



OFFICE *of* GOVERNMENT INFORMATION SERVICES

July 18, 2016 — Sent via email

[REDACTED]

Re: Case No. 201600898  
NG: CM: KG

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

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Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on May 27, 2016 via email. Your request for assistance pertains to your records request to the United States Postal Service (USPS).

OGIS was created 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. Please know that 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.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. 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.

You made a request to the USPS on [REDACTED] for information related to USPS employees. On [REDACTED] the USPS responded to your request releasing 4 pages partially withheld. The agency withheld information pursuant to FOIA Exemptions 6, 5 U.S.C. §§552a (b)(6). The agency also informed you records potentially responsive to your request may be located at the National Archives Records Center in St. Louis, Missouri.

USPS provided a form to request records from the National Personnel Records Center (NPRC). You appealed this determination on [REDACTED]. On [REDACTED] the USPS responded to your appeal. The agency's appeal response first addressed part 1 and 3 of your request. The letter stated the district office failed to conduct an adequate



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search for records and improperly withheld information under Exemption 6. The appellate authority provided the names and contact information of the District Consumer and Industry Contact Managers and the Department Head, which you requested in your appeal. USPS noted that this information is available to the public on the agency's public website and provided the link.

Regarding part two of your request [REDACTED] the agency explained that these types of records [REDACTED] which is generally withheld under FOIA Exemption 6. USPS explained that the agency cannot acknowledge the existence of these letters in medical files without violating the privacy of those to whom these letters were, or were not, issued. Therefore, the agency issued a Glomar response, neither confirming or denying the existence of the letters in the files of the subjects named in your request.

We discussed your dispute with USPS FOIA Unit. The FOIA unit confirmed that USPS' response to your request was proper and the agency is firm in its position. 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. When an agency responds to a FOIA request by neither confirming nor denying the existence of responsive records, it is known as a "Glomar" response. A Glomar response is proper when to admit that records exist would reveal a fact that is exempt under FOIA. If an agency issues a Glomar response, it cites to one or more FOIA exemptions to explain its refusal to acknowledge existence or non-existence of records.

In the case of the records you seek, USPS issued a Glomar response pursuant to FOIA Exemption 6, 5 U.S.C. § 552(b)(6). Exemption (b)(6) permits the government to withhold all information about an individual in "personnel and medical and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of Personal Privacy." To warrant protection under Exemption 6, the withheld information must fall within the category of personnel and medical files and similar files. The United States Supreme Court in *United States v. Washington Post Co.*, 456 U.S. 595 (1982) stated in reliance on legislative history of the FOIA that the phrase "personnel and medical and similar files" was to be broadly interpreted. Court decisions have made it clear that all information that "applies to a particular individual" meets the threshold requirement for Exemption 6 protection. *Wood v. FBI*, 432 F.3d 78, 86-87 (2d Cir. 2005).

Once the threshold is met, the issue becomes whether disclosure of the information would constitute a clearly unwarranted invasion of personal privacy. The resolution of this issue involves a balancing of the public's right to know the information against the individual's right to privacy. See *Department of Air Force v. Rose*, 425 U.S. 352 (1976). It must be ascertained whether a protectable privacy interest exists that would be threatened by disclosure. Courts have held, in order to compel release of materials, there must be a public interest because something, even a modest privacy interest outweighs nothing every time. USPS found that you have no genuine or significant interest in this information, nor have you demonstrated how the disclosure of the personal information will advance the primary goal of the FOIA: to shed light on the operation of the federal government.

  
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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

cc: Jane Eyre, FOIA Public Liaison, United States Postal Service

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.