

FOIA Appeal: Work Exp. Blocks from Selectee's SF-171

Legal Opinion: GMP-0073

Index: 7.265, 7.360, 7.560

Subject: FOIA Appeal: Work Exp. Blocks from Selectee's SF-171

April 17, 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 November 7, 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 portions of the selectee's previous jobs experience contained in her SF-171, submitted under Vacancy Announcement No. 06-MSL-91-0004z. He released the selectee's prior work experience in Work Block C because this information was relevant to the position advertised in the vacancy announcement. However, Mr. Peeler withheld the positions identified on the selectee's prior jobs contained in Work Blocks A and B. Mr. Peeler withheld the positions identified because this work experience was not relevant to the position advertised. This information was withheld under Exemption 6.

Exemption 6 of the FOIA, 5 U.S.C. 552(b)(6), authorizes the withholding of information contained in "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Under this exemption a determination regarding whether personal information must be disclosed is governed by balancing the public's right to be informed of the Government's operations or activities against the personal privacy interest of the individuals subject to the disclosure. Only the furtherance of the FOIA's core purpose of informing citizens about "what their Government is up to" can warrant the release of information implicating individual privacy interests. *United States Department of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 772-73 (1989).

The Office of Personnel Management regulations at 5 C.F.R. 293.311 (1991) requires the release of a Federal employee's name, present and past position titles, grades, salaries and duty stations. Further, the Department of Justice recommends the release of additional information regarding the professional qualifications of Federal employees, including post-graduate or technical education and prior Government employment or private sector work experience relating to an employee's qualifications for the advertised position. See Department of Justice, Office of Information and Privacy, FOIA Update, Vol. III, No. 4

(Sept. 1982), p. 3. The guidelines state that a Federal employee's home address and telephone number, medical records, prior employment not related to the employee's occupation, and

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primary, secondary and college education should be withheld. Id.

Since the work experience contained in Work Blocks A and B were not relevant to the advertised position, I have determined to affirm the denial by the Fort Worth Office. In addition, HUD maintains under the Privacy Act System of Records a system entitled "General Personnel Records," OPM/GOVT.-1, which includes Federal employees' official personnel records. See 55 F.R. 3838 (February 5, 1990). The information you seek is part of the Privacy Act System of Records and, as such, is further protected from disclosure under Exemption 6. In accordance with the Department's regulations at 24 C.F.R. Section 16.1(e)(3), the Privacy Act governs the public interest determination and compels the withholding of the information.

You have the right to judicial review of this determination under 5 U.S.C. Section 552(a)(4).

Very sincerely yours,

C.H. Albright, Jr.
Principal Deputy General Counsel

CC: William J. Daley, 6G
Yvette Magruder