



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:  
Appeal No. 2013-008

April 1, 2015

Gina Knudson

(b) (6)

Dear Ms. Knudson:

This responds to the October 11, 2012, Freedom of Information Act (“FOIA”) appeal (“appeal”) that you filed with the Department of the Interior (“Department”), which the Department assigned as **Appeal Number 2013-008**. Your appeal concerns a September 17, 2012, FOIA request that you submitted to the Bureau of Land Management (“BLM”) seeking, a “letter dated somewhere between July 28, 2012[,] and September 15, 2012, alleging ethical violations on behalf of [a] Salmon City Council person and BLM employee” whom you identified by name. You filed the appeal to challenge the BLM’s decision to neither confirm nor deny that any responsive documents exist and, if they did, they would be exempt from disclosure pursuant to FOIA exemptions (6)<sup>1</sup> and (7)(C).<sup>2</sup>

Your appeal is **DENIED**, as the BLM properly responded to your FOIA request. As the BLM stated in its response to you, “[t]he mere acknowledgement that responsive records of [the type you requested] either exist or do not exist would reveal personal information regarding the [individual you named].” Further, even if a document that is responsive to your request existed, the BLM also properly determined that it would be exempt from disclosure in its entirety by exemptions (6) and (7)(C), as you specifically focused your FOIA request on obtaining a document that you claim pertains to purported “ethical violations” by an individual whom you identified by name. Since all of the information in any such document that may exist could be linked back to that individual and the purported allegations of “ethical violations” that you specified in the request, it would not be possible to redact any such document in a way that would protect that individual’s privacy. Thus, a withholding of any document that may exist in its entirety would be appropriate.

As a final matter, the Department notes your assertion in the appeal that exemption (6) “cannot be invoked to withhold from a requester information pertaining only to himself,” which is a point you raise in connection with your claim that the document you seek “is reported to reference [the] Salmon Valley Stewardship, the non-profit organization for which [you] serve as executive director.” However, you did not request a document about you or your organization. Instead, as clearly specified in your FOIA request, you seek a document “alleging ethical violations” purportedly committed by a person (not you) whom you identify by name. So, the point you raise here has no bearing on this matter.

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<sup>1</sup> Exemption (6) allows an agency to withhold “personnel 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).

<sup>2</sup> Exemption (7)(C) allows the withholding of records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C).

This completes the Department's response to your appeal. You have a right to seek judicial review of this decision under 5 U.S.C. § 552(a)(4)(B).

If you have any questions regarding this matter, please call the FOIA Appeals Office at (202) 208-5339.

Sincerely,



Darrell R. Strayhorn  
FOIA Appeals Officer  
Department of the Interior

cc: Ryan Witt, FOIA Officer, BLM  
Valerie Shaw, FOIA Coordinator, BLM-Idaho State Office  
Cindy Cafaro, Department FOIA Officer