



Washington, D.C. 20505

30 January 2013

Mr. Mark Kling



(b)(6)

Reference: F-2013-00532

Dear Mr. Kling:

On 4 January 2013, the office of the Information and Privacy Coordinator received your 27 December 2012 Freedom of Information Act (FOIA) request for records on **Robert P. Kling, M.D.** We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily.

Although you have provided some of the identifying information required before we can effectively search our files on an individual, we still need additional data before we can begin processing your request. Specifically, we require the individual's *full name, date and place of birth, date and place of death, and citizenship status*. Without this data, we may be unable to distinguish between individuals with the same or similar names. If the individual is deceased, we also require some *evidence of death*, such as a death certificate, an obituary, or a press statement to ensure there are no privacy considerations.

Agency regulations encourage requesters seeking information on *living* third parties to provide a signed affidavit or declaration from the third parties waiving all or some of their privacy rights. We can search without this authorization, but if we locate responsive records, privacy concerns may require us to protect the information from release.

FOIA exemption (b)(6), a copy of which I have enclosed for reference and retention, requires us to protect information "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." In reaching this determination, we use the test our enclosed regulations outline at 32 CFR § 1900.32(b): "the Agency will balance the privacy interests that would be compromised by disclosure against the public interest in release of the requested information." Therefore, the waiver will assist us with this determination.

As you are aware, the FOIA authorizes federal agencies to collect fees for records services. Based on the information provided in your letter, we determined that your request falls into the "all other" fee category, which may require you to pay charges to cover the cost of searching for and reproducing responsive records (if any) beyond the first 100 pages of reproduction and the first two hours of search time, which are free. Copies are ten cents per page. We note your agreement to pay up to \$50. As you requested, we will notify you if the fees exceed that amount.

We will hold your request in abeyance for 45 days from the date of this letter pending receipt of the subject's *date and place of birth, date and place of death, citizenship status, and evidence of death or privacy waiver* as outlined above.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Meeks", written in a cursive style.

Michele Meeks
Information and Privacy Coordinator

Enclosure

IMS/IRRG/PIPD [redacted] 24 January 2013

(b)(3)
(b)(6)

Distribution:

Orig - Adse

1 - PIPD/F-2013-00532 SPR 45 days (dpob, dpod, citizenship, and proof of death or privacy waiver)

FOIA [redacted] 00532 Kling 3party SPR

(b)(3)
(b)(6)

Enclosure: **(b)(6) enclosure**