



September 19, 2013

Mr. Robb Shecter

SUBJECT: FOIA Request 2013-FPRO-00974

Dear Mr. Shecter:

Congress enacted the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to permit a "policy of broad disclosure of government documents in order to ensure 'an informed citizenry, vital to the functioning of a democratic society.'" In enacting the statute, Congress also recognized that "legitimate governmental and private interests could be harmed by release of certain types of information." Accordingly, Congress crafted nine exemptions to FOIA.

The United States Postal Service is "an independent establishment of the executive branch" of the government, created by the Postal Reorganization Act, 39 U.S.C. §§ 101, et seq., and directed to conduct its operations in accordance with sound business principles. While it is generally subject to the requirements imposed by the FOIA, 39 U.S.C. § 410(b)(1), subsection (c)(2) of section 410 provides, however, that subsection (b)(1) does not require the disclosure of "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed."

I have determined that the information you have requested is commercially sensitive, proprietary business information that is protected by FOIA Exemption 3 and 39 U.S.C. §§ 410(c)(2). In determining whether Exemption 3 applies, the statutory term "good business practice" is interpreted with reference to normal practices of private sector businesses. Private sector firms are not governed by the FOIA and are not required to respond to FOIA requests from the public for information they make commercially available as part of their routine business practice. Given that the information you have requested is available to anyone in the public wishing to purchase this data, releasing "information of a commercial nature" that would not likely be released by private businesses would not be considered a "good business practice". Therefore, the conditions stated in 39 U.S.C. § 410(c)(2) that allows withholding the information requested based on the "information of a commercial nature" test are met.

The information you have requested is contained in our City/State Product. If you have an interest in purchasing this product, please call the National Customer Support Center at 800-331-5746 for assistance.

You have the right to appeal this denial of your request by writing to the General Counsel, U.S. Postal Service, Washington, DC 20260-1100, within 30 days of the date of this letter. The letter of appeal should include statements concerning this response, the reasons why it is believed to be erroneous, and the relief sought, along with copies of the original request, this letter, and any other related correspondence.

Sincerely,

James D. Wilson
Manager, Address Management

cc: Records Office

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