

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,

opinions and interpretations prepared by Corporation attorneys or consultants, research studies performed internally or under contract for internal management purposes, and internal management reports; and

(6) Personnel files and related documents containing private or personal information.

(b) *Prohibition against disclosure.* Except as provided in Part 713 of this Chapter or by other law or regulation, no officer, employee or agent of OPIC shall disclose or permit the disclosure of any exempt records of OPIC or of any information described in paragraph (a) of this section to any person other than those OPIC officers, employees or agents properly entitled to such information for the performance of their official duties.

[53 FR 11993, Apr. 12, 1988, as amended at 64 FR 8241, Feb. 19, 1999]

**§ 706.23 Public access to information and records.**

(a) *Access to routinely available information.* Corporation facilities are available to the public between 8:45 a.m. and 5:30 p.m. (except for Saturdays, Sundays and official holidays) for obtaining copies of materials of the kind described in § 706.21(b). Persons wishing to obtain copies of such documents may request them by reporting in person to the Corporation receptionist, by telephoning the office of the Director of Public Affairs at (202) 457-7093 or by writing the Corporation to the attention of such officer.

(b) *Access to the public information files on claims.* Access by any member of the public to the Corporation's public information files on claim matters described in § 706.21(c) shall be granted by appointment only. Persons desiring such access may request an appointment by telephoning the Claims Assistant at (202) 457-7019 or by writing the Corporation to the attention of such officer. Although the Corporation will endeavor to grant an appointment at the time requested, some delay may be required at times because of the small size of the Corporation's staff. Persons desiring access to the public information files should seek an appointment at least twenty-four hours in advance.

(c) *Access to public information files on board matters.* Access by any member of the public to the Corporation's public information files described in § 706.21(d) shall be granted by appointment only. Persons desiring such access may request an appointment by telephoning the Corporate Secretary at (202) 457-7079 or by writing the Corporation to the attention of such officer.

(d) *Access to any records of the corporation not otherwise made available by the corporation to the public.* Access to records of the Corporation other than those described in paragraphs (b), (c), and (d) of § 706.21, or the duplication of such records, shall be granted only upon specific written request to the Corporation addressed to the Vice President, Office of Corporate Communications, which shall be deemed not to have been received until actual receipt thereof by such officer or his designee. Such request shall, to the extent required under the law, accurately describe the records as to which access or duplication is requested including, by way of example only, the subject matter, format, date, and where pertinent, the country, project or person involved. Any request which does not describe such records in sufficient detail to permit the staff of the Corporation promptly to locate them shall be deemed not to have been received by the Corporation until such time as the requester has clarified the request to meet this standard. The Corporation will make every reasonable effort by telephone or by letter to assist the person making the request to be more specific in describing the document or information sought.

**§ 706.24 Notification of corporation action.**

Persons making a request for disclosure normally will be notified of the availability of the material within ten working days after the date of receipt of the request. The information or records subject to release shall be made available promptly provided the requirements of § 706.26 regarding payment of fees are satisfied. Any denial of a request in whole or in part shall be made in writing and such notification