

PART 2000 [RESERVED]

PART 2002—AVAILABILITY OF INFORMATION TO THE PUBLIC

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AUTHORITY: 5 U.S.C. 552; Freedom of Information Reform Act of 1986 (Pub. L. 99-570); Inspector General Act of 1978 (5 U.S.C. App.); 42 U.S.C. 3535(d); Delegation of Authority, Jan. 9, 1981 (46 FR 2389).

SOURCE: 49 FR 11165, Mar. 26, 1984, unless otherwise noted.

§2002.1 Scope of the part and applicability of other HUD regulations.

(a) *General.* This part contains the regulations of the Office of Inspector General of HUD which implement the Freedom of Information Act (5 U.S.C. 552). It tells the public how to request records and information from the Office of Inspector General and explains the procedure to use if a request is denied. Requests for documents made by subpoena or other order are governed by procedures contained in part 2004 of this chapter. In addition to the regulations in this part, the following provisions of part 15 of this title covering the production or disclosure of material or information apply (except as limited in paragraph (b) of this section) to the production or disclosure of material in the possession of the Office of Inspector General:

- Sec.
- 15.1 Definitions.
- 15.3 Statement of policy.
- 15.11 Publication in the FEDERAL REGISTER.

- 15.12 Materials not published in the FEDERAL REGISTER.
- 15.31 Information Centers.
- 15.32 Information officers.
- 15.33 Material in Department Central Information Center.

(b) *Limited applicability of some sections of part 15.* Sections 15.12 and 15.33 of this title describe Department material generally available for public inspection and copying in one or more Department Information Centers. To the extent the Information Centers listed in §15.31 of this title maintain Office of Inspector General material of this type, part 15 applies and members of the public may seek assistance at these centers. A request for specific documents made under the Freedom of Information Act must be made using the procedures identified in this part 2002.

(c) *Use of the term "Department."* For purposes of this part, when the word *Department* is used in §§15.12, 15.31, 15.32 and 15.33 of this title, the term means *Department* as defined in §15.1 of this title. When the word *Department* is used in §§15.3 and 15.11 of this title, the terms means Office of Inspector General.

(d) *Request for declassification and release of classified material.* Section 15.81 of this title contains the provisions for requesting declassification and release of declassified material.

[49 FR 11165, Mar. 26, 1984, as amended at 57 FR 2227, Jan. 21, 1992]

§2002.3 Request for records.

(a) A request for Office of Inspector General records may be made in person during normal business hours at any office where Office of Inspector General employees are permanently stationed. Although oral requests may be honored, a requester may be asked to submit the request in writing. A written request may be addressed to:

- (1) Any Office of Inspector General employee at any location where that employee is permanently stationed; or
- (2) The Office of Inspector General, Department of Housing and Urban Development, Washington, DC 20410.

(b) Each request must reasonably describe the desired record including the name, subject matter, and number or date, where possible, so that the record

may be identified and located. The request should include the name, address and telephone number of the requester. In order to enable the Office of Inspector General to comply with the time limitations set forth in §2002.17, both the envelope containing a written request and the letter itself should clearly indicate that the subject is a Freedom of Information Act request.

(c) The request must be accompanied by the fee or an offer to pay the fee as determined in §2002.7. At its discretion, the Office of Inspector General may require advance payment in accordance with §2002.15.

(d) Copies of available records will be made as promptly as possible. Copying service will be limited to not more than 10 copies of any single page. Records which are published or available for sale need not be reproduced.

[49 FR 11165, Mar. 26, 1984, as amended at 53 FR 37550 and 37552, Sept. 27, 1988; 59 FR 14097, Mar. 25, 1994]

§2002.5 Records produced upon request when reasonably described.

(a) When a request is made which reasonably describes a record of the Office of Inspector General (see §2002.3) which has been stored in the National Archives or other record center of the General Services Administration, the record will be requested by the Office of Inspector General if it otherwise would be available under this part.

(b) Every effort will be made to make a record in use by the staff of the Office of Inspector General available when requested, and such availability will be deferred only to the extent necessary to avoid serious interference with the business of the Office of Inspector General.

§2002.7 Fees.

(a) *Copies of records.* HUD will charge \$0.10 per page for copies of documents up to 11" x 14". For copies prepared by computer, such as tapes or printouts, HUD will charge the actual costs, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, HUD will charge the actual direct costs of producing the document(s).

(b) *Manual searches for records.* Whenever feasible, HUD will charge at the

salary rate(s) (*i.e.*, basic pay plus 16 percent) of the employee(s) making the search. However, where a homogeneous class of personnel is used exclusively in a search (*e.g.*, all administrative/clerical, or all professional/executive), HUD will charge \$9.25 per hour for clerical time and \$18.50 per hour for professional time. Charges for search time less than a full hour will be billed by five-minute ($\frac{1}{12}$ of one hour) segments.

(c) *Computer searches for records.* HUD will charge at the actual direct cost of providing the service. This will include the cost of operating the central processing unit (CPU) for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary apportionable to the search.

(d) *Contract services.* HUD will contract with private sector sources to locate, reproduce and disseminate records in response to FOIA requests when that is the most efficient and least costly method. When doing so, however, HUD will ensure that the ultimate cost to the requester is no greater than it would be if HUD itself had performed these tasks. In no case will HUD contract out responsibilities which the FOIA provides that HUD alone may discharge, such as determining the applicability of an exemption, or determining whether to waive or reduce fees. HUD will ensure that when documents that would be responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs such as the National Technical Information Service, HUD will inform requesters of the steps necessary to obtain records from those sources. Information provided routinely in the normal course of business will be provided at no charge.

(e) *Restrictions on assessing fees.* With the exception of requesters seeking documents for commercial use, HUD will provide the first 100 pages of duplication and the first two hours of search time without charge. For non-commercial use requesters, HUD will not begin to assess fees until after HUD has provided the free search and reproduction.