



SOCIAL SECURITY

Refer to:
S9H: AM3558

September 24, 2014

Mr. Ed Goldner
1616 San Pedro
San Antonio, TX 78212

Dear Mr. Goldner:

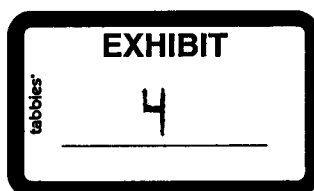
I am responding to your June 13, 2014 Freedom of Information Act (FOIA) appeal of Ms. Dawn Wiggins' decision to withhold the personally identifiable information on attorney and non-attorney representatives from your November 6, 2013 request.

After reviewing the case, I have decided to release a portion of the requested information. I am releasing the phone numbers of the attorney representatives. I reaffirm Ms. Wiggins' decision to withhold the personally identifiable information of the non-attorney representatives under FOIA Exemption 6.

Your original request mentioned that the information for non-attorney representatives who are eligible for direct payment is on our website. However, this information is not available to the public because we are unable to distinguish the business address and telephone number from the personal address and telephone number.

The FOIA does not require agencies to disclose information that would be a clearly unwarranted invasion of personal privacy. FOIA Exemption 6 protects from disclosure "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)). The Supreme Court has interpreted the phrase "similar files" to include all information that applies to a particular individual. See *U.S. Dep't of State v. Washington Post Co.*, 456 U.S. 595, 602 (1982). Non-attorney representatives are individuals acting on behalf of a claimant, and are not businesses or corporations. Thus, they are afforded protectable privacy interests under FOIA Exemption 6. See *Sims, et al. v. Central Intelligence Agency*, 642 F.2d 562, 573 n.47 (D.C. Cir. 1980) ("Exemption 6 is applicable only to individuals"). Since we are unable to determine whether the address, phone number, and email of non-attorney representatives are business or personal, we cannot release this information.

The Supreme Court has also found that the "clearly unwarranted" language incorporates a "balancing of interests between the protection of an individual's private affairs from unnecessary public scrutiny, and the preservation of the public's right to governmental information." *Dep't of Air Force v. Rose*, 425 U.S. 352, 372 (1976). See also *Ripskis v. Dep't of Hous. & Urban Dev.*, 746 F.2d 1, 2-3 (D.C. Cir. 1984).



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In addition, agencies must balance the public interest in disclosure against the privacy interest of the individual(s) whose records are requested. The Supreme Court set out certain guiding principles for such determinations in Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989). We must determine whether disclosure would affect a personal privacy interest. Individuals clearly have a substantial personal privacy interest in the personal details furnished to the Government.

According to the Supreme Court case cited above, the only public interest that agencies should consider is whether disclosing records would shed light on the way an agency performs its statutory duties. We may not consider the identity of the requester or the purpose for which the information is requested. While the public has an interest in knowing how the Social Security Administration administers the Social Security Act, disclosing records containing personal information about named individuals would not shed light on how the agency performs its statutory duties. Therefore, disclosing such personal information would be a clearly unwarranted invasion of personal privacy, and the FOIA exempts the records from disclosure.

This is the agency's final decision in this matter. If you still believe the decision is incorrect, you may seek review in a United States district court. You may also contact the Office of Government Information Services (OGIS) for mediation services. Using OGIS services does not affect your right to pursue litigation.

You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road -- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-Free: 1-877-684-6448

Sincerely,



Kirsten J. Moncada
Executive Director
Office of Privacy and Disclosure

Enclosure