



IN REPLY REFER TO:
(DINO) FOIA 24-000082

United States Department of the Interior

NATIONAL PARK SERVICE
INTERIOR REGIONS 6, 7 & 8
12795 W. Alameda Parkway
Lakewood, CO 80228



November 3, 2023
Electronic Transmission – No Hard Copy to Follow

Eric Palacios
ericmediapalace@gmail.com

Dear Mr. Palacios:

Reference: Dinosaur National Park (DINO)

Subject: Freedom of Information Act Request NPS-2024-000082

The control number for your request is provided above. Please cite this number in any future communications with our office regarding your request. This letter is in response to your Freedom of Information Act (FOIA) request dated October 15, 2023, in which you requested:

“A copy of the incident record #NP20165493 made 2020 Dinosaur National Monument. Please include the investigation number, the relevant dates and the title. I also request a copy of each Final Report, Closing Memo, Report of Investigation, Referral Letter or other documentation concerning the closed investigation identified above.”

Upon further review, your request is granted in part and denied in part. We are providing you 1 file(s) totaling 2 pages of responsive records. However, portions of 2 pages are being withheld under Exemption 6. Unfortunately, the full report is only a case summary. The ranger who completed the case report was medically incapacitated at the time and did not have the ability to conduct a thorough report and follow-up.

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” [5 U.S.C. § 552\(b\)\(6\)](#). We are withholding [NOTE: Estimate the volume of any records or information withheld, for example We are withholding approximately 33 pages in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens 'know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, such social security number and birth date and we have determined that the individual to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

Alison Yamato, National Park Service, Intermountain Region FOIA Coordinator is responsible for this response. Chris Morley, Attorney, in the Office of the Solicitor was consulted.

Because the National Park Service creates and maintains law enforcement records, we are required by the Department of Justice to provide the following information, even though it may or may not apply to your specific request. Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that we are required to give all our requesters and should not be taken as an indication that excluded records do, or do not, exist. You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the NPS' response is in error. You must also include with your appeal copies of all correspondence between you and the NPS concerning your FOIA request, including your original FOIA request and NPS' response. Failure to include with your appeal all correspondence between you and the NPS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information:

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

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The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

You also may agree to an alternative time period for processing by communicating with us, our FOIA Requester Center, or the FOIA Public Liaison. Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Should you have any further questions regarding this request, please feel free to contact me. I can be reached at the address above, by telephone at 303.969.2242 or by e-mail at Alison_Yamato@nps.gov.

Sincerely,

/s/

Alison Yamato
NPS FOIA Officer for DOI Regions 6,7 & 8