



June 24, 2011

John Bogdanski  


RE: Lease No. GS-10B-07076  
4310 SW Macadam Ave.  
Portland, OR

Dear Mr. Bogdanski,

Please accept this letter as GSA's response to your request for GSA's legal reasoning for the removal of the Floor plan for the above referenced location from your blog site posted on January 18, 2011. As this location will house a security agency of the federal government, GSA judges this floor-plan as sensitive but unclassified information (SBU). A major goal of GSA and the Federal Government is the safety and security of people and facilities under the charge and control of GSA. PBS Order number PBS 3490.1 outlines the PBS security procedures needed to reduce the risk that building information will be used for dangerous or illegal purposes. GSA Associates and GSA contractors handling any SBU documents shall use reasonable care for dissemination of information. It is the responsibility of the person or firm disseminating the information to confirm the recipient is an authorized user and to keep logs of recipients, as more specifically outlined in SFO section 5.4, titled "SECURITY: ADDITIONAL REQUIREMENTS FOR SENSITIVE BUT UNCLASSIFIED INFORMATION (AUG 2008)." Since access to this blog site cannot be restricted to authorized users and viewers of this site cannot be logged as per SFO section 5.4, the posting of the floor-plan violates the aforementioned Order and the provisions of the SFO.

What is more, Oregon Revised Statute (ORS) § 192.501, identifies the floor-plan as a public record that is conditionally exempt from disclosure unless the public interest requires disclosure in the particular instance, more specifically,

Paragraph (22) - Records or information that, if disclosed, would allow a person to:

- (a) Gain unauthorized access to buildings or other property;
- (b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or
- (c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems that are used or operated by a public body.

Finally, U.S. Copyright law protects the duplication of the building floor plans without the owner's consent. Architectural works are given specific protection under U.S. Copyright law. Basically it states that an individual has the right to view copyrighted materials under the Public Records law but may not make copies of the material without the copyright owner's consent. In this case, GBD did not authorize anyone to make copies of the material.

Based on the aforementioned considerations, GSA is requesting the removal of the floor-plan from the blog post and moreover, that you maintain the edict of SFO section 5.4 and ORS concerning the dissemination of SBU information.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Snow", with a long horizontal flourish extending to the right.

Lindsey Snow  
Lease Contracting Officer  
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