



FMCS

FEDERAL MEDIATION & CONCILIATION SERVICE

Freedom of Information Act
Office of the General Counsel
5444
foia@fmcs.gov

202-606-

02/09/2023

Jeremy Singer-Vine
The Data Liberation Project
NY

Re: **FOIA-2023-00009**

Dear **Jeremy Singer-Vine**:

On **12/27/2022** we received your request under the Freedom of Information Act for access to:

Database records describing the general characteristics of all FMCS-tracked work stoppages, plus all documentation of FMCS-0004. See attachment for full records..

In accordance with the FOIA and agency policy, we have searched our records. This is a partial grant of your request. FMCS has considered the foreseeable harm standard when reviewing records and applying FOIA exemptions. Portions of the records are redacted under the exemptions as explained below.

Some of the records are exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). The mediation privilege is well recognized under Exemption 4. "The exemption would assure the confidentiality of information obtained by the government through material submitted and disclosure made in procedures such as the mediation of labor-management controversies." H.R. Rep. No. 1497, 89th Cong., 2d Sess., 10 (1966); *Accord: American Airlines, Inc. v. National Mediation Board*, 588 F.2d 863, 869 n.14 (2nd Cir. 1978); *Cf., Harowe Servo Controls, Inc.*, 250 NLRB 958 n.2 (1989).

Some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. §(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879(D.C. Cir. 1992).

Some records contain personally identifiable information. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. §(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

There are 733 pages of records fully redacted under FOIA Exemption 4 and 6.

Jeremy Singer-Vine

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Your request did indicate an agreement to pay any fees associated with the processing of your request. However, the Agency's fee regulations specify that fees less than \$25 will be waived. *See* 29 C.F.R. § 1401.36. Because the fees associated with the processing of your request did not exceed \$25, we have processed your request free of charge.

If you are not satisfied with this response to your request, you may appeal within 90 days by writing to:

Freedom of Information Act Appeal
Office of the Deputy Director
Federal Mediation and Conciliation Service
250 E St. SW
Washington, D.C. 20427

Please enclose a copy of your original request and a copy of this response.

You may also seek dispute resolution services from the FMCS FOIA Public Liaison, Greg Raelson via telephone at 202-606-8081, via email at graelson@fmcs.gov, or via mail at the address in the footer; or from the Office of Government Information Services via email at ogis@nara.gov, via fax at 202-741-5769, or via mail at:

Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Please note that the FOIA Public Liaison's role relates to comments, questions or concerns that a FOIA Requester may have with or about the FOIA Response. The FOIA Public Liaison's role does not relate to taking action in matters of private controversy nor can the FOIA Public Liaison resolve individual complaints.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Anna Davis at 202-606-3737.

Sincerely,

Anna Davis
General Counsel

Enclosure: 1 page