

with a written statement specifying the grounds and arguments why the information should be withheld under Exemption (b)(4) of the Act.

(c) *Considering and balancing respective interests.* (1) The Corporation shall carefully consider and balance the business submitter's objections and specific grounds for nondisclosure against such factors as:

(i) The general custom or usage in the occupation or business to which the information relates that it be held confidential; and

(ii) The number and situation of the individuals who have access to such information; and

(iii) The type and degree of risk of financial injury to be expected if disclosure occurs; and

(iv) The length of time such information should be regarded as retaining the characteristics noted in paragraphs (c)(1) (i) through (iii) of this section in determining whether to release the requested business information.

(2)(i) Whenever the Corporation decides to disclose business information over the objection of a business submitter, the Corporation shall forward to the business submitter a written notice of such decision, which shall include:

(A) The name, and title or position, of the person responsible for denying the submitter's objection;

(B) A statement of the reasons why the business submitter's objection was not sustained;

(C) A description of the business information to be disclosed; and

(D) A specific disclosure date.

(ii) The notice of intent to disclose business information shall be mailed by the Corporation not less than six working days prior to the date upon which disclosure will occur, with a copy of such notice to the requester.

(d) *When notice to business submitter is not required.* The notice to business submitter shall not apply if:

(1) The Corporation determines that the information shall not be disclosed;

(2) The information has previously been published or otherwise lawfully been made available to the public; or

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552).

(e) *Notice of suit for release.* Whenever a requester brings suit to compel disclosure of business information, the Corporation shall promptly notify the business submitter.

§2507.12 Authority.

The Corporation receives authority to change its governing regulations from the National and Community Service Act of 1990, as amended (42 U.S.C. 12501 et seq.).

APPENDIX A TO PART 2507—FREEDOM OF INFORMATION ACT REQUEST LETTER (SAMPLE)

Freedom of Information Act Officer _____
Name of Agency _____
Address of Agency _____
City, State, Zip Code _____

Re: Freedom of Information Act Request.

Dear _____: This is a request under the Freedom of Information Act.

I request that a copy of the following documents [or documents containing the following information] be provided to me: [identify the documents or information as specifically as possible].

[Sample requester descriptions]

—A representative of the news media affiliated with the _____ newspaper (magazine, television station, etc.) and this request is made as part of news gathering and not for commercial use.

—Affiliated with an educational or non-commercial scientific institution, and this request is not for commercial use.

—An individual seeking information for personal use and not for commercial use.

—Affiliated with a private corporation and am seeking information for use in the company's business.

[Optional] I am willing to pay fees for this request up to a maximum of \$_____. If you estimate that the fees will exceed this limit, please inform me first.

[Optional] I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in my commercial interest. [Include a specific explanation.]

In order to help you determine my status to assess fees, you should know that I am (insert a suitable description of the requester and the purpose of the request).

Thank you for your consideration of this request.

Sincerely,

Name _____

Pt. 2507, App. B

45 CFR Ch. XXV (10-1-00 Edition)

Address _____
City, State, Zip Code _____
Telephone Number [Optional] _____

APPENDIX B TO PART 2507—FREEDOM OF INFORMATION ACT APPEAL FOR RELEASE OF INFORMATION (SAMPLE)

Appeal Officer _____
Name of Agency _____
Address of Agency _____
City, State, Zip Code _____

Re: Freedom of Information Act Appeal.

Dear _____: This is an appeal under the Freedom of Information Act.

On (date), I requested documents under the Freedom of Information Act. My request was assigned the following identification number _____. On (date), I received a response to my request in a letter signed by (name of official). I appeal the denial of my request.

[Optional] The documents that were withheld must be disclosed under the FOIA because * * *.

[Optional] *Respond for waiver of fees.* I appeal the decision to deny my request for a waiver of fees. I believe that I am entitled to a waiver of fees. Disclosure of the documents I requested is in the public interest because the information is likely to contribute significantly to public understanding of the operation or activities of government and is not primarily in my commercial interest. (Provide details)

[Optional] I appeal the decision to require me to pay review costs for this request. I am not seeking the documents for a commercial use. (Provide details)

[Optional] I appeal the decision to require me to pay search charges for this request. I am a reporter seeking information as part of news gathering and not for commercial use.

Thank you for your consideration of this appeal.

Sincerely,
Name _____
Address _____
City, State, Zip Code _____
Telephone Number [Optional] _____

PART 2508—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

- Sec.
- 2508.1 Definitions.
- 2508.2 What is the purpose of this part?
- 2508.3 What is the Corporation's Privacy Act policy?
- 2508.4 When can Corporation records be disclosed?
- 2508.5 When does the Corporation publish its notice of its system of records?
- 2508.6 When will the Corporation publish a notice for new routine uses of information in its system of records?

- 2508.7 To whom does the Corporation provide reports to regarding changes in its system of records?
- 2508.8 Who is responsible for establishing the Corporation's rules of conduct for Privacy Act compliance?
- 2508.9 What officials are responsible for the security, management and control of Corporation record keeping systems?
- 2508.10 Who has the responsibility for maintaining adequate technical, physical, and security safeguards to prevent unauthorized disclosure or destruction of manual and automatic record systems?
- 2508.11 How shall offices maintaining a system of records be accountable for those records to prevent unauthorized disclosure of information?
- 2508.12 What are the contents of the systems of records that are to be maintained by the Corporation?
- 2508.13 What are the procedures for acquiring access to Corporation records by an individual about whom a record is maintained?
- 2508.14 What are the identification requirements for individuals who request access to records?
- 2508.15 What are the procedures for requesting inspection of, amendment or correction to, or appeal of an individual's records maintained by the Corporation other than that individual's official personnel file?
- 2508.16 What are the procedures for filing an appeal for refusal to amend or correct records?
- 2508.17 When shall fees be charged and at what rate?
- 2508.18 What are the penalties for obtaining a record under false pretenses?
- 2508.19 What Privacy Act exemptions or control of systems of records are exempt from disclosure?
- 2508.20 What are the restrictions regarding the release of mailing lists?

AUTHORITY: 5 U.S.C. 552a; 42 U.S.C. 12501 *et seq.*; 42 U.S.C. 4950 *et seq.*

SOURCE: 64 FR 19294, Apr. 20, 1999, unless otherwise noted.

§ 2508.1 Definitions.

- (a) *Amend* means to make a correction to, or expunge any portion of, a record about an individual which that individual believes is not accurate, relevant, timely, or complete.
- (b) *Appeal Officer* means the individual delegated the responsibility to act on all appeals filed under the Privacy Act.
- (c) *Chief Executive Officer* means the Head of the Corporation.