



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

April 17, 2025

In reply refer to: FOIA #BPA-2025-02118-F

SENT VIA EMAIL ONLY TO: Possible PII Removed

Robert Prescott

PII Removed

Dear Mr. Prescott,

This communication concerns your request for Bonneville Power Administration (BPA) records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on February 14, 2025. BPA formally acknowledged your request via letter to you dated March 17, 2025. This communication is the agency's final response to your FOIA request.

Request

You seek the following information: "...the Performance Plan statistics for the TEZT group. Specifically ... the following data for the past 5 years:

- How many employees within TEZT are salary (GS) vs. hourly for each year?
- For each year, how many employees received "Significantly Exceeds Expectations", "Meets Expectations", "Exceeds Expectations", etc.? (No names, obviously.)
- For each rating (SEE, EE, ME, etc.), how many of the employees were salary vs. hourly?"

Response

The agency searched for and gathered the data you seek from knowledgeable personnel in BPA's Human Resources Service Center (HSRC). That assembled responsive data comprises one page of data.

Data responsive to the first part of your request is below:

Year	Number of Hourly Employees in TEZT	Number of Salaried Employees in TEZT
2024	6	9
2023	6	7
2022	8	4
2021	5	8
2020	6	9

Between the years 2020 and 2024, the total number of employees in TEZT ranged from 12 to 15. Upon review of that limited data collected in response to your FOIA request, and in light of the controlling exemptions (see below) and the Privacy Act, 5 U.S.C. § 552a (PA), BPA is withholding records responsive to the second and third parts of your request. Releasing sensitive job performance data about such a small group of employees, even when anonymized, may inadvertently reveal individual performance ratings when combined with other information already publicly available. You are welcome to submit a FOIA request for the same information about a larger group (for instance, TE or T).

Explanation of Withholdings

The FOIA generally requires the release of all responsive agency records upon request. However, the FOIA permits or requires withholding certain limited information that falls under one or more of nine statutory exemptions (5 U.S.C. §§ 552(b)(1-9)). Further, section (b) of the FOIA, which contains the FOIA's nine statutory exemptions, also directs agencies to publicly release any reasonably segregable, non-exempt information that is contained in those records.

Exemption 6

Exemption 6 protects Personally Identifiable Information (PII) contained in agency records when no overriding public interest in the information exists. When an individual has a personal privacy interest in information requested, and there is also a public interest in the information, BPA balances the competing interests to determine whether to disclose the information. Under the law, a "public interest" is limited to that which sheds lights on the executive function of the agency.

BPA finds that there is a public interest in comparing how hourly and salary employees are rated, but does not find that this public interest is sufficient to override the privacy concerns of the individuals whose personal performance ratings may inadvertently be revealed here. BPA cannot waive this withholding, as the protections afforded by Exemption 6 belong to individuals and not to the agency.

Lastly, as required by 5 U.S.C. § 552(a)(8)(A), information has been withheld only in instances where (1) disclosure is prohibited by statute, or (2) BPA foresees that disclosure would harm an interest protected by the exemption cited for the record. When full disclosure of a record is not possible, the FOIA statute further requires that BPA take reasonable steps to segregate and release nonexempt information. The agency has determined that in certain instances partial disclosure is possible and has accordingly segregated the records into exempt and non-exempt portions.

Fees

No fees are associated with processing your FOIA request.

Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the data search and response described above. Your records request is now closed with the responsive agency data available disclosed in part and withheld in part under Exemption 6 to the FOIA, and under the PA.

Appeal

The FOIA response certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final release, within 90 calendar days from the date of this communication. Appeals should be addressed to:

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Phone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Questions about this communication may be directed to James King, FOIA Public Liaison, at jjking@bpa.gov or at 503-230-7621.

Sincerely,

/ signature on file /

Candice D. Palen
Freedom of Information/Privacy Act Officer