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Description of document:	Analysis of the General Services Administration (GSA) Records Management Program 2019-2020 and the GSA FOIA Program 2018
Requested date:	25-February-2022
Release date:	18-March-2022
Posted date:	27-March-2022
Source of document:	U.S. General Services Administration FOIA Requester Service Center (H3A) 1800 F Street, NW, 7308 Washington, DC 20405-0001 Fax: 202-501-2727 FOIA Online

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March 18, 2022

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request number (GSA-2022-000660), submitted on February 25, 2022, in which you requested the following:

“First, I request a copy of each GSA internal analysis including each report and (if applicable) each set presentation slides of the GSA Records Management program. I limit this request to the timeframe January 1, 2019 through December 31, 2020. Second, I also request a copy of the GSA internal analysis of the GSA FOIA program. I limit this request to the timeframe January 1, 2017 through December 31, 2018. It is possible that Bob Stafford may have a copy of these records.”

Enclosed please find the documents responsive to your request.

In processing your request, GSA fully withheld two attachments to the internal analysis of the Records Management program totaling eight pages. These pages were an example of an instance when records were promptly provided to DoJ. However, these emails are part of an active and ongoing litigation. Please note that these identified portions of the responsive records reflect the agency's deliberative process are considered pre-decisional in nature and/or attorney-client privileged communications, attorney work product, and have been redacted pursuant to FOIA, 5 U.S.C. § 552(b)(5).

As we have redacted information referenced in the above paragraph with the aforementioned FOIA exemption, this technically constitutes a partial denial of your FOIA request. You have the right to appeal the denial of the information being withheld. You may submit an appeal online at the following link (<https://www.foiaonline.gov/foiaonline/action/public/home>) or in writing to the following address:

U.S. General Services Administration
FOIA Requester Service Center (LG)
1800 F Street, NW
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, "Freedom of Information Act Appeal."

This completes our action on this FOIA request. Should you have any questions, please contact me at (202) 219-3078 or by email at travis.lewis@gsa.gov. You may also contact the GSA FOIA Public Liaison, Seth Greenfeld, at (202) 501-4560 or by email at seth.greenfeld@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

Travis Lewis

Travis Lewis
FOIA Program Manager
Office of General Counsel
General Services Administration

Enclosure

FY 2020 Internal Control Review - OCFO Summary (BGI Review/Approval)

ICR H-70-03-CO Records Management

1. Is this a partial or complete internal control review?

Complete internal control review

2. Are the three objectives of internal control being met? If no, please select which objectives are not being met (conclusion should be supported by the review and test results). **Yes, refer to the review and test results sections of this review. Additional documentation provided with this review to support testing.**

3. Are the five standards of internal control being met? If not, select those standards that were not met (conclusion should be supported by the review and test results). **Yes, refer to the Objectives, Functions and Internal Control Techniques section of this review.**

4. Does the review include an evaluation of current audit activity, current audit findings and a discussion of corrective action plans? If applicable, verify CAP activity with the OCFO audit program dashboard.

Not applicable

5. Was the document properly reviewed and approved by the program and component managers, internal control liaison, and the OCFO team?

The reviewer approval is documented in the email submitting this review.

From: **Robert Smudde - H3B** <robert.smudde@gsa.gov>

Date: Tue, Apr 28, 2020 at 1:48 PM

Subject: Records Management Program Risk Review Submittal

To: Kimberlli Greenlee - BGC <kimberlli.greenlee@gsa.gov>

Cc: Travis Lewis - H3 <travis.lewis@gsa.gov>, Deborah Lague - H3B <deborah.lague@gsa.gov>

Good afternoon Kim,

Attached is the Risk Review spreadsheet for the Records Management Program. This afternoon it was reviewed, updated and approved by the Records Management leadership Travis Lewis and Debbie Lague.

We appreciate your help with this process. Have a great day,

Robert

6. Does the review contain a completed risk assessment? What were the highest risk(s) identified and how are the risk(s) being managed? **Yes, Risk Assessment was**

completed as part of this review. That assessment includes mitigating activities. The overall inherent risk is rated at 3.2

7. Does the review contain a clear description of the functions, objectives and internal control techniques? **Yes, this information is in the Functions, Objectives and Internal Control Techniques section of this review.**

8. Are the key controls properly tested and the test results sufficiently documented? **Yes, the review tests and results are documented in the Test Key Controls section of the review. Corrective action is addressed in the Recommendations and section of this review.**

9. Does the review contain recommendations? **Yes, the review contains a recommendation.**

10. Identify all problems from the problem code list (if any), disclosed in the review. **This information is documented in the Recommendation section of this review.**

11. Provide an analysis of the review, including a summary of the findings, conclusions, and contents of the review. **Review meets all the requirements for the FY 2020 assessment.**

Review completed by:

Paula Bohnwagner, Director, Internal Controls Division (BGI)

July 22, 2020

Risk Assessment

Identify Risks		Assess Inherent Risk			Respond to Inherent Risk	Risk Response: Identify Risk Response, Internal Controls and Planned Activities	Assess Residual Risk			Respond to Residual Risk
Risk Statement	Risk Type	Likelihood	Impact	Overall Risk Rating	Risk Response	Describe Internal Controls Already in Place to Reduce This Risk or Planned Activities to Mitigate Risk	Likelihood	Impact	Overall Risk Rating	Risk Response
Records Management - Objective 1.1- Provide Agency Guidance										
Records Management Policy not reflective of current laws and agency needs	Strategic	1	3	3	Mitigate	NARA Annual Assessment Tool, Update of current RM directive	1	1	1	Accept
Agency personnel are not aware of POCs for Records Management Support	Operational	2	2	4	Mitigate	Annual agency-wide employee training	2	1	2	Accept
Records Management - Objective 1.2 - Maintain Records Storage										
Records sent to Federal Records Centers are not documented well enough to recall	Operational	1	3	3	Mitigate	Standard operating procedures via the NARA ARCIS System	1	1	1	Accept
Records are not destroyed according to their schedule	Compliance	2	1	2	Accept	NARA Monthly 01 Reports	2	1	2	Accept
Records Management - Objective 1.3 - Keep Agency Compliant With NARA Regulations										
Required NARA Annual Reports are not completed on time	Reputational	1	1	1	Accept	Standard operating procedures	1	1	1	Accept
GSA and NARA General Records schedules are not followed by agency staff	Compliance	2	3	6	Mitigate	Central Office standard operating procedures for records storage & destruction, regional visits to review regional recordkeeping SOPs, Annual agency-wide training	1	1	1	Accept
				0						
				0						
OVERALL INHERENT RISK*:				3.2	OVERALL RESIDUAL RISK*:					

*Formula needs to be changed to divide by the total can also be =AVERAGE(J9,J11:J12) and just insert the cells that you are finding the average of

Inherent and Residual Risk Rating:	
Low	1 - 2.9
Medium	3.0 - 5.1
High	5.2 - 9.0

1. Background (Purpose of Program Component):

The records management program of the Office of Administrative Services (OAS) - 1) provides and maintains policies and procedures for complying with the Federal Records Act and its implementing regulations, 36 CFR 1228; 2) provides timely information, guidance and training on responsibilities and techniques to GSA associates; and 3) monitors the compliance of services and staff offices with GSA policy.

2. Organization and Location

Records Management Program,

H-OFFICE OF ADMINISTRATIVE SERVICES

3. Guidance and Authority

3a. List the laws, regulations, etc. that impact the program component's mission:

From United States Code

44 U.S.C. Chapter 21 - National Archives and Records Administration

44 U.S.C. Chapter 29 - Records Management by the Archivist of the United States and by the Administrator of General Services

44 U.S.C. Chapter 31 - Records Management by Federal Agencies (Federal Records Act):

44 U.S.C. Chapter 33 - Disposal of Records:

44 U.S.C. Chapter 35 - Coordination of Federal Information Policy

(Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act):

From Code of Federal Regulations

5 CFR Chapter III, Subchapter B - OMB Directives

Part 1320. Controlling Paperwork Burdens on the Public

36 CFR Chapter XII, Subchapter B - Records Management

Part 1220. Federal Records; General

Part 1222. Creation and Maintenance of Federal Records

Part 1228. Disposition of Federal Records

Part 1230. Micrographic Records Management

Part 1232. Audiovisual Records Management

Part 1234. Electronic Records Management

Part 1236. Management of Vital Records

Part 1238. Program Assistance

From Office of Management and Budget

OMB Circular A-123 - Management's Responsibility for Internal Control:

OMB Circular A-130 - Management of Federal Information Resources:

Executive Memorandum M-19-21 - Transition to Electronic Records

3b. List the orders, handbooks, policies, and other guidance provided for the program component's operation:

OAS P 1820.1 GSA Records Management Program - 3-10-2014

CIO 2162.1 Digital Signatures - Date 2/5/2018

CIO 2160.2B Electronic Messaging and Related Services - Date 06/17/2015

OAS 1828.1 Email Records Management Policy - Dated 3-8-2018

3c . Are the orders, handbooks, policies, and other guidance previously identified current, accurate, and up-to date for this program component?

No - The records management directive needs to be updated to reflect changes in the law and a greater emphasis on electronic records.

3d. Do the orders, handbooks, policies, and other guidance previously identified properly implement the applicable laws and regulations governing this program?

No - The records management directive needs to be updated to reflect changes in the law and a greater emphasis on electronic records.

Audit Actions and Responses

1. Have there been any Inspector General (IG), GAO, Internal Program Management Audits, or Procurement Management Reviews (PMR's) opened or closed within the past year which either directly or indirectly impacts your component operations? An example of an indirect audit impact would be an audit or review not specifically addressed to your program component, but an audit or review completed at a higher level of the organization under which your component has operational program responsibility.

No

2. If Yes, list the audits or reviews individually below by specifying the subject title of the audit or review; the audit control number (if applicable); the release date of the audit or review; and whether the audit or review is Open or Closed. Type in text in response to question.

N/A

3. If the answer to Question 1 above is Yes, were Recommendations or Corrective Action Plans included with this program audit or review?

N/A

4. If Yes to Question 3, please list the Summary Level Recommendations for each audit or program review below and incorporate the current status of each recommendation into your Risk Assessment and Recommendations below.

N/A

5. Functions, Objectives and Internal Control Techniques

Function:

1. Track and monitor spending on internal workplace projects above \$10,000

Objective:

- 1.1 Track budget and expenses with OAS budgeting official.

Internal Control Techniques:

- 1.1.1 Review monthly invoices from NARA and create new budget in conjunction with the OAS budgeting official.

Function:

2. Effectively complies with regulations and memorandums from NARA and OMB.

Objective:

- 2.1 Ensures timely and accurate responses to requests for information from external sources
(NARA, OMB, GAO, etc.)

Internal Control Techniques:

- 2.1.1 Keep records management policy current.
- 2.1.2 Responses to information requests and reports from outside agencies meet their requirements. **(KEY)**

Function:

3. Manages GSA's records effectively

Objective:

- 3.1 Processes records in accordance with NARA procedures and policy

Internal Control Techniques:

- 3.1.1 Completes annual NARA reporting completely and on schedule.

Objective:

- 3.2 Plans and manages program objectives, goals and activities.

Internal Control Techniques:

- 3.2.1 Develops and implements annual records management program plan and communicates on progress made on the plan.

