

§ 2412.6

§ 2412.6 Initial decision on access requests.

(a) Within ten (10) working days of the receipt of a request pursuant to § 2412.5, the appropriate Regional Director or the Director of Administration of the Authority, as appropriate, shall make an initial decision whether the requested records exist and whether they will be made available to the person requesting them. That initial decision shall immediately be communicated, in writing or other appropriate form, to the person who has made the request.

(b) Where the initial decision is to provide access to the requested records, the above writing or other appropriate communication shall:

(1) Briefly describe the records to be made available;

(2) State whether any records maintained, in the system of records in question, about the individual making the request are not being made available;

(3) State that the requested records will be available during ordinary office hours at the appropriate regional office or offices of the Authority, the General Counsel or the Panel, as appropriate; and

(4) State whether any further verification of the identity of the requesting individual is necessary.

(c) Where the initial decision is not to provide access to requested records, the appropriate Regional Director or the Director of Administration of the Authority, as appropriate, shall by writing or other appropriate communication explain the reason for that decision. The appropriate Regional Director or the Director of Administration of the Authority, as appropriate, shall only refuse to provide an individual access where:

(1) There is inadequate verification of identity under § 2412.5(d);

(2) In fact no such records are maintained; or

(3) The requested records have been compiled in a reasonable anticipation of civil or criminal action or proceedings.

[45 FR 3491, Jan. 17, 1980, as amended at 51 FR 33837, Sept. 23, 1986]

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§ 2412.7 Special procedures; medical records.

(a) If medical records are requested for inspection which, in the opinion of the appropriate Regional Director or the Director of Administration of the Authority, as appropriate, may be harmful to the requester if personally inspected by such person, such records will be furnished only to a licensed physician designated to receive such records by the requester. Prior to such disclosure, the requester must furnish a signed written authorization to make such disclosure and the physician must furnish a written request for the physician's receipt of such records to the appropriate Regional Director or the Director of Administration of the Authority, as appropriate.

(b) If such authorization is not executed within the presence of an Authority, General Counsel or Panel representative, the authorization must be accompanied by a notarized statement verifying the identification of the requester.

[45 FR 3491, Jan. 17, 1980, as amended at 51 FR 33837, Sept. 23, 1986]

§ 2412.8 Limitations on disclosures.

(a) Requests for records about an individual made by person other than that individual shall also be directed as follows:

(1) If the system of records is located in a regional office of the Authority, it should be made to the appropriate Regional Director; and

(2) If the system of records is located in the offices of the Authority, the General Counsel or the Panel in Washington, DC, it should be made to the Director of Administration of the Authority, Washington, DC.

(b) Such records shall only be made available to persons other than that individual in the following circumstances:

(1) To any person with the prior written consent of the individual about whom the records are maintained;

(2) To officers and employees of the Authority, the General Counsel and the Panel who need the records in the performance of their official duties;

(3) For a routine use compatible with the purpose for which it was collected;

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(4) To any person to whom disclosure is required by the Freedom of Information Act, as amended, 5 U.S.C. 552;

(5) To the Bureau of the Census for uses pursuant to title 13 of the United States Code;

(6) In a form not individually identifiable to a recipient who has provided the Authority, the General Counsel and the Panel with adequate assurance that the record will be used solely as a statistical research or reporting record;

(7) To the National Archives of the United States or other appropriate entity as a record which has historical or other value warranting its preservation;

(8) To another agency or to an instrumentality of any governmental jurisdiction within or under control of the United States for a civil or criminal law enforcement activity that is authorized by law if the head of the agency or instrumentality has made a written request for the record to the Authority, the General Counsel or the Panel;

(9) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, provided that notification of such a disclosure shall be immediately mailed to the last known address of the individual;

(10) To either House of Congress or to any committee thereof with appropriate jurisdiction;

(11) To the Comptroller General in the performance of the official duties of the General Accounting Office; or

(12) Pursuant to the order of a court of competent jurisdiction.

(c) The request shall be in writing and should be clearly and prominently identified as a Privacy Act request and, if submitted by mail or otherwise submitted in an envelope or other cover, should bear the legend "Privacy Act Request" on the envelope or other cover. If a request does not comply with the provisions of this paragraph, it shall not be deemed received until the time it is actually received by the appropriate Regional Director or the Director of Administration of the Authority, as appropriate.

[45 FR 3491, Jan. 17, 1980, as amended at 51 FR 33837, Sept. 23, 1986]

§ 2412.9 Accounting of disclosures.

(a) All Regional Directors of the Authority and the Director of Administration of the Authority shall maintain a record ("accounting") of every instance in which records about an individual are made available, pursuant to this part, to any person other than:

(1) Officers or employees of the Authority, the General Counsel or the Panel in the performance of their duties; or

(2) Any person pursuant to the Freedom of Information Act, as amended, 5 U.S.C. 552.

(b) The accounting which shall be retained for at least five (5) years or the life of the record, whichever is longer, shall contain the following information:

(1) A brief description of records disclosed;

(2) The date, nature and, where known, the purpose of the disclosure; and

(3) The name and address of the person or agency to whom the disclosure is made.

[45 FR 3491, Jan. 17, 1980, as amended at 51 FR 33837, Sept. 23, 1986]

§ 2412.10 Requests for correction or amendment of records.

(a) After inspection of any records, if the individual disagrees with any information in the record, the individual may request that the records maintained about the individual be corrected or otherwise amended. Such request shall specify the particular portions of the record to be amended or corrected, the desired amendment or correction, and the reasons therefor.

(b) Such request shall be in writing and directed as follows:

(1) If the system of records is located in a regional office of the Authority, it should be made to the appropriate Regional Director; and

(2) If the system of records is located in the offices of the Authority, the General Counsel or the Panel in Washington, DC, it should be made to the Deputy Director of Administration of the Authority, Washington, DC.