



**FLRA.GOV**  
Federal Labor Relations Authority

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# Requests for Information

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*The Federal Service Labor-Management  
Relations Statute*

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# INFORMATION

- Section 7114(b)(4) of the Statute provides that the duty of an agency to negotiate in good faith shall include the obligation to furnish the exclusive representative, upon request and, to the extent not prohibited by law, data, which is:
    - Normally maintained by the agency in the regular course of business;
    - Reasonably available; and
    - Necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining;
    - And does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to bargaining.
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# NORMALLY MAINTAINED

- Data is normally maintained if the agency
  - Possesses and maintains the data
  - In the regular course of business
  - Has the information within its control

*FDA, Mid-Atlantic Region, Phila., Pa.*, 48 FLRA 424 (1993); see also *U.S. DOJ, Wash., D.C., et.al.*, 46 FLRA 1526 (1993); *Dep't of HHS, SSA, Balt., Md. & SSA, New Bedford Dist. Office, New Bedford, Mass.*, 37 FLRA 1277 (1990).

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# REASONABLY AVAILABLE

- Data is not “reasonably available” if it is only available through extreme or excessive means.
    - *Fed. Bureau of Prisons, Wash., D.C.*, 55 FLRA 1250 (2000); *Dep’t of HHS, SSA*, 36 FLRA 943 (1990).
  - Data must exist
    - Agency is not required to create data;
    - However, agency may be required to create documents from existing data
      - (e.g., from computer database. See *Dep’t of the Air Force, Hdqts., Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio*, 28 FLRA 306 (1987), *rev’d on other grounds, FLRA v. Dep’t of the Air Force*, No. 87-1387 (D.C. Cir. Aug. 9, 1990)).
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# NECESSARY

- Necessary for full and proper discussion, understanding, and negotiation of collective bargaining subjects

*IRS, Wash., D.C. & IRS, Kan. City Serv. Ctr., Kan. City, Mo., 50 FLRA 661 (1995).*

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# NECESSARY

- All aspects of the union's "representational responsibilities" under the Statute
  - Filing a grievance *Health Care Financing Admin.*, 56 FLRA 503 (2000).
  - Contract negotiations *NLRB v. FLRA*, 952 F.2d 523 (D.C. Cir 1992).
  - Contract administration *NLRB v. FLRA*, 952 F.2d 523 (D.C. Cir 1992).

*NATCA, MEBA/AFL-CIO, RDU Local*, 55 FLRA 254 (1991).

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# PARTICULARIZED NEED

- To determine if requested data is “necessary,” the Authority uses the “particularized need” standard
  - A union satisfies the particularized need standard by:
    - Articulating, with specificity, why it needs the requested information, including the uses to which the union will put the information and the connection between those uses and the union’s representational responsibilities under the Statute.
- IRS, Wash., D.C. & IRS, Kan. City Serv. Ctr., Kan. City, Mo., 50 FLRA 661 (1995).*
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# PARTICULARIZED NEED

- Union must state, with specificity
  - Why it needs the data
  - How it will use the data
  - How the data's use relates to the union's representational responsibilities under the Statute

*U.S. Customs Serv., S. Cent. Region, New Orleans District, New Orleans, La., 53 FLRA 789 (1997); Dep't of HHS, SSA, N.Y. Region, N.Y., N.Y., 52 FLRA 1133 (1997); U.S. DOL, Wash., D.C., 51 FLRA 462 (1995).*

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# PARTICULARIZED NEED

- Conclusory statements or bare assertions that data is relevant are not sufficient.
- Explanation must be sufficient to enable agency to make reasoned judgment whether the data must be disclosed.

*IRS, Wash., D.C. & IRS, Kan. City Serv. Ctr., Kan. City, Mo., 50 FLRA 661 (1995).*

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# SCOPE OF REQUEST

- Union may be required to specify
  - Type of data requested
  - Time period (e.g., weeks, months, years) for which the data is requested
  - Organizational area (e.g., department, region, office) for which the data is requested

*U.S. Customs Serv., S. Cent. Region, New Orleans Dist., New Orleans, La., 53 FLRA 789 (1997).*

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# AGENCY RESPONSE

- Agency must:
    - Respond to information request  
*SSA, Balt., Md. & SSA, Office of Hearings & Appeals, Kan. City, Mo., 60 FLRA 674 (2005).*
    - Inform union if requested information does not exist  
*SSA, Dallas Reg. Dallas, Tex., 51 FLRA 1219 (1996).*
    - Articulate any countervailing non-disclosure interests  
*DOJ, Fed. Bureau of Prisons, FCI, Forrest City, Ark., 57 FLRA 808 (2002).*
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# PRIVACY ACT

- Information is not releasable if release would violate the Privacy Act

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- Documents may be sanitized to permit disclosure

*U.S. DOJ, Fed. Bureau of Prisons, Fed. Detention Ctr., Houston, Tex., 60 FLRA 91 (2004); U.S. Dep't of VA, VA Med. Ctr., Dallas, Tex., 51 FLRA 945 (1996).*

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