6. Risk Assessment

<https://drive.google.com/drive/u/1/folders/1zS2uOYNQRyqf2COBs9frEbfmM0SOe6da>

7. Testing Key Controls

Test Key Controls

Key Internal Control Technique: 2-1-2: Responses to information requests and reports from outside agencies meet their requirements.
Test Nature: Examine Documentation of Control
Description: Information provided to outside agencies must be accurate and timely.
Key Items: All reports to NARA, OMB and GAO will be reviewed by at least two levels of GSA Management.
Test Results: In the past year, the annual reports to NARA have been completed and submitted on time. Additionally, a request from the Department of Justice regarding records of the Gold King Mine were requested and quickly provided.
Control Working Properly?: Yes
Objective Met?: Yes
Test Document(s): Find Test Documents here: https://drive.google.com/drive/u/1/folders/151aSW4m-2kqs8-AIQB3JAWu1VF15QEcn

8. Recommendations

Recommendation(s): 1. Update the GSA Records Management directive OAS P 1820.1 to reflect changes in the law and a greater emphasis on electronic records.
--



Robert Smudde - H3B <robert.smudde@gsa.gov>

Annual Federal Agency Records Management Reporting

1 message

RMSA Team <rmsselfassessment@nara.gov>

Mon, Jan 13, 2020 at 10:00 AM

Reply-To: rmsselfassessment@nara.gov

To: rmsselfassessment <rmsselfassessment@nara.gov>

Good morning,

Today, we opened the 2019 Annual Federal Agency Records Management Reporting period that runs from **January 13, 2020, to March 13, 2020.**

Agency Records Officers and those designated to respond to the 2019 Records Management Self-Assessment (RMSA) received this morning two separate links to enter your agency's data. One link is for the 2019 RMSA; the other link is for the Federal Electronic Records and Email Management Report. These links cannot be forwarded to other individuals, so it is imperative that we have the correct point-of-contact information for your agency. ***If you did not receive these links and think you should have, or if you received the links and are no longer responsible for completing the RMSA for your agency, please contact rmsselfassessment@nara.gov as soon as possible.***

In December, you should have received Microsoft Word and fillable PDF versions of both questionnaires to use while gathering information and compiling the official response. ***Please do not return these forms to NARA, as your response must be recorded in the survey tool.***

Your responses to questions in the RMSA may be subject to public release pursuant to FOIA. However, we will not release responses that contain detailed descriptions of agency activities without consulting your agency. Additionally, we plan to publicly release the data from your response to the Federal Electronic Records and Email Management Report on [archives.gov](https://www.archives.gov), so please ensure the information is publicly releasable.

As in previous years we will be conducting a validation process. Your agency may be selected at random to provide additional documentation and/or take part in interviews to discuss your records management program activities.

You have until 11:59 p.m. ET Friday, March 13, 2020, to complete the RMSA and the Federal Electronic Records and Email Management Report. We will be unable to accept submissions through the online system after this date.

If you have any questions regarding the RMSA and/or the Federal Electronic Records and Email Management Report, please contact rmsselfassessment@nara.gov.

Thank you!

Stephanie Reynolds
NARA's RM Oversight and Reporting Program



Robert Smudde - H3B <robert.smudde@gsa.gov>

2019 Federal Electronic Records and Email Management Report - SURVEY LINK

1 message

NARA's RM Oversight and Reporting Program <noreply@qemailserver.com>
Reply-To: NARA's RM Oversight and Reporting Program <rmsselfassessment@nara.gov>
To: Robert Smudde <robert.smudde@gsa.gov>

Mon, Jan 13, 2020 at 4:06 AM

Today, January 13th, the National Archives and Records Administration (NARA) opened the Annual Federal Agency Records Management Reporting with the Records Management Self-Assessment (RMSA) and the Federal Electronic Records and Email Management Report for 2019. **Completion of both surveys is mandatory.**

The link included in this email is for: 2019 Federal Electronic Records and Email Management Reporting.

Before you click the web link below, please note the following information:

- 1) Do not share or forward the web link to other individuals. Each link is unique to the person receiving it and is not transferable.
- 2) The deadline for completing the Federal Electronic Records and Email Management Report is 11:59 pm ET Friday, **March 13, 2020**.

NARA reserves the right to follow up with agencies to obtain additional information and/or documentation that supports their answers to the questions in this report.

We plan to publicly release your response to the Federal Electronic Records and Email Management Report on [archives.gov](https://www.archives.gov).

If you have any questions about this report or need additional information to answer a question(s), please send an email to rmsselfassessment@nara.gov.

Follow this link to the Survey:

[Take the Survey](#)

Or copy and paste the URL below into your Internet browser:

https://archives.qualtrics.com/jfe/form/SV_cRZsyvcUazlmibz?Q_DL=cBGtWVL3IJFgiCV_cRZsyvcUazlmibz_MLRP_5BVipkYYIryEfVb&Q_CHL=email

Click here to unsubscribe:

[\\$\(!://OptOutLink?d=Click here to unsubscribe\)](#)



Robert Smudde - H3B <robert.smudde@gsa.gov>

2019 Federal Electronic Records and Email Management Report

1 message

NARA's RM Oversight and Reporting Program <noreply@qemailserver.com>

Wed, Feb 5, 2020 at 12:20 PM

Reply-To: NARA's RM Oversight and Reporting Program <rmsselfassessment@nara.gov>

To: robert.smudde@gsa.gov

Thank you for completing the 2019 Federal Electronic Records and Email Management Report! If you have any questions regarding this report, please email rmsselfassessment@nara.gov.



Robert Smudde - H3B <robert.smudde@gsa.gov>

2019 SAORM Annual Report Template

5 messages

Laurence Brewer <PRMD@nara.gov>

Mon, Jan 13, 2020 at 8:40 AM

Good morning,

Attached is the template for the 2019 Senior Agency Official for Records Management Annual Report. The instructions are included on page one of the template. This report is your opportunity to provide information on your agency's progress towards meeting the goals of the [OMB/NARA memorandum Transition to Electronic Records \(M-19-21\)](#) and other important records management initiatives.

Please complete the report and submit it to NARA at rmsselfassessment@nara.gov by close of business on March 13, 2020.

It is important to note that we will be posting your submission to [NARA's public website](#), so please ensure that your report is fully releasable and not restricted under FOIA.

If you have any questions, please submit them to rmsselfassessment@nara.gov.

Thank you,

LAURENCE BREWER

Chief Records Officer
for the U.S. Government



2019 SAORM Template.docx

30K

Bob Stafford - H <bob.stafford@gsa.gov>

Mon, Jan 13, 2020 at 8:45 AM

To: robert.smudde@gsa.gov, "Travis Lewis (H1C)" <travis.lewis@gsa.gov>

FYI

Sent from my iPad

Begin forwarded message:

From: Laurence Brewer <PRMD@nara.gov>
Date: January 13, 2020 at 8:40:42 AM EST
To: undisclosed-recipients;
Subject: 2019 SAORM Annual Report Template

[Quoted text hidden]

2 attachments**noname.html**

1K

**2019 SAORM Template.docx**

30K

Robert Smudde - H3B <robert.smudde@gsa.gov>
To: Bob Stafford - H <bob.stafford@gsa.gov>
Cc: "Travis Lewis (H1C)" <travis.lewis@gsa.gov>

Mon, Jan 13, 2020 at 8:48 AM

Good morning Bob,

We're good. I'll have a set of fist draft replies in a few days for you to review.

Robert

[Quoted text hidden]

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-- --

Robert Smudde
Agency Records Officer
Office of Accountability and Transparency
General Services Administration
(202) 365-4542
robert.smudde@gsa.gov

Travis Lewis - H3 <travis.lewis@gsa.gov>
To: Robert Smudde - H3B <robert.smudde@gsa.gov>
Cc: Bob Stafford - H <bob.stafford@gsa.gov>

Mon, Jan 13, 2020 at 8:57 AM

Good morning, thank you Robert and Bob.



U.S. General Services Administration

Travis Lewis
Deputy Director
Office of Accountability and Transparency
Office of Administrative Services
202-219-3078

[Quoted text hidden]

Bob Stafford - H <bob.stafford@gsa.gov>
To: Travis Lewis - H3 <travis.lewis@gsa.gov>
Cc: Robert Smudde - H3B <robert.smudde@gsa.gov>

Mon, Jan 13, 2020 at 9:19 AM

Cool, thanks

Sent from my iPad

On Jan 13, 2020, at 8:57 AM, Travis Lewis - H3 <travis.lewis@gsa.gov> wrote:

[Quoted text hidden]



Robert Smudde - H3B <robert.smudde@gsa.gov>

2019 Records Management Self-Assessment

1 message

NARA's RM Oversight and Reporting Program <noreply@qemailserver.com>
 Reply-To: NARA's RM Oversight and Reporting Program <rmselfassessment@nara.gov>
 To: robert.smudde@gsa.gov

Wed, Feb 5, 2020 at 12:51 PM

Thank you for completing the 2019 Records Management Self-Assessment! You will find in this email your agency's response as well as a URL that will direct you to your agency's response where you can download a PDF and print. If you have any questions about the self-assessment, please send an email to rmselfassessment@nara.gov.

#DistributeSection, RecipientData#:

#DistributeSection, TimeFinished#: 2020-02-05 12:51:48 EST

IP: 72.83.96.253

ResponseID: R_2TYsjRP4p5IciPd

#DistributeSection, ResultsLink#: #DistributeSection, DefaultLinkText#

#DistributeSection, ResultsURL#: https://archives.qualtrics.com/CP/Report.php?SID=SV_efX6r5yZUrLwF4F&R=R_2TYsjRP4p5IciPd

#DistributeSection, ResponseSummary#:

Q1. Is there a person in your agency who is responsible for coordinating and overseeing the implementation of the records management program? (36 CFR 1220.34(a))

Yes

Q2. Please provide the person's name, position title, and office.

Bob Stafford, Chief Administrative Services Officer and Senior Agency Official for Records Management, Office of Administrative Services

Q3. Does your agency have a Senior Agency Official for Records Management (SAORM)? (For components of a department this is most likely at the department level, and you may answer "Yes," even if this is not being done at the component level.)

Yes

Q4. Does your Agency Records Officer meet regularly (four or more times a year) with the SAORM to discuss the agency records management program's goals? (For components of a department, this is most likely at the department level.)

No

Q5. Does your agency have a network of designated employees within each program and administrative area who are assigned records management responsibilities? These individuals are often called Records Liaison Officers (RLOs), though their titles may vary. (36 CFR 1220.34(d))

Yes

Q6. Does your agency have a documented and approved records management directive(s)? (36 CFR 1220.34(c))

Yes

Q7. When was your agency's directive(s) last reviewed and/or revised to ensure it includes all new records management policy issuances and guidance?

FY 2019 - present

Q8. Does your agency have internal records management training*, based on agency policies and directives, for employees assigned records management responsibilities? (36 CFR 1220.34(f)) *Includes NARA's records management training workshops that were customized specifically for your agency or use of an agency-customized version of the Federal Records Officer Network (FRON) RM 101 course.

Yes

Q9. Has your agency developed mandatory internal, staff-wide, formal training*, based on agency policy and directives, covering records in all formats, including electronic communications such as email, text messages, chat, or other messaging platforms or apps, such as social media or mobile device applications, which helps agency employees and contractors fulfill their recordkeeping responsibilities? (36 CFR 1220.34(f)) *Includes NARA's records management training workshops that were customized specifically for your agency or use of an agency-customized version of the Federal Records Officer Network (FRON) RM 101 course. **Components of departmental agencies may answer "Yes" if this is handled by the department. Department Records Officers may answer "Yes" if this is handled at the component level.

Yes

Q10. Does your agency require that all senior and appointed officials, including those incoming and newly promoted, receive training on the importance of appropriately managing records under their immediate control? (36 CFR 1220.34(f))

Yes

Q12. In addition to your agency's established records management policies and records schedules, has your agency's records management program developed and implemented internal controls to ensure that all eligible, permanent agency records in all media are transferred to NARA according to approved records schedules? (36 CFR 1222.26(e)) **These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question. *Examples of records management internal controls include but are not limited to: • Regular briefings and other meetings with records creators • Monitoring and testing of file plans • Regular review of records inventories • Internal tracking database of permanent record authorities and dates

Yes

Q13. In addition to your agency's established policies and records schedules, has your agency developed and implemented internal controls to ensure that Federal records are not destroyed before the end of their retention period? (36 CFR 1222.26(e)) **These controls must be internal to your agency. Reliance on information from external agencies (e.g., NARA's Federal Records Centers) or other organizations should not be considered when responding to this question. *Examples of records management internal controls include but are not limited to: • Regular review of records inventories • Approval process for disposal notices from off-site storage • Require certificates of destruction • Monitoring shredding services • Performance testing for email • Monitoring and testing of file plans • Pre-authorization from records management program before records are destroyed • Ad hoc monitoring of trash and recycle bins • Notification from facilities staff when large trash bins or removal of boxes are requested • Annual records clean-out activities sponsored and monitored by records management staff

Yes

Q14. In addition to your agency's records management policies and records schedules, has your agency developed and implemented internal controls to ensure that all permanent records are created/captured, classified, filed and managed according to their NARA-approved records schedules? (36 CFR 1220.34(i))

No

Q15. Does your agency evaluate, by conducting inspections/audits/reviews, its records management program to ensure that it is efficient, effective, and compliant with all applicable records management laws and regulations? (36 CFR 1220.34(j)) **For this question, your agency's records management program, or a major component of the program (e.g., vital records identification and management, the records disposition process, records management training, or the management of your agency's electronic records) must be the primary focus of the inspection/audit/review.

