



# U.S. MERIT SYSTEMS PROTECTION BOARD

Office of the Chairman  
1616 M Street, NW  
Washington, DC 20419-0002

Chairman

**JAN 17 2007**

Joseph Carson  
10953 Twin Harbour Dr.  
Knoxville, TN 37934

Dear Mr. Carson:

I received your Freedom of Information Act (FOIA) appeal dated December 9, 2006, on December 18, 2006. This letter addresses your appeal.

In your December 1, 2006 letter to the Clerk of the Merit Systems Protection Board, you requested information regarding the Board's activities under 5 U.S.C. § 1204(a)(3). That provision authorizes the Board to conduct special studies of the civil service and other merit systems and "report to the President and to the Congress as to whether the public interest in a civil service free of prohibited personnel practices is being adequately protected." The Clerk of the Board responded to your request by providing you the World Wide Web address for the Board's Office of Policy and Evaluation's list of special reports and studies. The Clerk also provided you a copy of the list of reports.

In your appeal to me, you complain that "none of the reports cited in the response to [your] FOIA request" meet the statutory requirement that the Board report on whether "the public interest in a civil service free of prohibited personnel practices is being adequately protected." You also state that the Clerk of the Board did not address all of the specific requests for information in your December 1, 2006 FOIA request. You then ask that I state my opinion as to "whether the public interest in a civil service free of prohibited personnel practices is being adequately protected."

The purpose of the FOIA is to allow public access to existing government information. The Act does not require government agencies to render opinions or to provide explanatory information. Accordingly, there is no basis in the FOIA for your request that I provide my opinion regarding "whether the public interest in a civil service free of prohibited personnel practices is being adequately protected."

As the Clerk of the Board informed you, the Board has conducted numerous special studies on the state of the civil service. Those special studies each address

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RONALD MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

EX 4-1

important aspect of whether the public interest in a merit based civil service is being protected. As noted above, you were informed how to obtain copies of those studies. I have reviewed your FOIA request and agree with the Clerk of the Board that the provided material is responsive to your request. There are no other Board records responsive to your request.

This is the Board's final decision in this FOIA appeal. You have the right to seek judicial review of this decision in an appropriate United States District Court pursuant to 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Neil A. G. McPhie

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4-2