

Broadcasting Board of Governors

§ 503.7

(4) In addition to such records as those described in this paragraph (a), we will make available to any person a copy of all other Department records, in the format requested, if available, unless we determine that such records should be withheld from disclosure under subsection (b) of the Act and § 503.8 and § 503.9 of this part.

(b) Before releasing these records, however, we may delete the names of people, or information that would identify them, if release would invade their personal privacy to a clearly unwarranted degree. (See § 503.8(f).)

(c) The Department's FOIA Guide and Index will be available electronically via the Internet, or you may request a copy of it by mail.

[59 FR 5708, Feb. 8, 1994, as amended at 63 FR 67577, Dec. 8, 1998]

§ 503.6 Restriction on some Department records.

Under the U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. 1461, as amended), the Broadcasting Board of Governors is prohibited from disseminating within the United States information about the U.S., its people, and its policies when such materials have been prepared by the Department for audiences abroad. This includes films, radio scripts and tapes, video tapes, books, and similar materials produced by the Department. However, this law does provide that upon request, such information shall be made available at Broadcasting Board of Governors for examination only by representatives of the press, magazines, radio systems and stations, research students or scholars and available for examination only to Members of Congress.

[59 FR 5708, Feb. 8, 1994]

§ 503.7 Fees.

(a) *Fees to be charged—categories of requests.* The paragraphs below state, for each category of request, the type of fees that we will generally charge. However, for each of these categories, the fees may be limited, waived, or reduced for the reasons given in paragraph (e) of this section. "Request" means asking for records, whether or not you refer specifically to the Free-

dom of Information Act. Requests from Federal agencies and court orders for documents are not included within this definition. "Review" means, when used in connection with processing records for a commercial use request, examining the records to determine what portions, if any, may be withheld, and any other processing that is necessary to prepare the records for release. It includes only the examining and processing that are done the first time we analyze whether a specific exemption applies to a particular record or portion of a record. It does not include the process of researching or resolving general legal or policy issues regarding exemptions. "Search" means looking for records or portions of records responsive to a request. It includes reading and interpreting a request, and also page-by-page and line-by-line examination to identify responsive portions of a document.

(1) *Commercial use request.* If your request is for a commercial use, Broadcasting Board of Governors will charge you the costs of search, review and duplication. "Commercial use" means that the request is from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or of a person on whose behalf the request is made. Whether a request is for a commercial use depends on the purpose of the request and the use to which the records will be put; the identity of the requester (individual, non-profit corporation, for-profit corporation), or the nature of the records, while in some cases indicative of that purpose or use, is not necessarily determinative. When a request is from a representative of the news media, a purpose of use supporting the requester's news dissemination function is not a commercial use.

(2) *Educational and scientific institutions and news media.* If you are an educational institution or a non-commercial scientific institution, operated primarily for scholarly or scientific research, or a representative of the news media, and your request is not for a commercial use, Broadcasting Board of Governors will charge you only for the duplication of documents. Also, Broadcasting Board of Governors will not