Yes, evaluations are conducted by the Records Management Program

Q16. How often does your agency conduct formal evaluations of a major component of your agency (i.e., programs or offices)?

Ad hoc

Q17. Was a formal report written and subsequent plans of corrective action created and monitored for implementation as part of the most recent inspection/audit/review? (Choose all that apply)

Yes, formal report was written

Q18. Has your agency established performance goals for its records management program? *Examples of performance goals include but are not limited to: • Identifying and scheduling all paper and non-electronic records by the end of DATE • Developing computer-based records management training modules by the end of DATE • Planning and piloting an electronic records management solution for email by the end of DATE • Updating records management policies by the end of the year • Conducting records management evaluations of at least one program area each quarter

Yes

Q19. Has your agency's records management program identified performance measures for records management activities such as training, records scheduling, permanent records transfers, etc.? *Examples of performance measures include but are not limited to:

- Percentage of agency employees that receive records management training in a year
- A reduction in the volume of inactive records stored in office space
- Percentage of eligible permanent records transferred to NARA in a year
- Percentage of records scheduled
- Percentage of offices evaluated/inspected for records management compliance
- Percentage of email management auto-classification rates
- Development of new records management training modules
- Audits of internal systems
- Annual updates of file plans
- Performance testing for email applications to ensure records are captured
- Percentage of records successfully retrieved by Agency FOIA Officer in response to FOIA requests

Yes

Q20. Does your agency's records management program have documented and approved policies and procedures that instruct staff on how your agency's permanent records in all formats must be managed and stored? (36 CFR 1222.34(e))

Yes

Q21. Has your agency identified the vital records of all its program and administrative areas? (36 CFR 1223.16)

*Components of departmental agencies may answer "Yes" if this is handled by the department.

Yes

Q22. How often does your agency review and update its vital records inventory? (36 CFR 1223.14)

Annually

Q23. Is your vital records plan part of the Continuity of Operations (COOP) plan?

Yes

Q24. As the Agency Records Officer (or records management staff), have you received FOIA training?

Yes, I have received informal FOIA training (briefing by a colleague or as part of agency employee orientation)

Q25. Who reviews responses to FOIA requests? (Choose all that apply)

Supervisory Government Information Specialist/Team Lead

FOIA Officer

Office of General Counsel

Program office where the records originated

Chief FOIA and/or Privacy Officer

Q26. How does your agency handle duplicate records when processing FOIA requests?

Agency has software that de-duplicates

Q27. Which of the following does your agency/component have available on its FOIA website for requesting records?

(Choose all that apply)

Guide to accessing agency information

Description of major information

Q28. At your agency/component, who ensures that records posted to the FOIA Reading Room are accessible to people with disabilities (per 508 compliance)? (Choose all that apply) Note: Section 508 of the Rehabilitation Act of 1973 requires all Federal departments and agencies to ensure that their electronic information and technology are accessible to people with disabilities. (29 U.S.C. 794d(a)(1)(A))

FOIA Office

IT Office/Web manager

Q30. When was the last time your agency submitted a records schedule to NARA for approval? (36 CFR 1225.10)

FY 2018 - 2019

Q31. Does your agency periodically review agency-specific records schedules to ensure they still meet business needs, to identify gaps that may indicate unscheduled records, or to make needed revisions? Note: An agency-specific records schedule means it covers items that are not covered by the General Records Schedules (GRS).

Yes

Q32. Does your agency have agency-specific records schedules currently in use that include items approved before January 1, 1990?

Yes

Q33. Are you currently reviewing agency-specific records schedules with items approved before January 1, 1990, for updating and/or rescheduling? (CFR 1225.22)

No and have no plans to do so

Q34. Are records and information in your agency managed throughout the lifecycle [creation/capture, classification, maintenance, retention, and disposition] by being properly identified, classified using a taxonomy, inventoried, and scheduled? (36 CFR 1222.34, 36 CFR 1224.10, and 36 CFR 1225.12)

To some extent

Q35. Are records and information in your agency easily retrievable and accessible when needed for agency business? (36 CFR 1220.32(c))

Most records can be retrieved and accessed in a timely manner

Q36. Does your agency disseminate every approved disposition authority (including newly approved records schedules and General Records Schedule items) to agency staff within six months of approval? (36 CFR 1226.12(a))

Yes

Q37. Did your agency transfer permanent non-electronic records to NARA during FY 2019? (36 CFR 1235.12)

Yes

Q38. Did your agency transfer permanent electronic records to NARA during FY 2019? (36 CFR 1235.12)

No

Q39. Does your agency track when permanent records are eligible for transfer to NARA?

Yes

Q40. Please explain your response to the previous question. (If you answered "Yes," please be specific on methods used. If you answered "No," please explain why not.)

GSA reviews inventory reports from NARA Federal Records Centers to identify permanent records eligible for transfers. Additionally, GSA relies on the NARA Annual Move process for assistance in transferring permanent records to NARA

Q41. Does your agency conduct and document for accountability purposes training and/or other briefings as part of the on-boarding process for senior officials on their records management roles and responsibilities, including the appropriate disposition of records and the use of personal and unofficial email accounts? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

Yes

Q42. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in on-boarding briefings or other processes for newly appointed senior officials?

No, please explain -- GSA's Office of Human Resources Management is responsible for the on-boarding process, a portion of which pertains to records management.

Q43. Does your agency conduct and document for accountability purposes exit briefings for departing senior officials on the appropriate disposition of the records, including email, under their immediate control? (36 CFR 1222.24(a)(6) and 36 CFR 1230.10(a & b))

Yes

Q44. Is the Agency Records Officer and/or Senior Agency Official for Records Management involved in exit briefings or other exit clearance processes for departing senior officials?

No

Q45. Does the exit or separation process for departing senior officials include records management program staff or other designated official(s) reviewing and approving the removal of personal papers and copies of records by those senior officials? (36 CFR 1222.24(a)(6))

Yes

Q46. Does your agency store inactive temporary and/or permanent records in a commercial records storage facility?

Do not know

Q48. Does your agency store inactive temporary and/or permanent records in an agency-operated records center? (Note: This does NOT include agency staging areas and temporary holding areas.)

No

Q52. Does your agency store inactive temporary and/or permanent records in an agency records staging or holding area?

Yes

Q53. Does the staging or holding area(s) comply with the standards prescribed by 36 CFR 1234.10, 36 CFR 1234.12, and 36 CFR 1234.14?* *It is not required but encouraged that staging or holding areas comply with 36 CFR 1234.

No

Q55. Has your agency incorporated and/or integrated internal controls to ensure the reliability, authenticity, integrity, and usability of agency electronic records maintained in electronic information systems? (36 CFR 1236.10)

To some extent

Q56. Does your agency have documented and approved procedures to enable the migration of records and associated metadata to new storage media or formats so that records are retrievable and usable as long as needed to conduct agency business and to meet NARA-approved dispositions? (36 CFR 1236.20(b)(6))

No, under development

Q57. Does your agency maintain an inventory of electronic information systems that indicates whether or not each system is covered by an approved NARA disposition authority? (36 CFR 1236.26(a))

No, please explain -- GSA has an inventory, but it is not yet tied to disposition authorities.

Q58. Does your agency ensure that records management functionality, including the capture, retrieval, and retention of records according to agency business needs and NARA-approved records schedules, is incorporated into the design, development, and implementation of its electronic information systems? (36 CFR 1236.12) *Components of departmental agencies may answer "Yes" if this is handled by the department.

No, please explain -- GSA has a policy in place that records management functionality is accounted for in its electronic information systems, but does not monitor implementation.

Q59. Does your agency's records management program staff participate in the acquisition, design, development, and implementation of new electronic information systems?

To some extent

Q60. Which of the following best describes your agency's records management staff's participation in the procurement, acquisition, or other development of new electronic information software and systems, including but not limited to COTS purchases, database creation, and the software development lifecycle (regardless of methodology) to ensure appropriate records requirements are properly implemented? The records management staff:

Is regularly consulted by other parts of the agency to provide information only.

Q61. Does your agency have a process or strategy for managing permanent electronic records and related metadata in an electronic form?

Yes

Q62. Does your agency have documented and approved policies against unauthorized use, alteration, alienation or deletion of all electronic records?

Yes

Q63. Does your agency have a digitization strategy to reformat permanent records created in hard copy or other analog formats (e.g., microfiche, microfilm, analog video, and analog audio)?

To some extent

Q64. Does your agency use cloud services for any of the following? (Choose all that apply)

Email

Communication tools other than email (calendars, messaging apps, etc.)

Mission/program-related functions

Office tools/software

Streaming services

Q65. Does your agency have documented and approved policies for cloud service use that includes recordkeeping requirements and handling of Federal records?

No, under development

Q66. Does your agency have documented and approved policies and procedures in place to manage email records that have a retention period longer than 180 days? (36 CFR 1236.22)

Yes

Q67. Does your agency have documented and approved policies and procedures to implement the guidelines for the transfer of permanent email records to NARA described in NARA Bulletin 2014-04: Revised Format Guidance for the Transfer of Permanent Electronic Records – Appendix A: Tables of File Formats, Section 9 - Email? (36 CFR 1236.22(e))

Yes

Q68. Does your agency have documented and approved policies that address when employees have more than one

agency-administered email account, whether or not allowed, that states that email records must be preserved in an appropriate agency recordkeeping system? (36 CFR 1236.22) *Examples of business needs may include but are not limited to: • Using separate accounts for public and internal correspondence • Creating accounts for a specific agency initiative which may have multiple users • Using separate accounts for classified information and unclassified information

Yes

Q69. Does your agency have documented and approved policies that address the use of personal email accounts, whether or not allowed, that state that all emails created and received by such accounts must be preserved in an appropriate agency recordkeeping system and that a complete copy of all email records created and received by users of these accounts must be forwarded to an official electronic messaging account of the officer or employee no later than 20 days after the original creation or transmission of the record? (36 CFR 1236.22(b) and P.L. 113-187)

Yes

Q70. Does your agency's email system(s) retain the intelligent full names on directories or distribution lists to ensure identification of the sender and addressee(s) for those email messages that are Federal records? (36 CFR 1236.22(a)(3))

Yes

Q71. What method(s) does your agency employ to capture and manage email records? (Choose all that apply)

Captured and stored in an email archiving system

Captured and stored as personal storage table (.PST) files

Print and file

Other, please be specific: -- Print to PDF

Q72. Which of the following describes the disposition authority for email records being used by your agency? (Choose all that apply)

GRS 6.1: Email Managed under a Capstone Approach; agency has an approved form NA-1005

Q73. Does the current NARA-approved form NA-1005 or agency-specific email schedule adequately reflect your existing organizational structure?

Yes

Q75. Does your agency track changes in Capstone accounts to ensure they are accurate and complete?

Yes

Q77. Does your agency evaluate, monitor, or audit staff compliance with the agency's email preservation policies? (36 CFR 1220.18)

No

Q78. Does your agency have documented and approved policies and procedures in place to manage electronic messages including text messages, chat/instant messages, voice messages, and messages created in social media tools or applications?

Yes

Q81. How many full-time equivalents (FTE) are in your agency/organization?

