



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
US ARMY INSTALLATION MANAGEMENT COMMAND  
2405 GUN SHED ROAD  
FORT SAM HOUSTON, TEXAS 78234-1223

**JUL 21 2015**

Ms. Pam Zubeck  
235 South Nevada Avenue  
Colorado Springs, Colorado 80903-1906

Dear Ms. Zubeck:

This letter is in response to your September 17, 2013 Freedom of Information Act (FOIA) request case number FA-14-0019. You requested:

- a. a list of civilians banned from Fort Carson, Colorado, including names, date of reason, reason for ban, date ban was lifted (if it was), and why it was lifted and who imposed it. Request Fort Carson divulge who made the order that someone was to be banned; not the person who signed the letter after being ordered to do so, but rather the authority who decided a ban was in order.
- b. letters sent to those who were banned notifying them of this action.
- c. letters for the past five years, starting January 1, 2008 – September 17, 2013.

After a complete search and comprehensive review of the documents, a total of 614 pages were identified as responsive to your request. The undersigned determined the 614 pages are withheld in their entirety from disclosure under The Privacy Act of 1974, 5 U.S.C. § 552a, Exemption (j)(2), FOIA Exemption 6, 5 U.S.C. § 552(b)(6) and FOIA Exemption 7, 5 U.S.C. § 552(b)(7)(c).

This letter therefore, constitutes a “full denial” determination that may be considered adverse and if so interpreted, may be appealed using normal appeal procedures.

The Privacy Act of 1974, 5 U.S.C. § 552a, Exemption (j)(2), exempts systems of records “maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status.” The Privacy Act prevents government

agencies from disclosing information contained in a system of records to the public without the written consent of the individual, or a court order signed by a judge or magistrate.

FOIA Exemption 6, 5 U.S.C. § 552(b)(6) permits agencies to withhold information about individuals in "personnel and medical and similar files" where the disclosure of the information "would constitute a clearly unwarranted invasion of personal privacy." The "files" requirement covers all information which "applies to a particular individual." *US Dept. of State v. Washington Post Co.*, 456 U.S. 595, 601-602 (1982). Exemption 6 requires agencies to balance the public's right to disclosure against the individual right to privacy. The information sought includes the recognizable privacy interests of third party names and addresses.

FOIA Exemption 7, 5 U.S.C. § 552(b)(7)(c), exempts production of "records or information compiled for law enforcement purposes... to the extent that production... could reasonably be expected to constitute an unwarranted invasion of personal privacy... *ALLAN J. FAVISH*, 217 F.3d 1168 (9<sup>th</sup> Cir. 2000). See also *Schiffer v. FBI*, 78 F.3d 1405, 1409-10 (9<sup>th</sup> Cir. 1996). To meet its burden, the government need show "only that an unwarranted invasion of privacy could be reasonably expected, not that it will inevitably occur." *Hunt*, 972 F.2d at 288.

My decision is made on behalf of Lieutenant General David D. Halverson, Commanding General US Army Installation Management Command, the Initial Denial Authority. You may appeal this decision, through this office, to the Secretary of the Army, ATTN: Office of the General Counsel, Washington, DC 20310, within 60 days of the date of this letter. An appeal may not serve as a request for additional information or new information. An appeal only addresses information denied in this response. In this instance, there are no fees associated with this FOIA request.

To expedite the processing of your appeal, please place the notation "Freedom of Information Act Appeal" on your envelope, and send to the following address:

Headquarters, US Army Installation Management Command  
ATTN: G1, IMHR-A, Freedom of Information Act Office  
2405 Gun Shed Road  
Joint Base San Antonio Fort Sam Houston, Texas 78234-1223

Unless you advise this office that you wish to appeal within 60 days, this case will be considered closed.

If this office can be of further assistance, please contact Naomi Ludan at 210-466-0413, email: [usarmy.jbsa.imcom-hq.mbx.foia-requester-service-center@mail.mil](mailto:usarmy.jbsa.imcom-hq.mbx.foia-requester-service-center@mail.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel G. Mitchell". The signature is stylized with a large initial "D" and "M".

Daniel G. Mitchell  
Brigadier General, US Army  
Deputy Commanding General, Support