



OFFICE *of* GOVERNMENT INFORMATION SERVICES

July 9, 2015 — Sent via email

██████████  
██████████

Re: Case No.: 201500690  
NG: CM

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

*web:* [www.ogis.archives.gov](http://www.ogis.archives.gov)  
*e-mail:* [ogis@nara.gov](mailto:ogis@nara.gov)  
*phone:* 202-741-5770  
*toll-free:* 1-877-684-6448  
*fax:* 202-741-5769

Dear ██████████:

This responds to your May 2, 2015 request for assistance from the Office of Government Information Services (OGIS), which we received via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Social Security Administration (SSA).

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.

You submitted a request to SSA for a copy of the SSA-11 form filed by ██████████, who served as Representative Payee for ██████████. SSA denied your request, citing FOIA Exemption 6, 5 U.S.C. § 552(b)(6). You appealed that response, and SSA denied your appeal.

In your correspondence to OGIS, you explain the basis for your dissatisfaction with SSA's action on your request. I understand that you are the executor of ██████████ estate, and you believe that the estate should have access to the information filed by ██████████. You believe that ██████████ performance as Representative Payee and the estate's need to review the withheld information override any privacy interest identified by SSA.

As SSA informed you, Exemption 6 protects information from release that would be a "clearly unwarranted invasion of personal privacy." This includes records about third parties as well as records provided by third parties, such as the form you seek. In addition, the majority of courts have held that individuals writing to the government in their personal capacity generally do so with some expectation of confidentiality unless otherwise advised in advance.

When making release determinations pursuant to Exemption 6, an agency must weigh the public interest against an individual's right to privacy. Courts have consistently held that the central purpose of FOIA is to allow people to learn about the conduct of agencies, not to discover information about other individuals. The Supreme Court held that "the statutory purpose [of FOIA] is not fostered by disclosure of information about private citizens that is accumulated in various governmental files but that



July 9, 2015

Page 2 of 2

reveals little or nothing about an agency's own conduct." *U.S. Dep't of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 773 (1989).

In your correspondence with OGIS, you explain the compelling need for \_\_\_\_\_ estate to obtain the record you seek. Please know that the FOIA provides a general right of public access to records; the Supreme Court has stated that a FOIA requester's basic access rights are neither increased nor decreased because the requester claims to have a particular interest in the records sought.

While I understand that this is not the result for which you hoped, I hope that this information about your request is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/S/

Nikki Gramian, Acting Director  
Office of Government Information Services (OGIS)

cc: Debbie Verzi, SSA FOIA