CAUSE of ACTION
Advocates for Government Accountability
A 501(c)(3) Nonprofit Corporation

November 26, 2013

VIA E-MAIL

Mr. Ralph L. Boldt
FOIA Public Liaison
U.S. General Services Administration
FOIA Requester Service Center (H1C)
1800 F. Street, NW, Room 7308
Washington, DC 20405-0001
E-mail: gsa.foia@gsa.gov

Dear Mr. Boldt:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Cause of Action hereby requests records reflecting communications between (1) The Office of White House Counsel[1] and the U.S. General Services Administration (GSA) FOIA Requester Service Center, and (2) The Office of White House Counsel and the GSA Office of the General Counsel, concerning the Office of White House Counsel's review of agency records. The time period for this request is January 1, 2012 to the present.

Please note that we do not seek access to the actual records that were forwarded to the Office of White House Counsel for review, but only to records that reflect that such consultations occurred (for example, cover e-mails).

Request for public-interest fee waiver

Cause of Action requests a waiver of any and all applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). This provision provides that requested records shall be furnished without or at reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."[2] The requested records would unquestionably shed light on the "operations or activities of the government,"[3] namely GSA's policies and procedures with respect to records involving White House equities. Moreover, disclosure would "contribute significantly" to the public's understanding of GSA's operations.[4] To date, GSA has not disclosed to the public—either through its regulations or policy memoranda—how it processes agency records deemed to contain White House equities. Cause of Action has both the intent and ability to make the results of this request available to a

[1] For purposes of this FOIA request, the Office of the White House Counsel includes all employees of that Office—not merely the White House Counsel.
[2] 5 U.S.C. § 552(a)(4)(A)(iii).
[3] *Id.*
[4] *Id.*

reasonably broad public audience through various media. Our staff members have a wealth of experience and expertise in government oversight, investigative reporting, and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work, and share the resulting analysis with the public, whether through Cause of Action's regularly published online newsletter, memoranda, reports, or press releases.[5]

Further, Cause of Action, a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code, does not have a commercial interest in making this request. The requested information will be used solely to educate the general public regarding GSA's heretofore undisclosed FOIA policy and procedures for processing records with White House equities.

Request for news media status

For fee purposes, Cause of Action also qualifies as a "representative of the news media" under 5 U.S.C. § 552(a)(4)(A)(ii)(II). Cause of Action is organized and operated, among other things, to publish and broadcast news, *i.e.*, information that is about current events or that would be of current interest to the public. Cause of Action gleans the information that it regularly publishes from a wide variety of sources and methods, including whistleblowers/insiders, government agencies, universities, scholarly works, and FOIA requests. Cause of Action routinely and systematically disseminates information acquired from such sources to the public through various media. For example, Cause of Action distributes articles, blog posts, published reports, and newsletters about current events of interest to the general public through its website, which has been viewed just under 120,000 times in the past year alone.[6] Cause of Action also disseminates news to the public via Twitter and Facebook, and it provides news updates to subscribers via email. As a result of these activities, federal agencies have continually recognized Cause of Action's news media status in connection with its FOIA requests.[7]

Record production and contact information

In an effort to facilitate record production, please provide the responsive records in electronic format (*e.g.*, e-mail, .pdf). If a certain set of responsive records can be produced more readily, we respectfully request that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

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[5] *See* http://www.causeofaction.org.

[6] *Google Analytics* for http://www.causeofaction.org (on file with Cause of Action).

[7] *See, e.g.*, FOIA Request CFPB-2014-010-F, Consumer Fin. Prot. Bureau (Oct. 7, 2013); FOIA Request 2013-01234-F, Dep't of Energy (July 1, 2013); FOIA Request 2013-145F, Consumer Fin. Prot. Bureau (May 29, 2013); FOIA Request 2013-073, Dep't of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep't of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep't of Interior (Feb. 17, 2012); FOIA Request 12-00455-F, Dep't of Educ. (Jan. 20, 2012).

If you have any questions about this request, please contact me by e-mail at Robyn.Burrows@causeofaction.org, or by telephone at (202) 499-4232. Thank you for your attention to this matter.

Robyn Burrows

ROBYN BURROWS
COUNSEL