10,000 – 99,999 FTEs

Q82. What other staff, offices, or program areas did you consult when you completed this self-assessment? (Choose all that apply)

Senior Agency Official

FOIA Officer

Records Liaison Officers or similar

Q83. How much time did it take you to gather the information to complete this self-assessment?

More than 6 hours but less than 10 hours

Q84. Did your agency's senior management review and concur with your responses to the 2019 Records Management Self-Assessment?

Yes

Q85. Please provide your contact information.

Name: Robert Smudde

Agency, Bureau, or Office: General Services Administration

Job Title: Agency Records Officer

Email Address: robert.smudde@gsa.gov

Phone Number: 202-365-4542

Q86. Are you the Agency Records Officer?

Yes

Q88. Does your agency use your Records Management Self-Assessment scores to measure the effectiveness of the records management program?

No

Q89. Do you have any suggestions for improving the Records Management Self-Assessment next year?

No

Embedded Data

Q_URL https://archives.qualtrics.com/jfe/form/SV_efX6r5yZUrLwF4F?Q_DL=42tyfgbv2Kx5g9_efX6r5yZUrLwF4F_MLRP_dhTtNxMHETf7A7X&Q_CHL=email

RecipientEmail robert.smudde@gsa.gov

RecipientFirstName Robert

RecipientLastName Smudde



Robert Smudde - H3B <robert.smudde@gsa.gov>

SAORM 2019 Annual Report - General Services Administration

2 messages

Robert Smudde - H3B <robert.smudde@gsa.gov>
To: RM Self Assessment Team <rmsselfassessment@nara.gov>
Bcc: Robert Smudde <robert.smudde@gsa.gov>

Wed, Feb 5, 2020 at 11:01 AM

To the RM Self Assessment Team,

Attached to this email is the GSA SAORM report for 2019.

Thank you,

Robert

-- --
Robert Smudde
Agency Records Officer
Office of Accountability and Transparency
General Services Administration
(202) 365-4542
robert.smudde@gsa.gov



2019 SOARM Report from GSA 2-5-2019.docx
33K

rmsselfassessment <rmsselfassessment@nara.gov>
To: rmsselfassessment <rmsselfassessment@nara.gov>
Cc: robert.smudde@gsa.gov, Cindy Smolovik <cindy.smolovik@nara.gov>, Laurence Brewer <laurence.brewer@nara.gov>

Wed, Feb 5, 2020 at 12:28 PM

Good afternoon,

Thank you for submitting your agency's SAORM report. We will be in contact if we have any questions.

V/r

Carmela Wynn
NARA's RM Oversight and Reporting Team

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GSA-2022-000660-Enclosure(s)

Unredacted – Releasable to the General Public



U.S. General Services Administration



Organizational Review: Office of Freedom of Information Act and Records Management

*By
Susan Marshall
July 2018*

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Background

On July 4, 1966 President Lyndon Johnson signed the *Freedom of Information Act* (FOIA) into law. Often described as the law that keeps citizens informed about their government, FOIA requires agencies, within 20 days of a request, to disclose agency information unless it falls under one of nine FOIA exemptions which protect personal privacy, national security, or law enforcement interests. In certain circumstances FOIA requesters have the right to administrative appeal and/or judicial review.

In 2016 Congress adopted amendments to FOIA which were signed into law by President Barack Obama. The new law, *The 2016 FOIA Improvement Act*, modifies the FOIA administrative appeal process, creates a new FOIA Council, revises annual agency reporting requirements, codifies certain records disclosure requirements, and requires the establishment of a single, one stop shop web portal for citizens to use to electronically file requests with multiple agencies. In addition, the new law authorizes mediators at the Office of Government Information Services (OGIS), which is part of the National Archives and Records Administration, to decide disputes. As the government's FOIA Ombudsman, OGIS identifies methods to improve compliance with the law, conducts outreach, and offers professional development training. Currently, GSA is in the process of receiving public comment on its proposed FOIA regulations implementing, among other things, the *2016 FOIA Improvement Act*.

The Office of Information Policy (OIP) which is housed within the Department of Justice oversees federal agency FOIA compliance by publishing policy guidance, providing legal counsel, and offering government-wide training to agency personnel. OIP carries out its duties by annually collecting and analyzing data contained in agency FOIA and Chief FOIA Officer reports. These reports describe agency FOIA program activities and caseload status and OIP staff use the data to develop FOIA program assessments which are publicly released. In its latest assessment OIP scored GSA's FOIA program at the highest levels, but highlighted the agency's need to focus on its current backlog.

Implementing FOIA at GSA- An Overview

GSA has a diverse and wide ranging mission. It delivers high-quality, cost effective services in real estate, acquisition and technology for customers throughout the government and around the world so the majority of its records include contracts, leases, policies, and program management files.

From April 2017 through March 31, 2018, GSA received 1,579 FOIA requests, of which, 1,277 of them were fully processed and closed out. As of today, GSA is processing over 300 open FOIA requests.

The following report is based on policy research, employee interviews and an evaluation of program procedures based on the OIP FOIA program assessment criteria. In certain sections, the report includes recommendations intended to enhance the current program. Appendix A contains a list of the names of the employees interviewed and Appendix B includes the questions used during the interviews.

The agency's FOIA program is implemented using the policies contained in GSA Directive, *ADM 5450.161 Freedom of Information Act Delegation* which outlines roles and responsibilities, the procedures contained in the *GSA FOIA Desktop Manual*, which describes how to process FOIA requests, and Service Level Agreements which set forth the procedures by which FOIA Specialists, Services and Staff Offices respond to requests. Led by the agency's Chief FOIA Officer, the program is managed by the Director of the FOIA and Records Management Office, and administered by eight FOIA Specialists¹ who operate the GSA FOIA Requester Service Center. The FOIA Requester Service Center is the point of contact for all FOIA requests and its employees process FOIA requests, post FOIA request logs, and issue statutorily mandated reports. They also complete Privacy Act requests filed by individuals seeking government records that contain information about themselves or who are seeking corrections to personal information contained in GSA records.

The Privacy Act of 1974 is a companion to the FOIA and it regulates agency recordkeeping and disclosure practices. Specifically, it allows individuals access to Federal agency records that contain information about themselves and requires that personal information in department files be accurate, complete, relevant, and timely. The law authorizes the subject of an agency record to challenge the accuracy of the information contained in it and recognizes the need to restrict disclosure of some personal data to third parties.

Under the Privacy Act, agencies are required to respond to a request for information within 10 business days. A request for records under this authority may be denied if the requested record contains information that is protected by one of the Privacy Act's ten exemptions. At GSA, the Chief Privacy Officer, Richard Speidel, conducts Privacy Impact Assessments (PIAs) ensures that the agency protects personally identifiable information (PII); identifies systems that use PII, maintains and publishes the agency's Systems of Records (SORs); publishes guidelines for new or revised systems of records; publishes GSA's System of Records Notices (SORNS); works with senior management to create Privacy policy documents; and develops and conducts annual Privacy Act training. At this time, GSA does display on its FOIA website, any information about how to file Privacy Act request, therefore I recommend management consider posting specific Privacy Act filing instructions on the FOIA site. The Chief Privacy Officer is a critical resource and the work he does helps ensure the agency is protecting sensitive information contained throughout the agency's vast IT network.

Service Center FOIA Specialists are assigned organizational portfolios based on an individual's program knowledge, agency contacts, or subject matter expertise, and they work with hundreds of Service, Staff Office and regional points of contact (POC) located throughout the agency and around the country.

FOIA Specialists review requests sent to the agency through the mail, email or submitted electronically in the government-wide web portal, *FOIAOnline*. After reviewing an individual request, the employee assigns a tracking number to the request,

¹ For purposes of this report Central Office FOIA staff are referred to as FOIA Specialists.

sends an acknowledgment letter to the requester within 48 hours, evaluates the request to determine whether a fee should be charged, and classifies cases as either simple or complex. Like other agencies GSA sorts incoming FOIA requests according to complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in another. I reviewed a small sample of intake process data which, for the most part, revealed that staff are meeting deadlines and documenting tasks, however, there was some missing information in the system which could impact GSA's ability to accurately report program progress. Also, there were a number of delays in the assignment of cases. Meeting administrative deadlines is critical to this complex program since requesters can appeal cases based on missed due dates. Therefore I recommend management consider implementing a weekly or monthly quality review of the intake process data to ensure that staff are assigning cases within the required deadlines.

Depending on the request classification, a FOIA Specialist will either begin retrieving and redacting documents or task the appropriate Service, Staff Office or regional record owner with the FOIA response activities. Each year GSA points of contact (POC) within the Services, Staff Offices and at the regions assign hundreds of employees with the responsibility for working with the FOIA Specialists to complete FOIA responses. These employees are referred to as Subject Matter Experts (SME) and they own and maintain records responsive to requests so they are responsible for retrieving, reviewing, and redacting them. Located at headquarters and throughout the country SME are critical to the process because their actions impact the agency's ability to effectively meet FOIA deadlines. For example, after a FOIA request is acknowledged and classified by the FOIA Specialist he or she contacts the appropriate POC and that employee contacts the subject matter expert(s) (SME) who own and maintain the records that relate to the FOIA request. Since GSA recordkeeping is based on an employee's role and responsibilities some of the FOIA responses for contracts and/or leases include thousands of records which are owned by dozens of SME staff. SME tasks include, but are not limited to-- retrieving and redacting documents according to the nine exemptions contained in FOIA, drafting response letters, obtaining legal and management approvals, and sending final draft packages, or perfected requests, to the appropriate reviewers. Reviewers include program managers, supervisors and legal staff in the regions and at Central Office. Once SME obtain the necessary response package approvals they send it to a FOIA Specialist for final review and release. Throughout the FOIA response process the FOIA Specialist is always available to answer questions or assist with response tasks, and in some cases, the FOIA Specialist completes all of the tasks required to perfect a request.

If a FOIA Specialist and SME determine the request requires an extensive search, the law allows GSA to ask the requester to pay a fee. Before the fee is charged a SME fills out a Fee Worksheet which estimates the hours needed to complete the process and the completed worksheet is provided to the FOIA Director who manages the entire process. After GSA's Office of the Chief Financial Officer receives the fee, it transfers the money to the Department of Treasury. After the Department of Treasury processes the funds staff can begin working on the case. Currently, all fees are collected by

Region 6 staff who report Department of Treasury processing times to FOIA Specialists. In order to expedite the fee process, GSA may want to consider setting up a Pay.gov account with the Treasury Department. This direct deposit system is designed for individuals that need to pay Treasury for services other than tax bills. To learn more about the program you can access the program's website using the following weblink- <https://www.pay.gov/public/search/global?formSearchCategory=FOIA+Request>.

Some FOIA responses include both documents and email records. The email record retrieval process is managed by the Director of the FOIA Office and conducted by the Office of the Chief Information Office (OCIO) E-Discovery team. The E-Discovery team is comprised of four employees, one of whom is an SAIC contractor that is assigned to the FOIA program and the others support the Office of General Counsel. Last year the SAIC E-Discovery staff retrieved documents in response to over 200 FOIA requests and some of the searches resulted in the release of thousands of agency records. Once the E-Discovery staff receives the search term(s) from the Director, she conducts a Boolean search to "pull" relevant email records from the Google Vault where GSA stores them. After the search is complete staff send the results to the Director of the FOIA Office, in either MBox or PST format. He has approximately 15 days to convert the data to a usable format. Using an OCIO provided computer that has adequate storage capacity to download large files, the Director converts the MBOX or PST data into PDF format. Until the conversion process is complete neither the FOIA Specialists nor the SME staff is able to delete non-responsive email records contained in files so they are unable to apply the statutorily required redactions to the data. This is a cumbersome process and at times it is causing delays. For example I was informed that even after documents are converted to the PDF format by the Director; many times there are technical glitches which impact staff's ability to manipulate the data.

Again, once a response has been perfected it is sent to the FOIA staff for review. FOIA Specialists and/or team leads make certain responses are accurate and complete by making sure the records are responsive to the FOIA request, ensuring exemptions are applied accurately, editing correspondence to correct spelling and grammar, and reviewing management approvals to ensure they are complete. In certain circumstances the Chief FOIA Officer reviews perfected requests before they are released to requesters.

