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(d) *Commercial use* refers to a use or purpose by the requester of information for the information that furthers the requester's commercial, trade or profit interests. Requests for charge files by profit-making entities, other than educational and noncommercial scientific institutions and representatives of the new media, shall be considered for commercial use unless the request demonstrates a noncommercial use.

[40 FR 8171, Feb. 26, 1975, as amended at 52 FR 13830, Apr. 27, 1987]

§ 1610.2 Statutory requirements.

5 U.S.C. 552(a)(3) requires each Agency, upon request for reasonably described records made in accordance with published rules stating the time, place, fees, if any, and procedure to be followed, to make such records promptly available to any person. 5 U.S.C. 552(b) exempts specified classes of records from the public access requirements of 5 U.S.C. 552(a) and permits them to be withheld.

[40 FR 8171, Feb. 26, 1975]

§ 1610.3 Purpose and scope.

This subpart contains the regulations of the Equal Employment Opportunity Commission implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all organizational units within the Commission. Official records of the Commission made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public only as prescribed by this subpart. Officers and employees of the Commission may continue to furnish to the public, informally and without compliance with the procedures prescribed herein, information and records which prior to the enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. To the extent that it is not prohibited by other laws, the Commission also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest.

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§ 1610.4 Public reference facilities and current index.

(a) The Commission will maintain in a public reading area located in the Commission's library at 1801 L Street NW., Washington DC 20507, the materials which are required by 5 U.S.C. 552(a)(2) and 552(a)(5) to be made available for public inspection and copying. Any such materials created on or after November 1, 1996 may also be accessed through the Internet at EEOC's World Wide Web site at <http://www.eeoc.gov>. The Commission will maintain and make available for public inspection and copying in this public reading area a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required to be indexed by 5 U.S.C. 552(a)(2). The Commission in its discretion may, however, include precedential materials issued, adopted, or promulgated prior to July 4, 1967. The Commission will also maintain on file in this public reading area all material published by the Commission in the FEDERAL REGISTER and currently in effect.

(b) Each of the Commission's field offices listed in paragraph (c) of this section, including the District Offices, the Washington Field Office, the Area Offices and the Local Offices, shall maintain and make available for public inspection and copying a copy of:

(1) The Commission's notices and regulatory amendments which are not yet or have never been published in the Code of Federal Regulations,

(2) The Commission's annual reports,

(3) The Commission's Compliance Manual,

(4) Blank forms relating to the Commission's procedures as they affect the public,

(5) The Commission's Orders (agency directives), and

(6) "CCH Equal Employment Opportunity Commission Decisions" (1973) and Employment Practices Guide (vol. 2), published by Commerce Clearing House, Inc.

(c) The Commission's field offices are:

Albuquerque Area Office (Phoenix District),
505 Marquette, NW, Suite 900, Albuquerque,
NM 87102.

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- Atlanta District Office, 100 Alabama Street, SW, Suite 4R30, Atlanta, GA 30303.
- Baltimore District Office, City Crescent Building, 10 South Howard Street, 3rd Floor, Baltimore, MD 21201.
- Birmingham District Office, 1900 3rd Avenue, North, Suite 101, Birmingham, AL 35203-2397.
- Boston Area Office (New York District), 1 Congress Street, 10th Floor, Room 1001, Boston, MA 02114.
- Buffalo Local Office (New York District), 6 Fountain Plaza, Suite 350, Buffalo, NY 14202.
- Charlotte District Office, 129 West Trade Street, Suite 400, Charlotte, NC 28202.
- Chicago District Office, 500 West Madison Street, Suite 2800, Chicago, IL 60661.
- Cincinnati Area Office (Cleveland District), 525 Vine Street, Suite 810, Cincinnati, OH 45202-3122.
- Cleveland District Office, 1660 West Second Street, Suite 850, Cleveland, OH 44113-1454.
- Dallas District Office, 207 S. Houston Street, 3rd Floor, Dallas, TX 75202-4726.
- Denver District Office, 303 E. 17th Avenue, Suite 510, Denver, CO 80203.
- Detroit District Office, 477 Michigan Avenue, Room 865, Detroit, MI 48226-9704.
- El Paso Area Office (San Antonio District), The Commons, Building C, Suite 100, 4171 N. Mesa Street, El Paso, TX 79902.
- Fresno Local Office (San Francisco District), 1265 West Shaw Avenue, Suite 103, Fresno, CA 93711.
- Greensboro Local Office (Charlotte District), 801 Summit Avenue, Greensboro, NC 27405-7813.
- Greenville Local Office (Charlotte District), Wachovia Building, 15 South Main Street, Suite 530, Greenville, SC 29601.
- Honolulu Local Office (San Francisco District), 300 Ala Moana Boulevard, Room 7123-A, PO Box 50082, Honolulu, HI 96850-0051.
- Houston District Office, 1919 Smith Street, 7th Floor, Houston, TX 77002.
- Indianapolis District Office, 101 West Ohio Street, Suite 1900, Indianapolis, IN 46204-4203.
- Jackson Area Office (Birmingham District), 207 West Amite Street, Jackson, MS 39201.
- Kansas City Area Office (St. Louis District), 400 State Avenue, Suite 905, Kansas City, KS 66101.
- Little Rock Area Office (Memphis District), 425 West Capitol Avenue, Suite 625, Little Rock, AR 72201.
- Los Angeles District Office, 255 E. Temple Street, 4th Floor, Los Angeles, CA 90012.
- Louisville Area Office (Indianapolis District), 600 Dr. Martin Luther King Jr. Place, Suite 268, Louisville, KY 40202.
- Memphis District Office, 1407 Union Avenue, Suite 621, Memphis, TN 38104.
- Miami District Office, One Biscayne Tower, 2 South Biscayne Boulevard, Suite 2700, Miami, FL 33131.
- Milwaukee District Office, 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203-2292.
- Minneapolis Area Office (Milwaukee District), 330 South Second Avenue, Suite 430, Minneapolis, MN 55402-2224.
- Nashville Area Office (Memphis District), 50 Vantage Way, Suite 202, Nashville, TN 37228-9940.
- Newark Area Office (Philadelphia District), 1 Newark Center, 21st Floor, Newark, NJ 07102-5233.
- New Orleans District Office, 701 Loyola Avenue, Suite 600, New Orleans, LA 70113-9936.
- New York District Office, 7 World Trade Center, 18th Floor, New York, NY 10048-1102.
- Norfolk Area Office (Baltimore District), World Trade Center, 101 South Main Street, Suite 4300, Norfolk, VA 23510.
- Oakland Local Office (San Francisco District), 1301 Clay Street, Suite 1170-N, Oakland, CA 94612-5217.
- Oklahoma Area Office (Dallas District), 210 Park Avenue, Suite 1350, Oklahoma City, OK 73102.
- Philadelphia District Office, 21 South 5th Street, Suite 400, Philadelphia, PA 19106-2515.
- Phoenix District Office, 3300 N. Central Avenue, Suite 690, Phoenix, AZ 85012-2504.
- Pittsburgh Area Office (Philadelphia District), 1001 Liberty Avenue, Suite 300, Pittsburgh, PA 15222-4187.
- Raleigh Area Office (Charlotte District), 1309 Annapolis Drive, Raleigh, NC 27608-2129.
- Richmond Area Office (Baltimore District), 3600 West Broad Street, Room 229, Richmond, VA 23230.
- San Antonio District Office, 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229-3555.
- San Diego Area Office (Los Angeles District), 401 B Street, Suite 1550, San Diego, CA 92101.
- San Francisco District Office, 901 Market Street, Suite 500, San Francisco, CA 94103.
- San Jose Local Office (San Francisco District), 96 North 3rd Street, Suite 200, San Jose, CA 95112.
- Savannah Local Office (Atlanta District), 410 Mall Boulevard, Suite G, Savannah, GA 31406-4821.
- Seattle District Office, Federal Office Building, 909 First Avenue, Suite 400, Seattle, WA 98104-1061.
- St. Louis District Office, Robert A. Young Building, 1222 Spruce Street, Room 8.100, St. Louis, MO 63103.
- Tampa Area Office (Miami District), 501 East Polk Street, Room 1020, Tampa, FL 33602.

