



Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

October 25, 2016

In reply refer to: FOIA #BPA-2017-00008-F

Janine Kirk
Michael Gatewood
Great West Casualty
2950 E Goldstone Dr.
Meridian, ID 83642
j.kirk@gwccnet.com
MGatewood@cl-na.com

Dear Ms. Kirk and Mr. Gatewood,

The Bonneville Power Administration (BPA) has received your request for records under the Freedom of Information Act (5 U.S.C. § 552). Your request was received in this office on September 29, 2016, and has been assigned tracking number BPA-2017-00008-F. Please use this number in any correspondence with the agency regarding your request.

Request:

"Video coverage of the South Gate of BPA Substation of NE Ross St., Vancouver, WA on 9-26-16 from 3:00pm – 5:00pm."

On October 13, 2016, you notified the FOIA Office via e-mail to include the officer's accident report to your request.

Acknowledgement:

We have reviewed your request and clarification and have determined that it fulfills all of the criteria of a proper request under the FOIA and the Department of Energy's (DOE) FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

Analysis:

BPA located the requested report and camera footage. Both are agency records.

Records Subject to Exemption 6

Exemption 6 of the FOIA protects 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." The application of Exemption 6 requires balancing the public's interest in acquiring the information against the individual's privacy interests. If a significant privacy interest is found to exist, but there is no FOIA public interest in disclosure, the information should be protected.

Records Not Subject to Discretionary Release under Exemption 6

Please be aware that the right of privacy asserted belongs to the individual, not to the agency, and information that falls under Exemption 6 cannot be discretionarily released. Therefore, BPA did not analyze the forgoing information under any discretionary release guidelines

In order to determine whether a record or video footage can be released under Exemption 6, an agency must undertake a three-step analysis. BPA must determine whether there is a significant privacy interest in the records. If a privacy interest exists, BPA must determine whether or not release of the information would further the public interest by shedding light on the operations and activities of BPA. Finally, if there is a public interest in disclosure, BPA must weigh the privacy interest against the public interest to determine whether release of the record would constitute a clearly unwarranted invasion of personal privacy.

In this case, BPA has determined that both individuals involved (the bicyclist and the truck driver) have a significant privacy interest in the information contained in the responsive records. There is no public interest in the disclosure of those records, however, as they do not shed light on the operations and activities of BPA. Consequently, they cannot be released under FOIA.

However, if both individuals involved (bicyclist and truck driver) provide a written statement giving BPA permission to release the footage and accident report to Great West Casualty and Truck Force LLC., then the FOIA Office will release the requested records.

Once written permission is provided from both individual parties involved, then BPA will schedule a viewing of the footage and will release the accident report.

Fees:

You agreed to pay all applicable fees.

In light of the above conditions, BPA cannot, at this at this early stage, provide you with a precise estimate of the fees quantifiable in gathering and processing the records responsive to your request.

If you have questions about this communication, you may contact E. Thanh Knudson, Case Coordinator (Flux Resources, LLP) at (503) 230-5221, or via email at etknudson@bpa.gov.

Sincerely,



C. M. Frost
Freedom of Information/Privacy Act Officer