

**CASE DIGEST:** *SSA and IFPTE, Ass'n of Admin. Law Judges*, 71 FLRA 333 (2019)

This case concerned whether the Privacy Act prohibited the Agency from disclosing redacted records related to misconduct allegations against the grievants. The grievance alleged that the Agency violated the parties' agreement by refusing to provide the requested information. The Arbitrator found that the request for the records was an informal information request under § 7114(b)(4) of the Federal Service Labor-Management Relations Statute; therefore, the Agency was required to disclose the requested information unless the Privacy Act otherwise prohibited disclosure. The Arbitrator concluded that the Privacy Act did not prohibit disclosure, and that the Agency violated the parties' agreement by refusing to disclose the requested information.

On exceptions, the Agency raised nonfact and contrary to law arguments. The Authority denied the nonfact exception because it did not demonstrate that a central fact underlying the award was clearly erroneous. As to the contrary to law exception, the Authority found that the Privacy Act is subject to the Freedom of Information Act (FOIA) and that the redaction of documents to permit disclosure of nonexempt portions is appropriate under FOIA Exemption 6. The Authority further found that the Agency was required to disclose the information under FOIA Exemption 6 because the redacted disclosures would not be an unwarranted invasion of personal privacy. Accordingly, the Authority denied the contrary to law exception.

Member Abbott concurred in the decision to deny the Agency's exceptions because the Agency violated its agreement; therefore, he would not have reached any Privacy Act analysis.

Chairman Kiko dissented, finding that the Agency was not obligated to furnish any information under § 7114(b)(4) because the Agency never received a request from the Union or a Union representative. She would have set aside the award as inconsistent with § 7114(b)(4).

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.