

## LEGAL MEETS PRACTICAL, LLC

SARAH REIDA, ESQ.\*

2475 Northwinds Pkwy, Ste 200 | Alpharetta, GA 30009 | 703.552.3220 | [scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)  
[legalmeetspractical.com](http://legalmeetspractical.com)

\*Admitted in VA and IL

December 30, 2021

VIA ELECTRONIC MAIL ([gsa.foia@gsa.gov](mailto:gsa.foia@gsa.gov))

U.S General Service Administration

Attn: Appeals

1800 F Street, NW, 7308

Washington, D.C. 20405

**Re: Appeal of FOIA Request No. GSA-2021-001723**

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (“FOIA”), this constitutes an appeal of the denial of the release of records requested via the above-referenced FOIA request. As notice of appeal rights was provided on December 14, 2021, this appeal is timely (Exhibit “A”). Please note that as the initial request was submitted online but not via an individual FOIA request account, permission was received to send this appeal to this email address versus via hard copy to the FOIA office for the U.S. General Service Administration (“GSA”)(Exhibit “B”).

### **Procedural Background**

On September 22, 2021, the FOIA request at issue was submitted to the GSA. This requested the following information:

“[T]he following information as maintained by the General Services Administration within the beta.sam.gov database (“Beta Sam”) for each active, registered federal government contractor: Business Name, Business Address, Business Phone Number, Business Email, Business DUNS. Please see attached letter. Electronic production is preferred. Thank you very much.” (Exhibit “C”).

On October 15, 2021, the GSA transmitted a letter via email which characterized the response as a “full grant.” This did not, however, also provide records. Rather, instructions were provided to access Sam.gov’s “monthly public extract.” The response also relayed that “Sam.gov registrations do not contain Business Phone Number nor Business Email.” (Exhibit “D”). This is apparently a recent change to the public extract, as business phone numbers and email were previously provided.

In addition, prior FOIA requests/appeals for this same information have previously been successful. I am aware of GSA initially denying access to such information on at least one occasion in 2011, and then later releasing these records.

Upon a request for clarification as to whether the requested records existed and a request for information with respect to appeal rights sent on October 25, 2021 (See Exhibit “E”), on November 3, 2021, GSA transmitted a letter confirming that the October 15, 2021 response to the FOIA request incorrectly characterized it as a “full grant.” (Exhibit “F”). This response reiterated the decision not to release the phone numbers and emails, citing to the personal privacy exemption under 5 U.S.C. § 552(b)(6). It stated that “individuals have an expectation of privacy in their contact information, which constitutes an increased security and privacy risk when aggregated on the public extract.” The letter also communicated that GSA had concluded that the emails and phone numbers do not “provide any additional substantive information on the conduct of Governmental affairs and your interest in receiving this information does not outweigh the privacy interest these individuals have in their contact information under 5 U.S.C. § 552(b)(6).” The letter also advised of litigation and mediation rights; however, the cover email also designated the “final disposition” as a “full grant” and did not provide any information with respect to appeal rights. Upon a request for clarification from the FOIA liaison who had assisted with the processing of the request, on November 14, 2021 via email she confirmed it was denied.

### Argument

One reason cited by GSA for not disclosing the information is guidance from its Office of Inspector General (“OIG”) which addressed concerns of misuse (i.e., using such information to hack into accounts or otherwise access private information). As this report is restricted distribution, there is no opportunity for substantive review. It was also indicated by GSA that Sam.gov users have complained of spam and other issues with unsolicited contacts.

While acknowledging the existence of misuse of “personal” data that may occur generally—and not limited to issues with Sam.gov—*business* email addresses and phone numbers provided via a registration mandatory to do business with the federal government—are not “private” or “sensitive” information. When a firm utilizes an email address and/or phone number designated as such, this is held out to the public as the means to contacting it. These are almost always available via a Google Search and/or on the company website. As such, this information as provided is no different than what is publicly available from a firm.

