

**United States Department of Energy  
Office of Hearings and Appeals**

In the Matter of Debra White	)	
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Filing Date: March 23, 2026	)	Case No.: FIA-26-0023
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Issued: April 3, 2026

**Decision and Order**

Debra White (Appellant) appeals a final determination letter issued to her from the Department of Energy (DOE) Office of the Inspector General (OIG), concerning Request No. HQ-2025-04333-F, filed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by the DOE in 10 C.F.R. Part 1004. In the final determination letter, the OIG informed Appellant that it conducted a search and found seven responsive documents, three of which the OIG partially withheld pursuant to FOIA Exemptions 6 and 7(C). Appellant challenged the OIG’s determination.

**I. Background**

**a. FOIA Request and OIG’s Final Determination**

On September 30, 2025, Appellant filed a FOIA request seeking: “DOE Office of Inspector General report 25-0514-C and any related documents available for public release.” FOIA Request (September 30, 2025). On February 10, 2026, the OIG issued its final determination letter indicating that it had found seven responsive documents to the Appellant’s request. Determination Letter at 1 (February 10, 2026). Furthermore, the OIG informed Appellant that “Documents 1 through 3 [were] being released . . . with certain material withheld pursuant to Exemptions 6 and 7(C)” —which protect the privacy interest of named individuals; that “Documents 4 through 7 [were] not being processed back to [Appellant] because the documents were either addressed to [her], written by [her], or have already been provided to [her]”; and that Documents 4 through 7 were “identified in [an] enclosed listing.” *Id.* at 1–2.

The OIG also noted that, under FOIA, the Appellant’s own “name and personal information” appearing in the released documents “would typically be withheld”; however, the OIG was “releasing this information to [the Appellant], pursuant to the Privacy Act, 5 U.S.C. § 552a.” *Id.* The OIG clarified that “this information could be withheld if the document is requested by someone else under FOIA.” *Id.*

**b. Appeal Email**

On March 22, 2026,<sup>1</sup> Appellant emailed the instant Appeal to DOE’s Office of Hearings and Appeals (OHA). Appeal Email from Appellant to OHA (March 22, 2026). Appellant provided that “in June 2024” she had made a “protected disclosure” to the OIG regarding “alleged violation of civil liberties.” *Id.* She further complained that she has “yet to receive information as to whether [the] allegations were investigated and/or substantiated.” *Id.* She then referenced that such information is necessary for her to prepare for an administrative hearing regarding a clearance revocation. *Id.*

Appellant also makes several arguments, citing to the “Privacy Act”; the “Administrative Procedure Act”; a “balancing test”; and more—which if read generously approach a challenge the Exemptions 6 and 7(C) withholdings:

In most U.S. jurisdictions, there is no blanket protection that automatically keeps an officer or confidential informant’s wrongdoing secret from a complainant, but it is recognized that there are strong privileges and balancing tests that can limit disclosure. However, there is also a balancing test between complainant due-process rights and any claimed protection privilege(s). The distinction between: (a) disclosing the identity of the informant; and (b) disclosing the fact and nature of the informant’s misconduct or illegal acts is a necessary consideration in this instance. Privacy Act provisions allow for release of segregated content to allow for a balance of both disclosure of the identity of the informant or law enforcement personnel, and disclosure of the fact and nature of the misconduct or illegal acts.

Law-enforcement exemptions that are valid for records-access or Freedom of Information Act (FOIA) purposes cannot always be used to refuse information outright in a pending administrative enforcement or disciplinary hearing where a party’s procedural rights are at stake. As the original complainant for the OIG report requested, the request is also Privacy Act versus FOIA but the agency forms do not allow for such distinction. Additionally, if an agency uses FOIA exemptions as a pretext to deny records to one person or group to protect the wrongdoing of another group (e.g. law enforcement or confidential informant) it demonstrates selective withholding to the disfavored group or complainant.

