

Foreign Claims Settlement Commission, Justice

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under § 504.3(g) of this part, the Administrative Officer shall make the accounting as required under paragraph (a) of this section available to any individual upon written request made in accordance with § 504.5.

(c) The Administrative Officer shall inform any person or other agency about any correction or notation of dispute made in accordance with § 504.7 of this part of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

(d) An accounting of disclosures of records within this section shall consist of the date, nature, the purpose of each disclosure of a record to any person or to another agency, and the name and address of the person or agency to whom the disclosure is made.

(e) Such accounting shall be retained for 5 years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

§ 504.5 Access to records or information

(a) Upon request in person or by mail, any individual shall be informed whether or not a system of records maintained by the Commission contains a record or information pertaining to such individual.

(b) Any individual requesting access to such record or information in person shall appear in person at the offices of the Foreign Claims Settlement Commission, 1111 20th Street, NW., Room 400, Washington, DC., between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, and

(1) Provide information sufficient to identify the record, e.g., the individual's own name, claim and decision number, date and place of birth, etc.;

(2) Provide identification to verify the individual's identity, e.g., driver's license, identification or Medicare card; and

(3) Any individual requesting access to records or information pertaining to such individual may be accompanied by a person of the individual's own choosing while reviewing the record thereof. If an individual elects to be so accompanied, advance notification of the election shall be required along with a written statement authorizing disclosure and discussion of the record

in the presence of the accompanying person at any time, including the time access is granted.

(c) Any individual making a request for access to records or information pertaining to such individual by mail shall address such request to the Administrative Officer (Privacy Officer), Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, DC 20579, and shall provide information acceptable to the Administrative Officer to verify the individual's identity.

(d) Responses to requests under this section normally will be made within ten (10) days of receipt (excluding Saturdays, Sundays, and legal holidays). If it is not possible to respond to requests within such period, an acknowledgment will be sent to the individual within ten (10) days of receipt of the request (excluding Saturdays, Sundays, and legal holidays).

§ 504.6 Determination of requests for access to records.

(a) Upon request made in accordance with § 504.5, the Administrative Officer shall:

(1) Determine whether or not such request will be granted;

(2) Make such determination and provide notification within a reasonable period of time after receipt of such request.

(b) If access to a record is denied because information has been compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding, the Administrative Officer shall notify the individual of such determination and the reason therefor.

(c) If access to the record is granted, the individual making such request shall notify the Administrative Officer whether the records requested are to be copied and mailed to the individual.

(d) If records are to be made available for personal inspection, the individual shall arrange with the Administrative Officer a mutually agreeable time and place for inspection of the record.

§ 504.7 Amendment of a record.

(a) Any individual may request amendment of a record pertaining to

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such individual according to the procedure in paragraph (b) of this section except those records described under paragraph (d) of this section.

(b) After inspection by an individual of a record pertaining to such individual, he or she may file a written request, presented in person or by mail, with the Administrative Officer, for an amendment to a record. Such request shall specify the particular portions of the record to be amended, the desired amendments and the reasons therefor.

(c) Not later than 10 days (excluding Saturdays, Sundays, and legal holidays) after the receipt of a request made in accordance with this section to amend a record in whole or in part, the Administrative Officer shall:

(1) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely or complete and thereafter inform the individual of such correction; or

(2) Inform the individual, by certified mail return receipt requested, of the refusal to amend such record, setting forth the reasons therefor, and notify the individual of the right to appeal that determination as provided under § 504.8 of this part.

(d) The provisions for amending records do not permit the alteration of evidence presented in the course of Commission proceedings in the adjudication of claims, nor do they permit collateral attack upon what has already been subject to final agency action in the adjudication of claims in programs previously completed by the Commission pursuant to statutory time limitations.

§ 504.8 Appeals from denial of requests for amendment to records.

(a) An individual whose request for amendment of a record pertaining to such individual is denied may request a review of such determination. Such request shall be addressed to the Chairman of the Commission, and shall specify the reasons for which the refusal to amend is challenged.

(b) If on appeal the refusal to amend the record is upheld, the Commission shall permit the individual to file a statement setting forth the reasons for disagreement with the determination.

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The statement must also be submitted within 30 days of receipt of the denial. The statement shall be included in the system of records in which the disputed record is maintained and shall be marked so as to indicate (1) that a statement of disagreement has been filed, and (2) where in the system of records the statement may be found.

§ 504.9 Fees.

Fees to be charged, if any, to any individual for making copies of such individual's record excluding the cost of any search for and review of the record shall be as follows:

(a) Photocopy reproductions, each copy \$0.15.

(b) Where the Commission undertakes to perform for a requester, or any other person, services which are clearly not required to be performed under the Privacy Act, either voluntarily or because such services are required by some other law, the question of charging fees for such services shall be determined by the official or designee authorized to release the information, under the Federal user charge statute, 31 U.S.C. 583a, any other applicable law, and the provisions of § 503.13 of part 503 of the Commission's regulations.

§ 504.10 Exemptions.

No system of records maintained by the Foreign Claims Settlement Commission is exempt from the provisions of 5 U.S.C. 552a as permitted under certain conditions by 5 U.S.C. 552a (j) and (k). However, the Chairman of the Commission reserves the right to promulgate rules in accordance with the requirements of 5 U.S.C. 553(b) (1), (2) and (3), (c) and (e) to exempt any system of records maintained by the Commission in accordance with the provisions of 5 U.S.C. 552a(k).

§ 504.11 Reports.

(a) The Administrative Officer or designee shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any Commission system of records, as required by 5 U.S.C. 552a(o).