

§ 2002.23

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(c) With regard to a request for commercial or financial information, predisclosure notification to business submitters is required by Executive Order 12600 (3 CFR, 1987 Comp., p. 235) to afford the business submitter an opportunity to object to disclosure of the requested information.

(d) Any reasonably segregable portion of a record shall be provided to any person requesting the record, after deletion of the portions that are exempt under this section.

[57 FR 2228, Jan. 21, 1992, as amended at 59 FR 14098, Mar. 25, 1994]

§ 2002.23 Effect of denial of request.

Denial of a request shall terminate the authority of the Assistant Inspector General or his or her designee to re-

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lease or disclose the requested record, which thereafter may not be made available except with express authorization of the Inspector General of HUD.

[49 FR 11165, Mar. 26, 1984. Redesignated at 53 FR 37550, Sept. 27, 1988]

§ 2002.25 Administrative review.

(a) Review is available only from a written denial of a request for a record issued under § 2002.21 and only if a written request for review is filed within 30 days after issuance of the written denial.

(b) A review may be initiated by mailing a request for review to the Inspector General of HUD, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8256, Washington, DC 20410. Each request for review must contain the following:

(1) A copy of the request, if in writing;

(2) A copy of the written denial issued under § 2002.21; and

(3) A statement of the circumstances, reasons, or arguments advanced in support of disclosure of the original request for the record.

In order to enable the Inspector General of HUD to comply with the time limitations set forth in § 2002.17, both the envelope containing the request for review and the letter itself should clearly indicate that the subject is a Freedom of Information Act request for review.

(c) Review will be made promptly by the Inspector General of HUD on the basis of the written record described in paragraph (b) of this section. Before a denial, the Inspector General will obtain the concurrence of legal counsel for the Office of Inspector General.

(d) The time of receipt for processing of a request for review purposes is the time it is received by the Inspector General of HUD. If a request is misdirected by the requester and is received by one other than the Inspector General, the Office of Inspector General or Department official who receives the request will forward it promptly to the Inspector General and will advise the requester about the delayed time of receipt.

(e) The decision after review will be in writing, will constitute final agency

action on the request, and, if the denial of the request for records is in full or in part upheld, the Inspector General will notify the person making the request of his or her right to seek judicial review under 5 U.S.C. 552(a)(4).

[49 FR 11165, Mar. 26, 1984. Redesignated and amended at 53 FR 37550, 37552, Sept. 27, 1988]

PART 2003—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

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AUTHORITY: 5 U.S.C. 552a; 5 U.S.C. App. 3 (Inspector General Act of 1978); 42 U.S.C. 3535(d).

SOURCE: 57 FR 62142, Dec. 29, 1992, unless otherwise noted.

§ 2003.1 Scope of the part and applicability of other HUD regulations.

(a) *General.* This part contains the regulations of the Office of Inspector General ("OIG") implementing the Privacy Act of 1974 (5 U.S.C. 552a). The regulations inform the public that the Inspector General has the responsibility for carrying out the requirements of the Privacy Act and for issuing internal OIG orders and directives in connection with the Privacy Act. These regulations apply to all records that are contained in systems of records maintained by the OIG and that are retrieved by an individual's name or personal identifier.

(b) *Applicability of part 16.* In addition to these regulations, the provisions of 24 CFR part 16 apply to the OIG, except that appendix A to part 16 is not applicable. The provisions of this part shall govern in the event of any conflict with the provisions of part 16.

§ 2003.2 Definitions.

For purposes of this part:

Department means the OIG, except that in the context of §§ 16.1(d); 16.11(b)(1), (3), and (4); and 16.12(e), when those sections are incorporated by reference, the term means the Department of Housing and Urban Development.

Privacy Act Officer means an Assistant Inspector General.

Privacy Appeals Officer means the Inspector General.

[59 FR 14098, Mar. 25, 1994]

§ 2003.3 Requests for records.

(a) A request from an individual for an OIG record about that individual which is not contained in an OIG system of records will be considered to be a Freedom of Information Act (FOIA) request and will be processed under 24 CFR part 2002.

(b) A request from an individual for an OIG record about that individual which is contained in an OIG system of records will be processed under both the Privacy Act and the FOIA in order to ensure maximum access under both statutes. This practice will be undertaken regardless of how an individual characterizes the request.

(1) The procedures for inquiries and requirements for access to records under the Privacy Act are more specifically set forth in 24 CFR part 16, except that appendix A to part 16 does not apply to the OIG.

(2) An individual will not be required to state a reason or otherwise justify his or her request for access to a record.

§ 2003.4 Officials to receive requests and inquiries.

Officials to receive requests and inquiries for access to, or correction of, records in OIG systems of records are the Privacy Act Officers described in § 2003.2 of this part. Written requests may be addressed to the appropriate Privacy Act Officer at: Office of Inspector General, Department of Housing and Urban Development, Washington, DC 20410.

[57 FR 62142, Dec. 29, 1992, as amended at 59 FR 14098, Mar. 25, 1994]