



February 2, 2021

Carlos Gamez
DEPT MR 104849
411A Highland Avenue
Somerville, MA 02144

Dear Mr. Gamez:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request number GSA-2021-000245, submitted on November 16, 2020, in which you requested a copy of four categories of documents.

Enclosed, please find five files containing email communications and non-exempt attachments responsive to your request. The materials contained in these files were collected based on searches reasonably anticipated to identify responsive documents. In particular, these files contain email communications sent by Emily Murphy, Allison Brigati, Robert Borden, Mary Gibert and Trent Benishek that include any of the following nineteen terms: ascertainment, ascertain, ascertained, Presidential Transition Act, 3 U.S.C. 102, 3 U.S.C. §102, 3 U.S.C. § 102, apparent winner, President-elect, December 14th, December 14, Dec. 14, 12/14, projected winner, electoral college, POTUS, VPOTUS, Trump campaign, and Biden campaign. The files also include any responsive email communications between the five GSA custodians. The files also include email communications involving White House officials and the above individuals regarding the 2020 Presidential election. The date range for responsive materials in these files is October 7, 2020 through November 13, 2020. Each file is labeled with the name of the individual with responsive material. Additionally, also enclosed is a copy of letters GSA received from Congress from November 3, 2020 through November 16, 2020.

In processing your request, GSA has withheld the phone numbers of GSA employees, names of private individuals, physical signatures, and the contact information for non-GSA employees. In addition, GSA withheld information related to a career employee's performance evaluation. This is done pursuant to the sixth exemption of FOIA, 5 U.S.C. § 552(b)(6), because public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

We also withheld privileged attorney-client communications, working drafts of documents, and other preliminary discussions and information reflecting the deliberative process of the Executive Branch. This is done pursuant to the fifth exemption of FOIA, 5 U.S.C. § 552(b)(5), because release of this information would stifle honest and frank communications and have a chilling effect on discussions involving matters significant to the Executive Branch. The attorney-client communications have been withheld because they contain confidential

communications between a GSA attorney and a client relating to a legal matter for which the client has sought professional advice.

Finally, we withheld communications regarding security for the Administrator of GSA, along with discussions about security for transition efforts. This is done pursuant to the fifth and seventh exemptions of FOIA, 5 U.S.C. § 552(b)(5) and (7)(A), because the communications reflect the deliberative process of the Executive Branch, and release of this information could also reasonably be expected to interfere with law enforcement proceedings. Please note that the enclosed materials may not include duplicate copies of documents that exist in more than one file.

As we have redacted information referenced in the above paragraph(s) with the aforementioned FOIA exemptions, 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://foiaonline.regulations.gov/foia/action/public/home>) or in writing to the following address:

U.S. General Services Administration
FOIA Requester Service Center
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 action on your request. Should you have questions, you may contact me at travis.lewis@gsa.gov or contact our GSA FOIA Public Liaison, Duane Smith, at (202) 694-2934 or by email at duane.smith@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request.

Additionally, you may contact the Office of Government 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