FOIA-2009-000172

Department of Energy
Washington, DC 20585

APR 1 6 2009

Mr. Anjan Shah

RE: FOIA Request No. FOIA-2009-000172

Dear Mr. Shah:

This is in response to the requests for information that you made to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. This office is considered to be the office most likely to contain documents responsive to the request.

These documents are redacted under the authority of Exemption 6 of the Freedom of Information Act, 5 U.S.C. section 552 (b)(6). See also 10 C.F.R. section 1004 (b)(6), the Department's regulations implementing FOIA.

Exemption 6 authorizes the withholding of the names, addresses and other personal information of individuals found in "personnel and medical and similar files" where the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." Because the term "similar files" is read quite broadly, the files containing the information you seek would be considered such files. The individuals named in these files have a significant privacy interest in the personal information about them contained therein in order to be free from unwanted solicitations from those requesters who are provided such information and from those to whom such information may be transferred. This information is not information which is relative to the operations of the agency or the federal government, the core purpose for which the FOIA was enacted. Since no public interest relative to the core purpose of FOIA would be served by disclosure of an individual's personal information, and since there is a viable privacy interest which would be threatened by such disclosure, Exemption 6 authorizes the withholding of this material.

You requested all data, score sheets, comment sheets, internal email and other relevant documentation regarding your application for Job Announcement Number HQ-09-DE-EI-30-002R.

Response:

- Enclosure #1 is a copy of the Applicant Listing Report from the DOE Quick Hire System for Vacancy Announcement Number: HQ-09-DE-EI-30-002R. No selection has been made for this position of this date. The following personal information is withheld from Enclosure 1: names of applicants not selected. This information is withheld pursuant to Exemption 6.

Printed with soy ink on recycled paper

- Enclosure #2 is a copy of the Fax Cover Sheet for the applicant documentation and accompanying DD-214.
- Enclosure #3 is a copy of Applicant Data Report which contains your resume and all responses to the questions associated with the vacancy announcement.
- Enclosure #4 is a copy of your email to Ms. Marilyn Greene dated December 29, 2008, Subject: Director, Communications & Outreach Division Question.
- Enclosure #5 is a copy of your email to Ms. Marilyn Greene dated February 22, 2009 and her response to you dated February 23, 2009, Subject: Application Update.

The personal information protected by Exemption 6 is not the type of information ordinarily considered appropriate for discretionary FOIA disclosure in accordance with 10 C.F.R. 1004.1. The reasonably expected consequence of disclosure would be harmful to an important interest protected by the exemption, the protection of viable privacy interest of the individuals listed. This is especially true in cases such as this one, when no public interest relative to the core purpose of the FOIA would be served by disclosure.

This satisfies the standard set forth by the Attorney General on October 12, 2001, that where release of requested material could adversely impact any particular process of agency or government deliberation, could adversely impact other institutional, commercial, or personal privacy interest that might be implicated by disclosure, or could present an unwarranted risk of adverse impact on the ability of other agencies to protect other important records, the agency is justified in not releasing that material on a discretionary basis. Accordingly, we will not make discretionary disclosure of this information.

Pursuant to 10 CFR 1004.7(b)(2), I am the individual responsible for the determination to withhold the information pursuant to Exemption 6.

Pursuant to 10 CFR 1004.8, the denial of a FOIA request may be appealed, in writing, within 30 days after receipt of a letter denying any portion of the request, to the Director, Office of Hearings and Appeals, HG-1, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0107. The written appeal, including the envelope, must be marked "FREEDOM OF INFORMATION ACT APPEAL"and must clearly indicate that a Freedom of Information appeal is being made. The appeal must contain all the elements required by 10 CFR 1004.8 to the extent applicable. Judicial review will thereafter be available (1) in the District of Columbia; (2) in the district where you reside; (3) where you have your principal place of business; or (4) where the Department's records are located.

Thank you for your interest in the Department. If you have any additional questions, please call Teri Heinicke of my staff (202) 586-8469.

Sincerely,

Sarah J. Bonilla, Director
Office of Human Capital Management

cc: FOIA Office