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Washington Field Office (Baltimore District), 1400 L Street, NW, Suite 200, Washington, DC 20005.

[40 FR 8171, Feb. 26, 1975, as amended at 45 FR 40603, June 16, 1980; 49 FR 13024, Apr. 2, 1984; 54 FR 32061, Aug. 4, 1989; 56 FR 29578, June 28, 1991; 63 FR 1341, Jan. 9, 1998]

§ 1610.5 Request for records.

(a) A written request for inspection or copying of a record of the Commission may be presented in person or by mail to the Commission employee designated in §1610.7. Requests must be presented during business hours on any workday.

(b) Each request must contain information which reasonably describes the records sought and, when known, should contain a name, date, subject matter and location for the record requested in order to permit the record to be promptly located.

(c) Where a request is not considered reasonably descriptive or requires the production of voluminous records, or necessitates the utilization of a considerable number of work hours to the detriment of the business of the Commission, the Commission may require the person making the request or such person's agent to confer with a Commission representative in order to attempt to verify the scope of the request and, if possible, narrow such request.

[40 FR 8171, Feb. 26, 1975, as amended at 56 FR 29578, June 28, 1991; 63 FR 1341, Jan. 9, 1998]

§ 1610.6 Records of other agencies.

Requests for records that originated in another Agency and are in the custody of the Commission will be coordinated in appropriate circumstances with that Agency and the person submitting the request shall be so notified. The decision made by that Agency with respect to such records will be honored by the Commission.

[45 FR 40604, June 16, 1980]

§ 1610.7 Where to make request; form.

(a) Requests for the following types of records shall be submitted to the regional attorney for the pertinent district, area or local office, at the district office address listed in §1610.4(c) or, in the case of the Washington Field Office, shall be submitted to the re-

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gional attorney in the Baltimore District Office at the address listed in §1610.4(c):

(1) Information about current or former employees of a field office;

(2) Existing non-confidential statistical data related to the case processing of a field office;

(3) Agreements between the Commission and State or local fair employment agencies operating within the jurisdiction of a field office; or

(4) Materials in field office investigative files related to charges under: Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*); the Equal Pay Act (29 U.S.C. 206(d)); the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 *et seq.*); or, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

(b) A request for any record which does not fall within the ambit of subparagraph (a) of this section, or a request for any record the location of which is unknown to the person making the request, shall be submitted in writing to the Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington DC 20507.

(c) A request must be clearly and prominently defined as a request for information under the Freedom of Information Act. If submitted by mail, or otherwise submitted under any cover, the envelope or other cover must be similarly identified.

(d) When a request is one which by nature should properly be directed to the Legal Counsel, or a regional attorney, such request shall not be deemed to have been received by the Commission until the time it is actually received by the appropriate official.

(e) Any Commission official who receives a written Freedom of Information request shall promptly forward it to the appropriate official specified in paragraph (a) or (b) of this section. Any Commission official who receives an oral request under the Freedom of Information Act shall inform the other person making the request that it must