

GSA Chief FOIA Officer

May 6, 2021



This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) appeal number dated February 3, 2021. Previously, on December 20, 2020, you submitted a FOIA request (which was assigned FOIA number seeking the following:

"[a] copy or printout of the YouTube Creator's Page for the GSA, which shows nonpublic videos (videos categorized as Unlisted or Private) on the agency's YouTube account. Specifically, I request a listing of videos on the agency YouTube channel, marked as UNLISTED or PRIVATE. This can be done by displaying only those videos shown as UNLISTED or PRIVATE, using the filter button at the top of the video listings for that page. This record is available from the agency person responsible for the agency's YouTube account."

On December 20, 2020, GSA replied to your FOIA request stating that:

"In processing your request, responsive records that are draft or reflect the agency's deliberative process are considered pre-decisional in nature and/or attorney-client privileged communications, have been redacted pursuant to FOIA, 5 U.S.C. § 552(b)(5).

In addition, pursuant to the FOIA, 5 U.S.C. § 552(b)(5) and (7)(F), which authorizes the withholding of information necessary to protect the physical safety of a wide range of individuals, GSA has determined that releasing information relating to the names of federal agency or agencies that use each GSA federally owned building could compromise security at federal facilities and the safety of persons at these facilities."

On February 3, 2021, you appealed the adequacy of GSA's response stating the following:

"This is an appeal of the denial in part of my December 20, 2020 request GSA-2021-000423, which sought a printout of the GSA You Tube creator's page for unlisted or private videos. The denial (enclosed) was dated January 12, 2021. I appeal the deletions under exemption b(5) because the exemption b(5) was not specified as to what was the privilege that was being cited for the specific redactions.

If it was the deliberative privilege being cited, then the factual items in the brief description of the video is factual, not opinion, so the deliberative privilege does not

U.S General Services Administration 1800 F. Street Washington, DC 20405 Toll Free: (855)-675-3642 Fax: (202) 501-2727 apply. The deliberative process privilege largely does not apply to factual matter. It does not appear from appearance that the attorney privilege is not being cited here but even if it were, the attorney privilege would not apply because there is no advice or communications being displayed on the brief video thumbnail description.

More importantly, the records here essentially constitute only a title and maybe a date and a tiny thumbnail photo. This title, date and thumbnail photo do not constitute the type of matter that would properly fall under the exemption. In other words, the records only just mention that a record exists, and does not go into the substance of the record. This should not be withheld. There is no indication that the foreseeable harm test was applied in this case. There is no indication that the presumption of openness provision was applied. There is no indication within this release that segregable releasable records were released within the redacted portions. It was all or nothing for each video. For these reasons, I ask that the decision be reviewed."

After careful consideration of your appeal, GSA grants your appeal and is releasing in its entirety, the GSA You Tube creator's page for the unlisted or private videos.

This letter constitutes GSA's final determination regarding this matter. You have the right to seek judicial review of this determination in the United States District Court in the District in which you reside, have your principal place of business, or in the District of Columbia, or where the records are located.

As an alternative to litigation, the Office of Government Information Services (OGIS) has been created under the 2007 FOIA amendments. OGIS was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS by mail at the Office of Government Information Services, national Archives and Records Administration, 8601 Adelphi Road, Room 2501, College Park, MD 20740, via e-mail at ogis@nara.gov or by phone at (877) 684-6448.

Sincerely Docusigned by:

Daniel F. Hall

Danier F. Harris

Associate General Counsel for General Law

Enclosure

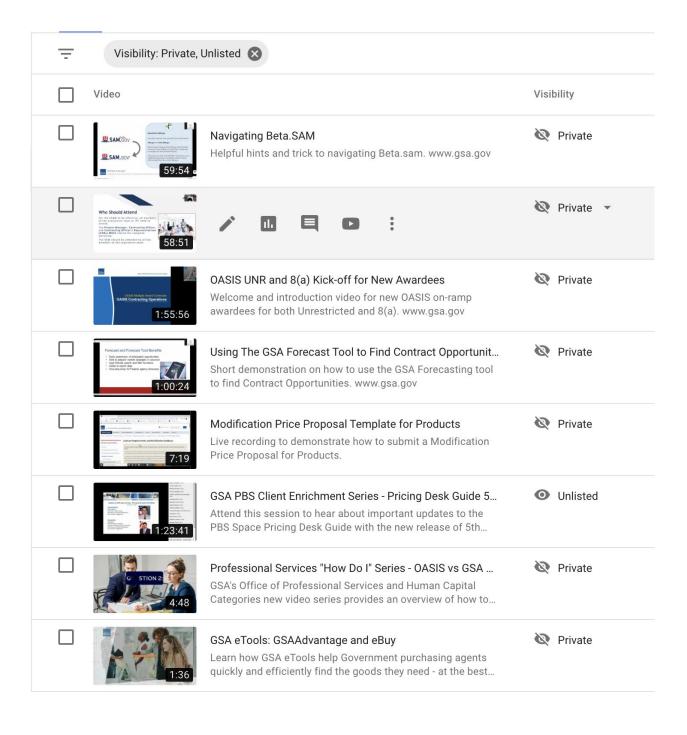
This document is made available through the declassification efforts and research of John Greenewald, Jr., creator of:

