

course of their official duties and/or under such officer or employee's control. Specific types of files, documents, records and items of information described herein are illustrative rather than exclusive. This part does not purport to describe or set forth every file, document, record or item of information which may or may not be disclosed or to incorporate every exemption from disclosure provided by law.

§ 706.13 Definitions.

(a) Except as may be otherwise provided in paragraph (b) of this section, all terms used in this part which are defined in the Freedom of Information Act, 5 U.S.C. 552 shall have the same meaning.

(b)(1) *Act* means the "Freedom of Information Act," as amended, 5 U.S.C. 552.

(2) *Business information* means trade secrets or confidential or privileged commercial or financial information obtained from any person, including but not necessarily limited to such information as is contained in individual case files relating to such activities as insurance, loans and loan guarantees.

(3) *Business submitter* means any person or entity which provides business information to the Corporation.

(4) *Commercial use request* refers to a request from or on behalf of one who seeks information for a use or purpose that is related to the commerce, trade, or profit interests of the requester or the person on whose behalf the request is made. The term *commercial use requester* refers to any person making a commercial use request. In determining whether a requester properly belongs in this category, the Corporation will determine the use to which a requester will put the documents requested. Where the Corporation has reasonable cause to doubt the use to which a requester will put records sought, or where that use is not clear from the request itself, the Corporation may seek additional clarification before assigning the request to a specific category.

(5) *Direct costs* means those expenditures which the Corporation actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond

to a request under the Freedom of Information Act.

(6) *Duplication* refers to the process of making a copy of a document available to the FOIA requester. Copies will be ordinarily in the form of a photocopy of the original document.

(7) *Educational institution* refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of vocational education, an institution of undergraduate higher education, an institution of professional education and an institution of vocational education, which operates a program or programs of scholarly research.

(8) *FOIA* means the Act.

(9) *Non-commercial scientific institution* refers to an institution that is not operated on a commercial basis and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(10) *Representative of the news media* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals, but only in those instances when they can qualify as disseminators of "news" who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but the Corporation may also look to

the past publication record of a requester in making this determination.

(11) *Review* refers to the process of examining documents located in response to a “commercial use request” under the Act (as the term “commercial use request” is defined in paragraph (b)(4) of this section) to determine whether any portion of any document located is permitted to be withheld. The term “review” includes processing any documents for disclosure, including doing all that is necessary to excise exempt portions and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(12) *Search* includes all time spent looking for material that is responsive to request, including a page-by-page or line-by-line identification of material within documents. Line-by-line search will not be done when duplicating an entire document would prove to be the less expensive and quicker method of complying with a request.

Subpart B—Procedures and Fees

§ 706.21 Information and records available to the public.

(a) *General.* Corporation information and records in existence which are not exempt from disclosure by law are available for public inspection and copying in the manner specified in § 706.23 of this part. A fee will be charged for the Corporation’s expenses incurred in searching for, reviewing, duplicating, tabulating and compiling such information and records in accordance with the charging system and schedule of fees set forth in § 706.26.

(b) *Materials available from the Office of Public Affairs.* For the convenience of the public, the following Corporation materials will be maintained and readily available from the Office of Public Affairs.

(1) Current issues of the Corporation’s annual report, which report ordinarily sets forth:

- (i) The names of recipients of Corporation insurance, loans, guarantees and other assistance during the fiscal year covered;
- (ii) The kind and amount of assistance provided;

(iii) The purpose of the approved assistance in general terms;

(iv) Statistical data on Corporation programs; and

(v) The audited financial statements of the Corporation.

(2) Pamphlets describing Corporation programs;

(3) Blank Corporation insurance forms currently in use; and

(4) Press releases.

(c) *Materials available from the Assistant General Counsel for Claims.* The Assistant General Counsel for Claims maintains public information files relating to the determination of claims filed under the Corporation’s political risk insurance contracts and a list of all claims resolved by cash settlements or guarantees. Public access to such public information files will be granted in accordance with the procedures described in § 706.23(b) of this part.

(d) *Materials available from the Corporate Secretary.* The Corporate Secretary maintains public information files containing the minutes of the public portions of the Board of Directors’ meetings, as well as the resolutions of the Board of Directors. Public access to such information will be granted in accordance with the procedures described in § 706.23(c) of this part.

§ 706.22 Information and records not generally available to the public.

(a) The following kinds of files, documents, records, and items of information, among others, are generally not available to the public:

(1) *Business information* as that term is defined in § 706.13(b)(2) of this part;

(2) Information provided in applications for political risk insurance, loans, loan guaranties and other Corporation assistance;

(3) Insurance policies, loan agreements and loan guarantee agreements relating to specific recipients of Corporation assistance;

(4) Information on declined, withdrawn or canceled applications for Corporation assistance;

(5) Inter-agency or intra-agency communications not routinely available to a party in litigation with the Corporation, including, among other things, memoranda between officials or agencies, Corporation staff memoranda,