

October 4, 2004

Michael Carlucci, President  
MCL Associates, Inc.  
793 Washington Street  
Canton, MA 02021

Re: FOIA Appeal, your letter dated September 10, 2004

Dear Mr. Carlucci:

On August 3, 2004, you filed a Freedom of Information Act (FOIA) request for information on unclaimed funds over \$10,000 owed by credit unions, specifically requesting the date, payee name, dollar amount, address, and institution name. Dianne Salva, NCUA's FOIA Officer, responded to your request by letter dated August 30, 2004, and informed you that there were two credit unions that have unclaimed funds over \$10,000: Cleaners Federal Credit Union (Cleaners) and RCA Globcom Federal Credit Union (Globcom). Ms. Salva's response further informed you that the National Credit Union Administration's Asset Management and Assistance Center is still working on contacting members of Cleaners, which was liquidated in April 2004, and, therefore, all information is protected under 5 U.S.C. §552(b)(6). Regarding Globcom, Ms. Salva informed you that information about payee names, city and state are available on the agency's website included in the credit union reference as "Region I Consolidated" but that the amount owed is protected under 5 U.S.C. §552(b)(6).

We received your September 10<sup>th</sup> appeal letter on September 13, 2004. In your appeal, you state that you "only want the names and dollar amounts of unclaimed funds owing to corporations, not individuals" and contend that exemption (b)(6), which protects certain information about individuals, is not an appropriate basis for withholding information about corporations.

We generally agree with your contention about the scope of Exemption (b)(6).<sup>1</sup> We note, however, that your FOIA request did not limit its scope to corporations. Therefore, the agency's response addressed responsive records for credit union members, including individuals, and we conclude it appropriately stated the exemption (b)(6) protection for records of individuals.

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<sup>1</sup> Exemption 6 protects information about an individual in "personnel and medical files and similar files" where the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. 552(b)(6). The courts have held that all information that applies to a particular individual meets the threshold requirement for exemption 6 protection. United States Department of State v. Washington Post Co., 456 U.S. 595 (1982).

Michael Carlucci  
October 4, 2004  
Page 2

We have again reviewed your request for information in light of your statement that you are only interested in information on unclaimed funds owing to corporations and can inform you that there are no unclaimed funds owing to non-individuals in excess of \$10,000.

For the foregoing reasons, your appeal is denied.

Pursuant to 5 U.S.C. 552(a)(4)(B) of the FOIA, you may seek judicial review of this determination by filing suit against the NCUA. Such a suit may be filed in the United States District Court in the district where you reside, where your principle place of business is located, the District of Columbia, or where the documents are located (the Eastern District of Virginia).

Sincerely,

/S/

Robert M. Fenner  
General Counsel

GC/SAA:bhs  
04-0919  
FOIA 2004-APP2-00002