

SUPPLY MANAGEMENT



May 3, 2018

Zachary Mundy  
BEP Program Manager  
State of California Department of Rehabilitation  
721 Capitol Mall  
Sacramento, CA 95961

RE: FOIA Case No. 2018-FPRO-00751

Dear Mr. Mundy:

This is in response to your Freedom of Information Act (FOIA) request dated April 12, 2018 to the United States Postal Service which you request the following documents:

1. The current contract between USPS and National Vending applicable to vending machine services in California;
2. A list of post offices in California, staffed with one or more USPS employees;
3. The number of employees in each post office location in California;
4. The locations of post offices with vending machines in California;
5. The number of vending machines at locations of post offices with vending machines in California;
6. The income USPS received from vending machines in California for the most recent federal fiscal year for which data is available;
7. All other financial information USPS possesses on the individual locations such as gross receipts, cost of goods, contract fees, and other financial information;
8. The point of contact for each post office location to find out information about the location.

Under the FOIA, 5 U.S.C. § 552, agencies are required to produce records responsive to a request in accordance with statutory time frames, subject to certain exemptions. The FOIA provides nine exemptions under which records or portions of records may be withheld from public disclosure. 5 U.S.C. §§ 552(b)(1) – (9).

Your request was forwarded to the Vice President, Employee Resource Management to respond to items 2 and 3 of your request and the Vice President, Supply Management to respond to the remaining items. On behalf of the Vice President, Supply Management, attached, please find a copy of the contract awarded to National Vending with regards to vending machine services in California. Of the 31 pages of responsive records, 23 pages are being released to you in its

entirety and 8 pages contain deletions pursuant to FOIA Exemptions 3, 4 and 6. 5 U.S.C. §§ 552 (b)(3), (b)(4) and (b)(6).

Also included in the attached is a list of the post offices with vending machines in California and the number of machines at each location. The total reported sales between 4-1-2017 to 3-31-2018 was \$76,293. With regards to the specific financial information such as income received, cost of goods and gross receipts are exempt from disclosure and is being withheld in its entirety pursuant to FOIA Exemptions 3 and 4. 5 U.S.C. §§ 552 (b)(3) and (b)(4). In response to item 8 of your request, the point of contact information regarding each post office location is not retained therefore, there are no records in response to this item of your request.

FOIA Exemption 3 applies to information that is exempt from disclosure under another federal statute; e.g., the Postal Reorganization Act (39 U.S.C. § 410(c)). Section 410(c)(2) of Title 39, U.S. Code, provides that "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" is exempt from the disclosure requirements of the FOIA. 5 U.S.C. § 552(b)(3). Applying Section 410(c)(2), we submit that it would not be good business practice to release commercially-sensitive, business information. Section 410(c)(2) protects not only commercial records generated by the Postal Service, but also information "obtained from a person outside the Postal Service."

FOIA Exemption 4 permits agencies to withhold "trade secrets and commercial or financial information obtained from a person that is privileged or confidential" such as a supplier or customer. We consider that public release of commercially sensitive, proprietary business information could seriously impair the Postal Service's ability to obtain necessary information in the future and would likely also harm the suppliers competitively positions. Private sector businesses do not disclose such information in good business practice; rather, it is considered sensitive commercial information.

FOIA Exemption 6 permits an agency to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." We do not consider that there is a public interest in the disclosure of this type of information sufficient to outweigh the privacy interests of the individuals involved.

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel U.S. Postal Service 475 L'Enfant Plaza SW Washington, DC 20260 or via email at [FOIAAppeal@usps.gov](mailto:FOIAAppeal@usps.gov). Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

- (1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
- (2) The FOIA tracking number assigned to the request;
- (3) A statement of the action, or failure to act, from which the appeal is taken;
- (4) A statement identifying the specific redactions to responsive records that the requester is challenging;
- (5) A statement of the relief sought; and
- (6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the following:

- Name of agency official and/or FOIA Coordinator that processed your request:

SUPPLY MANAGEMENT INFRASTRUCTURE  
US POSTAL SERVICE  
475 L'ENFANT PLAZA SW, ROOM 1141  
WASHINGTON, DC 20260-6201  
Phone: (202) 268-6800  
Assistant FOIA Coordinator: Sereena Bush, Program Analyst  
Email: [sereena.s.bush@usps.gov](mailto:sereena.s.bush@usps.gov)

- FOIA Requester Service Center:

PRIVACY & RECORDS OFFICE  
US POSTAL SERVICE  
475 L'ENFANT PLAZA SW RM 1P830  
WASHINGTON DC 20260-1101  
Phone: (202) 268-2608  
Fax: (202) 268-5353

- FOIA Public Liaison: Jane Eyre (Can be contacted at the above Requester Service Center address and phone number)

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Thank you for your interest in the United States Postal Service.

Sincerely,

*Sereena S. Bush*

Sereena Bush  
Assistant FOIA Coordinator

Attachment