

FOIA Appeal: SF-171--Selectee's Age

Legal Opinion: GMP-0040

Index: 7.360, 7.362, 7.560
Subject: FOIA Appeal: SF-171--Selectee's Age

January 13, 1992

Mr. Howard Johnson
402 South Cherry Street
Sallisaw, Oklahoma 74955

Dear Mr. Johnson:

This is in response to your Freedom of Information Act (FOIA) appeal dated September 18, 1991. You appeal the partial denial dated September 3, 1991 by Tom Peeler, Acting Director, Office of Administration, Fort Worth Regional Office. Mr. Peeler withheld under Exemption 6 personal information from the SF-171 submitted by the applicant who was selected under Vacancy Announcement No. 06-MSL-91-0004z. You request review of the withholding of one item pertaining to the selectee's age from her SF-171.

I have determined to reverse the initial denial.

Courts have recognized that the personal details of a federal employee can be protected under Exemption 6. See, e.g., *American Federation of Government Employees v. United States*, 712 F.2d 931, 932-933 (4th Cir. 1983) (per curiam). However, I have determined to release information pertaining to the selectee's age. We have confirmed your assertion that the selectee's age was previously disclosed to you in a letter from Mr. James Slater, EEO Counselor, Little Rock Office. We are also advised by Mr. Slater that the selectee raised no objection to the release of information contained in his letter to you. Under these circumstances, there would be no invasion of personal privacy from release of the information.

I am providing the Fort Worth Regional Office with a copy of this decision and directing that they disclose to you a redacted SF-171 of the selectee containing the selectee's age.

Very sincerely yours,

Shelley A. Longmuir
Deputy General Counsel