



U.S. General Services Administration

Chief FOIA Officer Report – FY 2023

SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General's [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. FOIA LEADERSHIP

- 1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level?**

Yes.

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

Arpit K. Garg, General Counsel.

- 3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?**

GSA has long recognized the importance of incorporating FOIA into its core mission. Several years ago, GSA transferred overall responsibility for the FOIA program from the Chief Administrative Services Officer to the General Counsel—GSA's Chief FOIA Officer. While the move allowed GSA to streamline its FOIA operations by putting all of its dedicated FOIA resources under one roof, the most significant benefit was greater visibility for the program at the highest levels of agency leadership. As one of the agency's senior political officials, GSA's General Counsel regularly highlights the importance of FOIA for agency leadership. This increase in visibility has resulted in more resources for the FOIA program, as well as more effective collaboration with components across the agency. The move also resulted in new leadership for the FOIA program—generating new voices and new ideas about how to successfully manage the program.

Further, GSA's Office of the General Counsel ("OGC") demonstrates the importance of FOIA from the top down. Each of OGC's career Senior Executive Service ("SES") members—including the Deputy General Counsel, all Associate General Counsels, and one Regional Counsel—has a requirement in their performance plan to contribute to the

creation of an agency-wide FOIA curriculum, including the development of new training opportunities and resources for employees with various levels of FOIA expertise and responsibility.

Moving forward, GSA will continue to consider ways it can incorporate FOIA milestones into future strategic plans.

B. PRESUMPTION OF OPENNESS

- 4. The Attorney General’s 2022 FOIA Guidelines provide that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying exemptions.” Does your agency provide such confirmation in its response letters?**

Yes—GSA began using this language in all full and partial grant response letters in the first quarter of FY 2023.

- 5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:**

- a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?**

No.

- b. If yes, please provide:**

- i. The number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible);**

Not applicable.

- ii. The number of times a *Glomar* response was issued by exemption (e.g. Exemption 7(C) - 20 times, Exemption 1 - 5 times).**

Not applicable.

- c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.**

GSA's current FOIA tracking system (FOIAonline) does not provide for systemized tracking of *Glomar* responses. But GSA is currently considering options to replace FOIAonline when it sunsets on September 30, 2023. In considering those options, GSA will consider the ability to track *Glomar* responses.

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

GSA has no other formal initiatives in this area at this time.

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General's FOIA Guidelines provide that "[e]nsuring fair and effective FOIA administration requires ... proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Attorney General also "urge[s] agency Chief FOIA Officers to undertake a comprehensive review of all aspects of their agency's FOIA administration" as part of ensuring fair and effective FOIA administration.

A. FOIA TRAINING

- 1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

GSA provides numerous training sessions throughout the year for OGC attorneys, Government Information Specialists, Subject Matter Experts ("SMEs"), and other GSA staff across the agency to learn more about their role in effective FOIA administration. Most of these training sessions provide a general overview of FOIA, including information about FOIA exemptions and their applications, as well as GSA's internal processes and procedures. Other more specialized training—such as training on the FOIAonline system and redaction software—is offered to individuals on an as-needed basis.

More specifically, beginning in FY 2022, OGC included an annual FOIA training requirement in each attorney's performance plan. That training focused on educating all OGC attorneys about FOIA, including on topics

such as search requirements, common exemptions, and litigation considerations. In FY 2022, OGC had a 100 percent completion rate, with all OGC attorneys completing at least one hour of FOIA training in FY 2022. In FY 2023, OGC attorneys are again required to complete annual FOIA training.

And, in FY 2023, OGC intends to develop additional training and resources and provide those more broadly across the agency (as part of the curriculum mentioned above in the answer to question I.A.3)—helping to promote awareness by all GSA employees of their FOIA-related roles and responsibilities.

2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Yes—all FOIA professionals (i.e., OGC attorneys and all FOIA analysts in GSA’s FOIA Requester Service Center—the first contact point for FOIA requesters) attended FOIA training in FY 2022. In addition, many other staff who provide program matter expertise, input, and review while processing FOIA requests also attended such training.