The reason for the request, however, is the impossibility of individually compiling this information for every firm in the Sam.gov database. Because there are tens of thousands of businesses listed in the Sam.gov registry, a firm wanting to identify the associated business email and phone number for each would be required to Google or otherwise research each individual firm (i.e., complete a search tens of thousands of times). *Meanwhile, it was confirmed by GSA that the database in the form as requested does exist, but it is only available to federal contracting officials.*

#### **A. FOIA Exemption (b)(6) protecting the interest to privacy does not apply to the information requested to be disclosed.**

The November 3, 2021 letter from GSA invokes the exception against disclosure at 5 U.S.C. § 552(b)(6)(privacy). This is improper because all of this information is provided on behalf of businesses. As such, exemption #6, which invokes an *individual’s* personal privacy, does not

apply. It is well-settled via federal case law that Exemption 6 involves an “*individual’s* right to privacy.” A corporate entity has no such right. *See, e.g., Federal Communications Commission et. al. v. AT&T, Inc.*, No. 09-1279 (Jan 2011); *citing Department of State v. Ray*, 502 U.S. 164, 175 (1991).

As noted above, this information requested herein is inputted into the Sam.gov database ***on behalf of businesses***. It is the point of contact information for the *business*, which is how it is characterized when being inputted. If an individual chooses to have their personal phone number or personal email double as their business contact information, in the context of the Sam.gov database (and for purposes of applying 5 U.S.C. § 552(b)(6)), that information does not invoke an “individual’s right to privacy.” Even if the information is also personal, it become business information by that individual voluntarily electing to treat it as such and designate it as the business’s contact information. These individuals are choosing to include their information in Sam.gov and to designate the contact information provided *for the business*.

Also, this sixth exemption permits the government to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). Exemption 6 is intended to “protect individuals from the injury and embarrassment that can result from the unnecessary disclosure of personal information.” *Wood v. F.B.I.*, 432 F.3d 78, 86 (2d Cir. 2005) (*quoting U.S. Dep’t of State v. Washington Post Co.*, 456 U.S. 595, 599, 102 S. Ct. 1957, 72 L. Ed. 2d 358 (1982)).” Considering this information is otherwise publicly available and held out as the means to contacting the business, there is no reasonable capability of disclosure causing “injury.” While GSA would argue that the “injury” may be the misuse of information or unwarranted contacts, again, this information is already publicly available as the means to contacting the firm.<sup>1</sup> Nor is embarrassment an issue considering the innocuous nature of contact information.

**B. There is no privacy interest that outweighs a requestor’s interest in this information.**

The November 3, 2021 letter also refers to the additional information of the phone numbers and emails as not providing “any substantive information on governmental affairs.” It further states that my interest in receiving the information does not outweigh an individual’s right to privacy.

As an initial matter, the need for any balancing act only applies if this information implicates an individual’s right to privacy. Whether the names and other identifying information about [an individual] may be withheld under Exemption 6 is a two-part inquiry. *Wood v. F.B.I.*, 432 F.3d 78, 86 (2d Cir. 2005). First, an agency must determine whether the personal information is contained in a file similar to a medical or personnel file. In considering whether the information is contained in a “similar” file, the agency is to ask whether the records at issue are likely to contain the type of personal information that would be in a medical or personnel file. In this case, the information is not contained in any such file. This is a database of business information which a firm voluntarily provides. In addition, when one chooses to have its “public” or “non-sensitive” information displayed, this includes information including (but not limited to) the

---

<sup>1</sup> As noted above, the reason for the request is the impossibility of compiling the information the GSA easily has on-hand via the database it maintains and which is requested here.

business phone number and email address. *This alone establishes that this information does not implicate any privacy interest, as the Sam.gov database itself has designated this information (which is business information) as non-sensitive.*

At the second step of the analysis under Exemption 6—which, as noted, should not even be a point of analysis considering that this information does not invoke an individual’s right to privacy—an agency balances the public's need for the information against the individual's privacy interest to determine whether the disclosure of the names would constitute a "clearly unwarranted invasion of personal privacy. At the second step, “[t]he balancing analysis for FOIA Exemption 6 requires that [courts] first determine whether disclosure of the files would compromise a substantial, as opposed to a de minimis, privacy interest, **because if no substantial privacy interest is implicated FOIA demands disclosure.**” *Seife v. U.S. Dep't of State*, 366 F. Supp. 3d 592, 610 (S.D.N.Y. 2019)(emphasis added). As there is no implicated privacy interest, GSA must disclose this information.

