom of Information and Privacy Act training

-Department of Justice, Office of Information Policy, Freedom of Information Act Litigation Seminar

- Department of Justice, Office of Information Policy, Introduction to Freedom of Information Act

- GSA FOIA requester Service Center and GSA Office of General Counsel provided training to GSA service offices, staff offices and regional employees covering how to apply FOIA exemptions and perform required FOIA processing duties within their professional roles

- FOIA Specialists met weekly to discuss current issues, including new court rulings that affected FOIA Act implementation.

- Attended Chief FOIA Officers Council Meetings.

5. 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 percent of our FOIA professionals attended substantive FOIA during this reporting period.

6. 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.

C. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Yes, GSA FOIA professionals conducted outreach and partnered with several different segments of our FOIA requester community. During the reporting period GSA surveyed a select portion of the community about how GSA could improve the timeliness and quality of its information. Specifically, the agency worked with members of the media and several open government groups. Separately, GSA FOIA professionals regularly engage with requesters to gain insight and understanding of how internal agency processes are impacting the community. In addition, FOIA professionals help requesters whose filings are worded in such a way that they result in voluminous responses that may not be helpful to the requester. In those cases staff work with them to develop a scoped or phased approach to the request so as much information as possible is released in a timely manner. Also, many times requesters seek records related to particular segments of our more traditional and

cyclical program activities, such as contracts and leases. Due to the nature of the services that GSA provides, we receive similar and sometimes numerous requests for data such as Federally leased and owned real estate and office space, vehicle fleet services, acquisition and contract data, and travel and purchase card data. In these cases GSA FOIA professionals reach out to requesters to determine ways the agency can be more effective and proactively transmit and post these types of data on a permanent or cyclical basis.

D. Other Initiatives

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

Throughout the reporting period GSA FOIA professionals engaged GSA's program staff in the process by hosting meetings and conducting training sessions. A specific initiative included providing training sessions focused on the importance of proper implementation of FOIA and records management policy and procedures in all GSA regions. Throughout the year employees were frequently made aware of the importance of FOIA. Additionally, the GSA Chief FOIA Officer sent updates to staff which included key information regarding FOIA processes and responsibilities in a continued effort to ensure accountability of the FOIA program at GSA.

Also, in Fiscal Year 2019, GSA added FOIA-related performance standards in some employee performance plans for employees who have significant or recurring roles administering FOIA. For example GSA's Federal Acquisition Service (FAS) implemented this initiative for employees that frequently have roles assisting in the FOIA process.

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

 Not applicable.

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 2019, 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 2019 Annual FOIA Report.

2.46 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.

Yes, GSA conducted a self-assessment for this reporting period by reviewing existing FOIA manuals, documents, templates, reports, policies and procedures. Next, staff developed a set of standard questions for interviews with FOIA Requester Service Center staff, internal customers, and subject matter experts in order to gain a full understanding of the agency's current FOIA processes. Using the criteria contained in the Department of Justice, Office of Information Policy FOIA Self-Assessment Toolkit, the staff evaluated and rated each of the agency's FOIA processes. Based on the rating scores, the assessment showed that overall, GSA has a solid program which is operating effectively and efficiently, however, as the number of FOIA requests increases, the agency will need to determine how and whether to devote more resources to this program in order to ensure it can manage the workload.

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 2019 (please provide a total number or an estimate of the number).

During this reporting period, GSA's FOIA Public Liaison was contacted approximately 150 times.

5. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively

- Any challenges your agency faces in this area

GSA has several best practices in place to ensure that the agency's FOIA program is as efficient and effective as possible. For example, because the program has limited resources, its staff portfolios are aligned with each individual's program knowledge, agency contacts, and/or subject matter expertise. The staff fosters excellent working relationships with hundreds of subject matter experts and point of contacts located throughout the agency and across the country. GSA FOIA Requester Service Center staff evaluates incoming requests and if the information is publicly available they notify the requesters. Also, when GSA receives FOIA requests that require e-discovery research, staff proactively communicates with the requesters to ensure understanding of what information they are seeking so GSA can provide information relevant and responsive to their request.

Currently, the main challenges GSA is facing are how to effectively manage the increase in the FOIA request complexities, and a massive scope of certain requests.

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 any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

-GSA Acquisition Gateway - https://hallways.cap.gsa.gov/app

-Performance.gov - https://www.performance.gov/

-Federal Business Opportunities - https://fbohome.sam.gov/

-Facilities Management Institute - https://sftool.gov/assess

-Federal Procurement Data System - https://www.fpds.gov/

-Federal Awardee Performance and Integrity Information System (FAPIIS) - https://www.fapiis.gov/fapiis/index.action

-Data.gov - www.data.gov

-GSA Forms - www.gsa.gov/reference/forms

-GSA Auctions - https://gsaauctions.gov/gsaauctions/gsaauctions

-GSA Advantage - https://www.gsaadvantage.gov/advantage/main/start_page.do

-GSA Lease Inventory- https://www.gsa.gov/real-estate/real-estate-services/leasing-overview

- GSA Electronic Reading Room - https://www.gsa.gov/reference/freedom-of-information-act-foia/electronic-reading-room

2. 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.

