

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

§51-9.101-2

an individual's rights, benefits, or privileges under the Committee programs, shall, to the extent practicable, be collected directly from the subject individual. At the time information is collected, the individual must be informed of the authority for collecting such information, whether providing the information is mandatory or voluntary, the purposes for which the information will be used, the routine uses as published in the FEDERAL REGISTER, and the effects on the individual, if any, of not providing the information. The information collected shall be used only for the intended purpose or permission for additional use will be obtained from the subject individual.

§51-9.101-2 Standards of accuracy.

The Executive Director shall ensure that all records which are used by the agency to make determinations about any individual are maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. Upon petition by an individual, the Executive Director shall provide the individual with the opportunity to review his records, and to request amendment of a portion which the individual believes is not accurate, relevant, timely or complete. Prior to dissemination of records about any individual to any person or to another agency, exclusive of disclosure pursuant to the Freedom of Information Act, the Executive Director shall make reasonable effort to ensure that such records are accurate, complete, timely, and relevant.

§51-9.101-3 Content of systems of records.

The Executive Director shall maintain in records only such information about an individual as is relevant and necessary to accomplish an agency purpose required by statute or executive order. Such records shall not contain any information describing how any individual exercises rights guaranteed by the First Amendment unless specifically authorized by statute, by the subject individual, or is pertinent to and within the scope of an authorized law enforcement activity. For these purposes, First Amendment rights include,

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

but are not limited to, religious and political beliefs, freedom of speech, the press, assembly, and freedom to petition.

§51-9.101-4 Rules of conduct.

Any employee of the Committee involved in the design, development, operation or maintenance of any system of records, or in maintaining any record, shall review the provisions of 5 U.S.C. 552a and these regulations, and shall conduct himself accordingly with the rules of conduct concerning the protection of personal information outlined in 41 CFR 51-9.7, Disclosure of Information about an Individual.

§51-9.101-5 Safeguarding systems of records.

The Executive Director shall ensure that appropriate administrative, technical and physical safeguards are established to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

§51-9.102 Availability of records.

Committee records pertaining to an individual shall be made available to the subject individual to the greatest extent possible. Disclosures of records to other than the subject individual will be made only in accordance with Subpart 51-9.2 of this part.

§51-9.102-1 Specific exemptions.

Systems of records maintained by the Committee which have been exempted from certain requirements of the Privacy Act are designated in Subpart 51-9.6 of this part. An individual shall have access to all exempted records containing information about him under procedures outlined in Subpart 51-9.3 of this part. Upon request, an individual shall receive an accounting of any disclosure of information about him.