



Department of Energy
Washington, DC 20585

WEATHERIZATION PROGRAM NOTICE 10-08
ISSUANCE DATE: FEBRUARY 1, 2010

SUBJECT: Weatherization Guidance on Maintaining the Privacy of Recipients of Services

PURPOSE: To issue guidance for the Low-Income Weatherization Assistance Program (WAP) on maintaining the privacy of recipients.

SCOPE: This guidance is provided to States or other entities named in the Notification of Grant Award as the recipients of financial assistance under the WAP, including the recently added Territories.

LEGAL AUTHORITY: Title IV, Energy Conservation and Production Act, as amended, authorizes DOE to administer the WAP. All grant awards made under this Program shall comply with applicable law including the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, the American Recovery and Reinvestment Act (ARRA) of 2009 and regulations contained in 10 CFR Part 440, 10 CFR Part 600 and other procedures applicable to this regulation as DOE may, from time-to-time, prescribe for the administration of financial assistance.

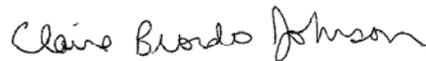
BACKGROUND: States receiving funds under WAP have been receiving numerous requests for information regarding the implementation of programs funded through the ARRA. The information requests range from informal inquiries by local elected officials and other community leaders to requests for specific information about recipients from local and regional press outlets. Due, in part, to the increased levels of funding for the WAP - \$5 billion over three years – we anticipate that there will be a number of similar such requests. Therefore, the Department has concluded that it would be prudent to provide guidance for responding to such requests.

POLICY: DOE adheres to the transparency requirements placed on these and other government financial assistance programs instituted by the Administration. DOE will work diligently with any state WAP or local service provider to gather the required information and provide it to the requestor. However, the DOE must comply with all requirements on the Government to protect the privacy interests of individuals who participate in these financial assistance programs.

In accordance with 10 CFR 600.153(f), *Retention and access requirements for records*, “Unless required by statute, DOE shall place no restrictions on recipients that limit public access to the records of recipients that are pertinent to an award, *except when DOE can*

demonstrate that such records shall be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to DOE.” (emphasis added) DOE would be legally required, pursuant to 5 U.S.C. 552(b)(6), of the Freedom of Information Act, to keep confidential any specifically identifying information related to an individual’s eligibility application for WAP, or the individual’s participation in WAP, such as name, address, or income information. Thus, states and local service providers should extend that same protection to their client records for WAP. States may release information about recipients in the aggregate and which does not identify specific individuals. For example, information on the number of recipients in a county, city or a zip code does not compromise the privacy of the recipients.

CONCLUSION: Please do not hesitate to contact your Project Officer in the appropriate Project Management Center or Robert Adams at DOE Headquarters if you have questions regarding this issue. As always, thanks for everything you do for the WAP and the citizens you serve. Because of your efforts Weatherization Works!



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