

FOIA Appeal: Properties Used to Shelter Homeless

Legal Opinion: GMP-0032

Index: 7.360, 7.575

Subject: FOIA Appeal: Properties Used to Shelter Homeless

December 12, 1991

Ms. Tammy Tipton
Lewisville News
131 W. Main Street
P.O. Box 639
Lewisville, Texas 75067

Dear Ms. Tipton:

This is in response to your Freedom of Information Act (FOIA) appeal dated September 24, 1991. You appeal the denial of the list of addresses used by the Calvary Christian Center to shelter homeless individuals under the Department's Single Family Property Disposition Homeless Initiatives Program. Your initial request was denied under FOIA Exemption 6 by R. D. Smith, Director, Office of Community Planning and Development, Fort Worth Regional Office.

Given the Department's efforts to ensure public integrity in the administration of Agency programs, I have determined to reverse the initial denial and release the addresses used by the Calvary Christian Center. This determination is based upon the public interest purpose you presented which, in this case, overrides any personal privacy considerations.

Exemption 6 of the FOIA, 5 U.S.C. 552(b)(6), authorizes the withholding of "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

In this case, the Fort Worth Office withheld the names and addresses of HUD homes leased through the Calvary Christian Center under the Homeless Initiatives Program. However, you indicate a public interest in the proper administration of the program by the Calvary Christian Center and request in your appeal that we disclose only the addresses of the properties. I have determined, under these circumstances, that the public interest in disclosure outweighs individual privacy interests. Therefore, I have determined to release the information with respect to the addresses which are leased by the Center.

You also requested access to any correspondence from the Calvary Christian Center or its officials, which was not provided previously by the Fort Worth Regional Office. In this regard, I am also requesting the Fort Worth Regional Office to search their files and provide you with any correspondence from the Calvary Christian Center which is disclosable under the FOIA. Documents

containing commercial and proprietary interests, or personal identities of homeless individuals, will not be disclosed by the Regional Office.

If the information has not been provided within a reasonable period after issuance of this decision, please contact Sam E. Hutchinson, Assistant General Counsel for Personnel and Ethics Law at (202) 708-2088.

Very sincerely yours,

Shelley A. Longmuir
Deputy General Counsel

cc: Yvette Magruder
William Daley, Regional Counsel, 6G