



Zachariah I.  
Miller/XCI/CO/GSA/GOV  
05/28/2009 04:12 PM

To Kimberly G. Veach/ACMA/CO/GSA/GOV@GSA, Sharon V.  
Lighton/ACMA/CO/GSA/GOV@GSA, Jacqueline M.  
Baker-Martin/X/CO/GSA/GOV@GSA  
cc Seth S. Greenfeld/LG/CO/GSA/GOV@GSA, Sheila R.  
Campbell/XCCF/CO/GSA/GOV@GSA  
bcc

Subject Email to Requester - Freedom of Information Act (FOIA)  
Request IQ#146468

Dear Ms. Coney:

This is in response to your Freedom of Information Act (FOIA) request (GSA # 146468) dated April 30, 2009, for the following documents:

1. All agreements between federal agencies and social networking services, cloud computing services, and/or vendors of other similar services.
2. All records, including memoranda and legal opinions, concerning the application of the Privacy Act of 1974 and the Freedom of Information Act to social networking services, cloud computing services, and/or other similar services.
3. All instructions, policies and/or procedures concerning the collection, storage, transmission, and use of information about users of social networking or cloud computing services by federal agencies.

Pursuant to your first request, GSA's terms of service agreements with AddThis, Blip.tv, Blist.com, Facebook, Flickr, MySpace, Slideshare, Twitter, Vimeo, and YouTube are enclosed. With regard to your second and third requests, enclosed is a copy of slides used in a training session by the Office of General Counsel on GSA's ventures with social media tools. These slides were the final portion of a presentation several months ago and address the issues you raised. Also enclosed is an e-mail correspondence between a citizen and GSA that address these same issues. Please note that the individual's personal information is redacted pursuant to the sixth exemption of FOIA (5 U.S.C. 552(b)(6)) as release would be a clearly unwarranted invasion of privacy. In addition to these documents, GSA is working on an internal guidance document, but as it is only a predecisional draft, it is protected from release under the fifth exemption of FOIA, 5 U.S.C. 552(b)(5).

Your request conveys your concern regarding personal privacy relating to the Government's presence on these social media sites. Although no specific Web 2.0 guidance currently exists, please be assured that GSA and the rest of the Government do take personal privacy seriously and apply all existing privacy statutes and regulations in this area, including the Privacy Act of 1974 (as amended), the Freedom of Information Act, Paperwork Reduction Act, E-Government Act, Office of Management and Budget regulations regarding persistent cookies, and so forth.

You have the right to appeal the partial denial of these records. To do so, you must write within 120 days of your receipt of this letter to the Freedom of Information Act Officer (ACMC), General Services Administration, 1800 F Street, NW, Washington, DC 20405. Your appeal must be in writing and should contain a brief statement of the reasons why the requested information should be released. Enclose a copy of your initial request and this denial. Both the appeal letter and envelope should be marked prominently, "Freedom of Information Act Appeal."

Sincerely,

Zachariah Miller  
Presidential Management Fellow  
Intergovernmental Solutions Division  
General Services Administration

CELL: (202) 507-3263  
DESK: (202) 208-4794

      
TOS Agreements: YouTube TOS.pdf Vimeo TOS.pdf Slideshare TOS.pdf MySpace TOS.pdf Flickr TOS .pdf

     
Facebook TOS.pdf Blist TOS.pdf Blip.tv TOU.pdf AddThis TOS.pdf

   
Privacy-related Documents: OGC Training Session Slides.pdf Email Correspondence.pdf