

### § 904.3

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.

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(2) If it is determined that a request does not reasonably describe the records sought, the Executive Secretary shall advise the requester that additional information is needed.

(3) The Executive Secretary shall forward any request for records made under this section to the appropriate Finance Board administrative unit that has custody of the requested record. Such unit will recommend whether to grant or deny the request for records promptly after receipt from the Executive Secretary of a written request for records that complies with paragraphs (a) and (b) of this section.

(4) All approvals or denials of requests for records under this part shall be in writing and signed by the Executive Secretary, or the Executive Secretary's designee, within ten days (except Saturdays, Sundays or Federal Government holidays) after receipt of the request by the Executive Secretary. Records will be disclosed after a party either pays the fees specified in § 904.6(1) or agrees to do so.

(5) All denials sent by the Executive Secretary to the requester shall:

(i) State whether the denial is in part or in whole;

(ii) State, briefly the reasons therefor; and

(iii) Inform the requester that the denial is not a final agency action and may be appealed under paragraph (c) of this section.

(c) *Appeal.* (1) A requester may appeal a denial of a request for records under paragraph (b) of this section by mailing an appeal to the Executive Secretary at the address set forth in paragraph (b)(1) of this section, within 30 days (except Saturdays, Sundays or Federal Government holidays) of the date of written notification of the denial.

(2) The appeal shall be by written application addressed to the Finance Board and shall state the grounds therefor.

(3) The Finance Board, or designee, shall determine whether to grant the appeal or uphold the initial determination within 20 days (excluding Saturdays, Sundays or Federal Government holidays) after receipt of the application by the Executive Secretary. If the initial determination is upheld in whole or in part, the Executive Sec-

retary, on behalf of the Finance Board, will notify the requester in writing of the decision, the name of the official responsible for the decision, and of the provisions for judicial review of the final action under 5 U.S.C. 552(a)(4).

(d) *Appeal during pendency of judicial review.* If a suit is brought in a United States district court under 5 U.S.C. 552(a)(4) after the Executive Secretary has denied a request for Finance Board records but before the Finance Board, or its designee, has ruled on the appeal, the Finance Board, or its designee, may at its option:

(1) If an appeal has been made, continue to process the appeal; or

(2) If an appeal has not been made, decide on its own to initiate an appeal.

(e) *Time computation*—(1) *Agency.* For the Finance Board, the time limits in §§ 904.5 (b)(4) and (c)(3) with respect to initial determinations or appeals shall begin as of the date on which a reasonably described, written request for records, or a written application on appeal, is actually received by the Executive Secretary.

(2) *Requester.* For a requester making an appeal, the time limits in § 904.5(c)(1) with respect to an appeal shall begin three working days after the date of the initial determination.

(f) *Extension of time.* (1) The Executive Secretary may extend the time limits prescribed in §§ 904.5 (b)(4) and (c)(3) for not more than ten working days by written notice to the requester, giving the reasons for the extension and a new date for the determination or appeal decision.

(2) Extensions may be granted for:

(i) The need to search for and collect the requested records from establishments other than the Finance Board;

(ii) The need to search, collect and examine a large amount of separate and distinct records demanded by a single request;

(iii) The need to consult with another executive department or agency having substantial interest in the outcome of the request or appeal.

### § 904.6 Fees for records disclosed.

(a) *General statement.* In accordance with this section, the Finance Board shall recover the full allowable direct