Where an agency has demonstrated a privacy interest sufficient to implicate Exemption 6, the burden falls to the requesting party to establish that disclosure 'would serve a public interest cognizable under FOIA.'" *Id.* "The only public interest found to be relevant in FOIA balancing is 'the extent to which disclosure would serve the core purpose of the FOIA, which is contribut[ing] significantly to public understanding of the operations or activities of the government.'" *U.S. Dep't of Def. v. Fed. Labor Relations Auth.*, 510 U.S. 487, 495, 114 S. Ct. 1006, 127 L. Ed. 2d 325 (1994)). The requester's individual purpose or motive in seeking the information "has no bearing on the merits of his or her FOIA request." *U.S. Dep't of Justice v. Reporters' Comm. for Freedom of the Press*, 489 U.S. 749, 771, 109 S. Ct. 1468, 103 L. Ed. 2d 774 (1989)). In this case, understanding the contact information of those firms provides insight into the operations or activities of the government because these firms are pursuing or performing government contracts with U.S. tax dollars. This provides information as to who these firms are, where they are located, and other information with respect to those providing support to the federal government on contracts funded by taxpayer dollars. This serves the public interest.

### Conclusion

For these reasons, this FOIA appeal should be granted. I ask the GSA to disclose the database it maintains which is currently only provided to federal officials and includes the information as requested above. No privacy interest is implicated to justify non-disclosure. In addition—and while noting that this encompasses a request larger than this FOIA request—I ask GSA to reconsider its stance on the information as removed from the public database. Individuals have the right to information as to those supporting the federal government on contracts paid by tax dollars, and re-instating the database in its prior form services the public interest.

Sincerely,



Sarah Reida, Esq.\*  
Admitted in VA and IL

**Subject:** Re: FW: Mediation for FOIA Request No. GSA-2021-001723  
**Date:** Tuesday, December 14, 2021 at 2:38:55 PM Central Standard Time  
**From:** OGIS  
**To:** OGIS  
**CC:** Sarah Schauerte

EXHIBIT A

December 14, 2021 — Sent via email

Sarah Schauerte

scs@legalmeetspractical.com

Dear Ms. Schauerte:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on November 19, 2021 via email. Your request for assistance pertains to a Freedom of Information Act (FOIA) request you filed with the General Services Administration (GSA).

We understand that you submitted a request to the GSA. Your request was denied and you submitted an appeal and clarification request on November 12, 2021. You did not receive a response to your most recent submission and you asked for our assistance.

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We reached out to the GSA FOIA staff to discuss your concerns regarding GSA-2021-001723. We learned that the GSA searched for your November 12, 2021 appeal and clarification request; however, it had no record of this submission in its system. To the extent that the GSA's November 3, 2021 response did not include the proper appeal rights, the GSA acknowledged that it will open a new 90 day appeal clock that will start today, November 14, 2021. Therefore, you can submit your appeal within 90 days online at (<https://foiaonline.gov/foiaonline/action/public/home>) or by sending a written appeal to:

U.S. General Services Administration

FOIA Requester Service Center (LG)

1800 F Street, NW

Washington, DC 20405

The appeal should contain a brief statement of what is being appealed and the reason GSA should release the requested information. GSA also asks that you enclose a copy of the initial request and the response letter dated November 3, 2021, and mark the appeal letter and envelope, or online appeal submission, with "Freedom of Information Act Appeal."

We hope that this information is useful to you. As there is no additional information we can provide you at this time, we consider this matter closed.

