

Federal Housing Finance Board

§ 904.2

Regulatory Agencies.

904.9 Records of Financial Regulatory Agencies held by Federal Housing Finance Board.

904.10 Service of process.

AUTHORITY: 5 U.S.C. 552, 12 U.S.C. 1422b(a)(1).

SOURCE: 58 FR 19198, Apr. 13, 1993, unless otherwise noted.

§ 904.1 Purpose and scope.

(a) This part implements section 552 of title 5, United States Code, that requires the Federal Housing Finance Board to issue regulations informing the public of the places at which, the officers from whom, and the methods by which the public may request records, and to set a uniform schedule of fees for obtaining records.

(b) Any action or determination required or permitted by this part to be performed by the Finance Board, Executive Secretary or General Counsel may be delegated to another responsible agency officer or employee specifically designated for that purpose.

§ 904.2 Definitions.

As used in this part:

Commercial use request means a request from, or on behalf of, a requester seeking information for a use or purpose that furthers the commercial, trade or profit interest of the requester or ultimate user.

Direct costs means the expenditures actually incurred by the Finance Board in searching for, duplicating (and in the case of commercial use requests, reviewing) records in response to a FOIA request, including the time spent by Finance Board employees performing the work and the cost of operating duplicating equipment.

Duplication means the process of making a copy of a record necessary to respond to a FOIA request, including a paper copy, microfilm, audio-visual material, or magnetic tape or disc.

Educational institution means a public or private college or university, preparatory school, or similar accredited institution of professional or vocational education that operates a program or programs of scholarly research.

Executive Secretary means the Executive Secretary of the Federal Housing Finance Board.

Finance Board means the Federal Housing Finance Board.

Financial Regulatory Agency means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, The Federal Deposit Insurance Corporation or the National Credit Union Administration.

FOIA means the Freedom of Information Act.

Non-commercial scientific institution means a nonprofit institution operated solely for the purpose of conducting scientific research not intended to promote any particular product or industry.

Record means documentary material, regardless of physical form, that is made or received by the Finance Board under Federal law or in connection with the transaction of public business, is preserved or appropriate for preservation as evidence of agency activities or because of the value of the information it contains, and is under the Finance Board's control at the time a request is received.

Representative of the news media means a requester, as defined below, actively gathering information about current events of interest to the public for a publishing or broadcasting entity.

Requester means any person, including an individual, firm, corporation, organization, or other entity, making a request to the Finance Board for a record or records.

Review means the process of examining a record in response to a request to determine whether any portion thereof is permitted to be withheld, and includes processing any records for disclosure, such as redacting portions thereof, to ready them for disclosure to a requester. The term does not include the time spent by Finance Board staff resolving general legal or policy issues regarding the application of FOIA exemptions to the record.

Search means the time spent locating records in response to a request, including page-by-page or line-by-line identification of information requested within a record, performed by Finance

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Board staff manually or by computer using existing programming.

§ 904.3 Published information.

(a) FEDERAL REGISTER. As required by sections 552 and 553 of title 5 of the United States Code, the Finance Board publishes in the FEDERAL REGISTER for the guidance of the public:

- (1) A description of its organization;
- (2) Statements of the general course and methods by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;
- (3) Rules of procedure, descriptions of available forms and where they may be obtained, and instructions as to the scope and contents of all papers or reports;
- (4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Finance Board;
- (5) Every amendment, revision, or repeal of the foregoing; and
- (6) General notices of proposed rule-making.

(b) *Annual Report*. The Finance Board submits an Annual Report to Congress pursuant to section 2B(d) of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1422b(d)). It is available to the public after its submission.

(c) *Other published information*. From time to time, the Finance Board provides information to the press regarding statements of policy, actions with respect to certain types of applications, and other matters.

(d) *Access to published information*. The publications referred to in paragraphs (b) and (c) of this section may be examined and, if available, copies may be obtained at the address set forth in § 904.5(b)(1).

§ 904.4 Records available to public.

(a) *General*. It is the policy of the Finance Board to provide as promptly and reasonably as possible all information, documents and records requested of the agency subject to the limitations stated in § 904.7 and 904.9. Information customarily furnished to the public in the regular course of the performance of official duties may con-

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tinue to be furnished to the public without complying with this part, provided that the furnishing of such information would not violate the Privacy Act of 1974, 5 U.S.C. 552a, and would not be consistent with other subparts of this part. To the extent permitted by other laws, the Finance Board also will consider making available records that it is permitted to withhold under the FOIA, if it determines that such disclosures would be in the public interest.

(b) *Available records*. Subject to § 904.7, the Finance Board makes available for inspection and copying:

(1) All final opinions by the Finance Board made in the adjudication of cases;

(2) Statements of policy and interpretations adopted by the Finance Board, not published in the FEDERAL REGISTER; and

(3) Administrative manuals and regulations that affect any member of the public. To the extent required to prevent a clearly unwarranted invasion of personal privacy, however, the identifying details in any material of the kinds described above may be deleted.

(c) *Votes of Finance Board members*. Subject to the provisions of § 904.7, a record of the final votes of each member of the Finance Board in any proceeding is available for public inspection.

§ 904.5 Procedure for requesting records.

(a) *General*. Requests for access to, or copies of, Finance Board records shall be in writing and describe the information or records requested in a manner reasonably sufficient to identify them. The request shall state that it is being made pursuant to the FOIA, and shall state the full name and address of the requester. The request also may specify a dollar limit which the requester is willing to pay for the costs of searching, reviewing or duplicating, and the Finance Board will limit its search, review or duplication of the record to the dollar amount specified in the request.

(b) *Initial determination*. (1) All requests to access or to copy Finance Board records shall be in writing and addressed to the Executive Secretary, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006.