

Legal Opinion: GMP-0086

Index: 7.360, 7.405

Subject: FOIA Appeal: Complaints Re CDBG or Sec. 108 Programs

June 19, 1992

Mr. Jeffrey Swain  
Commissioner  
Department of Community Development  
City Hall  
30 Church Street  
Rochester, New York 14614

Dear Mr. Swain:

This responds to your March 9, 1992 Freedom of Information Act (FOIA) appeal of a denial of information by the Buffalo Office. Specifically, on February 20, 1992, Joseph B. Lynch, Manager, denied your request under Exemption 6 of the FOIA for copies of any complaints or FOIA requests made by Metro Act of Rochester regarding the City of Rochester's Community Development Block Grant (CDBG) or Section 108 programs. We have checked our files and were unable to locate any FOIA requests made by Metro Act. In response to your request, we examined the following letters received by HUD from Metro Act and previously withheld by the Buffalo Office:

1. Letter dated January 11, 1992 from Metro Act to Michael Merrill, HUD Buffalo Office, with enclosures (total 8 pages); and
2. Letter dated January 22, 1992 from Metro Act to Robert Guadagno, HUD Buffalo Office, with enclosures (total 10 pages).

I have determined to reverse the initial denial of the Buffalo Office and provide you with copies of the letters together with the enclosures. In most cases, release of information regarding a complainant's identity, or the source of the information, would not be releasable under the FOIA. Such information ordinarily constitutes a clearly unwarranted invasion of personal privacy under FOIA's Exemption 6. However, with respect to the above-identified information, the complainant is a non-profit corporation and the individual who signed the letters did so in his corporate capacity. Under current applicable case law, corporations and associations do not have appropriate privacy interests subject to protection under Exemption 6. See, e.g., *Sims v. CIA*, 642 F.2d 562, 572 n.47 (D.C. Cir. 1980); *National Parks and Conservation Association v. Kleppe*, 547 F.2d 673, 685 n.44 (D.C. Cir. 1976); *Ivanhoe Citrus Association v. Handley*, 612 F. Supp. 1560 (D.D.C. 1985).

Therefore, I have determined to release the information without redacting the signatory.

Very sincerely yours,

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

Enclosures

cc: Yvette Magruder  
John P. Dellera, 2G  
Joseph B. Lynch, 2.2S