

that received or classified the foreign government information, it shall refer the request to the appropriate agency. In those cases where agency policy or guidelines do not apply, consultation with the foreign originator, through the GSA Security Officer, may be made prior to final action on the request.

(g) *Information classified outside the service or staff office.* When a service or staff office receives a request for declassification of information in a document which is in the custody of the service or staff office but was classified by another service or staff office or by another Government agency, the service or staff office shall refer the request to the classifying service or staff office or Government agency, together with a copy of the document containing the information requested when practicable, and shall notify the requester of the referral, unless the agency that classified the information objects on the grounds that its association with the information requires protection. When a GSA service or staff office receives such a referral, it shall process the request in accordance with the requirements of this paragraph and, if so requested, shall notify the referring service, staff office, or agency of the determination made on the request.

(h) *Action on appeal.* The following procedures shall be followed when denials of requests for declassification are appealed:

(1) The Deputy Administrator shall, within 15 days of the date of the appeal, convene a meeting of the GSA Information Security Oversight Committee (ISOC) that shall include the GSA Security Officer, or his or her representative, and the GSA official who denied the original request (and, at the option of that official, any subordinates or personnel from other agencies that participated in the decision for denial).

(2) The ISOC shall learn from the official the reasons for denying the request, concentrating in particular upon which requirement continued classification is based and the identifiable damage that would result if the information were declassified. The ISOC shall also learn from the official the part or parts of the information that is

classified and if by deleting minor segments of the information it might not then be declassified.

(3) The ISOC's decision to uphold or deny the appeal, in whole or in part, shall be based upon the unanimous opinion of its membership. In the event that unanimity cannot be attained, the matter shall be referred to the Administrator, whose decision shall be final.

(4) Based upon the outcome of the appeal, a reply shall be made to the person making the appeal that either encloses the requested information or part of the information, or explains why the continued classification of the information is required. A copy of the reply shall be sent to the GSA official who originally denied the request for declassification, to the GSA Security Officer, and to any other agency expressing an interest in the decision.

(5) Final action on appeals shall be completed within 30 days of the date of the appeal.

(i) *Prohibition.* No service or staff office in possession of a classified document may refuse to confirm the existence of the document in response to a request for the document under the provisions for mandatory review, unless the fact of its existence would itself be classifiable.

(j) *Presidential papers.* Information less than 10 years old which was originated by the President, by the White House staff, or by committees or commissions appointed by the President, or by others acting on behalf of the President, is exempted from mandatory review for declassification. Such information 10 years old or older is subject to mandatory review for declassification in accordance with procedures developed by the Archivist of the United States which provide for consultation with GSA on matters of primary subject interest to this agency.

## PART 105-64—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

### Sec.

- 105-64.000 Scope of part.
- 105-64.001 Purpose.
- 105-64.002 Definitions.

## General Services Administration

## § 105-64.002

### Subpart 105-64.1—General Policy

- 105-64.101 Maintenance of records.
- 105-64.101-1 Collection and use.
- 105-64.101-2 Standards of accuracy.
- 105-64.101-3 Rules of conduct.
- 105-64.101-4 Safeguarding systems of records.
- 105-64.101-5 Inconsistent directives of GSA superseded.
- 105-64.102 Records of other agencies.
- 105-64.103 Subpoenas and other legal demands.

### Subpart 105-64.2—Disclosure of Records

- 105-64.201 Conditions of disclosure.
- 105-64.202 Procedures for disclosure.
- 105-64.203 Accounting of disclosure.

### Subpart 105-64.3—Individual Access to Records

- 105-64.301 Access procedures.
- 105-64.301-1 Form of requests.
- 105-64.301-2 Special requirements for medical records.
- 105-64.301-3 Granting access.
- 105-64.301-4 Denials of access.
- 105-64.301-5 Appeal of denial of access within GSA.
- 105-64.301-6 Geographic composition, addresses and telephone numbers of regional Administrative Services Division directors.
- 105-64.302 Fees.
- 105-64.302-1 Records available at a fee.
- 105-64.302-2 Additional copies.
- 105-64.302-3 Waiver of fee.
- 105-64.302-4 Prepayment of fees over \$25.
- 105-64.302-5 Form of payment.
- 105-64.302-6 Reproduction fee schedule.

### Subpart 105-64.4—Requests to Amend Records

- 105-64.401 Submission of requests to amend records.
- 105-64.402 Review of requests to amend records.
- 105-64.403 Approval of requests to amend.
- 105-64.404 Denial of requests to amend.
- 105-64.405 Agreement to alternative amendments.
- 105-64.406 Appeal of denial of request to amend a record.
- 105-64.407 Statements of disagreement.
- 105-64.408 Judicial review.

### Subpart 105-64.5—Reporting New Systems and Altering Existing Systems

- 105-64.501 Reporting requirement.
- 105-64.502 FEDERAL REGISTER notice of establishment of new system or alteration of existing system.

- 105-64.503 Effective date of new systems of records or alteration of an existing system of records.

### Subpart 105-64.6—Exemptions

- 105-64.601 General exemptions.
- 105-64.602 Specific exemptions.

### Subpart 105-64.7—Assistance and Referrals

- 105-64.701 Requests for assistance and referral.

AUTHORITY: The authority provided by Pub. L. 152, Ch. 288, 63 Stat 377 (codified as amended in scattered section of 40 U.S.C. and 41 U.S.C.).

SOURCE: 50 FR 43139, Oct. 24, 1985, unless otherwise noted.

### § 105-64.000 Scope of part.

The policies and procedures for collecting, using, and disseminating records maintained by GSA are subject to 5 U.S.C. 552a, and defined in §105-64.002. Policies and procedures governing availability of records in general are in parts 105-60 and 61 of this chapter. This part also covers exemptions from disclosing personal information; procedures guiding persons who wish to obtain information, or to inspect or correct the content of records; accounting for disclosure of information; requirements for medical records; and fees.

### § 105-64.001 Purpose.

This part implements 5 U.S.C. 552a (Pub. L. 93-579), known as the Privacy Act of 1974 (referred to as the Act). This part states procedures for notifying an individual of a GSA system of records containing a record pertaining to him or her, procedures for gaining access to or contesting the content of records, and other procedures for carrying out the Act.

### § 105-64.002 Definitions.

For the purpose of this part 105-64, the terms listed below are defined as follows:

- (a) *Agency* means agency as defined in 5 U.S.C. 552(e);
- (b) *Individual* means a citizen of the United States or a legal alien admitted for permanent residence;
- (c) *Maintain* means keep, collect, use, and disseminate;