

plans to, and knows how to, communicate information to the public. Plans to write a book, research a subject, work on a doctoral dissertation, or indigency are not reason enough to waive fees. The requester must tell how he or she plans to disclose the information to the general public. You may ask requesters for their qualifications, the nature of their research, the purpose of requesting information, and their plans for making information public.

(iv) *Factor 4—Significance of Public Understanding.* Balance the relative significance or impact of the disclosure against the level of public knowledge or understanding that exists before disclosure. Records released on a subject of wide public interest should contain previously unknown facts that increase public knowledge. They should not duplicate what the general public already knows. Determining the significance of information requires objective judgment. Take care to determine whether disclosure will probably lead to significant public understanding of the issue. Do not judge whether the information is important enough to be public.

(2) *Requirement 2.* Does disclosure of the information primarily mean profit for the requester?

(i) *Factor 5—Commercial Interest.* If you determine the requester will use the records to make a profit, then decide if it's primary, as opposed to a personal or noncommercial interest. In addition to profit-making organizations, individuals, and other organizations may have a commercial interest in certain records. When you have difficulty deciding whether a request is commercial in nature, the requester's identity and the circumstances of the request may help. You may write to the requester and ask for more details.

(ii) *Factor 6—Primary Interest.* After you have determined the requester's commercial interest, decide if it is primary. Commercial interests are primary only if the requester's profit clearly overrides a personal or non-profit interest. You must decide whether the commercial interest outweighs any benefit to the public as a result of disclosure. Waive or reduce fees when the public gains more than the requester. If the requester's commercial

interest is greater than the public interest, do not waive or reduce fees even if public interest is significant. As business organizations, news organizations have a commercial interest; however, you can assume that their primary interest is giving the general public news. Scholars writing books or engaging in other academic research, may profit, either directly or indirectly (through the institution they represent); however, such work is primarily done for educational purposes. Usually you would not assess scholars fees. Assume that brokers or others who compile government information for marketing use the information for profit.

(iii) *Decide each fee waiver case by case.* When you have doubts about waiving or charging a fee, favor the requester.

#### **§ 806.21 Transferring fees to accounting and finance offices.**

The Treasurer of the United States has two accounts for FOIA receipts. Use account 3210, Sales of Publications and Reproductions, Freedom of Information Act, for depositing fees for publications and forms described in Federal Account Symbols and titles. Use receipt account 3210, Fees and Other Charges for Services, Freedom of Information Act, to deposit fees for searching for, copying, and reviewing records to provide information not in existing publications or forms. Add your disbursing office's prefix to the account numbers. Deposit all FOIA receipts in these accounts except those from industrially funded and nonappropriated funded activities. Deposit these receipts in the applicable fund.

#### **§ 806.22 Fee rates.**

(a) These fees apply only to FOIA requests. Part 813 of this chapter, Schedule of Fees for Copying, Certifying and Searching Records and Other Documentary Material, contains the fee schedule for non-FOIA services. Refer to Part 806B of this chapter for guidance on fees for PA requests.

(b) Search and review:

(1) Clerical (E9 and GS-8 and below)—\$12 an hour.

(2) Professional (01-06 and GS-9-GS/GM-15)—\$25 an hour.

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(3) Executive (07 and GS-16/ES1 and above)—\$45 an hour.

(c) Computer search fees are based on direct costs of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. Also include the salary scale (equal to hourly rates above) for the computer operator or programmer who planned and carried out the search.

(d) Duplication:

(1) Preprinted material—\$.02 per page.

(2) Office copies—\$.15 per page.

(3) Microfiche—\$.25 per page.

(4) Computer copies (tapes or print-outs)—actual cost of duplicating the tape or printout, including operator's time and tape cost.

(e) Copying cost for audiovisual documents is the actual cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials given to a requester need not be reproducible.

(f) Special Services. Includes certifying that records are true copies and sending records by express mail. You may recover their costs if the requester clearly asks for and agrees to pay for them.

**§ 806.23 Technical data.**

Technical data does not include computer software or data used for contract administration, such as financial and management information. If the FOIA requires, release technical data (not including critical technology with military or space application) after the requester pays all reasonable costs for search, duplication, and review.

**§ 806.24 Technical data fee rates.**

(a) Clerical search and review—\$13.25 an hour. Minimum charge—\$8.30. Professionals and executives—set rate before beginning at actual hourly rate. Minimum charge is ½ of hourly rate.

(b) Copying rates depend on the type of record. If this list does include the product, use the fair market value.

(1) Aerial photographs, specifications, permits, charts, blueprints, and other technical documents—\$2.50 each.

(2) Microfilmed engineering data aperture cards (silver duplicate negatives)—\$.75 per card.

(3) Silver duplicate negatives, key-punched and verified—\$.85 per card.

(4) Diazo duplicate negatives—\$.65 per card.

(5) Diazo duplicate negatives key-punched and verified—\$.75 per card.

(6) Engineering data on 35mm roll film—\$.50 per frame.

(7) Engineering data 16mm roll film—\$.45 per frame.

(8) Engineering paper prints and drawings—\$1.50 each.

(9) Reprints of microfilm indices—\$.10 each.

(10) Office copies—\$3.50 for up to six images. Each additional image—\$.10.

(11) Typewritten pages—\$3.50 each.

(12) Certification and validation with seal—\$5.20.

(13) Hand-drawn plots and sketches—\$12 an hour or less.

(14) Fee Waivers for Technical Data. Waive the fees if they are more than regular FOIA fee rates if a citizen or a US corporation asks and certifies the need for technical data to submit (or assess its ability to submit) an offer to supply the United States or its contractor with a product related to the technical data. You may ask the citizen or corporation for a deposit of not more than what fulfilling the request costs. When the citizen or corporation submits the offer, refund the deposit. Also waive charges:

(15) If a requester needs technical data to meet the terms of an international agreement.

(16) If you decide, using regular FOIA fee waiver guidance, that a waiver is in the interest of the United States.

**§ 806.25 Appeals.**

Requesters may appeal denials of records, category determinations, fee waiver requests, and "no records" determinations by writing to the Office of the Secretary of the Air Force, within 60 calendar days after the date of the denial letter. A requester who sends the appeal after 60 calendar days, should explain the reason for the delay.

(a) Requesters who appeal have exhausted all administrative remedies within the Department of the Air Force and The Office of the General Counsel to the Secretary of the Air Force (SAF/GC) makes a final decision. Requesters must address all appeals to