The majority of GSA's FOIA responses are completed by employees whose primary duties are not related to FOIA, but instead are mission related. A number of interviewees told me that while requiring GSA subject matter experts to process FOIA requests is the most practical method for meeting FOIA deadlines, in some circumstances, the process leads to delays because the employees responsible for completing the tasks are also responsible for meeting program deadlines that take precedence over the FOIA work, such as providing agency clients with contracting services or office space.

As of this date the FOIA backlog is as follows:

Overdue FY2017—103 Overdue FY2018—167 Total Backlog—270

In accordance with Justice Department guidance, last month senior staff began meeting with Service and Staff Office leadership to obtain support for the program and to discuss FOIA backlog status. On a quarterly or more frequent basis, staff will continue to meet with these officials to increase awareness and accountability.

In order to help GSA reduce its current backlog management should consider hiring at least two contract staff using the temporary staffing services available on GSA's Temporary and Administrative Professional Staffing (TAPS) Schedule ². Contract staff could help GSA address its FOIA backlog without requiring the agency to permanently obligate funds to this activity. Any new hires should be directed to review, redact, and respond to requests and assist with the quality review process.

Developing and Administering FOIA Program Policy

Well-crafted regulations and policies are the key to effective and efficient government programs and taken together, they provide a roadmap for day-to-day operations. Likewise, policies and procedures ensure compliance with all applicable laws by offering employees with decision-making guidance.

At GSA, *Directive ADM 5450.161*, (November 16, 2012), *Freedom of Information Act Delegation* is the governing policy employees comply with when responding to FOIA requests. Unfortunately, it does not include any of the program requirements authorized in the *2016 FOIA Improvement Act*. For example, the recently adopted law requires agencies to inform requesters about new legal requirements such as the requester's right to seek dispute resolution services from the FOIA Public Liaison or the Office of Government Information Services. These and other important rules are not contained in the current GSA FOIA Policy Directive even though GSA employees regularly comply with them.

Likewise, the agency's current FOIA regulations do not include program requirements outlined in a number of laws enacted since the mid-1990's, however, after the 2016 Act was enacted, FOIA staff began rewriting the rules, and in accordance with the Administrative Procedures Act, they submitted them to the Office of Management and Budget, Office of Information and Regulatory Administration (OIRA) for approval. Recently, OIRA approved them so staff sent the package to the Office of Government-wide Policy for release to the public through the Federal Register so individuals and organizations would have 60 days to comment on the revisions. The rules will be made final once the comments are received, reviewed and addressed. As that process unfolds, staff should consider updating *Directive ADM 5450.161* and GSA's *FOIA Desktop Manual* to include the new rules and procedures.

² 736 5 Technical and Professional Occupations- with and/or without security clearances, i.e. Secret, Top Secret, and Top Secret SCI- his SIN includes a number of occupational series including FOIA Specialist.

Providing Electronic Access to Agency Records

GSA operates and maintains a public FOIA website that includes, among other things, information about the FOIA request process, such as the FOIA program fax number, mailing address, email address, and Public Liaison contact information. The site also offers easy access to the government's electronic FOIA request web portal, *FOIAOnline*. GSA uses *FOIAOnline* to manage requests and store FOIA documents.

During the interview process FOIA Specialists said they believe the public site includes all the necessary program information however some suggested it should be updated to include the agency's mission statement. Interviewees said that often times the public doesn't understand GSA's role in government so the agency receives dozens of FOIA requests that should have been sent to other departments. Therefore, I recommend staff consider adding the agency's mission statement to the FOIA website.

For purposes of this report I reviewed the FOIA websites of the following agencies: U.S. Department of Agriculture, U.S. Department of Education, Environmental Protection Agency, U.S. Department of Housing and Urban Development, U.S. Department of Labor, NASA, U.S. Department of State, Department of Treasury, and the U.S. Department of Transportation. Generally, it appears as though agencies include specific web links to the following reference material: *About FOIA, Resources for FOIA Requests, Frequently Requested Information, FOIA Contacts, Privacy Act, Other Agencies' FOIA Contacts, and Check Status of Online FOIA Request*. Because GSA's site has many, but not all of the above categories I recommend staff consider revising the format and including additional content in order to increase transparency. In particular I would suggest staff pay particular attention to the way the U.S. Department of State and the Environmental Protection Agency designed their sites which I found easy to access and understand. See Appendix D for specific website recommendations.

Access to Routine Records

Under federal law agencies are required to provide public access to different categories of records. Those categories include 1) administrative opinions or orders, 2) routine agency records, 3) certain administrative staff manuals, and; 4) information that has been the subject of three FOIA requests.

Individuals interested in viewing many of GSA's administrative records are able to find them on the GSA FOIA site. For example, citizens can read about and download GSA's governing laws, orders, bulletins, policy statements, certain acquisition manuals, agency forms, and certifications. Since GSA is constantly updating its policies, procedures and governing rules, FOIA program staff should routinely work with their Service and Staff Office counterparts to determine when the site should be updated to include new records, policies, or reports.

Access to GSA's Electronic Reading Room

On a routine basis, agencies and departments use their electronic reading rooms to affirmatively disclose records that otherwise might be sought through the more cumbersome and time consuming FOIA request process and to disclose information that has been the subject of three requests. Recent discussions between FOIA and Service and Staff Office senior management have led to the establishment of new procedures designed to determine how additional information should be published on GSA's site.

Currently, GSA's Electronic Reading Room provides access to the following: 1) Presidential Transition Team Reports 2) Old Post Office Ground Lease Records 3) Old Post Office Financial Monthly Statements, 4) Frequently Requested Leases 5) 2010 PBS Western Region Conference documents, 6) Other Documents, 7) GSA FOIA Review and Plan, 8) Public Information Handbook, and: 9) Your Right to Federal Records. While this portion of the site is very helpful to those seeking GSA documents, I believe more information should be added to it to increase agency transparency. See Appendix E for detailed Electronic Reading Room website recommendations.

Program Assessment Results

The Department of Justice, Office of Information Policy offers a web-based self-assessment tool to help managers evaluate FOIA program effectiveness. Using the criteria contained in the kit I evaluated GSA's FOIA processes and rated them according to the OIP scoring system listed below. What follows is my assessment of specific GSA FOIA procedures.

4- The Agency does this and has strong evidence of success.	3- The Agency generally does this, but there are inconsistencies, lack of evidence, or room for improvement	2- The Agency has a policy of doing this, but it does not regularly occur in practice.	1- The Agency is not yet doing this and/or there are major obstacles to progress.
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Intake Process: Current Mail Intake and Initial Mail Review- Overall Score = 3

According to the Justice Department there are five activities which are critical to an efficient and effective FOIA intake process-

1. Requester access to electronic FOIA submissions- Yes
2. Designated personnel who monitor paper and electronic FOIA submissions- Yes
3. Designated staff assigning FOIA cases and related tasks – Yes
4. Staff re-routing misdirected requests within ten days or less- No data
5. Staff recognizing and responding to expedited requests within ten days- No data

Individuals interested in obtaining GSA records are provided multiple avenues to submit FOIA requests. For example, a requester can send an email to the GSA Public Liaison, through the U.S. mail or electronically through the *FOIAOnline* web portal. *FOIAOnline* is a government-wide cloud-based system that allows participating agencies to respond to requests electronically in order to reduce program costs. Annually, GSA pays approximately \$46,000 to use the system and senior staff participate on the *FOIAOnline* governance board.

With only 20 days to complete a FOIA response and multiple avenues for individuals to submit requests it is important for cases to be reviewed and assigned quickly. Based on staff interviews and a sampling of information taken from *FOIAOnline* the GSA intake process is adequate, but more could be done to strengthen it.

For example, one employee is responsible for monitoring and routing paper and electronic submissions, however, several individuals interviewed were unaware of this fact and under the impression the group as a whole was responsible for routing incoming submissions. Similarly, I was told the GSA voicemail Inbox routinely contains unanswered calls. At a minimum, FOIA Specialists should be reviewing the electronic submission data daily and referring requests that don't belong to GSA to other agencies, and a designated official should be routing calls from the voicemail Inbox.

If management wants to strengthen the Intake Process, it should consider communicating Intake Process roles and responsibilities and hold officials accountable for carrying out duties. Also, management should consider implementing a new bi-weekly intake process data quality review to ensure accuracy and timeliness. If possible, management should analyze additional *FOIAOnline* data to determine if more could be done to make this process more efficient.

FOIA Workflow: Assigning Cases, Managing Tracks, and Identifying Frequently Requested Records- Overall Score= 3

1. Agency has a dedicated FOIA tracking system, or some other FOIA tracking method, that is updated throughout the FOIA process to accurately reflect the current status of requests- Yes
2. Agency promptly assigns new FOIA requests, referrals, and consultations to personnel for processing- Need more data
3. Agency generally processes requests within each track on a first-in, first-out basis- Need more data
4. Agency promptly sends acknowledgement letter to requester for any request that will take longer than 10 working days to process- No data
5. FOIA Staff monitor the placement of requests into the appropriate processing track and to review, and update if necessary, that designation throughout the course of the request- Yes
6. Agency actively monitors individual and office-wide workloads, using all available tools of the case tracking system, to identify and address issues that impact timeliness- No data
7. Agency has a defined review structure to ensure that responses and records are reviewed before transmission to the requester- Yes
8. Agency has a well-defined process to identify and post online records that have been or the Agency anticipates will be requested three or more times- No

After FOIA Requester Service Center staff receive FOIA submissions they assign tracking numbers to them, classify the request as either simple or complex, and work with Service, Staff Office or regional POC to identify program or business line SME that maintain the records that would be responsive to the FOIA request. Once the SME is identified he or she retrieves, reviews and redacts the appropriate agency records, prepares transmittal letters, and obtains required approvals before providing the perfected request to the FOIA Specialist. In certain circumstances FOIA Specialists apply the redactions to agency records; however, if there is a situation where they know GSA will issue a full information denial they do not prepare the letter. Instead they send the case forward and the SME drafts the full denial letter. Because the FOIA Specialists are so knowledgeable about the law, I believe they should be able to review requests and determine if the agency should release a full denial. In the future I would recommend FOIA Specialists draft and release all of the full denial letters. In addition, they should send requesters to the GSA website or other websites if information is available instead of processing requests.

FOIA staff rely on the *FOIAOnline* system to remind SME about upcoming deadlines, however, they should be monitoring the deadlines, too. All in all, the GSA workflow process is functioning, but the addition of additional resources, either the hiring of contract FOIA Specialists or other staff would help GSA enhance this process.

Review of Acknowledgement Letter Process- Overall Score= 4

1. Agency sends an acknowledgement letter containing a request tracking number within ten working days of receipt for any request that will take longer than ten working days to process. Yes.
2. Agency summarizes the subject of the request, and provides a point of contact who can answer any questions about the request. Yes.

FOIA Specialists routinely use the *FOIAOnline* system to acknowledge requests, but, my information sampling showed that in a few cases, staff are not sending the acknowledgements in a timely manner. I would recommend management consider implementing a weekly or monthly quality review process to ensure timelines are met.

Review of Expedited Processing Procedures- Overall Score= 4

1. FOIA Staff are trained to examine requests to identify whether they seek expedition and to identify such requests as soon as possible upon receipt. Yes
2. FOIA Staff are trained to apply the statutory and any agency-specific standards included in Agency regulations for granting expedited processing. Yes
3. Responses to requests for expedition are subject to at least one level of review. Yes
4. Responses to requests for expedition are provided within ten calendar days of receiving the request. Agency provides administrative appeal rights with any denial of a request for expedited processing. Yes.

FOIA Specialists know the expedited processing rules and work with the Director of the FOIA Office when granting or denying the application of these rules.

Fee Waiver and Fee Category Responses- Overall Score= 4

1. FOIA Staff are provided training and resources on the FOIA's fee categories, as well as the standard for granting a fee waiver. Yes
2. If a certain fee category is requested, but the requester is placed into a different fee category, FOIA Staff fully explain all reasons for the fee category placement. Yes
3. Decisions on fee category and responses to requests for fee waiver are subject to at least one level of review and are provided promptly after determining that fees are at issue. Yes.

