



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

OFFICE OF THE CHAIRMAN

February 22, 2007

The Honorable Dianne Feinstein  
Chairman  
Senate Committee on Rules and Administration  
305 Russell Senate Office Building  
Washington, DC 20510

Dear Madam Chairman:

The FEC has received several inquiries regarding a factually incorrect report appearing on the Internet website PoliticalMoneyLine.com. The site alleges that the FEC's proposed changes to how it will handle requests for records protected by the Privacy Act will restrict Congressional access to FEC Inspector General reports. I want to assure you this report is both factually and legally incorrect, and that the FEC's proposed changes do not affect Congress' access to any documents.

The FEC is in the process of routinely updating its Privacy Act notices to conform to changes in the law since these notices were last revised. The notice at issue here is the first of these updates and applies to documents under the FEC Inspector General's control. Under the Privacy Act, an agency is generally prohibited from disclosing any record pertaining to an individual without that individual's written consent. There are 12 exemptions to this general prohibition, one of which is for the "routine use" of documents. The Privacy Act provides a separate, specific exemption that permits the disclosure of documents to Congress. The notice at issue here merely describes when the "routine use" exemption applies, and does not alter the Privacy Act exemption permitting the disclosure of documents to Congress.

The likely source of confusion here is that one of the routine uses described in the FEC's notice concerns requests made by Members' offices in the course of constituent casework. Under this circumstance, the Members' office must provide written consent from the constituent for the release of these documents to be considered a "routine use" not subject to the Privacy Act. This interpretation of the routine use exemption is identical to the interpretation currently in place at several other agencies, and again, does not alter the separate exemption for the disclosure of documents to Congress.

I would like to assure you that the FEC remains committed to fully cooperating with Congress in its oversight functions. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Lenhard". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Lenhard".

Robert D. Lenhard  
Chairman