

112TH CONGRESS
1ST SESSION

H. R. 484

To amend title 5, United States Code, to clarify the personal privacy exemption in the Freedom of Information Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. DEUTCH (for himself and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to clarify the personal privacy exemption in the Freedom of Information Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Personal Privacy Clari-
5 fication Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Freedom of Information Act, 5 U.S.C.
9 §552, requires a Federal agency to disclose records
10 or information in its possession that have been com-

1 piled for law enforcement purposes. The Act pro-
2 vides exemptions from this mandatory disclosure re-
3 quirement, including for “an unwarranted invasion
4 of personal privacy.” 5 U.S.C. §552(b)(7)(C).

5 (2) In *AT&T Inc. v. Federal Communications*
6 *Commission*, the Third Circuit Court of Appeals ex-
7 tended the privacy exemption in section
8 552(b)(7)(C) to corporations. This decision misinter-
9 prets the intent of Congress to limit the privacy ex-
10 emption to individuals, not to corporations.

11 (b) PURPOSE.—The purpose of this Act is to respond
12 to the Third Circuit Court of Appeals decision by clari-
13 fying that the intent of the privacy exemption in section
14 552(b)(7)(C) of the Freedom of Information Act is to pro-
15 vide a privacy exemption for individuals, not for corpora-
16 tions.

17 **SEC. 3. CLARIFICATION OF PRIVACY EXEMPTION.**

18 Section 552(b)(7)(C) of title 5, United States Code,
19 is amended by striking “personal privacy” and inserting
20 “the privacy of any individual”.

○