**Response to Request for Information**

*Note: Local Supplemental Agreements, Memoranda of Understanding, or established past practice may contain additional requirements that must be followed. This template ensures compliance with the Federal Service Labor-Management Relations Statute. Please consult the applicable master agreement for additional requirements, including timelines.*

*5 U.S.C. 7114 (b)(4) requires agencies:*

*to furnish to the exclusive representative involved, or its authorized representative, upon request and, to the extent not prohibited by law, data—*

*(A) which is normally maintained by the agency in the regular course of business;*

*(B) which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining; and*

*(C) which does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining;*

*Black font is template language; language in blue font is provided as an example.*

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| ***Suggested format:*** | ***Guidance:*** |
| [*Name and Union position title*]  [*Union and Local number*] | *The response should be addressed to the union official who sent the request.* |
| Subject: Agency Response to Union Request for Information |  |
| 1. On [*date*], [*Union name and local number*] requested the following information from management:  * [*Request #1*] * [*Request #2*] * [*Request #3*] * Etc. | *List the requested information, data, or documents. Include details such as the time periods encompassed by the request and whether personal identifiers are being requested.*  *In this response, you must address each requested item. Adjust the template as necessary.* |
| 1. Disclosure of [*name of requested item*] is prohibited by law. [e.g., Performance appraisals are contained in a system of record and are protected by the Privacy Act. Employees have a significant privacy interest in the protection of possibly derogatory information concerning the performance of their duties.] | *Include this paragraph only if disclosure of the requested information is prohibited by law. Explanation must be provided.*  *Remember: Information normally protected by the Privacy Act may often be disclosed if it is first redacted. Consult your Privacy Officer as necessary.* |
| 1. [*Name of requested item*] is not normally maintained by the agency in the regular course of business. [e.g., The Office of the Inspector General is an independent entity, and its records are not within the possession of the agency.] | *Include this paragraph only if the union is requesting information that is not in the agency’s possession. Explanation must be provided.* |
| 1. [*Name of requested item*] is not reasonably available. [e.g., The requested information constitutes approximately 5,000 documents, none of which are stored electronically. It is estimated that it would take ten employees working full-time on this request a minimum of one week to locate, copy, redact, and submit the information. The labor costs alone would be over $10,000.] | *Include this paragraph only if the union is requesting information that is not reasonably available – i.e., available only through extreme and excessive means. Explanation must be provided and should, when possible, cite the time and expense of complying with the request.* |
| 1. [*Name of requested item*] constitutes guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining. [e.g., The emails exchanged by the Director and Human Resources in preparation for negotiations are protected under the Statute and may not be disclosed.] | *Include this paragraph only if the union is requesting information that constitutes guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining. Explanation must be provided.* |
| 1. The union has failed to articulate particularized need. [e.g., It is unclear from this request why awards data is necessary for the union to perform its representational duties, or what the information will be used for.] | *Include this paragraph only if the union has failed to articulate particularized need. Specifically, for each document requested, the union must state what it is requesting, why it needs the information, and how it will use the information.* |
| 1. The agency has a countervailing interest in protecting [*name of requested item*]. [e.g., Providing evidence that has been gathered during an investigation that is not yet complete interferes with management’s ability to conduct a proper investigation.] | *In some cases, even when the union has submitted a request for information that fully complies with Statutory requirements, management has an interest in protecting that information. Include this paragraph only if the agency has a countervailing interest in withholding the information.* |
| 1. Other potential responses:   This request lacks clarity. Management is unable to determine what information, data, or documents are being requested. Please clarify your request and it will be properly considered.  While management is unable to provide the requested information with the inclusion of personally identifiable information, it can be provided in a redacted format. Please confirm that sanitized information is acceptable, and it will be provided.  The requested information is attached. Please let me know if I can be of further assistance. | *Information requests must be considered on a case-by-case basis. A response not covered by this template may sometimes be necessary.* |
| *Signature of designated management official* |  |