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Under the Administrative Procedure Act, courts can compel agency action for unlawfully withholding or unreasonably delaying a disclosure decision that it is legally required to make. Considering the date of original records request of September 30, 2025, the agency withholding during the original due process milestones thereby forcing an Administrative Review appeal, and then use of the blanket law enforcement protection to limit nearly all of the record content as part of the response eventually provided on February 10, 2026, the Agency has created the appearance of chronically stalling the disclosure to the complainant entitled

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<sup>1</sup> The Appeal was considered filed on March 23, 2026, since it was received on March 22, 2026, at 10:24 PM. 10 C.F.R. § 1004.8 (c) (“Documents delivered after the regular business hours of the [OHA] are considered received on the next regular business day.”).

under the Privacy Act, as well as the appearance of privilege for one group over another.

*Id.* (errors in original). She ultimately made three requests for relief in her Appeal: (1) Disclosure of the office to which the OIG referred her complaint; (2) “Disclosure of summary outcome identifying substantiation of wrong doing [sic]. . .”; and (3) “Clarification of whether the outcome of the investigation was provided organization referred to and if so, date it was provided . . .” *Id.*

### **c. OIG Response to Appeal**

On March 30, 2026, the OIG provided its Response to the Appeal. Response (March 30, 2026). The Response re-iterated that it had found seven responsive documents; that it had provided redacted copies of Documents 1 through 3; and that it provided an index of Documents 4 through 7, which had originally been “addressed to her, written by her, or have already been provided to her.” *Id.* at 1. In response to “Appellant’s assertion that the OIG used a ‘blanket law enforcement protection to limit nearly all of the record content,’ OIG released nearly all the information contained in” Documents 1 through 3. *Id.* In particular, OIG asserted that it had only “made minimal” Exemption 6 and 7(C) redactions to “the names of an individual whom the Appellant accused of wrongdoing in addition to redacting the names of OIG employees who processed [Appellant’s] complaint.” *Id.*

The OIG also provided further information in response to the Appellant’s three requests: (1) “[P]age 5 of the release notes that the disposition of the complaint was: ‘Referral for Information to NA-1’”—meaning that the NNSA Administrator’s Office had received the OIG’s referral; (2) “the OIG did not make a formal determination of whether [Appellant’s] complaint was substantiated or unsubstantiated”; and (3) “[T]here was no formal OIG investigation into [Appellant’s] complaint[,]” and, instead, “a summary of the complaint was sent to NNSA . . .” *Id.* at 2.

With respect to her Privacy Act arguments, the OIG provided the following:

[T]he OIG acknowledges that the Appellant noted the difficulty in filing a simultaneous FOIA and Privacy Act request with the Department. Regardless of this request being characterized as a FOIA request, the OIG treats such first-person requests as both a FOIA request and a Privacy Act request. As the OIG informed Appellant in the release letter, ‘Your name and personal information would typically be withheld. We are releasing this information to you, pursuant to the Privacy Act, 5 U.S.C. § 552a; however, this information could be withheld if the document is requested by someone else under FOIA.’

*Id.*

## **II. Analysis**

As a preliminary matter, Appellant’s arguments regarding the Privacy Act appear moot where the OIG treated the Appellant’s Request as both a FOIA and Privacy Act request. Furthermore, Appellant’s reference to the Administrative Procedure Act is misplaced and ultimately provides no basis for relief. *Powell v. Yellen*, No. 22-5200, 2023 U.S. App. LEXIS 34479, at \*2 (D.C. Cir. 2023) (“Our precedents establish that FOIA provides an adequate remedy for plaintiffs seeking records . . . , and that no cause of action under . . . the [Administrative Procedure Act] is available.”). Similarly, her argument that the unredacted records are necessary for an administrative hearing on her clearance is misplaced given the Part 710 regulations. 10 C.F.R. § 710.25(d) (outlining the standard for issuing a subpoena to produce documents).<sup>2</sup>

