



**LEGAL SERVICES CORPORATION**

733 Fifteenth Street, N.W., Washington, D.C. 20005 (202) 376-5100

*General  
Council*

June 20, 1979

Arlene Zarembka, Esq.  
Karen Tokarz, Esq.

Legal Services of Eastern  
Missouri, Inc.

607 North Grand Boulevard  
St. Louis, Missouri 63103

Dear Ms. Zarembka and Ms. Tokarz:

I am in receipt of your June 1, 1979, letter to Stephen S. Walters, Acting General Counsel, in which you appeal the denial of Freedom of Information Act (FOIA) request for information relating to the salaries of employees of Legal Services of Eastern Missouri (LSEM). Pursuant to Section 1602.12 of the Corporation's Regulations, 45 C.F.R. Section 1602.12, your appeal was referred to me for review and decision. I have carefully reviewed the file in this matter and conclude that Ms. Zarembka's request was properly denied.

On February 21, 1979, Ms. Zarembka requested from the Corporation's Chicago Regional Office information "concerning the salary of each Eastern Missouri employee, broken down by job title, years of experience, race, and sex." On March 12, 1979, John T. Fitzgerald, Assistant to the Regional Director, wrote to Ms. Zarembka denying the request pursuant to Section 1602.9(a)(5) of the Corporation's Regulations which permit the withholding of "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

Mr. Fitzgerald's action was clearly proper. You state in your request that you "do not need the names of the employees nor the branch unit where they are employed." Nevertheless,

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if disclosed publicly the information that you request, particularly in combination with the information provided pursuant to your November 22, 1979, FOIA request, would constitute such an unwarranted invasion of personal privacy. Even without specifically identifying individual names, it is very likely that people in the community could determine an individual's identity by coupling salary information with the job title, years of experience, race, and sex.

You take the position in your appeal that "the salary of public employees has traditionally been considered public information" and should not be covered by the exemption contained in Section 1602.9(a)(5). Legal services program employees are not public employees, and disclosure of salary information could easily be embarrassing or harmful to those employees if it became public knowledge. Section 1602.9(a)(5) and the parallel exemption in the FOIA, 5 U.S.C. Section 552(b)(6), are "phrased broadly to protect individuals from a wide range of embarrassing disclosures." Rural Housing Alliance v. United States Department of Agriculture, 498 F.2d 72, 77 (D.C. Cir. 1974).

Your appeal alleges no overriding public interest purpose for your FOIA request. You assert your responsibilities, as LSEM employees, "to ensure that no race or sex discrimination is occurring at LSEM" and "to determine if LSEM is wisely spending its money on salaries or if it is over--or under--compensating its staff in such a way as to interfere with the efficient provision of top quality legal services to the community." Nevertheless, there are no allegations or showing that any of these situations has occurred, and there is no indication of how the public interest would be served by the requested disclosure.



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Pursuant to Section 1602.9(b) of the Corporation's Regulations, it may be possible to accommodate your needs with a summary of the information that you request. If you feel such a summary would be helpful, please contact Mr. Fitzgerald.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan J. Bradley". The signature is written in a cursive, flowing style with a large initial "D".

Dan J. Bradley  
President