



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, DC 20240

IN REPLY REFER TO:
7202.4-OS-2014-00199

April 18, 2016

Via email: 6917-94720567@requests.muckrock.com

Mr. Zac Sampson
DEPT MR 6917, PO Box 55819
Boston, MA 2205

Dear Mr. Sampson:

You are receiving this correspondence because you filed a Freedom of Information Act (FOIA) requests seeking information on the 2013 Government Shutdown. Your request was received and acknowledged by either the National Park Service or the Office of the Secretary we are responding on behalf of the Department of Interior.

We are writing to inform you that our office posted the final updates of records related to the Government Shutdown in our electronic FOIA library which can be accessed at the following website: <https://www.doi.gov/foia/os/government-shutdown-foia>. The records have been organized by topic category, although some records may be relevant to multiple topics (i.e. Offers to Pay, Closure of Private Business, Costs, Specific Parks, etc.). Records specifically related to your requests are included under Website Operations.

Portions of the posted documents have been redacted pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) because they fit certain categories of information:

Personal email addresses
Home and personal cell phone numbers
Home addresses

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The courts have held that the phrase “similar files” involves all information that applies to a particular person. *Hertzberg v. Veneman*, 273 F. Supp. 2d 67, 85 n.11 (D.D.C. 2003).

To determine whether releasing requested information would constitute a clearly unwarranted invasion of personal privacy, we are required to perform a “balancing test.” This means that we must weigh the individual’s right to privacy against the public’s right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest in the information that has been requested.

- (2) Next, we must determine whether release of this information would serve “the public interest generally” (i.e., would “shed light on the performance of the agency's statutory duties”).
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information that we are withholding consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat’l Ass’n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989).

In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6.

Portions of the posted documents have been redacted pursuant to Exemption 7 of the FOIA (5 U.S.C. § 552(b)(7)).

Exemption 7 of the FOIA protects from disclosure “records or information compiled for law enforcement purposes” if such records fall within one or more of six additional categories. The records withheld under Exemption 7 were compiled for law enforcement purposes and therefore meet the threshold requirement of Exemption 7.

7(C)

Exemption 7(C) protects personal information in law enforcement records where release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Here, releasing records you are seeking would constitute an unwarranted invasion of privacy. Therefore, we are withholding records under Exemption 7(C).

Brett Myrick, Attorney-Advisor in the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

Because your entitlements as an “other-use requester” (See 43 C.F.R. § 2.39) were sufficient to cover all applicable FOIA charges, there is no billable fee for the processing of this request. This completes our response to your request.

Appeals

You may appeal this decision to the Department’s FOIA Appeals Officer. The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays from the date of this final

letter responding to your FOIA request. Appeals arriving or delivered after 5 PM Eastern time, Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

FOIA Appeals Officer
U.S. Department of the Interior
1849 C Street, N.W., MS 6556
Washington, D.C. 20240
Fax: 202-208-6677
E-mail: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Secretary concerning your FOIA request, including a copy of your original FOIA request and the denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the Office of the Secretary's response is in error. For more information on FOIA Administrative Appeals, you may review Subpart H of the Department's FOIA regulations, 43 C.F.R. Part 2, Subpart H.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Toll-free: 1-877-684-6448

If you have any questions about our response to your request, you may contact Justin Davis by phone at 202-513-0765, by fax at 202-219-2374, by email at osfoia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer