



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



February 16, 2024

Letter via email at KSchmidt@afphq.org

Kevin Schmidt
Director of Investigations
Americans for Prosperity Foundation

Dear Mr. Schmidt:

We are writing to respond to your Freedom of Information Act (FOIA) request, dated September 13, 2023, and assigned it control number DOI-FWS-2023-005884 (FOIA litigation 23-cv-3241). Please cite this number in any future communications with our office regarding your request. You requested communications of Martha Williams, Cynthia Martinez, and Sara Boario related to the lease sale cancellation at the Arctic National Wildlife Refuge.

Response

For this first interim response we processed 11 pages, and our determination is as follows: nine (9) pages are being released in full and two (2) pages are withheld in part under FOIA Exemption 6 which 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\(b\)\(6\)](#).

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, the home address of a private individual, and we have determined that the individual to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of this individual and we are withholding it under Exemption 6.

Stacey Cummins, FWS FOIA Coordinator is responsible for this partial denial. Larry Mellinger, Attorney-Advisor in the Office of the Solicitor was consulted.

We are still reviewing additional records responsive to your request.

For additional information, please contact Brian Levy, Assistant U.S. Attorney, U.S. Department of Justice by phone at (202) 252-6734.

Sincerely,

Stacey Cummins
FWS FOIA Coordinator