

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND ETHICS
IN WASHINGTON,**

Plaintiff,

v.

Civil Action No. 18-cv-2071

**UNITED STATES GENERAL SERVICES
ADMINISTRATION,**

Defendant.

DECLARATION OF TRAVIS LEWIS

I, Travis Lewis, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

INTRODUCTION

1. I am the Deputy Director for GSA's Office of Accountability and Transparency, where I serve as the Director of the Freedom of Information Act ("FOIA") & Records Management Division of the Office of Administrative Services for the U.S. General Services Administration ("GSA") headquartered at 1800 F Street, NW, Washington, D.C. As the FOIA Officer for GSA, a position I have held since February 4, 2013, my responsibilities include:

- (a) reviewing requests for access to GSA records filed under the FOIA, 5 U.S.C. § 552;
- (b) assigning FOIA requests to GSA FOIA Analysts for processing;
- (c) identifying offices within GSA (often referred to as "business units") likely to possess responsive records;
- (d) liaising with business units to help identify specific custodians of records and collect responsive records;

(e) reviewing responsive records and determining applicable FOIA exemptions in accordance with the provisions of the FOIA and GSA regulations 41 C.F.R. §§ 105-60, *et seq.*;

(f) reviewing correspondence related to FOIA requests; and

(g) preparing responses to FOIA requests.

2. As GSA's sole FOIA Officer, I have the authority to determine which records should be released and/or withheld pursuant to the FOIA and to explain the rationale for GSA's disclosure determinations. The statements I make in this declaration are based on my review of the official files and records of GSA and my own personal knowledge acquired through the performance of my official duties.

3. Due to the nature of my official duties, I am familiar with the procedures followed by GSA in responding to Plaintiff Citizens for Responsibility and Ethics in Washington's ("Plaintiff CREW") FOIA request which was assigned tracking number GSA-2018-001496 and is at issue in the instant case ("Plaintiff's FOIA Request"). This declaration explains the procedures that were followed by GSA in responding to Plaintiff's FOIA Request.

4. By facsimile dated July 30, 2018, Plaintiff CREW submitted Plaintiff's FOIA Request seeking the copies of all communications from January 20, 2017 to the present between GSA and the White House concerning the renovation of FBI Headquarters.

GSA'S SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST

5. I am aware from my communication with GSA's Office of General Counsel that Plaintiff, via email, requested that GSA conduct a search for responsive records using the following search parameters:

Date range: January 20, 2017 to July 30, 2018

Custodians: emails between any GSA email address and any White House/EOP email address

Search terms:

headquarters

HQ

demoli!

renov!

rebuild

demo! W/3 rebuild [**explanation:** looking for all variations of demo! within three words of rebuild]

"demolish rebuild"

remodel!

"construction project"

"new construction"

President W/10 order! OR direct! OR instruct! OR decide! OR want! [**explanation:** looking for all

variations of these words within 10 words of President]

POTUS W/10 order! OR direct! OR instruct! OR decide! OR want! [**explanation:** looking for all variations of these words within 10 words of POTUS]

operating lease

leaseback

PA Ave!

Pennsylvania Avenue.

6. Upon becoming aware of Plaintiff's proposed search terms, I tasked GSA's Office of the Chief Information Officer (OCIO) to conduct a search for responsive records using said terms. The OCIO is the office within GSA that has access to all of the agency's electronic records and conducts all of the agency's electronic discovery searches for any potentially responsive documents. The OCIO searches all agency employees' emails, calendar logs and shared drive files for responsive electronic records via the search parameters requested by the FOIA requester.

7. GSA's search for electronic documents returned 52 pages of responsive records using the terms as requested by Plaintiff. Upon reviewing the documents and conversing with our Office of the General Counsel, I sent Plaintiff a letter dated December 7, 2018 stating that GSA has determined that these responsive documents are exempt from release pursuant to exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5).