Sincerely,

The OGIS Staff

--

OFFICE OF GOVERNMENT INFORMATION SERVICES

National Archives and Records Administration

8601 Adelphi Road (OGIS)

College Park, MD 20740-6001

Email: [ogis@nara.gov](mailto:ogis@nara.gov)

Phone: 202-741-5770 (local) or 1-877-684-6448 (toll-free)

Fax: 202-741-5769

Website: [www.archives.gov/ogis](http://www.archives.gov/ogis)

Blog: <http://foia.blogs.archives.gov>

On Friday, December 10, 2021 at 2:14:02 PM UTC-5 Sarah Schauerte wrote:

Good Afternoon,

Per a voicemail just left, I'm following up on this as it has been several weeks with no response. Thanks for your time and attention.

/s/ Sarah Schauerte Reida\*

Sarah Schauerte Reida

50 S. Main Street, Ste. 200

Naperville, IL 60540

[\(703\) 552-3220](tel:(703)552-3220)

[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)

[legalmeetspractical.com](http://legalmeetspractical.com)

\*Admitted in VA and IL

---

**From:** Sarah Schauerte <[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)>

**Date:** Monday, November 22, 2021 at 7:51 PM

**To:** "[ogis@nara.gov](mailto:ogis@nara.gov)" <[ogis@nara.gov](mailto:ogis@nara.gov)>

**Subject:** Mediation for FOIA Request No. GSA-2021-001723

Good Evening,

When I emailed previously, I received an auto-email advising to provide a "brief description of your dispute and copies of your FOIA request, the agency's response to your request, your appeal letter (if you filed an appeal), and the agency's response to your appeal (if received a response)."

This request and the issues are relatively straightforward; however, attached you'll find five documents because the agency had initially mischaracterized the response as a "full grant" and clarification needed to be sought. The timeline was as follows (each letter attached):

- 9/23/21 – Initial request sent by LMP (my company, Legal Meets Practical)
- 10/15/21 – Initial disposition letter received from GSA (the "full grant")
- 10/25/21 – LMP's response to letter
- 11/3/21 – GSA's final disposition letter (including appeal rights; the initial letter did not include these)
- 11/12/21 – LMP's letter requesting clarification as to status of request (i.e., whether most recent correspondence was deemed a response to an appeal, as the first disposition was incorrectly characterized).

As a brief summary, this FOIA request asked for the following information:

“[T]he following information as maintained by the General Services Administration within the [beta.sam.gov](https://beta.sam.gov) database (“Beta Sam”) for each active, registered federal government contractor: Business Name, Business Address, Business Phone Number, Business Email, Business DUNS. Please see attached letter. Electronic production is preferred. Thank you very much.”

GSA has cited Exemption b(6) as justifying non-disclosure of the phone numbers, business emails, and business DUNS (which were previously available from the Sam.gov site via a downloadable spreadsheet of such contractor information, versus having to go through the FOIA process). This is in error because the information sought here is inherently not “personal” because it is information provide on behalf of businesses (and privacy rights apply only to individuals). The letter from 11/12/21 does the most detailed job of laying out the reasons in support of this, and I maintain it was in error for this information to be withheld. I would suggest review of that first for that reason, and also because it walks through the timeline of the request and the issues at play.

**Would you be able to point me to a timeline for when this mediation might take place if requested and general procedures? Please let me know if further information is necessary or could facilitate the process. Thank you!**

[\(703\) 552-3220](tel:(703)552-3220)

[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)

[legalmeetspractical.com](https://legalmeetspractical.com)

\*Admitted in VA and IL

---

**From:** Sarah Schauerte <[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)>

**Date:** Friday, November 19, 2021 at 11:47 AM

**To:** "[ogis@nara.gov](mailto:ogis@nara.gov)" <[ogis@nara.gov](mailto:ogis@nara.gov)>

**Subject:** FOIA Mediation

Good Afternoon,

I had a FOIA request denied on appeal and understand an option for resolution is mediation via your office. Would



you be able to point me to a timeline for when this might take place if requested and general procedures? (This is in reference to FOIA request No. GSA-2021-001723).

