



OFFICE of GOVERNMENT INFORMATION SERVICES

October 22, 2015 - Sent via email

[REDACTED]
[REDACTED]
[REDACTED]

Re: Case No. 201600008
NG: CM: KG

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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OGIS
COLLEGE PARK, MD
20740-6001

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Dear [REDACTED]

This responds to your October 5, 2015 letter to the Office of Government Information Services (OGIS), which we received via U.S. mail. Your request for assistance concerns your Freedom of Information Act (FOIA) request to the Environmental Protection Agency (EPA).

Congress created OGIS to complement existing FOIA practice and procedure and we strive to work in conjunction with the existing request and appeal process. OGIS's goal, whenever practical, is to allow 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 have carefully reviewed your submission of information, and we understand that you made a request to the EPA for information regarding an investigation. The EPA responded to your request on [REDACTED], withholding portions of the records you seek pursuant to FOIA Exemption 6, 5 U.S.C. §552(b)(6). You appealed the EPA response, specifically the agency's use of Exemption 6, on [REDACTED]. The EPA responded to your appeal, affirming the agency's withholding the records you seek. EPA's appeal response letter further explained that the agency used Exemption 6 to withhold only the name of the individual that filed a complaint.

As the agency explains in its response to your appeal, FOIA Exemption 6 protects information from release that would be a "clearly unwarranted invasion of personal privacy." In considering withholding records under Exemptions 6, an agency must weigh the interest in public disclosure against an individual's right to privacy. While I understand that you believe that you know the name of the person who filed the complaint in question, such knowledge does not change the agency's responsibility to withhold information about third parties.

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 U.S. Supreme Court held that "the statutory purpose [of FOIA] is not fostered by disclosure of information about private citizens that is accumulated in various



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governmental files but that 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). It may be helpful to know that EPA protects your identity much the same way were it to receive a request for your records from anyone other than you.

If you believe that there is significant public interest in the records you seek and that the records directly reveal the operations or activities of the federal government, you may wish to provide that information to EPA with a new request so that the agency may consider it against the identified privacy interests.

I hope you find this information useful in understanding why the EPA denied your request and the agency's use of FOIA Exemption 6. At this time, OGIS can offer no further assistance. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

JAMES V.M.L. HOLZER
Director

cc: Larry Gottesman, FOIA Public Liaison, Environment Protection Agency

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.