



OFFICE *of* GOVERNMENT INFORMATION SERVICES

May 25, 2016—Sent via email

██████████  
████████████████████

Re: Case No.: 201600528  
NG: HK: 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  
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Dear ██████████:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on February 19, 2016 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the United States Department of Veterans Affairs (VA).

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.

After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. This process helps us gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, OGIS carefully reviewed your submission of information. In your submission, you explain that ██████████ records have been accessed inappropriately; you requested a report of those who accessed ██████████ records from the VA Regional Office in Winston-Salem, NC. The VA Regional Office responded to your request by releasing two audit reports with portions withheld pursuant to FOIA Exemption 6, 5 U.S.C. § 552(b)(6). You appealed that response, and VA responded to your appeal by releasing 10 pages of the ██████████ audit in full; the VA appeals office affirmed the VA Regional Office's decision to withhold portions of a second audit (██████████ audit). You dispute this response and ask for OGIS's assistance with this matter.



Issues related to the government's handling of records about individuals are generally considered Privacy Act matters. Privacy Act issues are outside the scope of our office's mission as the FOIA Ombudsman. However, many Privacy Act requests overlap with FOIA; therefore, OGIS provides ombuds services to individuals requesting their own records. OGIS does not have a statutory role in reviewing policies, procedures and compliance with the Privacy Act as we do with FOIA. In addition, OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents.

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In response to your submission, and considering the limitation of our role in Privacy Act matters, OGIS staff contacted VA FOIA staff to discuss the agency's handling of your request for records. VA FOIA staff affirmed the agency's decision to withhold employee Social Security numbers in the [REDACTED] audit report pursuant to FOIA Exemption 6. In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions.

Exemption 6 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 release of the information. Further, 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 opened 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 an individual agency employee's privacy interests.

While OGIS cannot assist you with your concerns about the handling of [REDACTED], [REDACTED], Privacy Officer at VA's Winston Salem Regional Office, is available to discuss this matter with you. You may contact [REDACTED] by email a [REDACTED].

While we regret that there is no further assistance that we can provide to you, I hope you find this information useful in understanding why VA withheld the social security numbers of its employees in response to your request. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

NIKKI GRAMIAN  
Acting Director

cc: [REDACTED] VA

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.