Thanks for any resources or information you can provide.

/s/ Sarah Schauerte Reida\*

Sarah Schauerte Reida

50 S. Main Street, Ste. 200

Naperville, IL 60540

[\(703\) 552-3220](tel:(703)552-3220)

[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)

[legalmeetspractical.com](http://legalmeetspractical.com)

\*Admitted in VA and IL

**Subject:** Re: Mediation for FOIA Request No. GSA-2021-001723

EXHIBIT B

**Date:** Wednesday, December 22, 2021 at 9:04:44 AM Central Standard Time

**From:** OGIS

**To:** OGIS

**CC:** Sarah Schauerte

Good morning Ms. Schauerte Reida. Thank you for taking my call this morning. I reached out to the GSA FOIA staff in reference to the problems you encountered while trying to submit your appeal. Please submit your appeal to [gsa.foia@gsa.gov](mailto:gsa.foia@gsa.gov). Explain the problem you encountered and inform the staff that you wish to appeal FOIA 2021-001723. Ask that the appeal be uploaded by GSA. You should explain why you are appealing (i.e., what you want and why you think it should be releasable). When your submission is received, the FOIA Office can upload the entry into the system.

Sincerely,

The OGIS Staff

On Tuesday, December 21, 2021 at 12:39:04 PM UTC-5 Sarah Schauerte wrote:

Good Morning,

Thank you for sending this, but I would appreciate some clarification. In the documents that were sent as attached to my initial email, the GSA had indicated on November 3, 2021 that it had mischaracterized its request to my response as a "full grant" but was unclear on the status of the request procedurally. I then submitted additional correspondence on November 12, 2021, and the FOIA officer responded via email on November 14, 2021 that the request was denied. Are you now saying we must send in a formal appeal for resolution? Also, your email was from December 14 but it references the 90 days as beginning on November 14. Is that a mistake, or is that being calculated as of the date of the email from the FOIA officer?

Also, I am unable to access my FOIA account due to glitches for purposes of filing an appeal (the agency is a mandatory field and the dropdown options are blank). Is there any other means rather than sending in a hard copy appeal?

Thanks for your help and have a great holiday.

/s/ Sarah Schauerte Reida\*

Sarah Schauerte Reida

50 S. Main Street, Ste. 200

Naperville, IL 60540

[\(703\) 552-3220](tel:(703)552-3220)

[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)

[legalmeetspractical.com](http://legalmeetspractical.com)

\*Admitted in VA and IL

---

**From:** OGIS <[OGIS@nara.gov](mailto:OGIS@nara.gov)>  
**Date:** Tuesday, December 14, 2021 at 2:39 PM  
**To:** OGIS <[OGIS@nara.gov](mailto:OGIS@nara.gov)>  
**Cc:** Sarah Schauerte <[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)>  
**Subject:** Re: FW: Mediation for FOIA Request No. GSA-2021-001723

December 14, 2021 — Sent via email

Sarah Schauerte

[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)

Dear Ms. Schauerte:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on November 19, 2021 via email. Your request for assistance pertains to a Freedom of Information Act (FOIA) request you filed with the General Services Administration (GSA).

We understand that you submitted a request to the GSA. Your request was denied and you submitted an appeal and clarification request on November 12, 2021. You did not receive a response to your most recent submission and you asked for our assistance.

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

---

**From:** Sarah Schauerte <[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)>  
**Date:** Friday, November 19, 2021 at 11:47 AM  
**To:** "[ogis@nara.gov](mailto:ogis@nara.gov)" <[ogis@nara.gov](mailto:ogis@nara.gov)>  
**Subject:** FOIA Mediation

Good Afternoon,

I had a FOIA request denied on appeal and understand an option for resolution is mediation via your office. Would you be able to point me to a timeline for when this might take place if requested and general procedures? (This is in reference to FOIA request No. GSA-2021-001723).

Thanks for any resources or information you can provide.

