

January 31, 2003

Ms. Joyce Molinsky

(b)(6)

Re: Your FOIA appeal dated January 13, 2003

Dear Ms. Molinsky:

On December 30, 2002, you filed a Freedom of Information Act (FOIA) request with NCUA's Region IV Office. You requested the names, addresses, telephone numbers and titles for the board of directors of HMR Federal Credit Union. Patricia Pertolanitz, the Director of Management Services for Region IV, responded to your request on January 2, 2003, enclosing a list of the names and titles of credit union officials, with the addresses and telephone numbers redacted. The addresses and telephone numbers were withheld pursuant to exemption 6 of the FOIA. You appealed the Region IV decision to redact the personal addresses and telephone numbers on January 13, 2003. Your appeal is denied. The names and addresses continue to be withheld pursuant to exemption 6 of the FOIA.

Exemption 6

Exemption 6 protects information about an individual in "personnel and medical files and similar files" where the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. 552(b)(6). The courts have held that all information that applies to a particular individual meets the threshold requirement for privacy protection. *United States Department of State v. Washington Post Co.*, 456 U.S. 595 (1982). Home addresses and telephone numbers meet the threshold requirement for personal information. Once a privacy interest is established, application of exemption 6 requires a balancing of the public's right to disclosure against the individual's right to privacy. *Department of the Air Force v. Rose*, 425 U.S. 352, 372 (1976). There is minimal, if any, public interest in disclosing this personal information. The individuals' privacy interests outweigh any public interest in disclosure. The withheld information meets the requirement for exemption 6 protection. Hence, the personal information continues to be withheld pursuant to exemption 6.

You note in your FOIA appeal your concern that NCUA's Region IV forwarded a copy of your original FOIA request to HMR Federal Credit Union. You believe that such action was an invasion of your personal privacy. We do not agree. When a FOIA request is received concerning a particular credit union, Region IV routinely notifies the credit union. Your FOIA request was a two-sentence letter requesting names, addresses, etc. of credit union officials. The body of the letter contained no personal details about you. Your address and telephone number do appear on the letterhead, however, the HMR Federal Credit Union has your address and telephone number, as you are a member of the credit union. NCUA would not release your address and telephone number to any member of the public, if requested. Such information is redacted from NCUA responses to FOIA appeals before response letters are placed in our public reading room and made available on the NCUA website.

Pursuant to 5 U.S.C. 552(a)(4)(B) of the FOIA, you may seek judicial review of this determination by filing suit

against the NCUA. Such a suit may be filed in the United States District Court in the district where the requestor resides, where the requestor's principal place of business is located, the District of Columbia, or where the documents are located (the Eastern District of Virginia).

Sincerely,

Robert M. Fenner

General Counsel

GC/HMU:bhs

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