United States Department of the Interior

NATIONAL PARK SERVICE

INTERIOR REGIONS 6, 7 & 8

12795 W. Alameda Parkway

Lakewood, CO 80228

IN REPLY REFER TO:

NPS GLAC FOIA 24-00725

April 12, 2014

Electronic Transmission – No Hard Copy to Follow

Ms. Elizabeth Goodwin

Washington post

1301 K St.

Washington, DC

liz.goodwin@washpost.com

Dear Ms. Goodwin:

Subject: Freedom of Information Act Request NPS- 2024-00725

This letter is in response to your Freedom of Information Act (FOIA) request dated March 11th 2024, in which you requested:

“…*Any incident report mentioning “Timothy Sheehy” or “Timothy Patrick Sheehy” or “Tim Sheehy” created between June 1, 2015 and November 1, 2015. The incident report likely includes details of Timothy Sheehy… shooting himself with his own weapon in Glacier National Park.*.”

Your request was received on March 11, 2024 and assigned control number DOI-NPS-2024-000725. Please cite this number in any future communications with our office regarding your request.

We are writing to respond to your request.

We have enclosed one file consisting five pages, which is being released to you in part. Portions of these materials are being withheld under the following FOIA Exemptions: Exemption 6 and Exemption 7(c). Your request is granted in part and denied in part.

Exemption 6—[***43 C.F.R. §§ 2.23***](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=0fc3ab3499768eebc2e3691c8cf88dec&rgn=div5&view=text&node=43:1.1.1.1.2&idno=43#se43.1.2_123)***,*** [***.24***](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=0fc3ab3499768eebc2e3691c8cf88dec&rgn=div5&view=text&node=43:1.1.1.1.2&idno=43#se43.1.2_124)

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). We are withholding 4 pages in part under Exemption 6.

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The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual.  To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to.”  The burden is on the requester to establish that disclosure would serve the public interest.  When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public.  The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal addresses, birthdate, phone numbers, and additional personal details and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it.

Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties.  Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

Exemption 7—[***43 C.F.R. §§ 2.23***](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=0fc3ab3499768eebc2e3691c8cf88dec&rgn=div5&view=text&node=43:1.1.1.1.2&idno=43#se43.1.2_123)***,*** [***.24***](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=0fc3ab3499768eebc2e3691c8cf88dec&rgn=div5&view=text&node=43:1.1.1.1.2&idno=43#se43.1.2_124)

Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes” if the records fall within one or more of six specific bases for withholding set forth in subparts (a) through (f).  [5 U.S.C. § 552(b)(7)](http://www.justice.gov/oip/amended-foia-redlined.pdf)(a)-(f).  We are withholding 4 pages in part under Exemption 7 because they are protected under the following subpart:

*7(C)*

Exemption 7(C) protects law enforcement records if their release could reasonably be expected to constitute an unwarranted invasion of personal privacy.  It is regularly applied to withhold references to individuals in law enforcement files.  For the materials that have been withheld under 7(C), we have determined that releasing them would constitute an unwarranted invasion of privacy because they identify individuals referenced in law enforcement records and the release of this information would not shed light on an agency’s performance of its statutory duties.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA’s general rule of disclosure.

Alison Yamato, National Park Service, Intermountain Region FOIA Coordinator is responsible for this response. Michael Williams, Attorney, Office of the Solicitor, was consulted.

Fees—No Charge—[***43 C.F.R. § 2.49(a)(1)***](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=0fc3ab3499768eebc2e3691c8cf88dec&rgn=div5&view=text&node=43:1.1.1.1.2&idno=43#43:1.1.1.1.2.7.5.13)

We do not bill requesters for FOIA processing fees when their fees are less than $50.00, because the cost of collection would be greater than the fee collected. *See* [*43 C.F.R. § 2.37(g)*](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=0fc3ab3499768eebc2e3691c8cf88dec&rgn=div5&view=text&node=43:1.1.1.1.2&idno=43#43:1.1.1.1.2.7.5.13). Therefore, there is no billable fee for the processing of this request.

You may appeal this response to the Department’s FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the NPS’ response is in error. You must also include with your appeal copies of all correspondence between you and the NPS concerning your FOIA request, including your original FOIA request and NPS’ response. Failure to include with your appeal all correspondence between you and the NPS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer’s sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information:*

Department of the Interior

Office of the Solicitor

1849 C Street, N.W.

MS-6556 MIB

Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339

Fax: (202) 208-6677

Email: FOIA.Appeals@sol.doi.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* [5 U.S.C. 552(c)](http://www.justice.gov/oip/amended-foia-redlined.pdf). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation.  Using OGIS services does not affect your right to pursue litigation.  You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.govWeb: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department’s FOIA & Privacy Act Appeals Officer.

You also may agree to an alternative time period for processing by communicating with us, our FOIA Requester Center, or the FOIA Public Liaison. Contact information for the Department’s FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Should you have any further questions regarding this request, please feel free to contact me. I can be reached at the address above, by telephone at 303.243.4096 or by e-mail at Alison\_Yamato@nps.gov.

Sincerely,

/s/

Alison Yamato

NPS FOIA Officer for DOI Regions 6,7 & 8