/s/ Sarah Schauerte Reida\*

Sarah Schauerte Reida  
50 S. Main Street, Ste. 200  
Naperville, IL 60540

[\(703\) 552-3220](tel:(703)552-3220)

[scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)

[legalmeetspractical.com](http://legalmeetspractical.com)

\*Admitted in VA and IL

## LEGAL MEETS PRACTICAL, LLC

SARAH REIDA, ESQ.\*

50 S Main St, Ste 200 | Naperville, IL 60540 | 703.552.3220 | scs@legalmeetspractical.com  
legalmeetspractical.com

\*Admitted in VA and IL

September 23, 2021

### VIA ONLINE FORM

General Services Administration  
Freedom of Information Act Department

### **Re: Freedom of Information Act Request Business Information in Beta.Sam.Gov Database**

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (“FOIA”), I write to request the following information as maintained by the General Services Administration within the beta.sam.gov database (“Beta Sam”) for each active, registered federal government contractor:

Business Name  
Business Address  
Business Phone Number  
Business Email  
Business DUNS.

To expedite this request, I wanted to address a prior inconsistency in the government’s release of such information due to it being sourced in part from the Duns and Bradstreet (“D&B”) database, which is a non-government source. Any prior non-disclosure was improper.

As an initial point, the interaction of Beta Sam with D&B is irrelevant to disclosure pursuant to FOIA.

- *First of all*, while Beta Sam may pull some data from D&B, all information requested herein is also separately inputted by a Beta Sam user in other fields of the database. That user then submits that information to Beta Sam. As such, no information sought implicates the D&B Limitation Terms, because Beta Sam, which is managed by the federal government, is separately obtaining this via user input.
- *Second of all*, even if the D&B Limitation Terms were implicated, this is irrelevant because FOIA requires federal agencies to disclose any information requested under FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement. (*See* 5 U.S.C. § 552(a)(8)(A)). Any agreement with D&B is trumped by the government’s obligations under FOIA.

In general, the Government maintains this information within its own records, and it is therefore subject to FOIA. Any interaction with D&B is irrelevant to a request for such information.

Nor does this information fall under one of the nine exemptions listed in FOIA. Most notably, all of this information is provided on behalf of businesses. As such, exemption #6, which invokes an *individual's* personal privacy, does not apply. Federal courts have regularly acknowledged Exemption 6 as involving an "*individual's* right to privacy;" a corporate entity has no such right. *Federal Communications Commission et. al. v. AT&T, Inc.*, No. 09-1279 (Jan 2011). Citing *Department of State v. Ray*, 502 U.S. 164, 175 (1991). The information requested herein is inputted into the Beta Sam database on behalf of businesses.

Nor does exemption #4 apply. Basic business contact information is not a "trade secret;" nor is it "commercial or financial information that is confidential and privileged." Federal courts have narrowly defined "trade secret" as "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort." *Public Citizen Health Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983). Also, basic business contact information is not "confidential" or "privileged." Any business seeking to do business with the federal or commercial sectors generally chooses to make such information publicly available on their website. It may also be obtained from other database sources, such as: USA Spending.gov; the VA's VetBiz registry which, with respect to veteran-owned and service-disabled veteran-owned small businesses, contains all information sought herein; and the state registration databases for corporations and limited liability companies. As such, even though this basic business information *by nature* is not sensitive, this is further supported by its availability from other sources.

Pursuant to FOIA, I ask for a decision on this request be issued within 20 business days. As indicated on the online form, I will pay processing fees up to \$1,000.00 (one thousand dollars). I ask that any additional amount be communicated prior to incurring such charge. Electronic production of this information is preferred (versus hard copy). Thank you very much.

