

August 26, 1994

(b)(6)

Subject: Freedom of Information Appeal (Letter of August 3, 1994)

Dear (b)(6):

I have reviewed your appeal of the July 9, 1994, denial of the Freedom of Information Act request of (b)(6) of Polish and Salvic Federal Credit Union. The appeal is approved, and the requested documents are enclosed. The documents consist of two letters. Both letters have been redacted to protect the privacy rights of the authors and the individuals named in the letters. The Freedom of Information Act protects the privacy rights of individuals named in the documents. 5 U.S.C. 552(b)(3) and (6). Section 552(b)(3) [NCUA 12 C.F.R. 792.3(a)(3)] references the disclosure protections offered by other statutes. One such statute is the Privacy Act. 5 U.S.C. 552a. Section 552(b)(6) [NCUA 12 C.F.R. 792.3(a)(6)] exempts disclosure of information which would constitute a clearly unwarranted invasion of privacy. *Robles v. Environmental Protection Agency*, 484 F.2d 843 (D. Md. 1973). The courts have recognized the appropriateness of redacting portions of otherwise nonexempt files to protect personal privacy. See, *Department of Air Force v. Rose*, 425 U.S. 352 (1976).

Pursuant to 5 U.S.C. 552(a)(4)(B), you may seek judicial review of the determination of your appeal by filing suit to enjoin NCUA from withholding the portions of the documents not provided and to order their production. Such a suit may be filed in the United States District Court in the district where (b)(6) resides, where his principal place of business is located, in the District of Columbia or where the requested documents are located (the Eastern District of Virginia).

Sincerely,

James J. Engel  
Acting General Counsel

GC/RSS:bhs  
SSIC 3212  
94-0814  
Enclosures