



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

OFFICE OF THE GENERAL COUNSEL

SAF/GCA
1740 Air Force Pentagon
Washington, DC 20330-1740

DEC 17 2013

Mr. Frank Vera
[REDACTED]

Dear Mr. Vera:

I have been delegated the responsibility to conduct the Office of the Secretary of the Air Force review of your June 15, 2012 appeal (2012-00129-A) under the Freedom of Information Act (FOIA), which is codified at 5 U.S.C. § 552. I have reviewed the responsive records and determined that your appeal should be denied.

In your appeal, you challenged two items; items 1 and 3. Item 1 was challenged based on our withholding of information under Exemption 6 of the FOIA. Exemption 6 provides for the withholding of information in personnel, medical and similar files that would constitute a clearly unwarranted invasion of personal privacy. The definition of "personnel" files is very broad, and includes all information that "applies to a particular individual." *See U.S. Dep't of State v. Washington Post Co.*, 456 U.S. 595, 602 (1982). Exemption 6 requires a balancing test where the privacy interests of the individuals named in a record are weighed against any public interest in disclosure of the information requested. The public interest in disclosure is one that "sheds light on an agency's performance of its statutory duties." *U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989).

Here, employee names and social security numbers were withheld pursuant to Exemption 6. Low-level federal employees have an interest in keeping this information private. Further, there is little public interest in this information. Revealing the names and social security numbers would do little to shed light on the way the Air Force performs its statutory duties.

Lastly, you challenged the adequacy of the search with regard to item 3 of your original request. The adequacy of an agency's search under the FOIA is determined by a test of "reasonableness." *Weisberg v. U.S. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). An agency must undertake a search that is "reasonably calculated to uncover all relevant documents." *Id.* Department of Defense Regulation 5400.7-R_AFMAN 33-302, Freedom of Information Act Program, Chapter 5, Paragraph C5.3.1.2.2 states: "If a requester appeals an Air Force 'no records' determination, Air Force elements must search again or verify the adequacy of their first search." The Air Force Surgeon General Office conducted a second consisting of a manual search of files as well as both a search of their computers and microfiche. No records, other than the ones previously provided, were found.

You also appealed the fact that you did not receive the Base Master Plan, item 3 of your request. The responsible offices conducted another search for the document responsive to this portion of your appeal, but no responsive records were found. Based on the Air Force Records Disposition Schedule, Base Master Plans fall within the "Comprehensive Plans and Supporting Data" category (Table 31-17, Rule 01). The disposition reads: "Destroy plan when revised in its entirety and/or when AF is relieved of accountability for installation." AFRPA has no record of any Base Master Plan files being transferred to AFRPA custody, the successor, as of George AFB's closure on 15 December 1992.

This constitutes the final Air Force action on your appeal. The FOIA, 5 U.S.C. § 552, provides for judicial review of this determination.

Sincerely



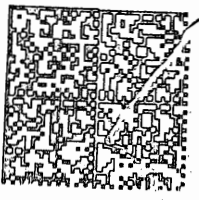
Cheri L. Cannon

Deputy General Counsel
(Fiscal, Ethics and Administrative Law)

Office of the General Counsel
SAF/GCA
1740 Air Force Pentagon
Washington DC 20330-1740

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