Sincerely,



Sarah Reida, Esq.\*  
Admitted in VA and IL



EXHIBIT D

October 15, 2021

Ms. Sarah Reida, esquire  
Legal Meets Practical, LLC  
50 S. Main Street, Suite 200  
Naperville, IL 60564

Dear Ms. Reida:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request number (GSA-2021-001723), submitted on September 23, 2021, in which you requested the following:

“Pursuant to the Freedom of Information Act (“FOIA”), I write to request the following information as maintained by the General Services Administration within the beta.sam.gov database (“Beta Sam”) for each active, registered federal government contractor: Business Name Business Address Business Phone Number Business Email Business DUNS. Please see attached letter. Electronic production is preferred. Thank you very much.”

SAM.gov posts a monthly public extract. To access the extract, follow these steps:

1. Create an account at [www.sam.gov](http://www.sam.gov)
2. Log-in to SAM.gov, using your account information
3. Select "Entity Registration"
4. At the bottom of the page, select "Go to Entity Registration data"
5. Select the "Public" file
6. Select the most recent monthly file posted
7. Review the Dun & Bradstreet terms and conditions (you must agree to all to access the public file).

Please note:

- Beta.SAM.gov and SAM.gov merged effective 05/24/2021; Beta.SAM.gov was decommissioned and is known as SAM.gov today.
- SAM.gov Entity registrations do contain the Legal Business Name (Business Name, per your request), physical address and mailing address (Business address, per your request), and DUNS (Business DUNS, per your request).
- SAM.gov registrations do not contain Business Phone Number nor Business Email. As these data elements are not captured, this information cannot be provided.

This completes our action on this FOIA request. Should you have any questions, please contact Priscilla Owens at (703) 605-3408 or by email at [priscilla.owens@gsa.gov](mailto:priscilla.owens@gsa.gov). You may also contact the GSA FOIA Public Liaison, Cassie Trangsrud at (202) 716-6509 or by email at [cassie.trangsrud@gsa.gov](mailto:cassie.trangsrud@gsa.gov) for any additional assistance and to discuss any aspect of your FOIA request.

Sincerely,

*Travis Lewis*

FOIA Program Manager  
Office of General Counsel  
General Services Administration



## LEGAL MEETS PRACTICAL, LLC

SARAH REIDA, ESQ.\*

50 S Main St, Ste 200 | Naperville, IL 60540 | 703.552.3220 | [scs@legalmeetspractical.com](mailto:scs@legalmeetspractical.com)  
[legalmeetspractical.com](http://legalmeetspractical.com)

\*Admitted in VA and IL

October 25, 2021

VIA EMAIL ([cassie.trangsrud@gsa.gov](mailto:cassie.trangsrud@gsa.gov))

Ms. Cassie Trangsrud  
General Services Administration  
Freedom of Information Act Department

**Re: Freedom of Information Act Request  
Business Information in Beta.Sam.Gov Database  
FOIA Request No. GSA-2021-001723**

Dear Ms. Trangsrud:

I write to follow up on correspondence received from your office on October 15, 2021, which was characterized as a “full grant” for the following requested records:

“[T]he following information as maintained by the General Services Administration within the beta.sam.gov database (“Beta Sam”) for each active, registered federal government contractor: Business Name, Business Address, Business Phone Number, Business Email, Business DUNS. Please see attached letter. Electronic production is preferred. Thank you very much.”

In the response received, instructions were provided to access Sam.gov’s “monthly public extract.” The response also relayed that “Sam.gov registrations do not contain Business Phone Number nor Business Email.” No data was attached or included with this communication.

Per our discussion the following week, you had relayed that no such records exist, and also that a government agency is not required to create documents in responding to a Freedom of Information Act (“FOIA”) response. While this is understood and acknowledged, as I understand it, GSA does maintain a record of contractor information which includes all fields as noted above: Business Name, Business Address, Business Phone Number, Business Email, Business DUNS. As such, if GSA maintains this record and it is disclosable under FOIA, it has the obligation to disclose this information.