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

Courses offered by the Department of Justice are the primary source of training. However, OGC attorneys have also developed training courses to meet the unique needs of certain individuals or offices across GSA. Courses attended during the reporting period by FOIA professionals or GSA personnel who have FOIA responsibilities include the following:

- DOJ, FOIA Litigation Seminar;
- DOJ, Introduction to FOIA;
- DOJ, Advanced FOIA;
- DOJ, Processing a Request from Start to Finish;
- DOJ, Procedural Requirements and Fees Workshop;
- DOJ, Exemption 1 and Exemption 7 Workshop;
- DOJ, Exemption 4 and Exemption 5 Workshop;
- DOJ, Privacy Considerations Workshop;
- DOJ, Litigation Workshop;
- DOJ, FOIA Report Refresher and Quarterly Report Training;
- DOJ, Chief FOIA Officer Report Refresher Training;
- DOJ, FOIA Summit for FOIA Professionals;
- NARA/DOJ/Chief FOIA Officers Council, NexGen FOIA Tech Showcase;
- GSA, Briefings for New Attorneys: FOIA and Privacy Act;

- GSA, FOIA Overview;
- GSA, FOIA Basics for SMEs;
- GSA, Region 4 FOIA Redaction and Exemption Training; and
- Chief FOIA Officers Council Meetings.

4. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

During the reporting period, 100 percent of GSA’s FOIA professionals attended substantive FOIA training. GSA does not track the percentage of GSA staff with FOIA responsibilities who attended substantive FOIA training but will look into doing so in FY 2023.

5. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Not applicable.

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations, and expectations during the FOIA process?

As noted above, GSA provides numerous training sessions throughout the year for SMEs and other GSA staff to learn more about their role in effective FOIA administration. Each FOIA analyst is assigned specific GSA program areas, Regions, and/or service lines, and regularly interacts with POCs and SMEs in those areas to answer questions and educate them on the FOIA process. When formal training is needed, GSA attorneys lead training sessions that are tailored to the specific client’s needs. Programs that received tailored training this year include SMEs in Regions 4 and 10, as well as GSA’s Office of Government-wide Policy.

With regard to providing training to senior leaders at GSA, the Associate General Counsel for General Law briefed all SES members on several key issues in FY 2022—including briefing on the importance of tracking FOIA-related metrics, on GSA’s efforts to improve Robotics Processing Automation, on GSA’s anticipated greater resource needs with the sunset of FOIAonline (and the likely more expensive replacement), and on

program office (i.e., non-FOIA staff) responsibilities to support and facilitate OGC's FOIA program. OGC intends to provide an updated briefing in FY 2023.

B. OUTREACH

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

No.

- 8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.**

Yes—GSA sends a standard letter to requesters who submit overly voluminous requests, which asks specific questions to help narrow the request. GSA also works with requesters to suggest alternative language. And, depending on the nature of the discussions and the volume of records retrieved, GSA might also provide a small sample of documents to help the requester understand the need for clarity. For example, sample documents often allow the requester to better understand the volume and type of records that a specific search might produce, as well as whether the retrieved records are actually responsive to their request. Additionally, GSA usually explains the cost and time requirements that might be associated with an overly-broad request, as those two elements may be critical to requester decision-making.

- 9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2022 (please provide a total number or an estimate of the number).**

During the reporting period, GSA's FOIA Public Liaison was contacted for assistance approximately 225 times.

C. OTHER INITIATIVES

- 10. Has your agency evaluated the allocation of personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.**

Yes—As part of the effort to fully integrate the FOIA program into OGC and to improve the program’s performance, OGC has converted the FOIA Program Manager position from a non-attorney to an attorney (and is currently hiring for that position). GSA is also adding contractor support to the FOIA program to fulfill both ongoing and surge capacity needs, as well as to increase the technical capacity of the program. This will help to ensure that GSA can continue to respond to current and anticipated FOIA demands.