Appellant appears to challenge the OIG’s invocation of Exemptions 6 and 7(C) by referencing concepts of confidentiality, identity, and law enforcement exemptions. *See generally* Appeal Email. Exemption 6 exempts from disclosure “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). Exemption 7(C) exempts from disclosure records “compiled for law enforcement purposes” that “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” *Id.* § 552(b)(7)(C). While both Exemption 6 and 7(C) were invoked for all withholdings, this decision focuses on the Exemption 7(C) justifications with the understanding that “the standard for evaluating” the privacy interest protected in Exemption 7(C) is “broader than the standard applicable” for Exemption 6. *DOJ v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 756 (1989). When invoking Exemption 7(C), the agency must also “balance privacy interests against the public interest in disclosure.” *Schoenman v. FBI*, 575 F. Supp. 2d 166, 174 (D.D.C. 2008).

The OIG has only withheld the names of a person named in Appellant’s OIG complaint and the names of OIG employees. A person named in a complaint has a substantial privacy interest under Exemption 7(C) in the nondisclosure of said person’s identity. *See, e.g., People for the Ethical Treatment of Animals v. NIH, HHS*, 745 F.3d 535, 541–42 (D.C. Cir 2014) (finding that researchers named in a complaint had a substantial privacy interest in the agency not officially acknowledging the researchers’ identities). Courts have also found that government investigators and employees have a substantial privacy interest in the nondisclosure of their identities under Exemption 7(C). *Anand v. U.S. HHS*, Civil Action No. 21-1635, 2023 U.S. Dist. LEXIS 51852, at \*65 (D.D.C. Mar. 27, 2023) (“It is well settled that law enforcement personnel and government employees have a substantial interest in anonymity.”); *Lamb v. Millennium Challenge Corp.*, 334 F. Supp. 3d 204, 216-17 (D.D.C. 2018) (“[G]overnment investigators and employees have a legitimate interest in preserving the secrecy of matters that conceivably could subject them to annoyance or harassment in either their official or private lives.”). Accordingly, the OIG properly determined that the disclosure of the individuals’ identities “could reasonably be expected” to interfere with their substantial privacy interests. 5 U.S.C. § 552(b)(7)(C).

An agency must disclose information under Exemption 7(C) when “public interest in disclosure is strong enough to justify the privacy invasion.” *People for the Ethical Treatment of Animals*, 745 F.3d at 542. The Appeal is completely devoid of any mention of how the public interest would be served by the disclosure of those redacted names. *See generally* Appeal Email. Without more, the

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<sup>2</sup> This Decision only addresses her argument that the records are necessary with respect to an administrative hearing on her clearance. This Decision neither confirms nor denies that Appellant has a clearance or related hearing regarding a clearance.

privacy interest weighs more heavily against disclosure. In other words, disclosure of their identities would be an “unwarranted” invasion of their substantial privacy interests. 5 U.S.C. § 552(b)(7)(C). Therefore, OIG properly withheld the names of individuals from Documents 1 through 3.

Appellant requested responses to her three questions about the processing of her OIG complaint. OIG was under no obligation to provide responses: “[The] FOIA neither requires an agency to answer questions disguised as a FOIA request, . . . [n]or to create documents or opinions in response to an individual’s request for information.” *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C.1985), *aff’d*, 257 U.S. App. D.C. 242, 808 F.2d 137 (D.C. Cir. 1987), *cert. denied*, 484 U.S. 803, 108 S. Ct. 47, 98 L. Ed. 2d 12 (1987) (citations omitted). Accordingly, OHA would not be able to grant the relief requested, even if Appellant had provided a sound basis for her Appeal. Nevertheless, this Decision outlines the OIG’s responses to her request for information in Section I(c).

### III. Order

It is hereby ordered that the appeal filed by the Debra White, on March 23, 2026, Case No. FIA-26-0023, is denied.

This is a final order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect the right to pursue litigation. OGIS may be contacted in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740  
Web: [ogis.archives.gov](http://ogis.archives.gov) Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770 Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Poli A. Marmolejos  
Director  
Office of Hearings and Appeals