Further, as noted in the initial request, the interaction of Sam.gov with D&B is irrelevant to disclosure pursuant to FOIA. *First of all*, while Sam.gov may pull some data from D&B, all information requested herein is also separately inputted by a Sam.gov user in other fields of the database. Ultimately, it is GSA that creates and maintains this record of contractor information, as requested here. *Second of all*, even if the D&B Limitation Terms were implicated, this is irrelevant because FOIA requires federal agencies to disclose a record it maintains which is

requested under FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement. (*See* 5 U.S.C. § 552(a)(8)(A)). Requesters of such data do remain subject to all applicable laws relating to the use of business information (such as for marketing or commercial purposes).

This information does not fall under one of the nine exemptions listed in FOIA. Most notably, as all of this information is provided on behalf of businesses, exemption #6, which invokes an *individual's* personal privacy, does not apply. Federal courts have regularly acknowledged Exemption 6 as involving an "*individual's* right to privacy;" a corporate entity has no such right. *Federal Communications Commission et. al. v. AT&T, Inc.*, No. 09-1279 (Jan 2011). *Citing Department of State v. Ray*, 502 U.S. 164, 175 (1991).

Nor does exemption #4 apply. Basic business contact information is not a "trade secret;" nor is it "commercial or financial information that is confidential and privileged." Federal courts have narrowly defined "trade secret" as "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort." *Public Citizen Health Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983). Also, basic business contact information is not "confidential" or "privileged." Any business seeking to do business with the federal or commercial sectors generally chooses to make such information publicly available on their website. It may also be obtained from other database sources (i.e., Google, company websites, etc). As such, even though this basic business information *by nature* is not sensitive, this is further supported by its availability from other sources.

I ask GSA to confirm whether this record as requested here exists (i.e., a record of contractor information including phone number and email). Also, in the event further records will not be provided, I ask you to advise of the basis of this decision and appeal rights. Thank you very much.

Sincerely,



Sarah Reida, Esq.\*  
Admitted in VA and IL



GSA Chief FOIA Officer

November 3, 2021

Sarah Schauerte Reida  
50 S. Main Street, Ste. 200  
Naperville, IL 60540

Dear Ms. Reida:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2021-001723), submitted on September 23, 2021, in which you requested the telephone numbers and email addresses of SAM.gov registrants, as well as other information available on the public extract.

On October 15, 2021, GSA replied to your FOIA request with a partial denial, which was incorrectly characterized as a "full grant" because it directed you to the publicly available extract. On October 19, 2021, you followed up with our office seeking clarification of our decision.

After review of your request and the records available, GSA has determined withholding the individual contact telephone numbers and email addresses of SAM.gov registrants is appropriate, as disclosure would constitute a clearly unwarranted invasion of personal privacy under 5 U.S.C. § 552(b)(6).

GSA is committed to safeguarding the personal privacy and cybersecurity of SAM.gov registrants. Registrants in SAM.gov are not only large Government contracting companies, but also individual small business owners and sole proprietors, as well as entities seeking Government grants. The number of registrants who are individuals has multiplied significantly following the passage of the American Rescue Plan and other legislation funding pandemic response and economic revitalization measures. These individuals have an expectation of privacy in their contact information, which constitutes an increased security and privacy risk when aggregated on the public extract. As the names and addresses of contracting entities are currently provided, we have determined disclosing individual contact email addresses and phone numbers does not provide any additional substantive information on the conduct of Governmental affairs and your interest in receiving this information does not outweigh the privacy interest these individuals have in their contact information under 5 U.S.C. § 552(b)(6).

As an alternative to litigation, the Office of Government Information Services (OGIS) was created under the 2007 FOIA amendments to offer mediation services to resolve

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

-2-

disputes between FOIA requesters and Federal agencies. 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](mailto:ogis@nara.gov), or by phone at (877) 684-6448.

I trust this is responsive to your inquiry. If you have any further questions or concerns about your request or your options going forward, please continue to work with our Public Liaison, Cassie Trangsrud, at [cassie.trangsrud@gsa.gov](mailto:cassie.trangsrud@gsa.gov) or 202-716-6509.

Sincerely,  
DocuSigned by:

*Daniel F. Hall*

95741C59A7054C6...  
**Daniel F. Hall**

Associate General Counsel for General Law