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*"Rummaging in the government's attic"*

Description of document: Pension Benefit Guaranty Corporation (PBGC) Inspector General (OIG) Investigations Closed 2020

Requested date: 28-December-2020

Release date: 27-January-2021

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Source of document: Disclosure Officer  
Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Suite 11101  
Washington, D.C. 20005  
Fax: (202) 229-4042  
[FOIAonline](#) (preferred)

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Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026

**VIA EMAIL:**

**PBGC 2021-000769**

January 27, 2021

Re: Request for PBGC Office of Inspector General investigations closed in 2020

I am responding to your Freedom of Information Act (FOIA) request received in the Disclosure Division of the Pension Benefit Guaranty Corporation (PBGC) on December 28, 2020. You requested a listing of PBGC Office of Inspector General investigations closed in 2020. You authorized fees in the amount of \$30.00. I processed your request in accordance with the FOIA and PBGC's implementing regulation.

Pursuant to your request, we conducted a search of agency records and located 1 responsive page. I have determined that the responsive record may be released to you in part, as described below:

- PBGC listing of Office of Inspector General investigations closed in 2020 (1 page).

Unfortunately, it was necessary to redact parts of the records containing personal privacy information. PBGC reasonably foresees that disclosure of this information would harm interests protected by the FOIA. I have relied on two FOIA Exemptions to withhold this information.

The first applicable FOIA 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 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). The FOIA requires agencies to conduct a balancing test. 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 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). We have 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, § 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 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). We have determined disclosure of this information would reasonably constitute and unwarranted invasion of an individual’s personal privacy.

Since this response constitutes a partial denial of your request for records, I am providing you your administrative appeal rights in the event you wish to avail yourself of this process. The FOIA provides at 5 U.S.C. § 552(a)(6)(A)(i) (2014) amended by FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 that if a disclosure request is denied in whole or in part by the Disclosure Officer, the requester may file a written appeal within 90 days from the date of the denial or, if later (in the case of a partial denial), 90 days from the date the requester receives the disclosed material. PBGC’s FOIA regulation provides at 29 C.F.R. § 4901.15 (2017) that 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.

In the alternative, you may contact the Disclosure Division’s Public Liaison at (202)326-4040 for further assistance and to discuss any aspect of your request. You also have the option to contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

This completes our processing of your request. Your request was categorized as “Other.” Under this category, requesters are subject to search and duplication costs.<sup>1</sup> Since processing costs were assessed below our nominal fee of \$25.00, I have not charged fees for processing this request.

You may continue to submit future requests for PBGC records by accessing FOIAonline, our electronic FOIA processing system, at [www.foiaonline.gov](http://www.foiaonline.gov) or by e-mail at [Disclosure@pbgc.gov](mailto:Disclosure@pbgc.gov).

Sincerely,



Dooter Malu  
Government Information Specialist

Enclosure

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<sup>1</sup> See 5 U.S.C. § 552(a)(4)(ii) (I).

Investigations Closed Final Status											
25JAN2021											
Start Range:	01JAN2020										
End Range:	31DEC2020										
Number	Title	Date Initiated	Current Status	Status Set By	Status Date	Age	Primary Investigator	Category	Specific 1	Specific 2	Received By
b(6), b(7)(C)											
19-0012-I	Breach - Maurice Donaldson	03Apr2019	Closed - Final	b(6), b(7)(C)	31Mar2020	363	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Other Person	[None]	Email
19-0010-I	Breach Miami FBA – UA Flight Attendants and Delta	13Dec2018	Closed - Final	b(6), b(7)(C)	31Mar2020	474	b(6), b(7)(C)	Participant Benefit Irregularities	Identity Theft (e.g., Relative pre	[None]	Email
Count	2										
b(6), b(7)(C)											
20-0008-I	b(6) - Manufactured Spending	02Mar2020	Closed - Final		16Nov2020	259	b(6), b(7)(C)	Employee Integrity - PBGC	Standards of Ethical Conduct V	Other	IG Hotline - Phone
20-0002-I	b(6)- Post Date of Death Payment	16Oct2019	Closed - Final		01Oct2020	351	b(6), b(7)(C)	Pension Benefit Theft - Deceas	Theft by Relative	[None]	Email
20-0001-I	b(6) - PII Data Loss	16Oct2019	Closed - Final		17Mar2020	153	b(6), b(7)(C)	Employee Integrity - PBGC	Misusing PII or Non-Public Info	Other	Telephone
19-0011-I	b(6) - Post date of death payment	13Feb2019	Closed - Final		14Oct2020	593	b(6), b(7)(C)	Pension Benefit Theft - Deceas	Theft by Relative	[None]	[Other]
19-0007-I	b(6) - Post date of death payment	26Nov2018	Closed - Final	b(6), b(7)(C)	30Dec2020	715	b(6), b(7)(C)	Pension Benefit Theft - Deceas	[None]	[None]	In Person
18-0004-I	b(6) - Post date of death payment	17Oct2017	Closed - Final	b(6), b(7)(C)	30Dec2020	1169	b(6), b(7)(C)	Pension Benefit Theft - Deceas	[None]	[None]	[Other]
Count	6										
b(6), b(7)(C)											
19-0003-I	Participant b(6)	20Nov2018	Closed - Final	b(6), b(7)(C)	25Nov2020	736	b(6), b(7)(C)	Pension Benefit Theft - Deceas	Theft by Relative	[None]	[Other]
Count	1										
Count	9										