

report will be available both in hard copy and through the Internet. In the past, annual reports were required based on a calendar year and were provided to Congress on or before March 1 of the following year. However, the new law has changed the annual reporting requirements now to be related to the Department's fiscal year. Thus, the Annual Report to Congress on FOIA Activities for 1997 only encompassed the first nine months (January through September), and was reported by March 1, 1998. The FY 98 report will begin in October 1997 and conclude at the end of September 1998. This report will be presented to the Department of Justice instead of Congress, by February 1, 1999, and Justice will report all Federal agency FOIA activity through electronic means.

(j) *Reference materials and guides.* The Department has available in hard copy, and will have electronically via the Internet, a guide for requesting records under the FOIA and an index and description of all major information systems of the Department. The guide is a simple explanation of what the FOIA is intended to do, and how you can use it to access Broadcasting Board of Governors records. The Index explains the types of records that may be requested from the Department through FOIA requests and why some records cannot, by law, be made available by Broadcasting Board of Governors.

[63 FR 71587, Dec. 29, 1998]

PART 505—PRIVACY ACT POLICIES AND PROCEDURES

Sec.

- 505.1 Purpose and scope.
- 505.2 Definitions.
- 505.3 Procedures for requests.
- 505.4 Requirements and identification for making requests.
- 505.5 Disclosure of information.
- 505.6 Medical records.
- 505.7 Correction or amendment of record.
- 505.8 Board review of requests for changes.
- 505.9 Review of adverse Board determination.
- 505.10 Disclosure to third parties.
- 505.11 Fees.
- 505.12 Civil remedies and criminal penalties.
- 505.13 General exemptions (Subsection (j)).
- 505.14 Specific exemptions (Subsection (k)).
- 505.15 Exempt systems of records used.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1897; 5 U.S.C. 552a; 55 FR 31940, Aug. 6, 1990, as amended.

SOURCE: 62 FR 10630, Mar. 7, 1997, unless otherwise noted.

§ 505.1 Purpose and scope.

The Broadcasting Board of Governors will protect individuals' privacy from misuse of their records, and grant individuals access to records concerning them which are maintained by the Board's domestic and overseas offices, consistent with the provisions of Public Law 93-579, 88 Stat. 1897; 5 U.S.C. 552a, the Privacy Act of 1974, as amended. The Board has also established procedures to permit individuals to amend incorrect records, to limit the disclosure of personal information to third parties, and to limit the number of sources of personal information. The Board has also established internal rules restricting requirements of individuals to provide social security account numbers.

§ 505.2 Definitions.

(a) *Access Appeal Committee (AAC)*—the body established by and responsible to the Director of Broadcasting Board of Governors for reviewing appeals made by individuals to amend records held by the Board.

(b) *Board*—Broadcasting Board of Governors, its offices, divisions, branches and its Foreign Service establishments.

(c) *Amend*—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.

(d) *Individual*—A citizen of the United States or an alien lawfully admitted for permanent residence.

(e) *Maintain*—Collect, use, store, disseminate or any combination of these record-keeping functions; exercise of control over and hence responsibility and accountability for systems of records.

(f) *Record*—Any information maintained by the Board about an individual that can be reproduced, including finger or voice prints and photographs, and which is retrieved by that

Broadcasting Board of Governors

§ 505.5

particular individual's name or personal identifier, such as a social security number.

(g) *Routine use*—With respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected. The common and ordinary purposes for which records are used and all of the proper and necessary uses, even if any such uses occur infrequently.

(h) *Statistical record*—A record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 13 U.S.C. 8.

(i) *System of records*—A group of records under the maintenance and control of the Board from which information is retrieved by the name or personal identifier of the individual.

(j) *Personnel record*—Any information about an individual that is maintained in a system of records by the Board that is needed for personnel management or processes such as staffing, employee development, retirement, grievances and appeals.

(k) *Post*—Any of the foreign service branches of the Board.

§ 505.3 Procedures for requests.

(a) The Board will consider all written requests received from an individual for records pertaining to herself/himself as a request made under the Privacy Act of 1974, as amended (5 U.S.C. 552a) whether or not the individual specifically cites the Privacy Act when making the request.

(b) All requests under the Privacy Act should be directed to the Broadcasting Board of Governors, Office of the General Counsel, FOIA/Privacy Act Unit (GC/FOI), 301 4th Street, SW, Washington, DC 20547, which will coordinate the search of all systems of records specified in the request. Requests should state name, date of birth, and social security number.

(c) Requests directed to the Board's overseas posts which involve routine unclassified, administrative and personnel records available only at those posts may be released to the individual by the post if the post determines that

such release is authorized by the Privacy Act. All other requests shall be submitted by the post to the Office of the General Counsel, FOIA/Privacy Act Unit (GC/FOI), 301 4th Street, SW, Washington, DC 20547, and the individual shall be so notified of this section in writing, when possible.

(d) In those instances where an individual requests records pertaining to herself/himself, as well as records pertaining to another individual, group, or some other category of the Board's records, only that portion of the request which pertains to records concerning the individual will be treated as a Privacy Act request. The remaining portions of such a request will be processed as a Freedom of Information Act request by the office noted in paragraph (b) of this section.

§ 505.4 Requirements and identification for making requests.

(a) Individuals seeking access to Board records may present their written request or may mail their request to the Broadcasting Board of Governors, Office of General Counsel, FOI/Privacy Act (GC/FOI) Unit, 301 4th Street, SW, Washington, DC 20547. The GC/FOI Unit may be visited between the hours of 9 a.m. and 4 p.m., Monday through Friday, except for legal holidays.

(b) Individuals, seeking access to Board records, will be requested to present some form of identification. Individuals should state their full name, date of birth and a social security number. An individual must also include her/his present mailing address and zip code, and if possible a telephone number.

(c) When signing a statement confirming one's identity, individuals should understand that knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000.

§ 505.5 Disclosure of information.

(a) In order to locate the system of records that an individual believes may contain information about herself/himself, an individual should first obtain a copy of the Board's Notice of Systems of Records. By identifying a particular