



United States
**Office of
Personnel Management**

Washington, DC 20415-0001

In Reply Refer To:

Your Reference:

DEC 13 1993

Mr. David Keating
President
National Taxpayers Union Foundation
404 Eighth Street, NE
Washington, D. C. 20002

Dear Mr. Keating:

Thank you for your Freedom of Information Act (FOIA) request dated November 29, 1993, in which you requested information about former United States Senator Wyche Fowler.

Senator Fowler is on the annuity roll maintained by the U. S. Office of Personnel Management (OPM) for the Civil Service Retirement System and the Federal Employees Retirement System. The release of this information to you is authorized by routine use "d" for the OPM/Central-1 system of records maintained by OPM.

Other information requested by your letter concerning the former senator's Federal service and entitlement to retirement benefits is protected by the Privacy Act. The Privacy Act permits disclosure of information when it would be required by the FOIA. However, the FOIA requires disclosure only if it sheds light on agency action that outweighs an individual's privacy interest. Exemption 6 of the FOIA prohibits the disclosure of files which "would constitute a clearly unwarranted invasion of personal privacy."

Based on the U. S. Court of Appeals decision in the case of National Association of Retired Federal Employees v. Horner, it is our policy not to provide pension rates for individual Members of Congress because to do so would violate their privacy without shedding light on how the Government conducts its business.

Under FOIA, you may appeal this denial of information to the U. S. Office of Personnel Management, Office of the General Counsel, 1900 E Steet, NW, Washington, D. C. 20415. An appeal should include a copy of the original request, a copy of this letter, and a statement explaining why you believe the decision is in error.

Sincerely,

Curtis J. Smith
Associate Director
for Retirement and Insurance