



LEGAL SERVICES CORPORATION

750 1st St., NE, 11th Fl., Washington, D.C. 20002-4250
(202) 336-8800 Fax (202) 336-8959

Alexander D. Forger
President

Writer's Direct Telephone
(202) 336-7261

July 18, 1995

Robert D. Shadowens
203 Southampton Court
Stafford, Virginia 22554

Dear Mr. Shadowens:

This is a response to your appeal of a partial denial for information made pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552 (1988). You have appealed the partial denial of your May 8, 1995 request for the accounting copy of Legal Services Corporation ("LSC" or "Corporation") form titled "Time and Attendance Report Form Full-Time Employee," for the Office of Inspector General for the period of 2/16/93 to 2/28/93.

You were provided a copy of the document you requested with the attendance information for employees other than yourself redacted in order to avoid an unwarranted invasion of personal privacy, pursuant to Exemption 6 of the FOIA, 5 U.S.C. 552(b)(6) and 45 C.F.R. §1602.9(a)(5). You now request an unredacted copy of that document on the grounds that the information on the document you requested does not fall within the protection of Exemption 6.

Exemption 6 applies to "personnel and medical and similar files." 5 U.S.C. 552(b)(6).¹ In order for personnel files to come within the protection of Exemption 6, the information contained therein must constitute a clearly unwarranted invasion of an individual's personal privacy. See Department of the Air Force v. Rose, 425 U.S. 352, 372 (1976); Fund for Constitutional Government v. National Archives, 656 F.2d 856 (D.C. Cir. 1981). The phrase "clearly unwarranted invasion of personal privacy" sets out a policy that requires a "balancing of interests between the protection of

¹ Exemption 6 exempts from the FOIA disclosure requirement any:

personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

5 U.S.C. §552(b)(6).

BOARD OF DIRECTORS - Douglas S. Eakeley, Chairman, Roseland, NJ

Hueitt H. Askew
Atlanta, GA

LaVeeda M. Battle
Birmingham, AL

John T. Broderick, Jr.
Manchester, NH

John G. Brooks
Boston, MA

Maria L. Mercado
Galveston, TX

F. Wm. McCalpin
St. Louis, MO

Nancy H. Rogers
Columbus, OH

Thomas F. Smegal, Jr.
San Francisco, CA

Ernestine P. Watlington
Harrisburg, PA

Edna Fairbanks-Williams
Fairhaven, VT

Robert D. Shadowens
July 17, 1995
- Page 2

an individual's private affairs from unnecessary public scrutiny, and the preservation of the public's right to governmental information." Rose, 425 U.S. at 372, citing S. Rep. No. 813, 89th Cong., 1st Sess. 9 (1965).

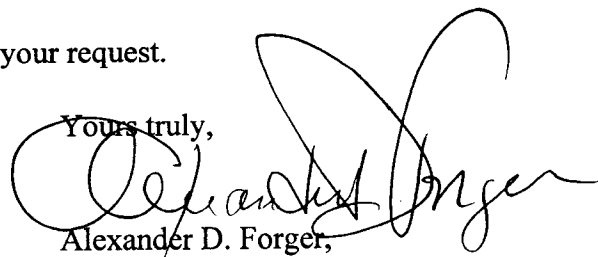
Clearly, the attendance records you requested are personnel files because they contain leave information of LSC employees and are filed in LSC's personnel files. Thus, it is necessary to determine whether disclosure of the information on the attendance forms would constitute a clearly unwarranted invasion of the personal privacy of the LSC employees, other than yourself, whose names and leave information are included on the requested attendance form. The first step in this analysis is to determine whether a substantial privacy right exists in the information on the form.

The form you requested contains the names and attendance information for OIG staff. The attendance information includes the types of leave taken by individual employees on specific dates and the total hours for each type of leave taken during the pay period covered by the form. The forms do not include any particulars about the types of leave such as the reasons a particular employee took a day off for sick leave. Since all LSC regular employees are due a certain amount of annual sick, vacation and other leave, it is difficult to find any meaningful privacy interest in the information contained on the attendance forms that merely shows that a particular individual took a specific type of leave on a specific day and during a specific pay period.² Thus, I find that there is no significant privacy interest in the leave information contained on these forms.

Because there is no significant privacy interest in the information on the form you requested, I find that it is not protected by Exemption 6.³ Accordingly, enclosed is an unredacted copy of the accounting copy of LSC's "Time and Attendance Report Form, Full-Time Employee," for the Office of Inspector General for the period of 2/16/93 to 2/28/93.

I hope this letter adequately responds to your request.

Yours truly,



Alexander D. Forger,
President

² Similarly, the privacy exemption has not been found to protect personnel information such as the names, titles, grades, salaries and duty stations of government employees. National W. Life Ins. Co. v. United States, 512 F. Supp. 454, 461(N.D. Tex. 1980).

³ If no privacy interest is found to exist, further analysis is not required and the information must be disclosed. Ripkis v. HUD, 746 F.2d 1, 3 (D.C. Cir. 1984).