8. After a subsequent communication with our Office of General Counsel, I then sent a subsequent communication to Plaintiff further explaining that within those 52 pages of responsive documents, GSA withheld 25 pages of these responsive records in their entirety pursuant to FOIA exemption 5, 5 U.S.C. § 552(b)(5), based upon the presidential communications privilege. Additionally, within these 25 pages, portions thereof are also being withheld pursuant to FOIA exemption 5, 5 U.S.C. § 552(b)(5), based upon the deliberative process privilege, as well as exemption 6, 5 U.S.C. § 552(b)(6), exemption 7(C), 5 U.S.C. § 552(b)(7)(C), because disclosure of the withheld material could reasonably be expected to constitute an unwarranted invasion of personal privacy and exemption 7(C), 5 U.S.C. § 552(b)(7)(E), as this information reflects the investigatory methodologies/ procedures by GSA's Office of the Inspector General. The remaining 27 pages of responsive records are being withheld in their entirety pursuant to FOIA exemption 5, 5 U.S.C. § 552(b)(5), based upon the deliberative process privilege.

9. Finally, on March 15, 2019, after additional communications with our Office of General Counsel, I informed Plaintiff that GSA was providing the 25 pages of responsive documents that previously had been withheld in their entirety based on the Presidential Communications Privilege. Within those documents though, GSA withheld:

- 1) Certain draft documents in their entirety as they represent the agency's deliberative process and the attachment to page 23 of the responsive pursuant to the Presidential Communications Privilege per the 5th exemption to the FOIA, 5 U.S.C. § 552(b)(5);
- 2) Specific email addresses and employee cellular telephone numbers pursuant to both exemption 6, 5 U.S.C. § 552(b)(6) and exemption 7(C), 5 U.S.C. § 552(b)(7)(C) of the FOIA, because disclosure of the withheld material could reasonably be expected to constitute an unwarranted invasion of personal privacy; and
- 3) Information on page 6 pertaining to investigatory methodologies/ procedures by GSA's office of the Inspector General pursuant to the FOIA, 5 U.S.C. § 552(b)(7)(E).

Thus, of the 52 responsive pages, GSA released in full 2 total pages of documents and 23 partially redacted pages of documents. The remaining 27 pages of documents were withheld in full. Where documents or portions of documents were partially or fully withheld, a description of those withholdings and the reasons for those withholdings are provided in the accompanying Vaughn Index.

10. Beyond the search for electronic records, I also ensured that there were no paper records in the agency's possession that were responsive to Plaintiff's FOIA request. Each GSA employee that had responsive records per the OCIO search query using the terms provided by Plaintiff has confirmed that they do not have any paper records that pertain to or are responsive to Plaintiff's FOIA request.

**DESCRIPTION OF FOIA EXEMPTION 5, EXEMPTION 6 AND EXEMPTION 7
WITHHOLDINGS APPLIED TO RECORDS PROVIDED TO PLAINTIFF**

11. As described in the accompanying Vaughn Index, GSA applied the FOIA's fifth exemption in redacting information reflecting the agency's deliberative process, draft documents, attorney work product by GSA's Office of General Counsel and a document pursuant to the Presidential Communications privilege. GSA applied the FOIA's sixth exemption in redacting specific email addresses and cellular phone numbers of agency employees, as release of this information would constitute a clearly unwarranted invasion of personal privacy. GSA also applied the FOIA's seventh exemption in redacting both personal information in law and information which would disclose techniques or procedures for law enforcement investigations.

SEGREGABILITY

12. 5 U.S.C. § 552(b) requires that "[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of portions which are exempt."

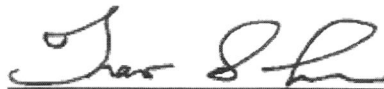
13. I reviewed each record, line-by-line, to identify information exempt from disclosure. With respect to the records that were released in part, all information not exempted from disclosure pursuant to the FOIA as specified above, was correctly segregated and non-exempt portions were released.

CONCLUSION

14. As detailed above, GSA conducted a reasonable and appropriate search for documents responsive to Plaintiff CREW's FOIA request. GSA used the terms provided by Plaintiff in conducting its search for any responsive records and produced to Plaintiff all responsive nonexempt records, and portions thereof, that were located as a result.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 28th day of March, 2019, in Washington, D.C.

A handwritten signature in dark ink, appearing to read "Travis Lewis", is written over a horizontal line.

Travis Lewis
FOIA and Records Management Director
U.S. General Services Administration