

§ 2002.23

predisdisclosure notification to business submitters is required by Executive Order 12600 (3 CFR, 1987 Comp., p. 235) to afford the business submitter an opportunity to object to disclosure of the requested information.

(d) Any reasonably segregable portion of a record shall be provided to any person requesting the record, after deletion of the portions that are exempt under this section.

[57 FR 2228, Jan. 21, 1992, as amended at 59 FR 14098, Mar. 25, 1994]

§ 2002.23 Effect of denial of request.

Denial of a request shall terminate the authority of the Assistant Inspector General or his or her designee to release or disclose the requested record, which thereafter may not be made available except with express authorization of the Inspector General of HUD.

[49 FR 11165, Mar. 26, 1984. Redesignated at 53 FR 37550, Sept. 27, 1988]

§ 2002.25 Administrative review.

(a) Review is available only from a written denial of a request for a record issued under § 2002.21 and only if a written request for review is filed within 30 days after issuance of the written denial.

(b) A review may be initiated by mailing a request for review to the Inspector General of HUD, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8256, Washington, DC 20410. Each request for review must contain the following:

(1) A copy of the request, if in writing;

(2) A copy of the written denial issued under § 2002.21; and

(3) A statement of the circumstances, reasons, or arguments advanced in support of disclosure of the original request for the record.

In order to enable the Inspector General of HUD to comply with the time limitations set forth in § 2002.17, both the envelope containing the request for review and the letter itself should clearly indicate that the subject is a Freedom of Information Act request for review.

(c) Review will be made promptly by the Inspector General of HUD on the

24 CFR Ch. XII (4-1-99 Edition)

basis of the written record described in paragraph (b) of this section. Before a denial, the Inspector General will obtain the concurrence of legal counsel for the Office of Inspector General.

(d) The time of receipt for processing of a request for review purposes is the time it is received by the Inspector General of HUD. If a request is misdirected by the requester and is received by one other than the Inspector General, the Office of Inspector General or Department official who receives the request will forward it promptly to the Inspector General and will advise the requester about the delayed time of receipt.

(e) The decision after review will be in writing, will constitute final agency action on the request, and, if the denial of the request for records is in full or in part upheld, the Inspector General will notify the person making the request of his or her right to seek judicial review under 5 U.S.C. 552(a)(4).

[49 FR 11165, Mar. 26, 1984. Redesignated and amended at 53 FR 37550, 37552, Sept. 27, 1988]

PART 2003—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Sec.

2003.1 Scope of the part and applicability of other HUD regulations.

2003.2 Definitions.

2003.3 Requests for records.

2003.4 Officials to receive requests and inquiries.

2003.5 Initial denial of access to records.

2003.6 Disclosure of a record to a person other than the individual to whom it pertains.

2003.7 Authority to make law enforcement-related requests for records maintained by other agencies.

2003.8 General exemptions.

2003.9 Specific exemptions.

AUTHORITY: 5 U.S.C. 552a; 5 U.S.C. App. (Inspector General Act of 1978); 42 U.S.C. 3535(d).

SOURCE: 57 FR 62142, Dec. 29, 1992, unless otherwise noted.

§ 2003.1 Scope of the part and applicability of other HUD regulations.

(a) *General.* This part contains the regulations of the Office of Inspector General ("OIG") implementing the Privacy Act of 1974 (5 U.S.C. 552a). The regulations inform the public that the