

PART 2000 [RESERVED]

PART 2002—AVAILABILITY OF INFORMATION TO THE PUBLIC

- Sec.
- 2002.1 Scope of the part and applicability of other HUD regulations.
- 2002.3 OIG's overall policy concerning discloseable records and requests for OIG records.
- 2002.5 Records produced upon request when reasonably described.
- 2002.7 OIG processing of requests.
- 2002.9 Where to review records.
- 2002.11 Review of records, aggregating requests and waiving or reducing fees.
- 2002.13 Charges for interest and for unsuccessful searches; utilization of Debt Collection Act.
- 2002.15 Advance payments.
- 2002.17 Time limitations.
- 2002.19 Authority to release records or copies.
- 2002.21 Authority to deny requests for records and form of denial.
- 2002.23 Effect of denial of request.
- 2002.25 Administrative review.

AUTHORITY: 5 U.S.C. 552; Electronic Freedom of Information Act (Pub. L. 104-231); Freedom of Information Reform Act of 1986 (Pub. L. 99-579); 5 U.S.C. App. 3 (Inspector General Act of 1978); 42 U.S.C. 3535(d); Delegation of Authority, Jan. 9, 1981 (46 FR 2389).

SOURCE: 49 FR 11165, Mar. 26, 1984, unless otherwise noted.

§ 2002.1 Scope of the part and applicability of other HUD regulations.

(a) *General.* This part contains the regulations of the Office of Inspector General which implement the Freedom of Information Act (5 U.S.C. 552). It informs the public how to request records and information from the Office of Inspector General and explains the procedure to use if a request is denied. Requests for documents made by subpoena or other order are governed by procedures contained in part 2004 of this chapter. In addition to the regulations in this part, the following provisions of part 15 of this title covering the production or disclosure of material or information apply (except as limited in paragraph (b) of this section) to the production or disclosure of material in the possession of the Office of Inspector General:

§ 15.2—What definitions apply to this part?

§ 15.3—What exemptions are authorized by 5 U.S.C. 552?;

§ 15.108—What are HUD's policies concerning designating confidential commercial or financial information under Exemption 4 of the FOIA and responding to requests for business information?

§ 15.110—What fees will HUD charge?

(b) Limited applicability of section 15.110. For purposes of this part, paragraphs (d) through (k) of § 15.110 are not applicable.

(c) Use of the term "HUD". For purposes of this part, and when the words "HUD" or "Department" are used in this part or §§ 15.2(b), 15.3, 15.108 and 15.110 of this title, the term means the Office of the Inspector General.

(d) Request for declassification and release of classified material. Section 15.107 of this title contains provisions for requesting declassification and release of declassified material.

[67 FR 47216, July 17, 2002]

§ 2002.3 OIG's overall policy concerning discloseable records and requests for OIG records.

(a) The Office of Inspector General will fully and responsibly disclose its identifiable records and information consistent with competing public interests, such as national security, personal privacy, grand jury and investigative secrecy, complainant confidentiality, agency deliberative process, as are recognized by FOIA and other federal statutes.

(b) A request for Office of Inspector General records may be made in person during normal business hours at any office where Office of Inspector General employees are permanently stationed. Although oral requests may be honored, a requester may be asked to submit the request in writing. A written request shall be addressed to: The Office of Inspector General, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 8260, Washington, DC 20410.

(c) Each request must reasonably describe the desired record including the name, subject matter, and number or date, where possible, so that the record

§ 2002.5

may be identified and located. The request should also include the name, address and telephone number of the requester, and the format in which the requester would like the desired record to be reproduced. In order to enable the Office of Inspector General to comply with the time limitations set forth in § 2002.17, both the envelope containing a written request and the letter itself should clearly indicate that the subject is a Freedom of Information Act request.

(d) The request must be accompanied by the fee or an offer to pay the fee as determined in § 15.110.

(e) Copies of available records will be made as promptly as possible. Copying service will be limited to not more than 10 copies of any single page. Records that are published or available for sale need not be reproduced.

(f) To the extent that records are readily reproducible, the Office of Inspector General will send records in the form requested, including electronic format.

[67 FR 47217, July 17, 2002]

§ 2002.5 Records produced upon request when reasonably described.

(a) When a request is made which reasonably describes a record of the Office of Inspector General (see § 2002.3) which has been stored in the National Archives or other record center of the General Services Administration, the record will be requested by the Office of Inspector General if it otherwise would be available under this part.

(b) Every effort will be made to make a record in use by the staff of the Office of Inspector General available when requested, and such availability will be deferred only to the extent necessary to avoid serious interference with the business of the Office of Inspector General.

§ 2002.7 OIG processing of requests.

(a) *Multitracking.* (1) The Office of Inspector General places each request in one of two tracks. The Office of Inspector General places requests in its simple or complex track based on the amount of work and time involved in processing the request. Factors the Office of Inspector General will consider in assigning a request in the simple or

24 CFR Ch. XII (4–1–03 Edition)

complex track will include whether the request involves the processing of voluminous documents and/or whether the request involves responsive documents from more than one organizational unit. Within each track, the Office of Inspector General processes requests in the order in which they are received.

(2) For requests that have been sent to the wrong office, the Office of Inspector General will assign the request within each track using the earlier of either:

(i) The date on which the request was referred to the appropriate office; or,

(ii) The end of the ten (10) working day period in which the request should have been referred to the appropriate office.

(b) *Expedited processing.* The Office of Inspector General may take your request or appeal out of normal order if the Office of Inspector General determines that you have a compelling need for the records or in other cases as determined by the Office of Inspector General. If the Office of Inspector General grants your request for expedited processing, the Office of Inspector General will give your request priority and will process it as soon as practicable. The Office of Inspector General will consider a compelling need to exist if:

(1) Your failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual or a threatened loss of substantial due process rights; or,

(2) You are primarily engaged in disseminating information and there is an urgency to inform the public concerning actual or alleged Federal Government activity.

[67 FR 47217, July 17, 2002]

§ 2002.9 Where to review records.

(a) You may inspect and copy hardcopy records that section 552(a)(2) of FOIA requires the Office of Inspector General make available to the public in reading rooms. At the Headquarters and DC Offices, this would be at HUD's Library, Room 8141, 451 Seventh St., SW, Washington, DC 20410, and should be coordinated through Counsel's Office to the Inspector General, Room