



October 1, 2021

Citizens for Responsibility and Ethics in Washington
1101 K Street NW, Suite 201
Washington, DC 20005

RE: CREW v. USPS, Civil Action No. 20-2927 (JDB)

Citizens for Responsibility and Ethics in Washington:

Pursuant to the Court's order, issued August 17, 2021, we are hereby producing Vaughn Index Documents 5, 6 and 7, USPS 0010-0013, in full.

Generally, the Freedom of Information Act (FOIA) requires government agencies to disclose reasonably described "records" within their possession unless the records fall within one or more of several exemptions. 5 U.S.C. § 552(a)(3), (b)(1)-(9). In alignment with the Court's decision, we have evaluated the material in Documents 1 – 4, USPS 001-008, and redacted the information that is exempt from disclosure pursuant to Exemption 5 and Exemption 6.

Exemption 5 permits withholding inter-agency or intra-agency letters or memorandums that would not be available by law to a party other than an agency in litigation with the U.S. Postal Service. The purpose of this exemption is to encourage open, frank discussion on matters of policy between agency personnel; to protect against premature disclosure of proposed policies before they are finally adopted and to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action. Information found on the certificate of divestiture request form represents the Postal Service's views on which business entities are doing business with or may do with business with the Postal Service in the future and would then require the Postmaster General's review and approval. This information was part of an iterative, on-going decision-making process related to the Postmaster General's divestiture requirements. Release of this information would have a chilling effect on agency decision-making processes and cause public confusion about the actual final agency decision, which is not contained in this document.

Under Exemption 6, the Postal Service may withhold "personnel files 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). This exemption covers all records and information about an individual and is not limited to intimate details or highly personal information. *See U.S. Dep't of State v. Wash. Post Co.*, 456 U.S. 595, 600–02 (1982). A requester may overcome an individual's privacy interest only if the requester shows that the requester seeks to advance a public interest and disclosure of the records will advance that public interest. *See Nat'l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004). The only public interest cognizable under Exemption 6 is the extent to which public disclosure of the record or information would significantly contribute to public understanding of the federal government's operations or activities. *Id.* Here, the Postmaster General has a privacy interest in the number of shares and other interests divested and releasing it would not contribute to the public's understanding of the

Postal Service's operations or activities. Likewise, a Postal Service employee has a privacy interest in his or her postal mobile phone number and releasing it may subject the employee to harassment while off duty and outside of the office. A Postal Service employee also has a privacy interest in his or her postal email address as release of this information has caused employees to be subjected to phishing schemes in the past. Releasing postal mobile phone numbers and postal email addresses would not contribute to the public's understanding of the Postal Service's operations or activities.

An updated Vaughn Index is attached detailing our withholdings and justifications.

Sincerely,

Janine Castorina
Chief Privacy and Records Management Officer
United States Postal Service