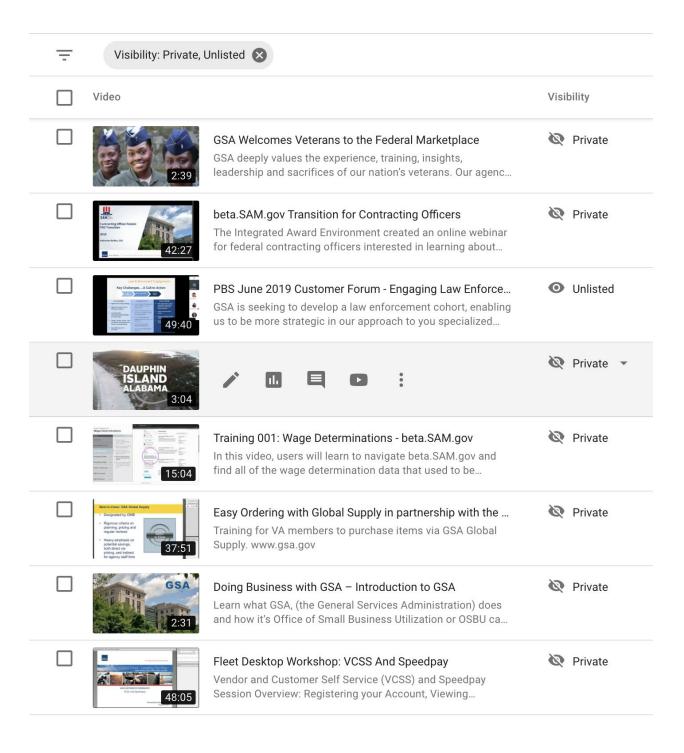
The Black Vault

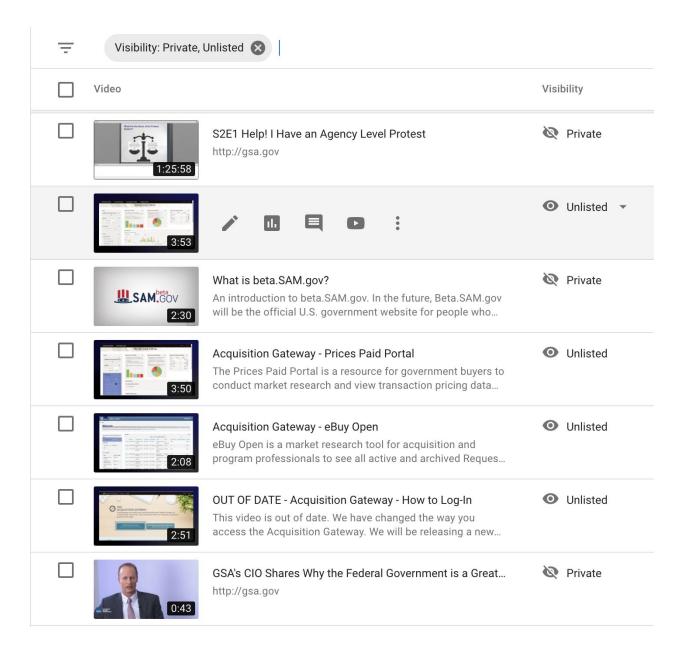


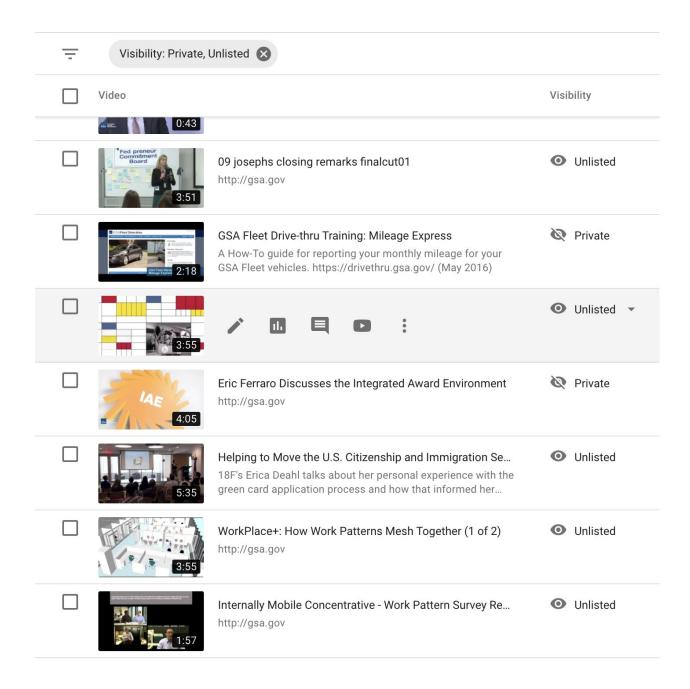
The Black Vault is the largest online Freedom of Information Act (FOIA) document clearinghouse in the world. The research efforts here are responsible for the declassification of hundreds of thousands of pages released by the U.S. Government & Military.

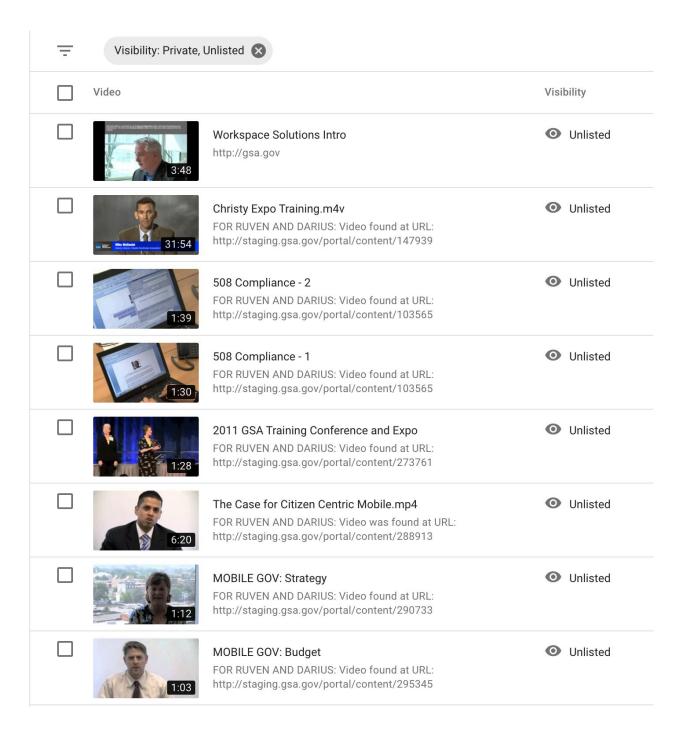
Discover the Truth at: http://www.theblackvault.com

