

## Federal Housing Finance Board

## § 909.9

these regulations, shall charge a fee of \$0.10 per page for duplicating, unless:

(a) The Finance Board determines that it shall grant access to the record only by making a copy thereof;

(b) The total fee will not exceed \$2.00; or

(c) The Finance Board determines, in its sole discretion, that a reduction or waiver of the fees is warranted for good cause.

### § 909.8 Penalties.

Subsection (i)(3) of the Privacy Act of 1974 (5 U.S.C. 552a(i)(3)) imposes criminal penalties for obtaining Finance Board records on individuals under false pretenses. It provides as follows:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretense shall be guilty of a misdemeanor and fined not more than \$5,000.00.

### § 909.9 Exemptions.

The following information is exempt from disclosure:

(a) The Office of Inspector General Investigative Files system of records is exempt from all sections of the Privacy Act (5 U.S.C. 552a) except the following: (b) relating to conditions of disclosure; (c) (1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4) (A) through (F) relating to publishing a system notice setting forth name, location, categories of individuals and records, routing uses and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e) (6), (7), (9), (10) and (11) relating to dissemination and maintenance of records, and relating to criminal penalties. This system of records is also exempt from §§ 909.3, 909.4, 909.5 (a) and (c) (3) and (4), and 909.6 of this part. This exemption applies to those records and information contained in the system of records pertaining to the enforcement of criminal laws.

(b) To the extent that there may exist within this system of records and investigative files compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act, the Inspector General Investigative Case Files sys-

tem of records is exempt from the following sections of the Privacy Act (5 U.S.C. 552(a)): (c)(3) relating to access to the disclosure accounting, (d) relating to access to records, (e)(1) relating to the type of information maintained in the records; (e)(4) (G), (H) and (I) relating to publishing the system notice information as to agency procedures of access and amendment and information as to the categories of sources or records, and (f) relating to developing agency rules for gaining access and making corrections. This system of records is also exempt from §§ 909.3, 909.4, 909.5 (a) and (c)(3), and 909.6 of this part.

(c) Reason for exemptions.

(1) The Office of Inspector General is a component of the Finance Board which performs, as its principal function, activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2). This exemption applies only to those records and information contained in the system of records pertaining to criminal investigations. This system of records is exempt for one or more of the following reasons:

(i) To prevent interference with law enforcement proceedings.

(ii) To avoid unwarranted invasion of personal privacy by disclosure of information about third parties, including other subjects of investigation, investigators, and witnesses.

(iii) To protect the identity of Federal employees who furnish a complaint or information to the Office of the Inspector General, consistent with section 7(b) of the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

(iv) To protect the confidentiality of non-Federal employee sources of information.

(v) To assure access to sources of confidential information, including those contained in Federal, State and local criminal law enforcement information systems.

(vi) To prevent disclosure of law enforcement techniques and procedures.

(vii) To avoid endangering the life or physical safety of confidential sources and law enforcement personnel.

(2) Investigative records within this system of records which are compiled for law enforcement purposes, other