

Water Resources Council

§ 701.308

paragraph (b)(1) of this section, acceptable to the Council.

[41 FR 8343, Feb. 26, 1976]

§ 701.305 Procedures for requests for access to or disclosure of records pertaining to individuals.

(a) After being informed by the Council that a system of records contains a record pertaining to him or her, an individual may request the Council for access to or disclosure of that record to him or her in the manner described in this section. Each such request of a record or a copy of it will be made at the place specified in the notice describing that system of records, either in writing or in person. Requests may be made by agents, parents, or guardians of individuals as described in § 701.310(a) and (b).

(b) The request for access to or disclosure of a record should specifically identify the systems of records involved.

(c) The Council will attempt to affirm or deny a request within 10 working days from the time it receives the request or to inform the requester of the need for additional time, additional information, identification, or the tendering of fees (as specified in § 701.312), within 10 working days; except that if the request for access was not preceded by a notification request as provided in § 701.302, then the 10-day period will not begin until after such time as it has been determined that the record exists. If a request is complied with within 10 working days, no separate acknowledgement will be made.

[41 FR 8343, Feb. 26, 1976]

§ 701.306 Special procedure: Medical records.

(a) An individual requesting disclosure of a record which contains medical or psychological information may name a medical doctor or other person to act as his agent as described in § 701.310(a). Records containing medical or psychological information may be disclosed to that agent rather than to the individual at the individual's request.

(b) If the individual has not named a medical doctor as agent, the Council may determine, after consultation with

a medical doctor, that disclosure of the information would have an adverse effect on the requester. The Council may then disclose that information to a medical doctor specified by the individual, rather than to that individual, either in person or by mail.

[40 FR 45676, Oct. 2, 1975, as amended at 41 FR 8343, Feb. 26, 1976]

§ 701.307 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him that was furnished to him under this subpart, may request the agency to correct or amend all or any part of that record.

(b) Each individual requesting a correction or amendment will send the request to the agency official who furnished the record to him.

(c) Each request for a correction or amendment of a record will contain the following information:

(1) The name of the individual requesting the correction or amendment;

(2) The name of the system of records in which the record sought to be corrected or amended is maintained;

(3) The location of that record in the system of records;

(4) A copy of the record sought to be corrected or amended or a description of that record;

(5) A statement of the material in the record requested to be corrected or amended;

(6) A statement of the specific wording of the correction or amendment sought; and

(7) A statement of the basis for the requested correction or amendment, including any material that the individual can furnish to substantiate the reasons for the correction or amendment sought.

§ 701.308 Council review of request for correction or amendment of record.

(a) Not later than 10 days (excluding Saturdays, Sundays, and legal holidays) after the receipt of the request for the correction or amendment of a record under § 701.307, the Council will acknowledge receipt of the request and inform the individual whether further information is required before the correction or amendment can be considered.

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(b) The Council will promptly review the request and either make the requested correction or amendment or notify the individual of the initial adverse determination, including in the notification the reasons for the adverse determination and the appeal procedure provided by § 701.309.

(c) The Assistant Director, Program Coordination and Management, or his designee, will, after consulting with the General Counsel, or his designee, have the primary authority to make an initial adverse determination.

(d) The Council will make each requested correction or amendment to a record if that correction or amendment will correct anything that is not accurate, relevant, timely, or complete, within the record.

(e) If the requested correction or amendment to a record is agreed to by the Council, the Council will, within 30 working days:

(1) Advise the individual;

(2) Correct the record accordingly; and

(3) Where an accounting of disclosures had been made (as provided in § 701.311), advise all previous recipients (including the individual) of the record of the fact that the correction was made and the substance of the correction.

[40 FR 45676, Oct. 2, 1975, as amended at 41 FR 8343, Feb. 26, 1976]

§ 701.309 Appeal of initial adverse determination.

(a) Any individual whose request for a correction or amendment, requested by him, to a record has been denied, in whole or in part, may appeal that decision to the Director of the Council.

(b) The appeal will be in writing and will:

(1) Name the individual making the appeal;

(2) Identify the record sought to be amended;

(3) Name the record system in which that record is contained;

(4) Contain a short statement describing the amendment sought; and

(5) State the name and location of the Council official who made the initial adverse determination.

(c) Not later than 30 days (excluding Saturdays, Sundays, and legal holi-

days) after the date on which the Council received the appeal, the Director will complete his review of the appeal and make a final decision thereon. However, for good cause shown, the Director may extend that 30 day period by not more than an additional 30 working days. If the Director so extends the period, he will promptly notify the individual requesting the review that the extension has been made and the reasons therefor.

(d) After review of an appeal request, the agency will send a written notice to the requester containing the following information:

(1) The decision and, if the denial is upheld, the reasons for the decision; and

(2) The specific civil remedies available to the requester as per section 2(g) of Pub. L. 93-579, as well as notice that additional remedies may be appropriate and available to enable the full exercise of the requester's rights at law.

(3) The right to file with the Council a concise statement setting forth the requester's reasons for disagreement with the Council's refusal to correct or amend the record.

[40 FR 45676, Oct. 2, 1975, as amended at 41 FR 8344, Feb. 26, 1976]

§ 701.310 Disclosure of record to person other than the individual to whom it pertains.

(a) Any individual who desires to have a record covered by this subpart disclosed to or mailed to a person other than that individual may authorize that person to act as his agent for that specific purpose. The authorization will be in writing, signed by the individual, and will be notarized. The agent will submit with the authorization proof of the individual's identity as required by § 701.304(b).

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court of competent jurisdiction to be incompetent due to physical or mental incapacity or age, may act on behalf of that individual in any matter covered by this subpart. A parent or guardian who desires to act on behalf of such an individual will present suitable evidence of parentage or guardianship, by