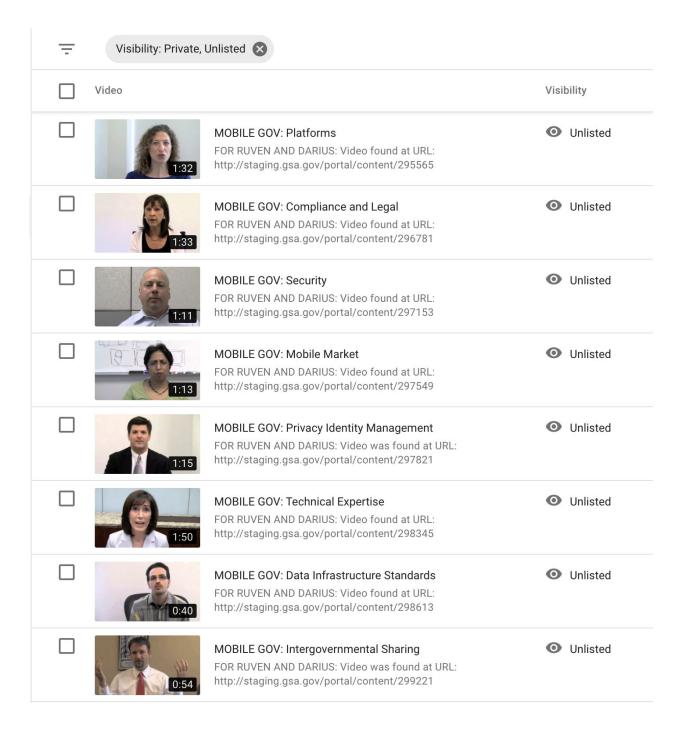


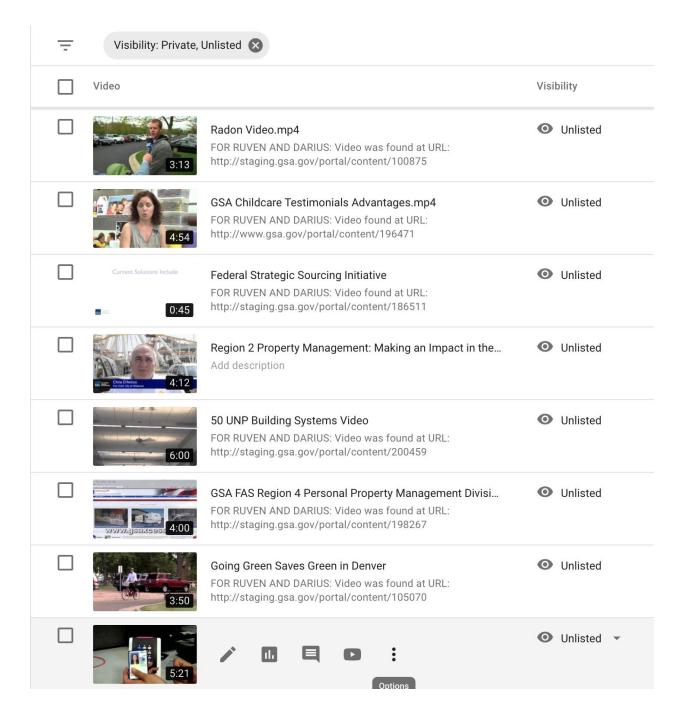


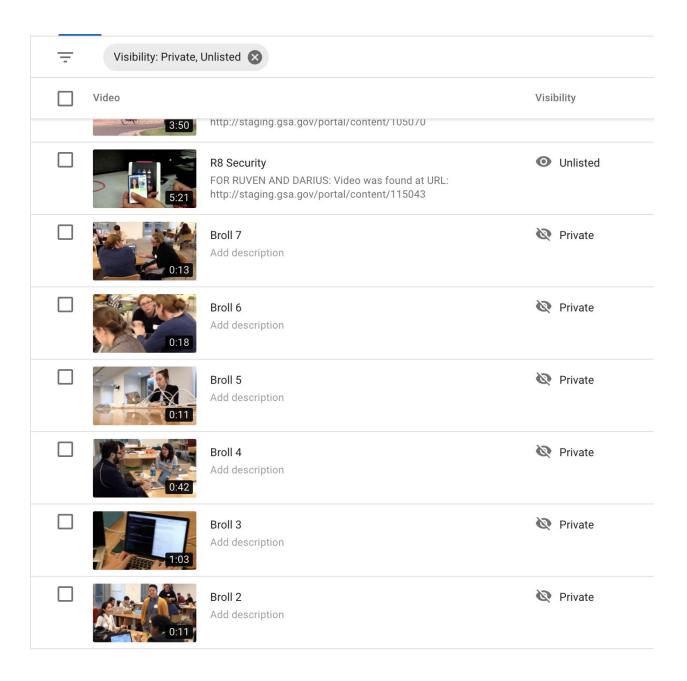


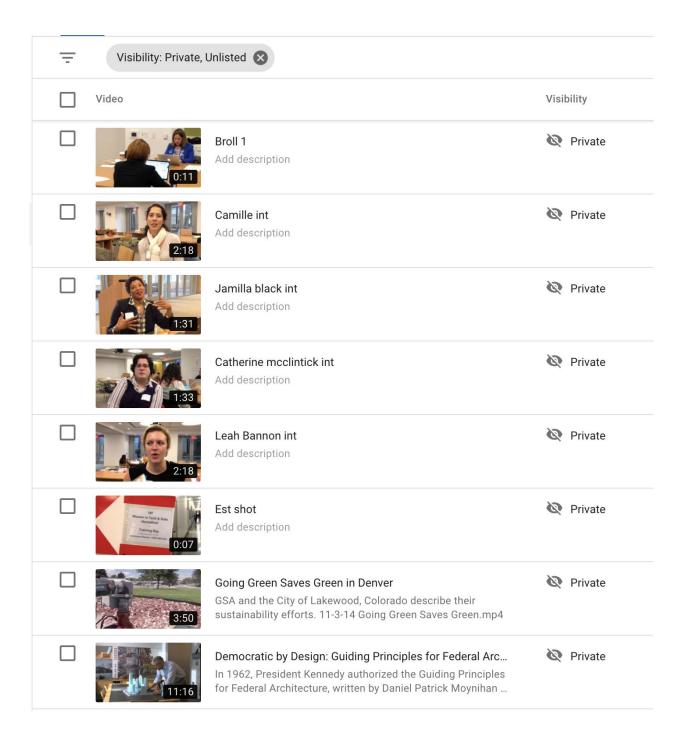




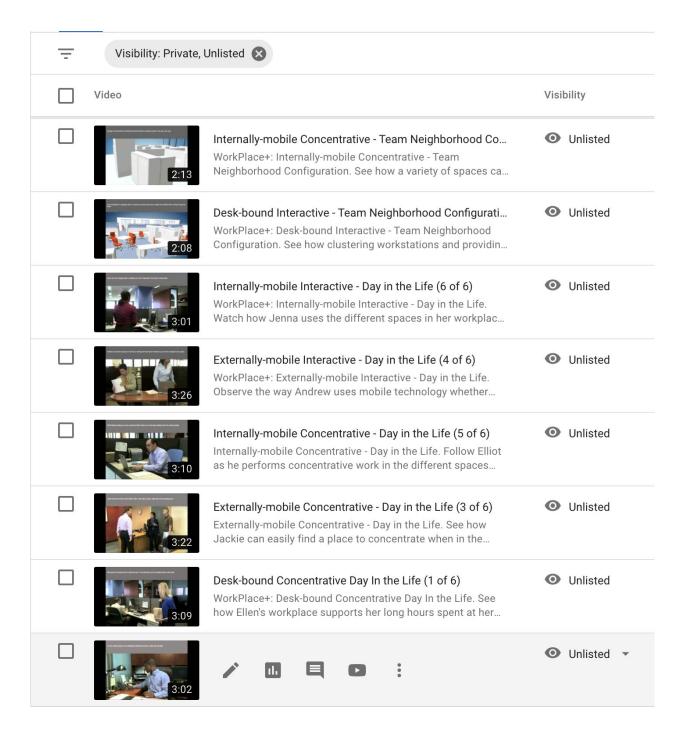


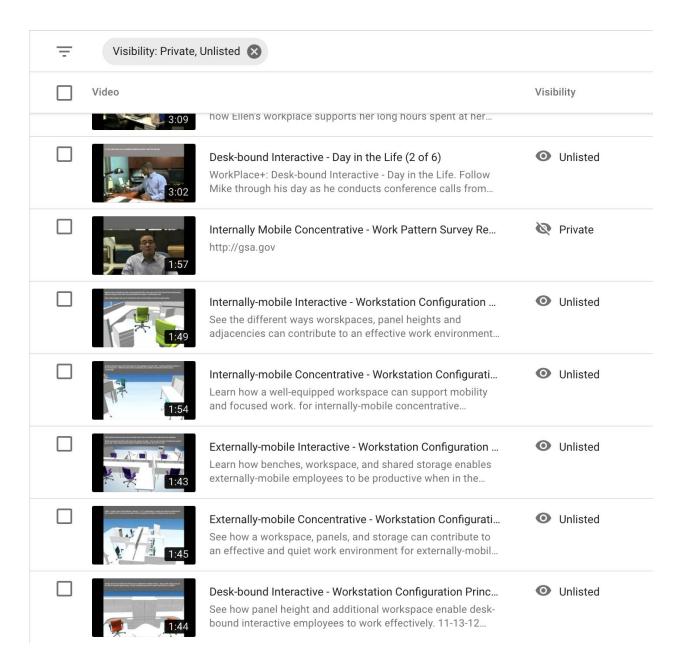


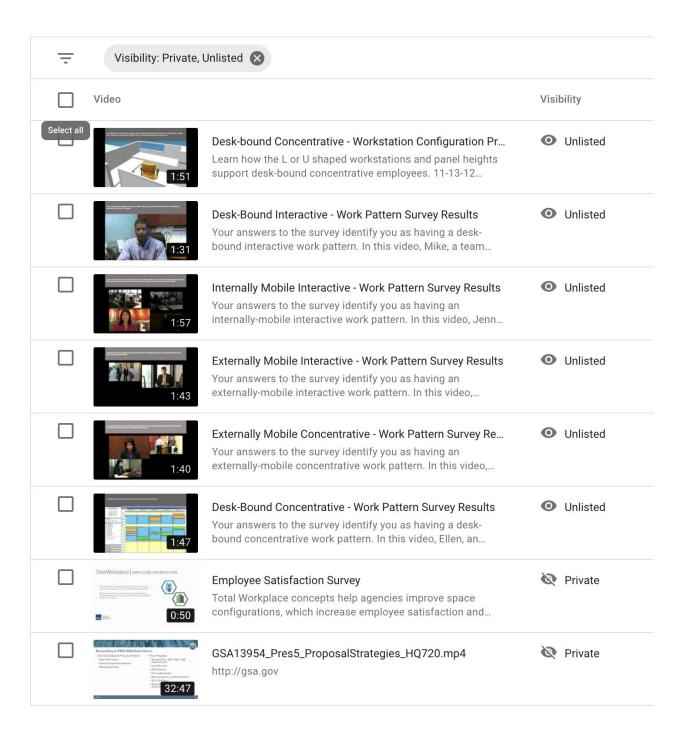




Video		Visil	pility
5:03	Design-Build Industry Roundtable As part of the American Recovery and Reinvestment Act, the U.S. General Services Administration's Public Buildings	Ø	Private
8:50	St. Elizabeth's Department of Homeland Security Headqu In the largest federal building project to occur in the national capital region since the construction of the Pentagon, the	Ø	Private
7:53	San Francisco Federal Building: Creating an Extraordinar The San Francisco Federal Building, designed for the U.S. General Services Administration by a team led by the Los	Ø	Private
