



September 21, 2020

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Re: FOIA Case No. 2020-FPRO-01812

Dear Mr. Evers:

This responds to your Freedom of Information Act (FOIA) request dated August 24, 2020, which was received by the Headquarters Requester Service Center on August 24, 2020 and forwarded to this Office on September 4, 2020. Your request was assigned case number FOIA Case No. 2020-FPRO-01812. In your letter, you requested the following records pertaining to the members of the United States Postal Service's Board of Governors under the Freedom of Information Act (FOIA), 5 U.S.C. § 552:

1. Any conflicts or ethics waivers or authorizations for any member of the USPS Board of Governors, including authorizations pursuant to 5 C.F.R. § 2635.502;
2. Records reflecting any recusal determination made or issued for any member of the USPS Board of Governors;
3. Records reflecting any ethics agreement or ethics or recusal screening or protocol for any member of the USPS Board of Governors.

A search has been conducted of the records of the Ethics Office and the Postmaster General Office, to our knowledge, the only locations in which these records would be located. Twelve pages of ethics agreements have been located as responsive to your request. All pages are being withheld in full pursuant to Exemption 6. Under Exemption 6, the Postal Service may withhold "personnel files and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). This exemption covers all records and information about an individual and is not limited to intimate details or highly personal information. *See U.S. Dep't of State v. Wash. Post Co.*, 456 U.S. 595, 600–02 (1982). Exemption 6 protects records and information that expressly identify an individual, as well as records and information from which an individual's identity could be deduced. *Id.* The personal privacy interests protected under Exemption 6 include, but are not limited to, an individual's interest in avoiding embarrassment, harassment, retaliation, annoyance or other adverse effect that would result from the public disclosure of the information pertaining to the individual.

Under Exemption 6, a requester may overcome an individual's privacy interest only if the requester shows that the requester seeks to advance a public interest and disclosure of the records will advance that public interest. *See Nat'l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172

(2004). The only public interest cognizable under Exemption 6 is the extent to which public disclosure of the record or information would significantly contribute to public understanding of the federal government's operations or activities. *Id.* Under Exemption 6, even a very slight privacy interest by an individual may be enough "to outweigh a negligible or non-existent public interest." *U.S. Dep't of Def. v. Fed. Labor Relations Auth.*, 510 U.S. 487, 497, 500 (1994).

Here, the records responsive to your request contain personal information pertaining to the members of the Board of Governors. These individuals have a privacy interest in their financial transactions. You did not provide any information about how release of this record would contribute to the public's understanding of the operations or activities of the Postal Service. Therefore, we are withholding the records pursuant to Exemption 6.

We conducted an adequate search for the following records:

1. Any conflicts or ethics waivers or authorizations for any member of the USPS Board of Governors, including authorizations pursuant to 5 C.F.R. § 2635.502;
2. Records reflecting any recusal determination made or issued for any member of the USPS Board of Governors;

No additional responsive records were located.

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260 or via email at FOIAAppeal@usps.gov. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

1. A copy of the request, of any notification of denial or other action, and of any other related correspondence;
2. The FOIA tracking number assigned to the request;
3. A statement of the action, or failure to act, from which the appeal is taken;
4. A statement identifying the specific redactions to responsive records that the requester is challenging;
5. A statement of the relief sought; and
6. A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the following:

Name of agency official, records custodian, or FOIA Coordinator that processed your request:

Jackie Connelly
Law Department FOIA Coordinator
475 L'ENFANT PLAZA SW
WASHINGTON, DC 20260-1101
Phone: (202) 268-4815

FOIA Requester Service Center and FOIA Public Liaison:

MANAGER, PRIVACY AND RECORDS MANAGEMENT OFFICE
U.S. POSTAL SERVICE
475 L'ENFANT PLAZA SW RM 1P830
WASHINGTON, DC 20260-1101
Phone: (202) 268-2608
Fax: (202) 268-5353
FOIA Public Liaison:
Name: Nancy Chavannes-Battle
Phone: (202) 268-2030

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Jessica Y.

Brewster-Johnson

Digitally signed by Jessica Y. Brewster-Johnson
Date: 2020.09.21 09:25:51 -0400

Jessica Y. Brewster-Johnson

cc: Nancy Chavannes-Battle
Jacqueline Connelly