

Council on Environmental Quality

§ 1515.15

made with the Council's copying facilities.

(b) In general, all records of the Council are available to the public, as required by the Freedom of Information Act. The Council claims the right, where it is applicable, to withhold material under the provisions specified in the Freedom of Information Act as amended (5 U.S.C. 552(b)).

(c) The legislative history of the establishment of the Council states that the Congress intended the Council to be a confidential advisor to the President on matters of environmental policy. Therefore, members of the public should presume that communications between the Council and the President (and their staffs) are confidential and ordinarily will not be released; they will usually fall, at a minimum, within Exemption 5 of the Act. The Freedom of Information Officer shall review each request, however, to determine whether the record is exclusively factual or may have factual portions which may be reasonably segregated and made available to the requester. Furthermore, on the recommendation of the FOIA Officer or Appeals Officer, the Council will consider the release of an entire record, even if it comes within an exemption or contains policy advice, if its disclosure would not impair Executive policymaking processes or the Council's participation in decision-making.

COSTS

§ 1515.15 What fees may be charged, and how should they be paid?

(a) Following is the schedule of fees you may be charged for the search and reproduction of information available under the Freedom of Information Act, 5 U.S.C. 552, as amended.

(1) *Search for records.* Five dollars per hour when the search is conducted by a clerical employee. Eight dollars per hour when the search is conducted by a professional employee. There will be no charge for searches of less than one hour.

(2) *Duplication of records.* Records will be duplicated at a rate of \$0.10 per page for copying of 10 pages or more. There will be no charge for duplicating 9 pages or less.

(3) *Other.* When no specific fee has been established for a service, or the request for a service does not fall under categories (1) and (2), the Administrative Officer is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communication costs.

(b) If the Council anticipates that the fees chargeable under this section will amount to more than \$25, or the maximum amount specified in your request, you shall be promptly notified of the amount of the anticipated fee or the closest estimate of the amount. In such instances you will be advised of your option to consult with Council personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet your needs. A reformulated request shall be considered a new request, thus beginning a new 10 working day period for processing.

(c) Fees must be paid in full prior to issuance of the requested copies. In the event you owe money for previous request, copies of records will not be provided for any subsequent request until the debt has been paid in full.

(d) Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the FOI Officer determines that a record which has been requested is exempt under the Freedom of Information Act as amended and is to be withheld.

(e) Payment shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Checks shall be made payable to General Services Administration. You should mail or deliver any payment for services to the Administrative Office, Council on Environmental Quality, 722 Jackson Place NW., Washington, DC 20006.

(f) A receipt for fees paid will be given upon request. Refunds of fees paid for services actually rendered will not be made.

(g) The Council may waive all or part of any fee provided for in this section

when the Freedom of Information Officer (or designee) deems it to be in either the Council's interest or in the general public's interest.

PART 1516—PRIVACY ACT IMPLEMENTATION

Sec.

- 1516.1 Purpose and scope.
- 1516.2 Definitions.
- 1516.3 Procedures for requests pertaining to individual records in a record system.
- 1516.4 Times, places, and requirements for the identification of the individual making a request.
- 1516.5 Disclosure of requested information to the individual.
- 1516.6 Request for correction or amendment to the record.
- 1516.7 Agency review of request for correction or amendment of the record.
- 1516.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
- 1516.9 Disclosure of a record to a person other than the individual to whom the record pertains.
- 1516.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

SOURCE: 42 FR 32537, June 27, 1977, unless otherwise noted.

§ 1516.1 Purpose and scope.

The purposes of these regulations are to:

- (a) Establish a procedure by which an individual can determine if the Council on Environmental Quality (hereafter known as the Council) maintains a system of records which includes a record pertaining to the individual; and
- (b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1516.2 Definitions.

For the purpose of these regulations:

- (a) The term *individual* means a citizen of the United States or an alien lawfully admitted for permanent residence;
- (b) The term *maintain* means maintain, collect, use or disseminate;
- (c) The term *record* means any item or collection or grouping of information about an individual that is maintained by the Council (including, but

not limited to, his or her employment history, payroll information, and financial transactions), and that contains his or her name, or an identifying number, symbol, or other identifying particular assigned to the individual such as a social security number;

(d) The term *system of records* means a group of any records under the control of the Council from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term *routine use* means 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.

§ 1516.3 Procedures for requests pertaining to individual records in a record system.

An individual shall submit a written request to the Administrative Officer of the Council to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a written request to the Administrative Officer of the Council which states the individual's desire to review his or her record. The Administrative Officer of the Council is available to answer questions regarding these regulations and to provide assistance in locating records in the Council's system of records.

[42 FR 32537, June 27, 1977; 42 FR 35960, July 13, 1977]

§ 1516.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Officer of the Council pursuant to § 1516.3 shall present the request at the Council's office, 722 Jackson Place NW., Washington, DC 20006, on any business day between the hours of 9 a.m. and 5 p.m. and should be prepared to identify himself by signature. Requests will also be accepted in writing if mailed to the Council's offices and signed by the requester.