



May 7, 2015

Mr. Edward Hasbrouck
The Identity Project
1736 Franklin Street, 9th Floor
Oakland, CA 94612

Dear Mr. Hasbrouck:

This is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2015-000410), dated February 17, 2015, in which you requested:

“Copies of all meeting minutes and other records pertaining to any “Facility Security Committee (FSC)” for each of the following Federal facilities:

1. Phillip Burton Federal Bldg. & Courthouse, 450 Golden Gate Ave., San Francisco, CA
2. San Francisco Federal Building, 90 7th St., San Francisco, CA
3. U.S. Customs House, 555 Battery St., San Francisco, CA
4. Ronald V. Dellums Federal Building, 1301 Clay St., Oakland, CA
5. Robert F. Peckham Federal Building, 280 South 1st St., San Jose, CA
6. United States Courthouse, 3140 Boeing Ave., McKinleyville, CA
7. James R. Browning Courthouse, 95 7th St., San Francisco, CA
8. Richard H. Chambers Courthouse, 125 South Grand Ave., Pasadena, CA
9. Pioneer Courthouse, 700 SW 6th Ave., Portland, OR
10. William K. Nakamura Courthouse, 1010 5th Ave., Seattle, WA”

Please find the enclosed meeting minutes responsive to your request. The Federal Security Committee (FSC) consists of representatives of all Federal tenants in the facility, the security organization or lead agency, and the owning or leasing department or agency.

With respect to the Phillip Burton Federal Building & Courthouse, GSA was the lead agency for the FSC at the Phillip Burton Federal Building & Courthouse and conducted FSC meetings from January 2010 to January 2014.

U.S. General Services Administration
1800 F Street, NW, Room 7308
Washington, DC 20405
Telephone: (855) 675-3642
Fax: (202) 501-2727

In processing your request we are withholding unit pricing in accordance with the fourth statutory exemption to the FOIA (5 U.S.C. 552 (b)(4)), which permits an agency to withhold trade secrets, commercial, or financial information submitted to the agency confidentially. GSA may withhold trade secrets, commercial, or financial information if release of the information would involve a substantial risk of competitive injury to a business which directly or indirectly furnished the information to GSA.

GSA is also withholding portions of responsive documents in accordance with 5 U.S.C. § 552(b)(5) & (b)(7)(F). Exemption 5 permits an agency to withhold intra-agency or interagency documents which reflect the agency's pre-decisional, deliberative process. Exemption (b)(7)(F) prohibits disclosure of information which is considered sensitive but unclassified. GSA maintains this information is highly sensitive and affects the Agency's ability to provide a safe and secure environment for persons and property. The release of this information could compromise the security and the safety of persons or property persons at this location. The release of this information could also risk circumvention of agency regulations, policies and procedures.

GSA is also withholding names, phone numbers, and email addresses in accordance with the sixth and seventh FOIA exemptions, 5 USC § 552 (b)(6) & (b)(7)(C). Exemption 6 and Exemption 7(C) of FOIA relates to personal information regarding persons other than you. Release of this information would constitute a clearly unwarranted invasion of the personal privacy of the persons mentioned in the records. Redactions marked exemption (b)(7)(C) are also covered by exemption (b)(6).

The United States Department of Justice Office of Information Policy (OIP) advises that the agency that is best able to determine a record's sensitivity, and in turn its exemption status, is the agency that should process that record under FOIA. OIP notes that the agency that originated a record is usually the most appropriate agency to make a FOIA-disclosure determination regarding it. In the instant case, the lead agency for the FSC of each building is better able than GSA to determine whether the requested information is exempt from disclosure and the ultimate decision as to what data should be released rests with the lead agency of the FSC of each building. Accordingly, below is a listing of the appropriate lead agencies of where the records you are requesting originated and their associated contact information:

1. San Francisco Federal Building, 90 7th St., San Francisco, CA

Department of Labor
Office of the Solicitor
Room N-2420
200 Constitution Avenue, N.W.
Washington, DC 20210
(202) 693-5389 (Fax)
foiarequests@dol.gov

2. U.S. Customs House, 555 Battery St., San Francisco, CA

U.S. Customs and Border Protection
Department of Homeland Security
<https://foiaonline.regulations.gov/foia/action/public/request/publicPreCreate>

3. Ronald V. Dellums Federal Building, 1301 Clay St., Oakland, CA

Internal Revenue Service
Department of Treasury
FOIA Coordinator
Stop 93A
P.O. Box 621506
Atlanta, GA 30362-3006
(877) 891-6035 (Fax)

4. Robert F. Peckham Federal Building, 280 South 1st St., San Jose, CA and United States Courthouse, 3140 Boeing Ave., McKinleyville, CA

Ms. Anita Bock
FSC Designated Official
U.S. District Court
450 Golden Gate Avenue, Box 36060
San Francisco, CA 94102

5. James R. Browning Courthouse, 95 7th St., San Francisco, CA

Mr. James Hochstadt
Senior Deputy for Administration
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

A separate response will be provided addressing your request in regards to Nakamura (Seattle) and Pioneer (Portland) Courthouses.

Based on the above information, this constitutes a partial denial of your request. You have the right to appeal this partial denial of records under FOIA. To do so, you must write within 120 days of your receipt of this letter to:

U.S. General Services Administration
Freedom of Information Act Requester Service Center (H1C)
1800 F Street, Northwest, Room 7308
Washington, DC 20405-0001

Your appeal must be in writing and should contain a brief statement of the reasons why you believe the requested information should be released. Enclose a copy of your initial request and a copy of this letter. Both the appeal letter and envelope should be marked prominently "Freedom of Information Act Appeal."

This completes our action on this request. Should you have any questions, please contact Mr. Gene Dea at gene.dea@gsa.gov or 415-522-2653.

Sincerely,

Travis Lewis

Travis Lewis
FOIA Program Manager

Enclosure