

CASE DIGEST: *SSA, Off. of Hearing Operations, Balt., Md*, 74 FLRA 346 (2026)
(Member Wagner concurring)

The Agency informed the Union that it would no longer allow the Union access to Agency files containing personally identifiable information for representational purposes, claiming the Privacy Act barred such disclosures. The Union grieved, asserting the change violated the Federal Service Labor-Management Relations Statute (the Statute). The Arbitrator sustained the grievance and directed the Agency to return to the status quo ante. Alternatively, if the Authority found the status quo ante conflicted with the Privacy Act, then the Arbitrator directed the Agency to bargain over the impact and implementation of the change. On exceptions, the Agency challenged both the finding of a statutory violation and the remedy as contrary to the Privacy Act. Because the Agency failed to show that the Privacy Act prohibits disclosures for representational purposes, the Authority upheld the Arbitrator's finding of an unfair labor practice. However, the Authority set aside the status quo ante remedy because it required access beyond what the Statute requires and, thus, did not fall within the "need-to-know" exception of the Privacy Act.

Member Wagner concurred, emphasizing that this decision involves only the Privacy Act's need-to-know exception and does not concern the Union's ability to obtain personally identifiable information under another applicable exception.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.