



**U.S. Election Assistance Commission
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The U.S. Election Assistance Commission (EAC) receives regular inquiries from state and local election officials regarding Federal records protections for personal information. In response to these inquiries, the EAC has compiled the below information to provide Federal practices for protecting personal information in the context of public records requests.

- The Freedom of Information Act (FOIA) permits the exemption of not just files, but also bits of personal information, such as names and addresses, the release of which would create a palpable threat to privacy. *See* 5 U.S.C.A. § 552(b)(6).
- Purely personal details pertaining to government employees are protectible under the FOIA. Courts generally have recognized the sensitivity of information contained in personnel-related files and have accorded protection to the personal details of a Federal employee's service. *See, e.g., DOD v. FLRA*, 510 U.S. 487, 500 (1994) (Protecting employees' home addresses); *Am. Fed'n of Gov't Employees v. United States*, 712 F.2d 931, 932-33 (4th Cir. 1983) (same); *Barvick v. Cisneros*, 941 F. Supp. 1015, 1020-21 (D. Kan. 1996) (Protecting personal information such as home addresses and telephone numbers, social security numbers, dates of birth, insurance and retirement information, reasons for leaving prior employment, and performance appraisals).
- FOIA Exemption 6 permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." For more information, *see* [Office of Information Policy | FOIA Guide, 2004 Edition: Exemption 6 \(justice.gov\)](#).
- The Supreme Court has made clear that substantial privacy interests can exist in personal information even though the information has been made available to the general public at some place and point in time. *See* FOIA Update, Vol. X, No. 2, at 3-6 "[OIP Guidance: Privacy Protection](#)" under the Supreme Court's *Reporters Committee* Decision at 489 U.S. 749 (1989). Furthermore, there may be a privacy interest in personal information even if the information is "available on publicly recorded filings. *See Abraham & Rose, P.L.C. v. United States* 138 F.3d 1075, 1083 (6th Cir. 1998).
- The Privacy Act places great emphasis on the privacy of the individual named in the record and carries provisions for civil action against Federal agencies for violations of an individual's rights under the Act. For more information, *see* [Provisions of the Privacy Act](#).