


NOAA Alternative Personnel System Operating Issuance	02-2009
NOAA, Workforce Management Office	Subject: Release of Information in Response to FOIA Requests
 Approved by: Eduardo Ribas Director, Workforce Management Office	Date: March 26, 2009
Effective Date: Effective Upon Release Until Canceled or Superseded	

References

- 15 CFR Part 4
- 5 U.S.C. 552
- 5 CFR §293.311
- Department Administrative Order 205-14, Processing Requests Under the Freedom of Information Act
- NOAA Administrative Order 205-14, Processing Requests Under the Freedom of Information Act (FOIA)

Purpose

This issuance provides NOAA rating officials with guidance regarding the release of information on performance ratings, increases and bonuses for employees covered by the Commerce Alternative Personnel System (CAPS) in response to requests under the Freedom of Information Act (FOIA).

Guidance

To the extent that performance information directly correlates to an individual, thereby revealing employee performance evaluations, rating officials may only release limited statistical information. The following information has been determined to be releasable in response to FOIA requests except in cases where there are groups of fewer than 10 employees (career path or organization):

- Percent of increase
- Amount of increase
- Amount of bonus

For example, if included in the FOIA request, the following information is releasable, sorted by the percent of increase:

<u>% Received</u>	<u>\$ Increase</u>	<u>\$ Bonus</u>
9.0	3,239	2,500
7.2	3,408	3,000
7.0	2,591	1,000
7.0	2,400	1,500

6.0	2,418	1,500
5.0	1,638	750
4.8	2,479	1,500
4.2	2,500	2,000
3.8	2,312	1,500
3.5	1,596	1,000
2.0	958	500

The following information has been determined NOT to be releasable as it would constitute a violation of the personal privacy of employees:

- Information from any group of fewer than 10 employees (career path or organization)
- Performance scores
- Correlation of the information by performance score
- Identification of the information by position
- Identification of the information by individual, including employee name, except as outlined in 5 CFR §293.311 (Personnel Records/Availability of Information)

Using the example provided above, the following information is NOT releasable because it now includes performance scores and it is correlated by those scores:

<u>Score</u>	<u>% Received</u>	<u>\$ Increase</u>	<u>\$ Bonus</u>
93	7.2	3,408	3,000
88	9.0	3,239	2,500
82	4.8	2,479	1,500
81	4.2	2,500	2,000
80	7.0	2,591	1,000
80	6.0	2,418	1,500
75	7.0	2,400	1,500
70	3.5	1,596	1,000
68	3.8	2,312	1,500
65	5.0	1,638	750
60	2.0	958	500

As a reminder, when you release only a portion of the information requested under FOIA, it is called a partial release. The response letter for all partial release FOIA requests must be signed by the proper denial official, and the response letter must include a paragraph giving the requester his or her proper appeal rights (15 CFR, Part 4, Section 4.10). In addition, the response letter would need to indicate the reason for the denial. For example, if the names of the employees were requested, the following would need to be included in the response letter:

Identification of the information by individual is exempted under 5 U.S.C. 552 (b)(6) as disclosure would constitute a clearly unwarranted invasion of personal privacy.

NOTE: Offices should not respond to FOIA requests that have not been coordinated with the NOAA FOIA office. For additional information, visit <http://www.corporateservices.noaa.gov/~foia/>