1:13	Troy Swain Troy Swain - Denver Federal Center solar panels	0	Unlisted
2:23	Internally-mobile Interactive - Team Neighborhood Config WorkPlace+: Internally-mobile Interactive - Team Neighborhood Configuration. In this neighborhood, you can	•	Unlisted
2:22	Externally-mobile - Interactive - Team Neighborhood Con WorkPlace+: Externally-mobile - Interactive - Team Neighborhood Configuration. Take a tour through this	•	Unlisted
2:08	Desk-bound Concentrative - Team Neighborhood Configu WorkPlace+: Desk-bound Concentrative - Team Neighborhood Configuration. Take a tour through this neighborhood that	0	Unlisted
2:03	Externally-mobile Concentrative - Team Neighborhood C WorkPlace+: Externally-mobile Concentrative - Team Neighborhood Configuration. In this neighborhood,	•	Unlisted







Video		Visil	pility
Fulfill Cops I described to the control of the con	GSA13954_Pres2_Access http://gsa.gov	sing_HQ720_r2.mp4	Private
PSS Environments - Advances compared - Advances compared - For provide out of all - For prov	GSA13954_Pres4_Culture http://gsa.gov	eOfInnov_HQ720.mp4	Private
Michigan America Sol - Marchagan America Sol - Marchag	GSA13954_Pres1_II_Intro displaying the state of the stat	ToGSA_HQ720.mp4	Private
	Introduction to Assisted A No description.	Acquisition Service	Private
- Propose to the state of the s		G-REX (4-10-13) ssistant Commissioner, Office of SA Real Estate Exchange (G-REX)	Unlisted
		d Process Video (3 of 4) ond topic in this series is address: ss roadmap. This video also focu	Private
The state of the Control of the Cont	residing apportunities, click on the	d Process Video (2 of 4) as of FAS, continues an overview of s, including available training and	Private
The state of the s	Front State Community Comm	d Process Video (1 of 4) oduces the MAS Post Contract is clip covers: course intro, course	Private

