

June 4, 2013

Dear Senator:

On behalf of the undersigned groups, we urge you to support the Cardin alternative (Amendment 1159) to the Grassley–Donnelly Amendments (Amendment 970, 1011, and 1097) to the Farm Bill (S. 954). The alternative we support would reinforce existing privacy protections for farmers and protect the ability of the public to access government information.

The Cardin alternative protects personal privacy and open government by reinforcing existing law. FOIA Exemption 6 already protects from public disclosure personal, private information of individuals. *See* 5 U.S.C. § 552(b)(6). Agencies routinely rely on exemption 6 to withhold email addresses, phone numbers, and other similar information of non-government individuals. Furthermore, the alternative preserves the FOIA’s balanced approach of weighing the public’s interest in disclosure against an individual’s privacy interests to determine whether disclosure is appropriate.

The proposed Grassley–Donnelly Amendment would eviscerate FOIA’s balanced approach, shielding from public view numerous types of information relating to owners and operators of livestock operations, regardless of the public interest at stake in disclosure. Additionally, although the proponents of the amendment argue that it is necessary to protect the personal, private information of people, the Grassley-Donnelly Amendment sweeps far more broadly. The amendment does not define “owners” or “operators,” and thus permits even the information of law-breaking large corporate operations to be kept from public view alongside the information of individuals and families. Congress has never extended FOIA’s privacy exemption to corporations and Congress must not do so now. The Grassley-Donnelly amendment is a step in the wrong direction.

We urge you to vote in FAVOR of the Cardin Amendment and vote AGAINST the Grassley–Donnelly Amendment. The alternative amendment reinforces protections for personal privacy, while protecting the FOIA. If you have any questions or would like to discuss this issue further, please contact Amy Bennett, Assistant Director of OpenTheGovernment.org, [abennett@openthegovernment.org](mailto:abennett@openthegovernment.org) or [202-332-6736](tel:202-332-6736)) or Angela Canterbury, Director of Public Policy for the Project on Government Oversight ([acanterbury@pogo.org](mailto:acanterbury@pogo.org), or [202-347-1122](tel:202-347-1122)).

Sincerely,

American Civil Liberties Union – ACLU

OpenTheGovernment.org

Center for Effective Government

Project On Government Oversight – POGO

Center for Science and Democracy, Union of  
Concerned Scientists

Public Citizen

Citizens for Responsibility and Ethics in  
Washington – CREW