FOIA Specialists and SME staff work together to determine if a fee should be applied to the request and how the fee should be structured. Using a standard worksheet, the SME estimates the man hours required to complete the search and the Director of the FOIA Office handles the paperwork on behalf of the agency. FOIA Specialists and SME staff are responsible for ensuring document retrieval and redaction does not begin until the Department of the Treasury processes the related case fee. At GSA the fees are collected by Region 6 staff who contact the FOIA Specialists when the Treasury

Department has processed the funds. The Treasury Department offers a direct deposit service to agencies, titled, *Pay.gov* which allows individuals to pay FOIA fees directly to the Department. GSA should consider establishing one of these direct deposit accounts.

Searching for Responsive Records- Overall Score= 4

1. FOIA Staff receive training concerning the legal requirements for conducting a reasonable search. Yes.
2. Resources, such as training manuals and handbooks that provide instruction and guidelines on conducting searches at the Agency, are made available to FOIA Staff. Yes, but they should be updated to include all rules and regulations.
3. Individuals outside the FOIA Office tasking those offices to conduct searches contain instructions on what is required to conduct a reasonable search, and FOIA Staff follow up on pending searches. Yes. FOIA Specialists provide program staff with training.
4. Supervisors review search terms and search parameters for each request and adjust as needed. Yes, FOIA Specialists assist with this task.
5. Search requirements and any new developments concerning search obligations are regularly discussed with FOIA Staff. Yes
6. FOIA Staff document all aspects of the search conducted within each request's case notes. Yes
7. FOIA Staff in your agency are familiar with the various types of records maintained by your Agency, including record systems, databases, and physical locations where records are located. Yes
8. FOIA Staff understand where to look for assistance, and have ready access to resources to assist them in identifying records potentially responsive to requests. Yes
9. FOIA Staff create a search plan for each request.
10. FOIA Staff and, if applicable, program staff, can conduct searches for all responsive records, including electronic records that are not contained within a centralized database or electronic repository, hard-copy records that might be located in off-site facilities, and classified records. Yes, FOIA staff work with other records sources, including the Office of Chief Information Officer, to obtain responsive records in other repositories.
11. Electronic documents are provided to FOIA Staff in their native/original format when possible. Yes.
12. FOIA Staff continually examine ways to improve how searches are conducted both to increase efficiency and to improve identification of responsive material. Yes
13. When potentially responsive records are located, FOIA Staff can devise approaches to further refine the search to pinpoint responsive material. This can be done manually or by using electronic tools. This process also removes any duplicates. Yes
14. Rationale for decisions made, and any additional search terms used during the initial review are memorialized in the case notes. Yes.

Searching for agency records is a complex, time consuming and, at times, technically difficult process. All of the staff involved in it make a best faith effort to retrieve all of the relevant documents, however, in some circumstances, there is some confusion about what the requester is seeking and at other times, processing electronic documents is complicated because they have to be converted to PDF format before they can be redacted. Once the agency completes implementation of its electronic document

repository staff may not have to encounter as many hurdles when searching for responsive documents.

Review of Processing Procedures- Overall Score= 4

1. FOIA Staff process responsive records using electronic tools when possible. Yes
2. FOIA Staff understand how to use the electronic tools, including marking and applying redactions. Yes
3. FOIA Staff understand how to identify material for protection under the FOIA's exemptions and can easily contact supervisors with questions. Yes
4. FOIA Staff segregate non-exempt information for release. Yes
5. Redactions on partial releases are clearly marked with the applicable exemption on the document in accordance with OIP's Guidance. Yes
6. The request file contains: clean copies of all responsive documents; working copies that show any redactions made; copies of the documents as released to the requester; and,• copies of any documents withheld in full. Yes
7. There is a process to review the disclosure decisions made for each request. Yes
8. Supervisors manage the flow of requests and continually look for ways to increase efficiency. Yes
9. Agency uses multi-track processing and actively manages track assignment for each request. Yes
10. The oldest pending requests are prioritized and managed. Yes

Using electronic tools FOIA Specialists and SME staff are able to redact materials in PDF formatted documents and process them through the *FOIAOnline* system. Redactions are reviewed by program supervisors, legal staff, FOIA Specialists and FOIA program team leads and in certain circumstances, the Director, Office of FOIA/Records Management and the Chief FOIA Officer. Service and Staff Office employees involved in the FOIA process receive training conducted by the GSA FOIA Specialists or the Department of Justice.

Application of Statutory Exclusions- Overall Score= 4

1. All FOIA Staff are aware of the types of records covered by the statutory exclusions to the FOIA. Yes.
2. Agency has procedures in place to consult with OIP before using any exclusion. Not a formal process, but staff no OIP is available to help.

FOIA program reference materials provide detailed instructions on how to inform requesters about statutory exclusions that prohibit the agency from releasing specific materials, such as proprietary data. FOIA Specialists have an in-depth understanding of the exclusions and their importance. When new SME staff are assigned to the program, FOIA Specialists train them on the importance of the rules.

Overall Procedures for Consultations, Referrals, and Coordination- Overall Score= 4

1. FOIA Staff understand how to identify records that contain another agency's equity and understand differences between consultation, referral, and coordination procedures. Yes.
2. FOIA Staff identify and send records that require consultation, referral, or coordination as soon as practicable when processing request. Yes
3. FOIA Staff carefully review records to ensure they are responsive to underlying request before sending to another agency for referral, consultation, or coordination. Yes
4. Agency has a well-defined process for timely processing referrals, consultations, and coordinations that it receives. Yes
5. Agency has explored feasibility of and, whenever possible, entered into agreements with other agencies concerning the handling of their information that the Agency frequently locates to eliminate or reduce the number of consultations, referrals, or coordinations required. No
6. Agency routinely reviews the age of pending consultations and, in particular, focuses on closing the oldest pending consultations each year. Yes

FOIA Specialists are responsible for identifying requests that are not within GSA's jurisdiction and for quickly referring them to the appropriate agency for response. Other cases require staff to participate in consultations, and coordinations with additional staff in order to fulfill FOIA information release requirements. In most, but not all cases, staff complete the required actions effectively, however, there are situations where there is some confusion about what information the requester is seeking so it is difficult to determine how to refer cases or who to consult with in these instances. Overall this process is robust, but it should periodically be reviewed to ensure referrals, consultations and coordinations are as efficient as possible.

Review of Coordination Procedures-Overall Score= 4

1. Agency has a process in place to train FOIA Staff to identify law enforcement or national security related records that have not been acknowledged by the originating law enforcement or Intelligence office or agency. Yes
2. When such records are identified, your Agency coordinates with the agency that originated the records to determine whether a referral is possible, and if not, to obtain the originating agency's views on disclosability, in accordance with OIP's Guidance on this topic. Yes
3. After records are forwarded for coordination, your Agency has a process for regularly following up with the agency whose views are sought. Yes
4. Your Agency remains responsible for responding to inquiries about the status of the request from the requester. Yes
5. To the extent your Agency receives coordination inquiries from other agencies, you have a process to timely respond to those coordination requests and, if needed, to provide any status updates to the sending agency to pass on to the requester. Yes
6. Any coordination requests your agency receives from other agencies are included as consultations in your agency's Annual FOIA Report. Yes

FOIA Specialists have in-depth knowledge about the rules for handling and protecting national security and intelligence data. At GSA one FOIA Specialist holds a top secret security clearance so she is able to process classified information. Like other procedures, these processes should periodically be reviewed to ensure they are as efficient and effective as possible. These cases are highlighted in GSA's Annual FOIA Report.

FOIA Response Preparation and Response Language- Overall Score= 4

1. Agency's standard language covers acknowledgment, unusual circumstances, expedited processing, fees, and final decisions, including an explanation of exemptions applied. Yes
2. Agency has a process for regularly reviewing and updating standard response language for accuracy and clarity. Yes
3. FOIA Staff use the most recent standard language while also customizing letters whenever feasible to be more informative and increase understanding of the handling of the request. Yes
4. If the Agency maintains law enforcement records, standard language about the FOIA's exclusions are included in all responses. Yes
5. Agency communicates with requester electronically by default, or by using the requester's preferred form of communication, whenever practicable. Yes

Recently, at the Chief FOIA Officer and General Counsel's direction, GSA updated its standardized FOIA response letters and its standardized exemption language. SME Staff and FOIA Specialists use this language on a daily basis.

Review Chain and Response Transmission-Overall Score= 4

1. Your Agency has a well-defined, mandatory review structure for reviewing responses to FOIA requests. Yes
2. Reviewers can reassign work or shift review responsibilities where appropriate to account for changes in workload. Yes
3. Reviewers are easily accessible to FOIA Staff to answer questions about request processing and responses. Yes
4. Reviewers regularly check in with FOIA Staff about the status of ongoing complex requests. Yes
5. When reviewing a response, the reviewers examine the entire administrative record to ensure it is complete, including at minimum: the request, search documentation, and the draft response, including responsive records and any redactions. Yes
6. Reviewers ensure that responses are clear, complete, and include tailored language whenever helpful, and that responses are transmitted electronically by default, or according to the requester's preference. Yes
7. Reviewers ensure that all correspondence with the requester is maintained in the case file. Yes

GSA's current review chain and response transmission varies by request classification. It is fairly complicated, but functioning well, however, management should consider talking to staff about the importance of communicating issues with management when SME are not meeting deadlines, or there is confusion about the assignment of a task.

Because *FOIAOnline* is accessible to all agency staff participating in the FOIA response process it is easy to determine the status of particular FOIA cases. Even though *FOIAOnline* issues automated deadline reminders, FOIA Specialists should monitor the review chain process to make sure deadlines are met in a timely manner.

Training and Employee Development- Overall Score= 3

1. All new FOIA Staff members receive training to become familiar with: the FOIA's legal requirements, your Agency's regulatory requirements.
2. OIP's policy guidance, and your Agency's FOIA procedures, include the types of records maintained by the agency, how to best locate those records, and how to make disclosure determinations.
3. Agency hosts regular, substantive FOIA training for all FOIA Staff and/or actively encourages them to attend substantive outside FOIA training, such as that provided by the Department of Justice, at least once per year.
4. FOIA Staff are encouraged to suggest topics for future training; and FOIA Managers identify potential topics based on updates to the law and frequently-encountered issues.

FOIA is a complicated law and applying it is even more complicated. Annually, FOIA Specialists are welcome to participate in various types of training such as FOIA or acquisition training, or other training interests, and occasionally, FOIA Specialists train new SME staff about the law so they know how to implement it. Even though FOIA Specialists are program experts I recommend they be required to attend annual FOIA training with GSA's attorneys, or take advantage of training offered by the Department of Justice, Office of Information Policy, the American Society of Access Professionals or other professional organizations. I believe this additional requirement will expose them to new ideas and techniques that could make their job easier and the program more effective.

FOIA Requester Service Centers and FOIA Public Liaisons

1. FOIA Requester Service Center Staff and FOIA Public Liaisons are familiar with, and follow, OIP's guidance on good communication practices. Yes
2. FOIA Staff are provided instruction and best practices for engaging with requesters. Yes
3. FOIA Requester Service Center has accurate contact information posted online (on the Agency's website and FOIA.gov) and provides timely responses to public inquiries. Yes
4. FOIA Public Liaison is a supervisory official, has accurate contact information posted online, and provides timely responses to public inquiries. Yes
5. FOIA Public Liaison is familiar with the mediation services offered by the Office of Government Information Services (OGIS) at NARA. Yes

FOIA Specialists provide good customer service as evidenced by the recent internal partnership survey scores, however, management may want to meet with GSA's customer service experts to determine if they could develop workshops for FOIA Specialists so they can learn about leading best practices.

The current FOIA Public Liaison Officer is new to the position so she is learning about the program, its rules, and her job duties. Management is monitoring her progress and ensuring she has the tools she needs to fulfill her role. In the meantime, staff should continue to periodically review the FOIA website to ensure it includes all of the required Public Liaison contact information.

