

July 20, 2010

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Communication by E-mail preferred

FOIA/Privacy Act Office

Peggy Mastroianni

Chief FOIA Officer

Equal Employment Opportunity Commission

131 M Street, N.E.

Suite 5NW02E

VIA FAX: (202) 663-4639

and via email: FOIA@eeoc.gov

Dear Ms. Mastroianni:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I seek access to the following:

1. A complete electronic database of raw, (not summarized) statistics used in production of the EEOC's "Annual Report on the Federal Work Force Fiscal Year 2008," and where applicable, cross-tabulated and referenced by:
 - a. Administrative Judge
 - b. Docket Number
2. A complete electronic database of raw, (not summarized) statistics used in production of the soon-to-be released publication of EEOC's "Annual Report on the Federal Work Force Fiscal Year 2009," and where applicable, cross-tabulated and referenced by:
 - a. Administrative Judge
 - b. Docket Number
3. Elements and Standards for EEOC Attorney Examiners (more commonly known to the public as Administrative Judges)
4. A current roster of Attorney Examiners by name, regional office, bar certification and bar number

I specifically seek this information in an electronic format in common output form. These types of files would include: .tab or comma-delimited (.csv, .prn, .txt), Dbase (.dbf), MS Access (.mdb) or MS Excel (.xls). Providing this information in electronic format increases efficiency and further reduces the cost not just to me, but to your agency as well.

Public Interest Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 45 C.F.R. § 5.45, I request a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government and the disclosures likely will contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii). See, ~, McClellan Ecological v. Carlucci, 835 F.2d 1282, 1285 (9th Cir. 1987). This subject is of significant interest and importance to the public in light of whistleblower legislation currently under review in our legislature.

Under these circumstances, my request fully satisfies the criteria for a fee waiver.

News Media Fee Waiver Request


I also ask that I not be charged search or review fees for this request because this information is to be published at civilservicereform.org, a blog dedicated toward improving federal government responsiveness to the American people. Under this criterion, I believe this request qualifies as a disclosure to a "representative of the news media" pursuant to the FOIA, 5 U.S.C. § 552(a)(4)(A)(ii)(II). In *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989), the Court of Appeals for the District of Columbia Circuit found the National Security Archive was a representative of the news media under the FOIA. As the court reasoned, the FOIA Office FOIA's legislative history indicates the phrase "representative of the news media" is to be interpreted broadly; "[i]t is critical that the phrase 'representative of the news media' be broadly interpreted if the act is to work as expected.... In fact, *any person or organization which regularly publishes or disseminates information to the public. . . should qualify for waivers as a 'representative of the news media.'*" *Id.*, citing 132 Congo Rec. S14298 (daily ed. Sept. 30, 1986) (emphasis in original).

Civilservicechange.org, or "Government Accountability is a Citizen's Responsibility" receives 3,500+ unique visitors per month. "Government Accountability is a Citizen's Responsibility" focuses on issues in federal employee administrative courts such as the Equal Employment Opportunity Commission and the Merit Systems Protection Board.

If you have any questions about this request, or foresee any problems in releasing fully the requested documents on an expedited basis, please contact me at (510) 661-0467. Also, if my request for a fee waiver is not granted in full, please contact me immediately upon making such a determination. Please send the requested documents to Charlotte Yee, democracy@civilservicechange.org, or if CD/DVD transmission is necessary, 39120 Argonaut Way 305 Fremont, CA 94538. If you determine that any portions of these documents are exempt under either of these statutes, I will expect you to release the non-exempt portions to me as the law requires. I reserve the right to appeal any decision to withhold information.

If you have any questions regarding this request, please contact me by telephone. Thank you for your assistance. I will look forward to receiving your prompt reply.

Very truly yours,


Charlotte Yee