



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE CHIEF INFORMATION OFFICER

MAY 20 1999

[REDACTED]

RE: FOIA Request [REDACTED]

Dear [REDACTED]

I am writing in response to your [REDACTED] letter appealing the Department's [REDACTED] partial denial of your undated letter requesting records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. I regret the delay in responding to your appeal.

Your request sought access to the names and addresses of the individuals who attended three December 1996 public meetings held by the State of Missouri in conjunction with the Office of Special Education's (OSEP) most recent monitoring visit to the State of Missouri. By letter dated [REDACTED] the Department released the documents requested, with the addresses and other personal information furnished by the attendees withheld pursuant to 5 U.S.C. § 552(b)(6) (FOIA Exemption 6).

Your appeal challenged the partial denial of your request, stating that the "persons stood up in public view in a public forum and gave their names, thier (sic) childrens['] names and which school district they were involved with. Because there was not one word (of] transcript, the only public record is the public register. Where is the expectation of privacy? Where is the confidentiality?" The essence of your argument, as I understand it, is that the registrants at a public meeting -- by the act of registering for the meeting -- gave up any expectation of privacy they may have had with respect to the personal information they furnished to the meeting sponsors.

Based on a careful review of the correspondence between the parties, the information at issue in your appeal, and applicable legal precedent, I have determined that the Department properly withheld the home addresses and other personal information furnished by attendees on the OSEP meeting registration forms. I must therefore deny your appeal. The reasons for my decision are set forth below.

FOIA Exemption 6 exempts from disclosure personal information such as home addresses and telephone numbers where, as here, disclosure of the information at issue would constitute a clearly unwarranted invasion of personal privacy. In determining whether information contained in agency records is exempt from disclosure under Exemption 6, an agency must balance identifiable privacy interests implicated in the records against any public interest in disclosure. In its landmark decision in Department of Justice v. Reporters' Committee for Freedom of the Press, 489 U.S. 749 (1989), the Supreme Court both strengthened the protection given personal privacy interests under FOIA and provided guidance for the evaluation of competing personal and public interests. Specifically, in Reporters' Committee, the Court held that, in analyses relating to the applicability of the FOIA privacy exemptions (Exemptions 6 and 7(C)), the public interest to be considered will be narrowly limited to "the kind of public interest for which Congress enacted the FOIA," and, further, that "[o]fficial information that sheds light on an agency's performance of its statutory duties falls squarely within that statutory purpose." *Id.* at 773. In

other words, the information in dispute must benefit the general public, aside from any purported purpose of the requester in seeking the information, and must fall within FOIA's "core purpose" of revealing how an agency conducts its affairs. *Id.* at 775.

I find that the information at issue in your appeal is highly personal, giving its subjects a strong privacy interest in confidentiality. Notwithstanding your argument otherwise, this is true even where the information at issue may have been public at one time, or may be publicly available from another source. 489 U.S. at 767; see also DOD v. FLRA, 510 U.S. 487, 500 (1994). Having identified protectible privacy interests, whether the information at issue is protected under Exemption 6 will depend on the relative weight of such interests and any public interest in disclosure of the information. As your appeal neither asserts nor demonstrates any public interest of the type cognizable under Reporters' Committee, and I am unable to discern any such interest, I must deny your appeal.

This letter constitutes exhaustion of the administrative remedies available to you under FOIA. You have the right to judicial review of this decision, pursuant to 5 U.S.C. 552(a)(4), in the United States District Court for the district in which you reside, in which you have your principal place of business, in which the records are maintained, or for the District of Columbia.

Sincerely,

Hazel . Fiers  
Deputy Chief Information Officer  
and FOIA Appeals Officer