

October 28, 2009

Dr. Richard Waterman
University of Kentucky
Department of Political Science
Lexington, KY 40506-0027

Re: Your FOIA Appeal e-mail dated September 29, 2009 and letter dated October 5, 2009.

Dear Dr. Waterman:

You are appealing the agency's determination on your Freedom of Information Act (FOIA) request, dated August 10, 2009, in which you sought copies of resumes for all employees who are appointed by the President, by and with the advice and consent of the Senate, Schedule C employees, and Senior Executive Service Presidential appointed positions from January 20, 2001 to September 1, 2009. By letter dated September 11, 2009, Staff Attorney Linda Dent denied your FOIA request in part stating that the agency was releasing one partially redacted page and withholding eight full pages of responsive records. Ms. Dent stated that all withheld information is subject to exemption (b)(6) of the FOIA. 12 U.S.C. §552(b)(6).

Exemption 6 of the FOIA permits agencies to withhold information the disclosure of which would constitute an unwarranted invasion of personal privacy. On appeal, you contend that any information, except personal addresses, phone numbers, and email addresses, is releasable under the FOIA. After review of the relevant case law and guidance from the Department of Justice (DOJ), your appeal is granted in full.

Guidance from the DOJ states that civilian federal employees have no expectation of privacy regarding the parts of their successful employment applications that show their qualifications for their positions. Department of Justice, *Guide to the Freedom of Information Act* (DOJ Guide), 431 (2009). Further, courts have required the release, under the FOIA, of an employee's educational and professional qualifications, including, among other things, awards, prior work history, federal grade levels, salaries, duty stations, undergraduate grades, private sector performance, and foreign language abilities. Barvick v. Cisneros, 941 F. Supp. 1015, 1020 n.4 (D. Kan. 1996) and Samble v. U.S. Dep't of Commerce, No. 1:92-225, slip op. at 11 (S.D. Ga. Sept. 22, 1994).

As you correctly note, however, certain personal information in a resume is exempt from disclosure. "[F]ederal civilian employees do have a protectable privacy interest in purely personal details that do not shed light on agency function." DOJ Guide at 431. Expanding this point, courts have held that a federal employee's home address,

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telephone number, social security number and other personal information is exempt from disclosure under the FOIA. Barvick, 941 F. Supp. at 1020-21.

Enclosed are eight additional, redacted pages, which are releasable under the FOIA. The redacted information continues to be withheld under Exemption 6 of the FOIA.

Sincerely,

/S/

Robert M. Fenner
General Counsel

GC/JMA:bhs
09-1003
Enclosure