

Confidentiality Requests and applicability of Freedom of Information Act (FOIA) to meeting sign-in sheets and protests

All comments and protests submitted to BLM as part of public outreach efforts, including sign-in sheets for public meetings, and comments and/or protests to proposed agency initiatives are available for public review. In general, information available for public review includes not only the substance of the individual's comment/protest, but also the individual's name and street address. A commenter/protestor may request confidentiality of his/her personal information (i.e., name and home address) and BLM will honor such requests to the extent allowed by law. Established boilerplate language that must be used in all notices requesting public input, including notices in newspapers, on the Internet, in Federal Register Notices of Intent and Notices of Availability, and in "Dear Reader" letters in the EA/EIS is currently found in Part I.C. of the handbook (H-1601-1, Page I-4). The same boilerplate language must also be used in "Dear Reader" letters, Federal Register notices for protests, and sign-in sheets at public meetings.

Under some circumstances, FOIA requires the disclosure of an individual's personal information even when the individual has requested confidentiality. Determinations to disclose such confidential information must balance the personal privacy interest of the individual against the public interest in disclosure of the information. This balancing test derives from exemption (6) of FOIA (5 U.S.C. 552). In some cases, a person may have a privacy interest attached to his/her name for which the comment/protest/participation in a public meeting pertains to sensitive and/or controversial matters, and releasing the individual's name could cause a clearly unwarranted invasion of personal privacy. Another instance is where release of the name alone could reveal the person's home address. Under FOIA, public interest is limited to information that sheds light on an agency's performance of its statutory duties. Information that does not directly reveal the operations or activities of the federal government is not considered to be in the public interest. In most cases, the home address of a respondent does not generally reveal information about the federal government. Thus, in most cases the privacy interest of the individual will outweigh the public interest in the disclosure of names and home addresses, when confidentiality has been requested. Determinations must be coordinated with an office's FOIA Coordinator and the appropriate agency FOIA attorney.

Organizations or businesses may not request confidentiality. Generally, the names and business addresses of individuals listed as representatives or officials of organizations or businesses are not protected and are always available for public review.