

**§51-8.14**

**41 CFR Ch. 51 (7-1-04 Edition)**

(d) Requesters who are representatives of the news media—Fees for this category of requesters shall also be limited to the cost of providing duplication service alone, minus the charge for the first 100 reproduced pages. No charge shall be made for providing search for review services. Requests in this category must not be made for a commercial use.

(1) The term “representative of the news media” refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

(2) The term “news” means information that is about current events or that would be of current interest to the public.

(3) Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals which disseminate news and who make their products available for purchase or subscription by the general public.

(4) “Freelance” journalists may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

(e) All other requesters. Fees for requesters who do not fit into any of the above categories shall be assessed for the full reasonable direct cost of searching for and duplicating documents that are responsive to a request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge.

**§51-8.14 Fee waivers and reductions.**

The Committee will waive or reduce fees on requests for information if disclosure of the information is deemed to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government, and is not primarily in the commercial interest of the requester.

(a) In determining when fees shall be waived or reduced, the Committee will consider the following six factors:

(1) The subject of the request, i.e., whether the subject of the requested

records concerns “the operations or activities of the Government;”

(2) The informative value of the information to be disclosed, i.e., whether the disclosure is “likely to contribute” to an understanding of Government operations or activities;

(3) The contribution to an understanding of the subject by the general public likely to result from disclosure, i.e., whether disclosure of the requested information will contribute to “public understanding”;

(4) The significance of the contribution to public understanding, i.e., whether the disclosure is likely to contribute “significantly” to public understanding of Government operations or activities;

(5) The existence and magnitude of a commercial interest, i.e., whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

(6) The primary interest in disclosure, i.e., whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.”

(b) The Committee may waive or reduce fees associated with a request for disclosure regardless of whether a waiver or reduction has been requested if the Committee determines that disclosure will primarily benefit the general public.

(c) Fees shall be waived in all circumstances where the amount of the fee is \$10 or less as the cost of collection would be greater than the fee. This minimum shall be applied separately to each Committee response when it is necessary for the Committee to make more than one response to a request for records.

[54 FR 15189, Apr. 17, 1989. Redesignated at 56 FR 48983, Sept. 26, 1991, and amended at 59 FR 59345, Nov. 16, 1994]

**§51-8.15 Collection of fees and charges.**

(a) Except when prepayment is required, payments shall be collected to the fullest extent possible at the time the requested materials are furnished. Payments shall be made by requesters

within 30 days of the date of the billing.

(b) Payments shall be made by check, draft, or money order made payable to the Treasury of the United States.

(c) In instances where a requester has previously failed to pay a fee, the Committee may require the requester to pay the full amount owed, plus any applicable interest as provided below, as well as the full estimated fee associated with any new request before it begins to process the new or subsequent request.

(d) On requests that result in fees being assessed, interest will be charged on an unpaid bill starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in section 3717 of Title 31 United States Code, and will accrue from the date of the billing.

(e) In attempting to collect fees levied under FOIA, the Committee will abide by the provisions of the Debt Collection Act of 1982 (Pub. L. 97-365) in disclosing information to consumer reporting agencies and in the use of collection agencies, where appropriate, to encourage payment.

#### § 51-8.16 Preservation of records.

The Committee shall preserve all correspondence relating to the requests it receives under this part, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 United States Code, and to the General Records Schedule. Records shall not be destroyed while they are the subject of a pending request, appeal, or lawsuit under the Act.

### PART 51-9—PRIVACY ACT RULES

#### Subpart 51-9.1—General Policy

Sec.

- 51-9.101 Maintenance of records.
- 51-9.101-1 Collection and use.
- 51-9.101-2 Standards of accuracy.
- 51-9.101-3 Content of systems of records.
- 51-9.101-4 Rules of conduct.
- 51-9.101-5 Safeguarding systems of records.
- 51-9.102 Availability of records.
- 51-9.102-1 Specific exemptions.

#### Subpart 51-9.2—Disclosure of Records

- 51-9.201 Conditions of disclosure.
- 51-9.202 Accounting of disclosures.

#### Subpart 51-9.3—Individual Access to Records

- 51-9.301 Notification.
- 51-9.302 Times, places and requirements for access requests.
- 51-9.303 Access procedures.
- 51-9.303-1 Form of requests.
- 51-9.303-2 Special requirements for medical/psychological records.
- 51-9.303-3 Granting access.
- 51-9.303-4 Denials of access.
- 51-9.304 Fees.
- 51-9.304-1 Records available without charge.
- 51-9.304-2 Records available at a fee.
- 51-9.304-3 Prepayment of fees over \$25.
- 51-9.304-4 Form of payment.
- 51-9.304-5 Reproduction fee schedule.

#### Subpart 51-9.4—Requests To Amend Records

- 51-9.401 Submission of requests to amend records.
- 51-9.402 Review of requests to amend records.
- 51-9.403 Approval of requests to amend.
- 51-9.404 Refusal of request to amend.
- 51-9.405 Request of review of refusal to amend a record.

#### Subpart 51-9.5—Report on New Systems and Alteration of Existing Systems

- 51-9.501 Reporting requirement.
- 51-9.502 FEDERAL REGISTER notice of establishment of new system or alteration of existing system.
- 51-9.503 Effective date of new systems of records or alteration of an existing system of records.

#### Subpart 51-9.6—Exceptions [Reserved]

#### Subpart 51-9.7—Rules of Conduct for Disclosure of Information About an Individual

- 51-9.701 Committee rules of conduct.

AUTHORITY: 5 U.S.C. 552a.

SOURCE: 40 FR 51168, Nov. 3, 1975. Redesignated at 56 FR 48983, Sept. 26, 1991.

#### Subpart 51-9.1—General Policy

##### § 51-9.101 Maintenance of records.

##### § 51-9.101-1 Collection and use.

Any information used in whole or in part in making a determination about