



DEPARTMENT OF THE ARMY  
OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY  
U.S. ARMY RESOURCES AND PROGRAMS AGENCY  
105 ARMY PENTAGON  
WASHINGTON, DC 20310-0105



CHIEF ATTORNEY &  
LEGAL SERVICES DIRECTORATE

20030166ARM004

March 21, 2003

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Mr. Will Ferroggiaro  
Director, Freedom of Information Project  
The National Security Archive  
The George Washington University  
Gelman Library, Suite 701  
2130 H Street, N.W.  
Washington, D.C. 20037

Re: FOIA Identification No. F03-050

Dear Mr. Ferroggiaro:

This letter is in response to your Freedom of Information Act (FOIA) request dated February 26, 2003, in which you requested this Initial Denial Authority's (Administrative Assistant to the Secretary of the Army) ten oldest or open pending Freedom of Information Act requests currently being processed or held pending coordination with other agencies. This request has been assigned our FOIA identification number F03-050. We have reviewed these ten documents and enclose them to you with partial redactions. The redacted portions are considered exempt from disclosure under Title 5 United States Code Section 552 (b)(6).

In light of the increased security concerns following in the wake of the tragedy of September 11<sup>th</sup>, the Department of the Army has been forced to reevaluate the release of information that could jeopardize the safety of its employees. A large part of ensuring the security of Army installations and protecting Army personnel involves ensuring that personal information regarding Army employees is kept private. While we remain conscious of our duty to respond to FOIA requests with a spirit of agency openness, where disclosure conflicts with our duty to respect employee safety and privacy, we must carefully weigh all the implications of these competing interests.

Exemption 6 permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6) (1994 & Supp. II 1996).


The threshold inquiry for Exemption 6 is whether the document falls into the category of "personnel and medical files and similar files." Id. In United States Department of State v. Washington Post Co., the Supreme Court held that the term "similar files" should be interpreted broadly and that all information that "applies to a particular individual" meets the threshold. 456 U.S. 595 (1982).

Once the threshold requirement of Exemption 6 is met, the inquiry turns to whether disclosure of the records would "constitute a clearly unwarranted invasion of personal privacy." Department of the Air Force v. Rose, 425 U.S. 352, 380 (1976); see also Schell v. HHS, 843 F. 2d 933, 938 (6th Cir. 1988). Because a privacy interest does exist in requester names and home addresses, the public interest in disclosure must be weighed against the privacy interest in nondisclosure. See Ripkis v. HUD, 746 F.2d 1, 3 (D.C. Cir. 1984). In United States Dep't of Justice v. Reporters Committee for Freedom of the Press, the Supreme Court narrowed the scope of this to "the kind of public interest for which Congress enacted the FOIA." 489 U.S. 749, 774 (1989). The court stated that the main purpose of the FOIA is to "shed light on an agency's performance of its statutory duties." Id. at 773. Therefore, information that does not directly reveal the operations of the federal government "falls outside the ambit of the public interest that the FOIA was enacted to serve." Id. at 775. Accordingly, the disclosure of requester names and home addresses are therefore exempt under 5 U.S.C. § 552(b)(6).

Please note that this office waived all fees associated with this request.

If you have any questions regarding this letter, please contact Erin L. Brown at (703) 697-5423, or by e-mail at [Erin.Brown@hqda.army.mil](mailto:Erin.Brown@hqda.army.mil) and refer to FOIA identification number F03-050.

Sincerely,

  
Suzanne Council  
Chief, FOIA Program

Enclosures (10)