



OFFICE of GOVERNMENT INFORMATION SERVICES

May 17, 2016 - Sent via U.S. mail

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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In Re: Case No.: 201600809
NG: CM: HK

Dear [REDACTED]:

This responds to your request for assistance to the Office of Government Information Services (OGIS), pertaining to your Freedom of Information Act (FOIA) request to the Federal Bureau of Prisons (BOP). Thank you for contacting OGIS.

As you may be aware, Congress created OGIS to complement existing Freedom of Information Act (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 carefully reviewed your submission, and understand that you requested specific categories of information about current medical professionals located at [REDACTED]. BOP responded to your request by releasing the responsive documents with information withheld in part pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6). You appealed this response and the Office of Information Policy (OIP) upheld BOP's initial action on your request. You dispute this response, asserting that releasing the information would not be an invasion of privacy because the information is publicly available.

In response to your submission, OGIS contacted BOP FOIA staff to learn more about the agency's action on your request. BOP FOIA staff affirmed its decision to withhold portions of the records you seek.

Regarding the BOP's use of FOIA Exemption 6, this exemption protects information from release that would be a "clearly unwarranted invasion of personal privacy." Courts have found that individuals have a privacy interest in their name, address, date of birth, place of birth, employment history and other personal information, and the privacy interest in protecting the information outweighs the public interest in the



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release of the information. Exemption 6 is also used to justify withholding employee records kept in employees' personnel files and courts have agreed that although Federal employees may have lesser privacy rights than other individuals, those individuals do not "waive all privacy interests." The central purpose of FOIA is to ensure that the government's activities are open to public scrutiny, not that information about private citizens is disclosed. While there may be a public interest in the way an agency carries out its actions, the interest does not outweigh individual agency employee's privacy interests.

While the agency withheld this information from its files, you may wish to provide a family member with the name(s) of the physician(s) providing healthcare within [REDACTED] and ask the family member to search the [REDACTED] website for the information you seek. I am attaching a printout of the State's website for your reference.

I understand that this is not the outcome for which you hoped. However, I hope you find the explanation provided above useful to understanding why BOP responded as it did to your FOIA request and appeal. At this time, there is no further assistance that OGIS can offer and we will close your case.

Sincerely,

NIKKI GRAMIAN
Acting Director

cc: Darnell Stroble, FOIA Public Liaison, BOP