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Federal Communications Commission
Washington, D.C. 20554

January 19, 2021

Re: FOIA Control No. 2021-000153

This letter responds to your Freedom of Information Act (FOIA) request for a copy of the list of FCC Office of Inspector General (OIG) investigations closed during calendar year 2020. Your request has been assigned FOIA Control No. 2021-000153.

FCC OIG searched for responsive records. We located one, one-page record responsive to your request, and it is enclosed. Some material on the page produced has been redacted for the reasons discussed below.

The record responsive to your request was redacted under FOIA Exemption 6.¹ Exemption 6 protects “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” Balancing the public’s right to disclosure against the individual’s right to privacy, we have determined that release of this information would constitute a clearly unwarranted invasion of personal privacy. The redacted information includes the name and personally identifying information of an individual who was the subject of an investigation. We have determined it is reasonably foreseeable disclosure would harm the privacy interest of the person mentioned in these records, which Exemption 6 is intended to protect.

The record responsive to your request was redacted under Exemption 7(C), which protects “records or information compiled for law enforcement purposes [the production of which] could reasonably be expected to constitute an unwarranted invasion of personal privacy.”² Balancing the public’s right to disclosure against the individual’s right to privacy, we have determined that release of this information would constitute an unwarranted invasion of personal privacy. The redacted information includes the name and personally identifying information of an individual subject to investigation. This name was compiled during the course of an investigation and in instances such as this, the balance favors not releasing these names. We have determined it is reasonably foreseeable disclosure would harm the FCC OIG or the Federal government’s law enforcement activities, which Exemption 7 is intended to protect.

The FOIA requires that “any reasonably segregable portion of a record” must be released after appropriate application of the Act’s exemptions. The statutory standard requires the release of

¹ 5 U.S.C. § 552(b)(6).

² 5 U.S.C. § 552(b)(7)(C).

any portion of a record that is nonexempt and that is “reasonably segregable” from the exempt portion. However, when nonexempt information is “inextricably intertwined” with exempt information, reasonable segregation is not possible. The redactions made are consistent with our responsibility to determine if any segregable portions can be released. To the extent non-exempt material is not released, it is inextricably intertwined with exempt material.

We also reviewed the responsive document to determine if discretionary release is appropriate.³ The materials that are protected from disclosure under Exemption 6 are not appropriate for discretionary release in light of the personal privacy interests involved. The materials that are protected from disclosure under Exemption 7 are not appropriate for discretionary release in light of the law enforcement sensitivities involved.

We are required by both the FOIA and the Commission’s own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.⁴ To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.⁵

Pursuant to section 0.466(a)(8) of the Commission’s rules, you have been classified for fee purposes as category (3), “all other requesters.”⁶ As an “all other requester,” the Commission assesses charges to recover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request; however, you are entitled to be furnished with the first 100 pages of reproduction and the first two hours of search time without charge under section 0.470(a)(3)(i) of the Commission’s rules.⁷ The production in response to your request required fewer than two hours of search time, and was provided in electronic form. Therefore, you will not be charged any fees.

You may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.⁸ You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 45 L Street NE, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to FOIA-Appeal@fcc.gov. Please caption the envelope (or subject line, if via e-mail) and the application itself as “Review of Freedom of Information Action.”

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission’s FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission
Office of the Managing Director

³ See President’s Memorandum for the Heads of Executive Departments and Agencies, Freedom of Information Act, 74 Fed. Reg. 4683 (2009).

⁴ See 5 U.S.C. § 552(a)(4)(A), 47 C.F.R. § 0.470.

⁵ 47 C.F.R. § 0.470.

⁶ 47 C.F.R. § 0.466(a)(8).

⁷ 47 C.F.R. § 0.470(a)(3)(i).

⁸ 47 C.F.R. §§ 0.461(j), 1.115; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

Performance Evaluation and Records Management
45 L Street NE, Washington, DC 20554
202-418-0440
FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
<https://www.archives.gov/ogis>

Sincerely,

LMF
Sharon R. Diskin

Sharon R. Diskin
Assistant Inspector General-Investigations

Enclosure
cc: FCC FOIA Office

Federal Communications Commission Office of Inspector General

FOIA Report for All Cases in All States

between 01/01/2020 and 01/05/2021

CASE NUMBER	CASE TITLE	PROGRAM	STATE	CLOSING DATE
OIG-HC-12-0038	ARKWEST COMMUNICATIONS	High Cost	Arkansas	3/30/2020
OIG-LI-12-0047	YOURTEL AMERICA, INC.	Low Income	Missouri	1/26/2020
OIG-HC-12-0087	EATEL	High Cost	Louisiana	3/12/2020
OIG-LI-13-0031	BUDGET PREPAY INC.	Low Income	District of Columbia	12/31/2020
OIG-LI-14-0007	TELRITE CORPORATION	Low Income	District of Columbia	1/14/2020
OIG-LI-14-0008	I-WIRELESS	Low Income	Michigan	3/31/2020
OIG-E-14-0033	APPLE EDUCATION SERVICES	E-Rate	District of Columbia	3/12/2020
OIG-E-15-0005	ANYANWU, DONATUS/NOVA CHARTER	E-Rate	Texas	3/12/2020
OIG-LI-15-0024	SAFELINK MAIL PHONE INVESTIGATION	Low Income	Michigan	12/28/2020
OIG-RH-17-0002	DATACONNEX	Rural Healthcare	District of Columbia	1/14/2020
OIG-I-17-0010	USAC COMPENSATION AND CONTRACTS	Internal	District of Columbia	3/31/2020
OIG-I-18-0024	CHAIRMAN PAI SINCLAIR-TRIBUNE OMISSIONS	Internal	District of Columbia	8/4/2020
OIG-E-19-0002	DATA NETWORK SOLUTIONS DBA BUSINESS AUTOMATION TECHNOLOGIES	E-Rate	New Jersey	3/12/2020
OIG-E-19-0010	HOUSTON GATEWAY ACADEMY	E-Rate	Texas	1/14/2020
OIG-T-19-0011	CAPTIONCALL	TRS	Maryland	3/12/2020
OIG-E-19-0012	WECOM	E-Rate	Arizona	1/14/2020
OIG-I-20-0001	(b) (6), (b) (7)(C)	Internal	District of Columbia	3/12/2020

Date Report Run: Tuesday, January 5, 2021