

determination, in cases of denials of an entire request, or from the date of receipt of any records being made available under an initial determination in cases of partial denials.

(c) *Form of appeal.* An appeal shall be by letter addressed to the Vice President & General Counsel, Overseas Private Investment Corporation, 1615 M Street, NW., Washington, DC 20527. The envelope and the letter setting forth the appeal shall be clearly marked in capital letters: FREEDOM OF INFORMATION ACT APPEAL. The letter shall reasonably describe the information or records requested and such other pertinent facts and statements as the appellant may deem appropriate. An appeal submitted in an envelope which is not addressed to the Vice President & General Counsel will not be deemed to have been received until such time as the appeal is forwarded to such officer.

(d) *Final corporation decision.* Final Corporation decisions on appeals from denials of requests for information or records shall be made in writing by the Vice President & General Counsel or his/her designee within twenty working days after the date of receipt of the request, unless an extension of up to ten working days has been deemed necessary in accordance with the procedures set forth in § 706.25 of this part. The 10-day extension may be applied to the response to the initial request or to the appeal, or to both, but in no event shall the extension exceed a total of ten working days. If the decision upholds the denial of the request, the appellant shall be notified in writing, which notice shall set forth the reasons for upholding the previous denial. If the Vice President & General Counsel or his/her designee acts favorably on the appeal, the information or records requested shall be made available promptly provided the requirements of § 706.26 regarding payment of fees are satisfied.

Subpart C—Rights of Submitters of Confidential Business Information

§ 706.31 Notification to submitters of business information.

(a) Except as provided in paragraph (c) of this section, the Director for

Public Affairs will promptly notify a “business submitter” (as that term is defined in § 706.13(b)(3) of this part) that a request for disclosure has been made for any “business information” (as that term is defined in Section 706(b)(2) of this part) provided by such submitter, and shall describe the nature and scope of the request and advise such submitter of its right to submit written objections in response to the request. Such notice of intent to disclose shall be made to the submitter in writing and shall state the intent of the Corporation to disclose the business information on the expiration of 10 working days from the receipt of the notice.

(b) The business submitter may, within 10 working days of the forwarding of the Corporation’s notification under paragraph (a) of this section, submit to the attention of the Director for Public Affairs, with copy to FOIA Counsel, written objection to the disclosure of the information requested, specifying the grounds upon which it is contended that the information should not be disclosed. In setting forth such grounds, the submitter shall specify to the maximum extent feasible the basis of its belief that the non-disclosure of any item of information requested is mandated or permitted by law. In the case of information which the submitter believes to be exempt from disclosure under subsection (b)(4) of the Act, the submitter shall demonstrate why the information is considered a trade secret or commercial or financial information that is privileged or confidential. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under the Act. The 10 working day period for providing the Corporation with a statement objecting to the disclosure of information encompassed by an FOIA request may be extended by the Corporation upon receipt of a written request for an extension. Such written request shall set forth the date which the statement is expected to be completed and shall provide reasonable justification for the extension. The Corporation’s approval of a request for an extension shall not be unreasonably withheld.

(c) The Corporation will not ordinarily notify the submitter pursuant to paragraph (a) of this section if:

(1) The Corporation determines, prior to giving such notice, that the request should be denied;

(2) The disclosure is required by law (other than pursuant to 5 U.S.C. 552); or

(3) The information has been published or otherwise made available to the public, including material described in § 706.21.

(d) The Corporation shall carefully consider the objections of the submitter made pursuant to paragraph (b) of this section and shall promptly notify the submitter of any final determination regarding the release of the information requested.

§ 706.32 Prior designation of business information as privileged or confidential.

In order to facilitate the Corporation's determination of whether to disclose information submitted to it a submitter may designate information which it regards as confidential business information entitled to exemption from disclosure under 5 U.S.C. 552(b)(4). Such designation may be made at the time such information is submitted to the Corporation or at any time thereafter. Each document, record or item of information to be so designated shall be clearly marked in capital letters: PRIVILEGED BUSINESS INFORMATION. In accepting documents, records or any item of information so marked, the Corporation shall not be bound by such designation.

PART 707—ACCESS TO AND SAFEGUARDING OF PERSONAL INFORMATION IN RECORDS OF THE CORPORATION

Subpart A—General

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Subpart B—Notification; Access to Records; Amendment; Fees

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707.32 Specific exemptions.

AUTHORITY: 5 U.S.C. 552a(f); Foreign Assistance Act of 1961 (22 U.S.C. 2191)F.

SOURCE: 40 FR 46284, Oct. 6, 1975, unless otherwise noted.

Subpart A—General

§ 707.11 Purpose.

This part 707 is adopted pursuant to 5 U.S.C. 552a(f) to implement the provisions of the Privacy Act of 1974, 5 U.S.C. 552a. This part 707 establishes procedures for notifying an individual whether any system of records of the Corporation contains information pertaining to him; the times, places, and procedures to be followed by an individual seeking access to records of the Corporation containing information pertaining to him, procedures to be followed by an individual desiring the amendment of any record of the Corporation for making copies under this part 707 of records of the Corporation containing information pertaining to him; and the fees charged by the Corporation containing information pertaining to an individual. Pursuant to 5 U.S.C. 552a(k), this part 707 also exempts certain systems of records from some of the provisions of 5 U.S.C. 552a.

§ 707.12 Definitions.

As used in this part 707, the terms *agency*, *individual*, *maintain*, *record*, *system of records*, *statistical record*, and *routine use* shall have the meaning specified for each such term in 5 U.S.C. 552a(a).

Subpart B—Notification; Access to Records; Amendment; Fees

§ 707.21 Requests for notification of, access to or copies of records.

(a) Whenever an individual desires either notification of, access to or copies of records which are maintained by the Corporation and which may contain information pertaining to said individual, he may submit such a request to the Corporation in the form specified in paragraph (b) of this section. Such request shall be addressed to the