- 11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.**

Using data pulled from FOIAonline, GSA has developed dashboards to increase visibility into its overall FOIA process and to improve GSA’s management and handling of FOIA requests. Because the dashboards were written to work specifically with FOIAonline—which will be sunseting this year—these particular dashboards will not be used by GSA over the long-term. However, in the short-term, the dashboards have allowed GSA to identify areas for improvement and to concentrate resources in those areas, which has led to a significant reduction in GSA’s FOIA backlog (see more below). Moving forward, GSA is working to procure a replacement for FOIAonline, which will hopefully provide more robust functionality, reporting, and tracking mechanisms—all of which are necessary for GSA to continue improving FOIA program metrics. Once the new system is in place, GSA will consider implementing dashboards as necessary.

In addition to these efforts, OGC has put an increased emphasis on meeting and exceeding metrics reported to DOJ OIP in the agency’s annual report. As a result of this focus, GSA reduced its backlog by approximately 36 percent in FY 2022 and closed out 29 of 30 of the agency’s oldest requests, appeals, and consultations.

- 12. Optional—If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.**

GSA has begun a comprehensive overhaul of its FOIA process to standardize the handling of FOIA requests, improve efficiency by reducing

the number of touchpoints required to respond to each FOIA request, and place even more emphasis on metrics and accountability.

For example, as a part of this overhaul, GSA is working to develop and implement standard operating procedures (“SOPs”) for its FOIA program to ensure consistency in how individual FOIA requests are handled. The SOPs will include step-by-step processing instructions, as well as standard guidelines for entering data into the FOIA management system and templates to be used for all requests. The SOPs will also eliminate unnecessary and duplicative steps from the current process and result in reduced processing times. The goal is to have an identical and streamlined process for each FOIA request, which will make FOIA administration more efficient.

Additionally, the replacement for FOIAonline is also expected to improve GSA’s FOIA administration. By uniformly entering data into a single tracking system, GSA will be able to increase accountability across the agency and allow management to gain a better understanding of where improvements can be made.

SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES

The Attorney General’s FOIA Guidelines emphasize that “proactive disclosure of information is ... fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

GSA uses the following steps to ensure that (a)(2) disclosures are made available to the public in an appropriate and timely fashion:

- GSA handbooks and policies—excluding those that are solely directed internally to GSA staff—are available to both the public and GSA employees in the Directives Library on GSA.gov.
- Subject-specific manuals that provide regulatory, policy, and other guidance to the public on acquisition, property, technology, travel, and other issues, are posted on GSA.gov.
- All approved standard government forms and related guidance and updates are immediately available on GSA.gov, as is information on cancellation of standard forms.

- Matters of interest to the media are posted to GSA's electronic reading room.
- Records responsive to FOIA requests of particular interest (e.g., multiple requests for the same records) are routinely posted to GSA's electronic reading room (see more below).
- GSA engages in regular discussions with program offices to help ensure timely and appropriate disclosure.
- As an important step in its disclosures, GSA uses established policy and procedures to ensure proper safeguarding of privacy, security, and confidentiality of unclassified information.

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

GSA has proactively disclosed the following material during the reporting period:

- [Federal Bureau of Investigation Headquarter Site Selection](#)
- [Presidential Transition Staff and Move Support Documents](#)
- [Old Post Office Lease Transfer Information](#)
- [Login.gov Partnerships](#)
- [Key Standard and Optional Form Updates](#)

3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

No.

4. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine- readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

Not applicable.

- 5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.**

Yes—GSA’s FOIA Requester Service Center coordinates ongoing conversations with GSA’s key business lines, program areas, and records management staff about information and data sets that could and/or should be proactively posted for public use and consumption. Discussions will usually be initiated as a result of issues in the media, legislation, or program changes. However, for new and evolving programs, the conversations tend to be progressive in nature and advance as requirements, data sets, and informational reporting mature. The Office of Strategic Communications also plays an important role by posting items identified for proactive disclosure on GSA websites.