3. If yes, please provide examples of such improvements.

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

Some of the nationwide data available includes information broken out by region of the country, or metropolitan area and includes demographic data. Included in these data sets are background information and/or instructions on the nature of the information and how to understand how it is presented. Much of the posted information solicits feedback, includes surveys on the usefulness of the information

and provides the user with an opportunity to suggest new ways the information can be presented so it is user friendly. In general, GSA websites are continually upgraded to ensure compatibility with mobile devices.

GSA also helps manage and facilitate information posting for websites that are used across the executive branch such as data.gov. On sites like these, GSA formats the information in a way that the public can perform analysis based on their unique needs. This type of open government data is important because the more accessible, discoverable, and useful the data is, the greater impact it can have. These impacts include, but are not limited to: cost savings, efficiency, informed policy and transparency and accountability.

4. Optional -- Please describe:

- Best practices used to improve proactive disclosures

- Any challenges your agency faces in this area

Best practices have been addressed in the section above.

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. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

GSA is exploring the use of bot or early generation AI to automatically perform redactions on templated information, such as occupancy agreements and leases. Currently GSA is in the exploratory phase of this analysis to see if it is feasible for automated redactions for information that is presented in a very standardized or templated format with repeatable and predictable information. The bot technology may be able to assist on these types of FOIA redactions.

2. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?

Yes.

4. 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 2020.

Not applicable.

5. 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 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

GSA FY18 Annual FOIA Report - https://www.gsa.gov/reference/freedom-of-information-act-foia/gsa-annual-foia-report-fy18

6. Optional -- Please describe:

- Best practices used in greater utilizing technology

- Any challenges your agency faces in this area

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 2019 Annual FOIA Report and, when applicable, your agency's 2018 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 your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?

Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

37.2%. There were 1,355 requests processed in Fiscal Year 2019. 504 of these were placed in the simple track.

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 2018 and Fiscal Year 2019 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 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

No.

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

Yes.

7. If your agency's request backlog increased during Fiscal Year 2019, please 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.

During FY 2019 GSA experienced an increase in both the total number of requests and in the complexity of the requests received.

8. 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 2019. If your agency has no request backlog, please answer with "N/A."

22.9%. GSA received 1,461 requests in Fiscal Year 2019, 334 comprised backlogged requests at the close of the fiscal year.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

Yes.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

Not applicable.

11. If your agency's appeal backlog increased during Fiscal Year 2019, please 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.

Not applicable.

12. 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 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."

54.5%. GSA had 12 backlogged appeals at the end of Fiscal Year 2019. GSA received 22 appeals in Fiscal Year 2019.

C. Backlog Reduction Plans

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 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 2019?

Not applicable.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

Not applicable.

D. Status of 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 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Yes.

16. 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 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

Not applicable.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

GSA puts particular importance on working to complete and resolve action on the most aged requests as timely as possible. These most aged requests are 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 and in many cases consultations with partner agencies on these requests. These email retrievals take significant time to pull, review, redact and respond. We continue to make these requests a priority and provide the most resources we can to completing and responding to these requests.

TEN OLDEST APPEALS

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

No.

19. 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 2018 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Six. GSA closed six of these ten oldest appeals.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

GSA puts particular importance on working to complete and resolve action on the most aged appeal requests as timely as possible. These most aged appeal requests are mostly for inter-agency data sets, reports and/or a large amount of inter-agency correspondence and email communications, which included massive email retrievals from the GSA email system and in many cases consultations with partner agencies on these requests. We continue to make these requests a priority and provide the most resources we can to completing and responding to these appeal requests.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Not applicable.

22. 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 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

Not applicable.

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

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.

24. 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.

25. 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 2020.

GSA intends to continue to prioritize working on the pending requests and appeals as reported as open at the end of Fiscal Year 2019. For the pending requests and appeals GSA will provide rolling releases and status updates to the requesters.

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 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 General Services Administration continues to show its commitment to the principles of Open Government and proactive release of information. During this reporting period, GSA experienced a significant increase in FOIA ligation which is very atypical of prior reporting periods, and this presented many new challenges to our FOIA Requester Service Center staff. Despite these additional challenges, staff were still able to successfully process and respond to over 1,300 requests.

In addition to simply focusing on processing incoming requests, GSA FOIA staff was able to partner with various GSA program areas to make information available in a proactive manner on the websites sited earlier in this report. GSA has put significant emphasis on making information and data sets available and customizable to meet the public's needs. Websites like Data.gov are gathering disparate information from different programs and sorting and organizing it in a way that adds value to the general public.

GSA's FOIA Service Requester Center is constantly looking for ways to improve their FOIA program while providing exemplary customer service to all requesters. We are confident that the collaborative and goal-oriented approach by our FOIA team will continue to result in notable improvements and accomplishments.