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Description of document: List of Pension Benefit Corporation (PBGC) Office of Inspector General (OIG) investigations closed during calendar year 2014

Request date: 31-December-2014

Released date: 26-January-2015

Posted date: 23-March-2015

Source of document: Freedom of Information Act Request
Disclosure Officer
Pension Benefit Guaranty Corporation
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Washington, D.C. 20005
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Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

FOIA 2015--000394

January 26, 2015

Re: Request for Information under the Freedom of Information Act (FOIA)

This is a response to your Freedom of Information (FOIA) request dated December 31, 2014, requesting the Pension Benefit Corporation (PBGC) provide a copy of the list or printout or database listing of Inspector General (IG) investigations closed during calendar year 2014¹. Since you requested access to agency records, your request was forwarded to me for response in accordance with our FOIA, Privacy Act (PA) and the PBGC's implementing regulation.

Accordingly, the Office of the Inspector General (OIG) conducted a search of agency records and located the enclosed list which is responsive to your request. The Disclosure Officer has determined that certain portions of this list were deemed non-disclosable in part. Two exemptions of the FOIA were relied upon to withhold this information.

The first applicable exemption, 5 U.S.C. § 552(b)(6), exempts from required public disclosure, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Some of the records you have requested contain "similar files" within the meaning of the above cited statutory language and the PBGC implementing regulation, 29 C.F.R. § 4901.21(b)(4). In applying Exemption 6, a balancing test was conducted, weighing the privacy interests of the individuals named in a document against the public interest in disclosure of the information. The public interest in disclosure is one that "shed light on an agency's performance of its statutory duties." *Dep't of Justice v. Reporters Committee*, 489 U.S. 749, 773 (1989). The Disclosure Officer has determined disclosure of this information would constitute a clearly unwarranted invasion of an individual's personal privacy.

The second applicable exemption, 5 U.S.C. § 552(b)(7), permits the exemption from disclosure of "records compiled for law enforcement purposes" when disclosure would be detrimental to such purposes. Specifically, section 552(b)(7)(C) prohibits disclosure if it could reasonably be expected to constitute an unwarranted invasion of personal privacy. The FOIA requires agencies to conduct a balancing test when invoking this

¹ Specifically, you requested a copy of the "list or printout or database listing of IG investigations closed during calendar year 2014. In that list, please take practicable steps to include, at minimum, the case number, title of the investigation, date the investigation was opened, date the investigation was closed, and any other descriptive fields."

exemption. In applying Exemption 7(C), a balancing test was conducted, weighing the privacy interests of the individuals named in a document against the public interest in disclosure of the information. The public interest in disclosure is one that will "shed light on an agency's performance of its statutory duties." *Dep't of Justice v. Reporters Committee*, 489 U.S. 749, 773 (1989). The Disclosure Officer has determined disclosure of this information would reasonably constitute and unwarranted invasion of an individual's personal privacy.

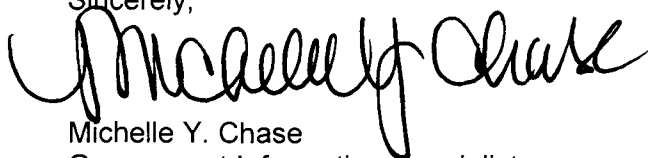
For your information, Congress excluded three discrete categories of law enforcement and national records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not exist.

Since this response constitutes a partial denial of records, I am providing you your appeal rights. PBGC's FOIA regulation provides at 29 C.F.R. § 4901.15 (2012) that if a disclosure request is denied in whole or in part by the disclosure officer, the requester may file a written appeal within 30 days from the date of the denial or, if later (in the case of a partial denial), 30 days from the date the requester receives the disclosed material. The appeal shall state the grounds for appeal and any supporting statements or arguments, and shall be addressed to the General Counsel, Attention Disclosure Division, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, the words "FOIA appeal" should appear on the letter and prominently on the envelope.

Your request was categorized as "other." Other requesters are assessed search, and duplication fees. The total cost of fees associated with processing this request resulted in an amount below the PBGC nominal fee threshold of \$25.00. As such, there are no fees associated with your request. This completes processing of your request.

You may submit future request accessing FOIAonline, our electronic FOIA processing system, at www.foiaonline.regulations.gov or via our website at <http://pbgc.gov/about/pb/footer/foia.html>.

Sincerely,



Michelle Y. Chase
Government Information Specialist

Enclosure

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Investigations

Closed Final

09JAN2015

Start Range:

01JAN2014

End Range:

31DEC2014

Investigation Number	Investigation Title	Date Investigation Initiated	Investigation Status	Investigation Status Date
14-0013-I	[REDACTED]	17Jul2014	Closed - Final	17Jul2014
11-0011-I	Proactive Initiative - Procurement Fraud	11Jul2011	Closed - Final	07Apr2014
12-0003-I	[REDACTED] ET AL	24Oct2011	Closed - Final	24Apr2014
14-0008-I	[REDACTED]	11Jun2014	Closed - Final	18Sep2014
11-0007-I	Fiduciary Breaches (2011)	18Apr2011	Closed - Final	31Mar2014
11-0008-I	[REDACTED] & [REDACTED] [REDACTED] et al.	18May2011	Closed - Final	11Sep2014
14-0011-I	[REDACTED] (PBGC part. [REDACTED])	08Jul2014	Closed - Final	21Aug2014
14-0015-I	[REDACTED]	17Jul2014	Closed - Final	21Aug2014

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