- 6. Optional—Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.**

When assessing incoming requests, GSA has begun to consider whether the agency has already received a request (or multiple requests) for information about that particular topic. When a topic of widespread interest is identified, GSA makes an effort to process the broadest request first, so that the maximum number of documents on that particular topic can be reviewed, redacted, and posted—and then quickly shared with other requesters who have also asked for information on that topic, followed generally by proactive disclosure on GSA’s website. This process ensures that information of broad interest can be made available as quickly as possible. It also reduces overall processing time when multiple requests are received on a specific topic.

SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General’s FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public’s access to information.

- 1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Yes.

- 2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.**

See answer to Section II.11 above.

- 3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.**

No—GSA has used robotic process automation to create dashboards and gather data about its FOIA program. However, because the RPAs were all tied to FOIAonline and FOIAonline is sunsetting, GSA stopped further development of RPAs. Once a replacement system is in place, GSA will consider restarting the RPA program.

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

Yes.

- 5. Did all four of your agency's quarterly reports for FY 2022 appear on FOIA.gov?**

Yes.

- 6. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in FY 2023.**

Not applicable.

- 7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's FY 2021 Annual FOIA Report and, if available, for your agency's FY 2022 Annual FOIA Report.**

[GSA's FY 2021 Annual FOIA Report](#) is available on the agency's website.

- 8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?**

Yes.

- 9. Optional—Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.**

GSA has no additional information on this topic.

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General’s FOIA Guidelines instruct agencies “to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs.” Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. REMOVE BARRIERS TO ACCESS

- 1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?**

Yes—GSA’s Privacy Act Program Office has a process outside of the FOIA process for handling and responding to first-party requested records. GSA’s Privacy Act program establishes that process and assigns responsibilities for fulfilling the Privacy Act’s mandate.

- 2. If yes, please provide examples. If no, indicate why not. Please also indicate if you do not know.**

When GSA’s FOIA Requester Service Center identifies an incoming request for first-party records, FOIA professionals alert GSA’s Privacy Act Program Office in a timely manner. The Privacy Office then proceeds with its normal operations to process and respond to the request.

GSA has also established a policy on releasing information relating to GSA employees, contractors, and others on whom GSA maintains certain information. The policy identifies categories of releasable and non-releasable information relating to individual employees and ensures that requests for such information are handled consistently and expeditiously.

B. TIMELINESS

3. For Fiscal Year 2022, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2022 Annual FOIA Report.

3.69 days.

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's FY 2022 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Not applicable.

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

Yes.

6. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in FY 2022?

Yes, 10.51 days. However, in taking a closer look at program practices over the past year, GSA discovered that some FOIA analysts were converting simple requests to complex requests whenever GSA was unable to respond within 20 days. OGC has instructed analysts to discontinue this process and to only convert simple requests to complex requests when the initial designation was in error.

7. If not, did the simple track processing time decrease compared to the previous Fiscal Year?

Not applicable.

8. Please provide the percentage of requests processed by your agency in FY 2022 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

GSA processed 1,360 requests in FY 2022. Of those requests, 554 were placed in the simple track. That equals 40.73 percent.

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

Not applicable.

C. BACKLOGS

10. **If your agency had a backlog of requests at the close of FY 2022, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of FY 2021?**

Yes—GSA reduced its backlog by approximately 36 percent in FY 2022.

11. **If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during FY 2022 than it did during FY 2021?**

Not applicable.

12. **If your agency's request backlog increased during FY 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: an increase in the number of incoming requests, a loss of staff, an increase in the complexity of requests received (if possible, provide examples or briefly describe the types of complex requests contributing to your backlog increase), impact of COVID-19 and workplace and safety precautions, or any other reasons - please briefly describe or provide examples when possible.**

Not applicable.

13. **If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in FY 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."**

GSA received 1,168 requests in FY 2022. Of those requests, 249 were backlogged at the close of the fiscal year. That equals 21.32 percent.

- 14. If your agency had a backlog of appeals at the close of FY 2022, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of FY 2021?**

Yes—GSA reduced its backlog of appeals by 83 percent in FY 2022.

- 15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during FY 2022 than it did during FY 2021?**

Not applicable.

