

§ 171.24 Challenges to classification.

(a) A government employee, who has reasonable cause to believe that a document is classified unnecessarily, improperly, or for an inappropriate period of time, is encouraged to and shall have the right to challenge such classification.

(b) The challenger shall prepare a statement giving the reasons to support such a challenge, and may submit a request to the office or bureau of origin for a review of the document under the mandatory declassification procedures of the agency, expect that the agency shall reach a determination in 30 days instead of 60 days. If the reviewing office or bureau agrees with the challenger, rectifying changes shall be made on the face of the document. The office of the record holder and other holders should be notified of the changes to the extent practicable. If the reviewing office disagrees with the challenger, the challenger may appeal within 60 days to the Chairman of the Appeals Review Panels, who shall obtain a decision from one of the Panels, within 30 days of receipt of the appeal.

(c) If the challenger wishes to remain anonymous, an officer designated by the chairman of the Appeals Review Panels shall act as the challenger's agent.

§ 171.25 Former Presidential appointees.

(a) Former Presidential appointees may have access to those documents (classified and unclassified) they originated, reviewed, or signed only while serving as Presidential appointees. Requests should be submitted in writing to the Information and Privacy Coordinator and should include a general description of the records and the time period covered by the request. Access shall be granted under the following conditions:

(1) The Department must first determine that granting access to the requested material is consistent with the interests of national security;

(2) The former Presidential appointee must agree in writing to safeguard the information from unauthorized disclosure;

(3) The former Presidential appointee must submit a statement authorizing

the Department to review any notes and manuscripts to determine that they contain no classified information;

(4) The information may not be further disseminated without the express permission of the Department;

(5) If the former Presidential appointee uses a research assistant, this person must also meet all of the above conditions. Such a personal assistant must be working for the former Presidential appointee and not gathering information for publication on her or his own.

(b) If the access requested by former Presidential appointees requires services for which fair and equitable fees may be charged pursuant to title 5 of the Independent Offices Appropriations Act, 65 Stat. 290, 31 U.S.C. 483a (1976), the requester shall be so notified and the fees may be charged pursuant to that Act; the requester shall be so notified and the fees may be imposed.

§ 171.26 Exemptions.

(a) Information less than 10 years old which was originated by the President, by the White House staff, or by committees or commissions appointed by the President, or by other action on behalf of the President, is exempted from mandatory review for declassification. Requests for mandatory review of information more than 10 years old of the origin described shall be processed in accordance with procedures developed by the Archivist of the United States. These procedures will provide for consultation with agencies having primary subject matter interest, who will provide the Archivist their recommendations as to the disposition of the request. Any decision by the Archivist may be appealed to the Director of the Information Security Oversight Office. Agencies with primary subject matter interest will be notified promptly of the Director's decision on such appeals and may further appeal to the National Security Council. The information shall remain classified until the appeal is decided or until one year from the date of the Director's decision, whichever comes first.

(b) The Freedom of Information and Privacy Acts exemptions and any other exemptions under applicable law may be invoked by the Department to deny

material on grounds other than classification.

Subpart D—Privacy Provisions

§ 171.30 Definitions.

As used in this subpart, the following definitions shall apply:

(a) The term *Department* means the Department of State, its offices, bureaus, divisions, field offices, and its overseas posts.

(b) The term *individual* means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) The term *maintain* includes maintain, collect, use or disseminate.

(d) The term *record* means any item, collection, or grouping of information about an individual that is maintained by the Department, including, but not limited to education, financial transactions, medical history, and criminal or employment history that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

(e) The term *system of records* means a group of any records under the control of the Department from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

(f) The term *statistical record* means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 13 U.S.C. 8.

(g) The term *routine use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) The term *amend* means to make any correction to any portion of the record which the individual believes is not accurate, relevant, timely, or complete.

(i) The term *personnel record* means any personal information maintained in a system of records as defined in paragraph (e) of this section that is

needed for personnel management programs or processes such as staffing, employee development, retirement, grievances, and appeals.

Rules and procedures promulgated by the Office of Personnel Management under the Privacy Act for personal records for which it has responsibility will be followed by the Department with regard to such records except when inconsistent with provisions of the Foreign Service Act.

§ 171.31 Identifying information.

All requests for access to a record or records must reasonably describe the system of records and the individual's record within the system in sufficient detail to permit identification of the requested record(s). System names, descriptions, and the identifying information required for each system are published in the Department's public notice of systems of records appearing in the FEDERAL REGISTER. As a minimum, requests should include the individual's full name (maiden name, if appropriate), present mailing address (including zip code), date and place of birth, and other information helpful in identifying the record. Helpful data includes circumstances which give the individual reason to believe that the Department of State maintains records under her/his name, as well as the approximate time period of the records. This information will facilitate the timely search of record systems and assist the Department in locating those records which actually pertain to the individual requester. In certain instances, it may be necessary for the Department to request additional information from the requester, either to ensure a full search or to ensure that a record retrieved does in fact pertain to the individual.

§ 171.32 Exemptions.

Portions of systems of records maintained by the Department are authorized to be exempted from a limited number of provisions of the Privacy Act. In utilizing these exemptions, however, the Department contemplates exempting only those portions of systems necessary for the proper functioning of the Department and which are consistent with the Privacy Act