Quarterly FOIA Reports- Overall Score= 4

1. Agency has an efficient process in place for collecting the relevant data required for quarterly reports. Yes
2. Agency posts its quarterly report data in accordance with OIP Guidance no later than the last Friday of the month following the end of a quarter, with the data appearing on FOIA.gov. Yes
3. Once cleared by OIP, Agency posts the final human-readable and XML versions of the report on its website by March 1, providing links to OIP and OGIS. Yes
4. Agency posts the raw data used to compile the report within a reasonable amount of time. Yes

While the *FOIAOnline* system has, in some ways, made it easier for staff to collect and report on FOIA program statistics, the final data collection and reporting process continues to involve multiple, complex, manual procedures required to ensure data accuracy. Staff regularly meet program deadlines.

Management may want to work with the Office of the Chief Information Officer to determine if other IT resources could be made available to staff to make the information collection and reporting process more efficient.

Chief FOIA Officer Reports-Overall Score= 4

1. Agency reviews OIP's guidelines for each year's Chief FOIA Officer Report upon their issuance and develops plan for addressing the required content for the report.
2. Agency has an efficient process in place for collecting the information required for Chief FOIA Officer Reports and compiling this information into the final report.
3. If decentralized, Agency reaches out to components to obtain necessary information to complete the report.
4. Agency submits its report to OIP by the published deadline, working with OIP to answer questions and make any corrections.
5. Once cleared by OIP, Agency posts report on its website no later than Sunshine Week (the second Monday in March) and sends OIP the link.

While the *FOIAOnline* system has, in some ways, made it easier to collect and report on FOIA program statistics, however, the final data collection and reporting process continues to involve multiple, complex, manual procedures designed to ensure data accuracy that make the process inefficient. In spite of these challenges staff continually meet statutory deadlines.

In the future, management may want to seek Chief Information Officer review of these processes to determine if other IT resources could be made available to make the process more efficient.

FOIA Website Development and Maintenance- Overall Score= 3

1. FOIA Reference Guide, which describes how to make a request and includes an index of the major information and record locator systems maintained by the agency, and also includes a brief description of the FOIA's exemptions and the three statutory exclusions.
2. Agency's FOIA regulations.
3. Agency's FOIA Reports, including Annual FOIA Reports and Chief FOIA Officer Reports.

Currently, the FOIA website includes multiple reference materials, such as FOIA reports, routine records, and access to information that has been requested more than three times. In the future management may want to consider revising the FOIA website format and increasing the amount of information posted to increase transparency. See Appendix D for more details.

Conclusion

Overall, GSA has a dedicated FOIA program which carries out the law using Department of Justice guidance. However, it is dependent on a limited number of Central Office staff managing a vast nationwide network of program staff who are responsible for complying with the law even though their primary duties are not related to the FOIA. In order to strengthen the FOIA program and help reduce the current backlog, GSA should hire additional staff. In addition, management should consider implementing the recommendations contained in Appendix C of this report. If possible, management should consider conducting a follow-on review of the data contained in *FOIAOnline* so staff can analyze the number and types of requests that are being processed by Service, Staff Office and region and use those results to either implement additional process improvements, shift resources, or add more staff to the program.

Appendix A: Organizational Review Questionnaire

1. How long have you held this position?
2. What words would you use to describe this office?
3. What are the values that guide your work?
4. What is central to this office that should never change?
5. What are you most proud of as an employee in this organization?
6. As you look back on your work here, what have been some of the challenges?
7. What have been some of the successes here that have helped you to be confident about your work and helped the organization succeed?
8. What are the organization's strengths? What are the organization's weaknesses, opportunities, and/or threats?
9. How is information shared across the organization?
10. Can you tell me about the IT systems that help you get your job done?
11. How do you document your work and how is it reviewed?
12. What support do you need in order to be successful?
13. How would you describe the SME review process?
14. What words would you use to describe your workload?
15. Do you have any interactions with the GSA Privacy Officer?
16. Do you have any interactions with the CIO staff?
17. What kind of training do you receive?
18. What should this office focus on and pay attention to?
19. What do you think about the organization's public website? Intranet site?
20. Do you have any policy, process or resource recommendations and if so, how would they help the organization succeed?

Appendix B: Staff Interviewed for this Report

1. Hyacinth Perrault, FOIA Specialist (FOIA Team Lead)
2. Duane Fulton, FOIA Specialist (FOIA Team Lead)
3. Kimberly Veach, FOIA Specialist
4. DeLee Yaukey- FOIA Specialist
5. Calvin Pittman- FOIA Specialist
6. Toni Slappy- FOIA Specialist
7. Tamera Ellerbe- FOIA Specialist
8. Duane Smith, Office of General Counsel, Senior Counsel
9. Debra Chapper, Office of the CIO, E-Discovery Team Lead
10. Audrey Brooks, Public Liaison, FOIA Program
11. Richard Speidel, Chief Privacy Officer

Appendix C: Report Recommendations

1. Hire FOIA contract staff using Schedule 736, TAPS, to help reduce the FOIA backlog and require them to apply redactions to documents and prepare responses.
2. Update *GSA Directive ADM 5450.161, (November 16, 2012), Freedom of Information Act Delegation* to include all new statutory and regulatory requirements.
3. Update the *GSA FOIA Desktop Manual* so it includes all statutory and regulatory requirements and lists program resources such as standardized letters and instructions.
4. Work with the Services and Staff Offices to determine what, if any, routine records should be proactively posted on the GSA website.
5. Communicate to the public the difference between the FOIA and Privacy Act request rules.
6. Strengthen the Intake Process, by communicating roles and responsibilities and holding officials accountable for carrying out duties.
7. Collect more Intake Process data to determine whether procedural deadlines are being met.
8. Implement a new Intake Process quality review process to ensure accuracy and timeliness.
9. Periodically reviewed the referral, consultation and coordinations process to ensure it is as efficient as possible.
10. Require FOIA Specialists to draft, where appropriate, full information denial letters instead of sending the FOIA request to a Service or Staff Office to complete. Examples would include requests for certified contractor payroll data, etc.
11. Communicate and hold accountable those involved in the FOIA Intake Process in order to avoid duplication of effort, and enhance efficiency.
12. Analyze *FOIAOnline* process data to determine if more should be done to improve the intake process.
13. Request quarterly reporting on the time it takes for misdirected requests to be re-routed as well as timelines for granting expedited processing in order to ensure GSA is complying with the OIG processing guidance.
14. Require FOIA Specialists to monitor the review chain process to make sure deadlines are met.
15. Mandate annual FOIA training.
16. Contact GSA Customer Service representatives to determine whether could develop specific customer service workshops for FOIA Specialists so they can learn about leading best practices.

17. Consider establishing Treasury Department Pay.gov account to expedite FOIA fee process.
<https://www.pay.gov/public/search/global?formSearchCategory=FOIA+Request>
18. Seek Chief Information Officer review of the FOIA program information collection and reporting processes to determine if other IT resources could be made available to staff to make the process more efficient.
19. Conduct a follow-on review of the *FOIAOnline* data to determine the following—the types of requests filed at GSA by Service, Staff Office and Region
20. FOIA Specialists should not send cases forward if they know the agency will respond to them with a full information denial. Instead the FOIA Specialist should prepare and release these letters.
21. FOIA Specialists should determine if requested information is publicly available and if it is direct the requester to that information source instead of processing the FOIA request.

Appendix D: FOIA Website Recommendations

General Services Administration's Mission:

GSA delivers high-quality, cost effective services in real estate, acquisition, and technology for customers across Federal government. The agency operates the Federal Acquisition Service, the Public Buildings Service and the Office of Government-wide Policy, which develops certain administrative guidance for civilian agencies.

**Please know that when requesting GSA information under the Freedom of Information Act, the agency is responsible for complying with various laws and therefore in most circumstances it is unable to publicly release certain financial data, proprietary contract information, contract pricing, personal information as defined by the Privacy Act of 1974, classified data, and information related to national security.*

➤ Frequently Asked Questions About FOIA ([click here](#))

What is the FOIA?

Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency. It is often described as the law that keeps citizens in the know about their government. Federal agencies are required to disclose any information requested under FOIA unless it falls under one of nine exemptions which address personal privacy, national security, and law enforcement.

Who can make a FOIA request?

Individuals, foreign citizens, partnerships, corporations (including Media outlets), associations and foreign, state or local governments, universities, not-for-profit institutions, and inmates may file requests which must be in writing, reasonably describe the information sought, and comply with specific agency requirements.

Who cannot make a FOIA Request?

Federal agencies and fugitives are ineligible to file FOIA requests.

How do I make a FOIA request?

Before making a request, please first look to see if the information you are interested in is already publicly available on our website. You can find a lot of useful information on a range of topics on GSA's site. You can also search for information we have already posted...here x or at FOIA.gov.

If the information you want is not publicly available, you can submit a FOIA request to our FOIA Office. The request must be in writing and reasonably describe the records you are seeking. GSA accepts FOIA requests electronically, including by web form, e-mail or fax. Please go to *FOIAOnline* for more information.

What can I ask for under FOIA?

A FOIA request can be made for any agency record. You can also specify the format in which you wish to receive the records (for example, printed or electronic form), however, under the law we are unable to release all information we own and maintain.

What doesn't the law provide?

Under the law, GSA is not required to create new records, conduct research, analyze data, or answer questions when responding to information requests.

It also is not designed to answer questions or interrogatories posed as FOIA requests; issue opinions; analyze and/or interpret documents for you; create records; initiate investigations; or provide laws, regulations, publications or other documents that are otherwise publicly available on this or another federal website.

Where do I send a FOIA request?

At U.S. General Services Administration (GSA) we use *FOIAOnline* (<https://foiaonline.regulations.gov/>) to process FOIA requests.

By using *FOIAOnline* you can, track the status of requests, search for requests submitted by others, access previously released records, and generate agency-specific FOIA reports. When submitting a FOIA request to GSA, please state that the request is being made under the "Freedom of Information Act."

The request should be as specific as possible in identifying the documents that you are looking to receive, and you **must include your name, full address, phone number, email address and accurate contact information so we reach you if we need to discuss your request.**

When submitting a FOIA request to GSA, you must describe the records that you want as clearly and specifically as possible, and, if possible, provide a date range. If we cannot identify and locate the records that you have requested with a reasonable amount of effort, we may not be able to assist you.

Please be aware that FOIA requests may, themselves, be made available for public inspection (including through responses to FOIA requests) so **please do not submit information regarding trade secrets, confidential or proprietary commercial or financial information, or other information that you do not want to be made available to the public.**

Who is GSA's FOIA Public Liaisons Officer?

Mrs. Audrey Brooks is the GSA FOIA Public Liaison and she can be reached by mail, email or by phone.

1800 F Street, NW, Room 7308
Washington, DC 20405-0001
Phone number: (202) 205-5912
Email Address: audrey.brooks@gsa.gov

Who is GSA's FOIA Director?

Mr. Travis Lewis is the Director, FOIA and Records Management and he can be reached by mail, email or by phone.

Office of Administrative Services
1800 F Street, NW, Room 7308
Washington, DC 20405-0001
Phone number: (202) 219-3078
Email Address: travis.lewis@gsa.gov

What is GSA's FOIA Toll Free FOIA Number?

GSA's Toll Free Number is 1 (855) 675-3642.

Where do I send a FOIA request to the GSA Office of Inspector General?

All requests for GSA Office of Inspector General (OIG) documents must be sent to the mailing address, fax number or e-mail address shown below:

OIG Freedom of Information Act Officer
GSA, Office of Inspector General (JC)
1800 F Street, NW, Room 5326
Washington, DC 20405
Fax: (202) 501-0414
Email: OIGFOIA-PrivacyAct@gsaig.gov

If you have any questions concerning GSA OIG FOIA requests, please call (202) 501-1932.

Who handles FOIA requests?