- 16. If your agency's appeal backlog increased during FY 2022, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: an increase in the number of incoming requests, a loss of staff, an increase in the complexity of requests received (if possible, provide examples or briefly describe the types of complex requests contributing to your backlog increase), impact of COVID-19 and workplace and safety precautions, or any other reasons - please briefly describe or provide examples when possible.**

Not applicable.

- 17. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in FY 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in FY 2022 and/or has no appeal backlog, please answer with "N/A."**

GSA received 25 FOIA appeals during FY 2022 and, at fiscal year end, had just 1 backlogged FOIA appeal. That equals 4 percent.

D. BACKLOG REDUCTION PLANS

- 18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in FY 2021 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in FY 2022?**

While GSA was not required to implement a backlog reduction plan in FY 2022, the agency did make a concerted effort to improve the performance of its FOIA program and managed to reduce the backlog by approximately

36 percent in FY 2022.

- 19. If your agency had a backlog of more than 1,000 requests in FY 2022, please explain your agency's plan to reduce this backlog during FY 2023.**

Not applicable.

E. REDUCING THE AGE OF REQUESTS, APPEALS, AND CONSULTATIONS

- 20. In FY 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your FY 2021 Annual FOIA Report?**

No.

- 21. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your FY 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

GSA was able to close 9 of the 10 oldest requests listed on the FY 2021 Report. The remaining request includes several thousand pages of responsive records and requires review by multiple agencies. Nevertheless, GSA continues to move the agency's oldest request to closure.

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

GSA recently hired a FOIA paralegal, who was assigned to review pending FOIA requests from start to finish and identify where each request was stuck in the process. For cases with relatively minor sticking points, the case was reassigned to the FOIA paralegal, who then took necessary action to finalize and close out the request.

- 23. In FY 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your FY 2021 Annual FOIA Report?**

Yes.

- 24. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VI.C.(5) of your FY 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

Not applicable.

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

While GSA only had a limited number of pending appeals, the same process described in question 22 above was also used on those pending appeals—the FOIA paralegal reviewed each appeal from start to finish to determine where the sticking point was and then took the steps to finalize and close out each appeal.

26. In FY 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your FY 2021 Annual FOIA Report?

Yes.

27. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your FY 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Not applicable.

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during FY 2023.

In FY 2022, GSA was able to close all but 1 of the agency’s 10 oldest pending requests, appeals, and consultations. As noted above in response to question 21, the remaining request includes several thousand pages of responsive records and requires review by multiple agencies. GSA anticipates that it will be able to close this request in FY 2023. In addition, GSA will continue to prioritize resolving pending requests, specifically targeting the oldest backlogged requests for resolution.

F. ADDITIONAL INFORMATION ABOUT FOIA PROCESSING

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

Yes—During FY 2022, GSA was a party to 19 lawsuits arising from 25 FOIA requests. Only two of those lawsuits were actually filed in FY 2022; the remaining 17 were ongoing cases from previous years, going back as

far as 2016. Both lawsuits filed in FY 2022 challenged withholdings made under FOIA Exemption 6, one of which was dismissed in GSA's favor on a motion for summary judgment and the other was voluntarily dismissed by the plaintiff following a motion to dismiss for lack of standing. All of the remaining lawsuits were related to GSA failing to respond within the statutory time period. At the end of FY 2022, 11 of the open FOIA lawsuits had been settled or dismissed and 8 remained pending.

FOIA litigation required significant time and monetary resources. In FY 2022, GSA paid approximately \$180,000 in attorneys fees related to these cases. In terms of personnel resources, litigation took about 50% of the time of a GS-14 attorney. Absent litigation, those resources could have been allocated to improve FOIA request processing and further reduce the backlog.

As noted in the answer to Section II.12 above, GSA is comprehensively reviewing its FOIA processes with one of the goals being to reduce the number of late responses and, thus, reduce the potential for litigation.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's raw data.)

In FY 2022, GSA received 300 FOIA requests that involved unusual circumstances. This was a combination of requests requiring consultations with other agencies and requests requiring an e-discovery pull as part of the collection and review of responsive materials.