There is no central office in the government that handles FOIA requests for all federal departments and agencies. Each federal agency, including GSA, processes its own records in response to FOIA requests. There are many different officials at these agencies who work hard every day to make sure that the FOIA program works by searching for and processing records in response to your request. Everyone involved in the process is here to answer your questions and resolve your concerns. GSA's Chief FOIA Officer oversees their agency's compliance with the law and ensures the agency serves you in the most efficient and effective manner.

How is a FOIA request processed?

After we receive your FOIA request, we will send you an acknowledgement response and assign your request a tracking number. If we determine the request requires additional information from you before we process your request, we will contact you. GSA typically search for records in response to your request and then reviews those records to determine which – and what parts of each – can be released under the law. We will redact, or black out, any information protected from disclosure by one of the FOIA law's nine exemptions. The releasable records will then be sent to you.

How much does it cost to make a FOIA request?

There is no initial fee required to submit a FOIA request, but the law does provide for the charging of certain types of fees in some instances. For a typical requester the agency can charge for the time it takes to search for records and for duplication of those records. There is usually no charge for the first two hours of search time or for the first 100 pages of duplication.

You may always include in your request letter a specific statement limiting the amount that you are willing to pay in fees. If we estimate that the total fees for processing your request will exceed \$25, we will notify you in writing of the estimate and offer you an opportunity to narrow your request in order to reduce the fees. If you agree to pay fees for a records search, you may be required to pay such fees even if the search does not locate any releasable records.

Can I ask that any fees be waived?

You may request a waiver of fees. Under the law, fee waivers are limited to situations in which a requester can show that the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester.

What will I receive in response to a FOIA request?

Once GSA has processed your request we will send you a written response. This response will let you know whether records were located and will include all releasable documents. If any portions of the records are withheld, because disclosure would invade an individual's personal privacy, the agency will inform you of the specific FOIA exemption that is being applied.

How long will it take before I get a response?

GSA typically processes requests in the order of receipt. The time it takes to respond to a request will vary depending on the complexity of the request and any backlog of requests already pending at GSA. A simple request can be processed faster than one that is complex. Simple requests are typically more targeted and seek fewer pages of records. Complex requests typically seek a high volume of material or require additional steps to process such as the need to search for records in multiple locations. GSA's FOIA Requester Service Center is available to assist you with any questions you may have about the status of your request and any steps you can take to receive a quicker response.

Can I ever have my request processed faster than usual or expedited?

Under certain conditions you may be entitled to have your request processed on an expedited basis. There are two specific situations where a request will be expedited.

First, a request will be expedited if the lack of expedited treatment could reasonably be expected to pose a threat to someone's life or physical safety.

Second, if there is an urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information, his or her request will be expedited.

Are there special requirements for obtaining records on myself?

The Privacy Act allows you to seek records on yourself; however you are required to provide a certification of your identity. This certification is required in order to protect your privacy and to ensure that private information about you is not disclosed inappropriately to someone else.

Whenever you request information about yourself you will be asked to provide either a notarized statement or a statement signed under penalty of perjury stating that you are the person who you say you are.

What are FOIA exemptions?

Not all records are required to be released under the FOIA. Congress established nine exemptions from disclosure for certain categories of information to protect against certain harms, such as an invasion of personal privacy, or harm to law enforcement investigations. The FOIA authorizes agencies to withhold information when they reasonably foresee that disclosure would harm an interest protected by one of these nine exemptions.

The nine exemptions are described below:

Exemption 1: Information that is classified to protect national security.

Exemption 2: Information related solely to the internal personnel rules and practices of an agency.

Exemption 3: Information that is prohibited from disclosure by another federal law.

Exemption 4: Trade secrets or commercial or financial information that is confidential or privileged.

Exemption 5: Privileged communications within or between agencies, including those protected by the:

1. Deliberative Process Privilege (provided the records were created less than 25 years before the date on which they were requested)
2. Attorney-Work Product Privilege
3. Attorney-Client Privilege

Exemption 6: Information that, if disclosed, would invade another individual's personal privacy.

Exemption 7: Information compiled for law enforcement purposes that:

- 7(A). Could reasonably be expected to interfere with enforcement proceedings
- 7(B). Would deprive a person of a right to a fair trial or an impartial adjudication
- 7(C). Could reasonably be expected to constitute an unwarranted invasion of personal privacy
- 7(D). Could reasonably be expected to disclose the identity of a confidential source
- 7(E). Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law
- 7(F). Could reasonably be expected to endanger the life or physical safety of any individual

Exemption 8: Information that concerns the supervision of financial institutions.

Exemption 9: Geological information on wells.

What are exclusions?

Congress has provided special protection in the FOIA for three narrow categories of law enforcement and national security records. The provisions protecting those records are known as “exclusions.” The first exclusion protects the existence of an ongoing criminal law enforcement investigation when the subject of the investigation is unaware that it is pending and disclosure could reasonably be expected to interfere with enforcement proceedings. The second exclusion is limited to criminal law enforcement agencies and protects the existence of informant records when the informant’s status has not been officially confirmed. The third exclusion is limited to the Federal Bureau of Investigation and protects the existence of foreign intelligence or counterintelligence, or international terrorism records when the existence of such records is classified. Records falling within exclusion are not subject to the requirements of the FOIA. So, when an office or agency responds to your request, its response will encompass those records that are subject to the FOIA.

How do I file an administrative appeal?

You may file an administrative appeal if you are not satisfied with GSA’s initial response to your request. Before doing so, however, you may wish to contact the FOIA professional handling the request or GSA’s FOIA Public Liaison. The FOIA Public Liaison is here to explain the process to you, assist in reducing any delays, and help resolve any disputes. Often, a simple discussion between you and the Public Liaison will resolve any issues that may arise.

If necessary, filing an appeal is very simple. Typically, all you need to do is send a letter or e-mail to the GSA Chief FOIA Officer, Robert Stafford. There is no fee or cost involved. After an independent review, the Chief FOIA Officer will send you a response advising you of his decision. Once the administrative appeal process is complete, you also have the option to seek mediation services from the Office of Government Information Services at the National Archives and Records Administration.

What is the Office of Government Information Services?

The Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and agencies as an alternative to litigation. OGIS also reviews agency FOIA compliance, policies, and procedures. The Office is a part of the National Archives and Records Administration, and was created by Congress as part of the *OPEN Government Act of 2007*, which amended parts of FOIA.

What is the Presumption of Openness and Who Issues Guidance to agencies on the FOIA?

The FOIA provides that when processing requests, agencies should withhold information only if they reasonably foresee that disclosure would harm an interest protected by an exemption, or if disclosure is prohibited by law. Agencies, like GSA also consider whether partial disclosure of information is possible whenever they determine that full disclosure is not possible and we always take reasonable steps to segregate and release nonexempt information.

Additional Resources:

- **Check Status of Online FOIA Request ([click here](#))**
- **Other Agencies' FOIA Contacts ([click here](#))**
- **FOIA Reports ([click here](#))**
- **How to Make a Privacy Act Request ([click here](#))**

Information may be requested from GSA under the Privacy Act, 5 U.S.C. 552a. Privacy Act requests for information must be in writing, and sent to the contact address found below. The Privacy Act permits a person to seek access to agency records pertaining to him or herself, provided the record is maintained within a "system of records" - i.e., the record is retrieved by that individual requester's name or personal identifier. There are ten Privacy Act exemptions that apply to the release of this information.

Please verify your identity by providing the following information:

- Your full name.
- Your current address.
- Your date and place of birth.

Sign your request, and provide one of the following:

- Your notarized signature or
- A statement by you that certifies, under penalty of perjury, that you -are the individual who you claim to be and

-understand that knowingly and willfully requesting a record about an individual from an agency under false pretenses is a criminal offense under the Privacy Act, subject to a fine of up to \$5,000.

Please clearly mark your request letter and any envelope: "Privacy Act Request."

To make a Privacy Act request, contact:

- **Chief FOIA Officer Council ([click here](#))**

The Chief FOIA Officers Council is composed of the Deputy Director for Management of the Office of Management and Budget, the Director of OGIS, the Director of the Office of Information Policy (OIP) at the Department of Justice, and agency Chief FOIA Officers. The Director of OGIS and the Director of OIP serve as co-chairs.

The Council is charged with:

developing recommendations for increasing FOIA compliance and efficiency disseminating information about agency experiences, ideas, best practices, innovative approaches related to FOIA; identifying, developing, and coordinating initiatives to increase transparency and compliance with FOIA; and promoting the development and use of common performance measures for agency compliance with FOIA.

Council meetings are open to the public and notice of all meetings will be provided in the Federal Register at least ten business days in advance.

Appendix E: Recommendations for changes to GSA's Electronic Reading Room and/or Frequently Requested Information

GSA maintains its Electronic Reading Room in accordance with subsection (a)(2) of the FOIA, as amended, by providing access to --final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; statements of policy, administrative staff manuals and copies of all records, regardless of form or format, which have been released to any person under the FOIA and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and a general index of the records referred to above.

□ Government Contract Information (click here)

USASpending.gov

Federal Procurement Data System

<https://www.fpds.gov/fpdsng/cms/index.php/en/>

Federal Business Opportunities – FedBizOpps (<https://www.fbo.gov/> or

<https://www.fbo.gov/?s=opportunity&mode=list&tab=list>

GSA Auctions <https://gsaauctions.gov/gsaauctions/gsaauctions/>

SmartPay Program Statistics (Government Charge Card Data)

GSA Schedule Contract Data

<https://www.gsaelibrary.gsa.gov/ElibMain/scheduleList.do;jsessionId=Rf0fL+8Jdc+voXs-Rhlag+zd.pr2pweb64>

GSA eLibrary <https://www.gsaelibrary.gsa.gov/ElibMain/home.do>

Federal Schedules Sales Query Tool <https://ssq.gsa.gov>

GSA Schedule Solicitations <https://www.gsa.gov/acquisition/purchasing-programs/gsa-schedules/industry-partners/gsa-schedule-solicitations>

Acquisition Gateway https://hallways.cap.gsa.gov/login-information?utm_campaign=Marcom&utm_source=OCM&utm_medium=link&utm_content=gsa-schedules-overview

Acquisition.gov

MAS Desk Reference <https://www.gsa.gov/acquisition/purchasing-programs/gsa-schedules/schedules-news-training/mas-desk-reference>

GSA ebuy https://www.ebuy.gsa.gov/advantage/ebuy/start_page.do

GSA Reverse Auctions

https://www.ebuy.gsa.gov/advantage/ebuy/start_page.do

GSA Advantage

https://www.gsaadvantage.gov/advantage/main/start_page.do

Cooperative Purchasing <https://www.gsa.gov/acquisition/purchasing-programs/gsa-schedules/state-and-local-government-customers/cooperative-purchasing>

State and Local Disaster Purchasing

<https://www.gsa.gov/acquisition/purchasing-programs/gsa-schedules/state-and-local-government-customers/state-and-local-disaster-purchasing>

1122 Program <https://www.gsa.gov/acquisition/purchasing-programs/gsa-schedules/state-and-local-government-customers/1122-program>

□ **GSA Leasing Data (click here)**

Leasing Overview <https://www.gsa.gov/real-estate/real-estate-services/leasing-overview>

Lease Inventory <https://www.gsa.gov/real-estate/real-estate-services/leasing-policy-procedures/lease-inventory>

Lease Documents <https://www.gsa.gov/real-estate/real-estate-services/leasing-policy-procedures/lease-documents>

GSA Leasing Support Services <https://www.gsa.gov/real-estate/real-estate-services/leasing-policy-procedures/broker-services-gsa-leasing-support-services-gls>

□ **Travel (click here)**

<https://www.gsa.gov/policy-regulations/policy/travel-management-policy/travel-management-policy-library>

□ **Technology Purchasing Program (click here)**

<https://www.gsa.gov/technology/technology-programs>

- ❑ **Old Post Office Building Lease (Click here-Trump Hotel reports and documents)**
- ❑ **GSA Plans and Reports (click here)**

<https://www.gsa.gov/reference/gsa-plans-and-reports>

Presidential Transition Team Reports- (remove)

Western Region Conference documents (remove)

Other Documents (remove)