

## National Credit Union Administration

## § 792.02

792.25 Will NCUA charge me if the records are not found or are determined to be exempt?

792.26 Will I be asked to pay fees in advance?

### FEE WAIVER OR REDUCTION

792.27 Can fees be reduced or waived?

### APPEALS

792.28 What if I am not satisfied with the response I receive?

### SUBMITTER NOTICE

792.29 If I send NCUA confidential commercial information, can it be disclosed under FOIA?

### RELEASE OF EXEMPT RECORDS

792.30 Is there a prohibition against disclosure of exempt records?

792.31 Can exempt records be disclosed to credit unions, financial institutions and state or federal agencies?

792.32 Can exempt records be disclosed to investigatory agencies?

### Subpart B [Reserved]

### Subpart C—Production of Nonpublic Records and Testimony of NCUA Employees in Legal Proceedings

792.40 What does this subpart prohibit?

792.41 When does this subpart apply?

792.42 How do I request nonpublic records or testimony?

792.43 What must my written request contain?

792.44 When should I make a request?

792.45 Where do I send my request?

792.46 What will the NCUA do with my request?

792.47 If my request is granted, what fees apply?

792.48 If my request is granted, what restrictions apply?

792.49 Definitions.

### Subpart D—Security Procedures for Classified Information

792.50 Program.

792.51 Procedures.

### Subpart E—The Privacy Act

792.52 Scope.

792.53 Definitions.

792.54 Procedures for requests pertaining to individual records in a system of records.

792.55 Times, places, and requirements for identification of individuals making requests and identification of records requested.

792.56 Notice of existence of records, access decisions and disclosure of requested information; time limits.

792.57 Special procedures: Information furnished by other agencies; medical records.

792.58 Requests for correction or amendment to a record; administrative review of requests.

792.59 Appeal of initial determination.

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

792.61 Accounting for disclosures.

792.62 Requests for accounting for disclosures.

792.63 Collection of information from individuals; information forms.

792.64 Contracting for the operation of a system of records.

792.65 Fees.

792.66 Exemptions.

792.67 Security of systems of records.

792.68 Use and collection of Social Security numbers.

792.69 Training and employee standards of conduct with regard to privacy.

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SOURCE: 54 FR 18476, May 1, 1989, unless otherwise noted.

### Subpart A—The Freedom of Information Act

SOURCE: 63 FR 14338, Mar. 25, 1998, unless otherwise noted.

#### GENERAL PURPOSE

#### § 792.01 What is the purpose of this subpart?

This subpart describes the procedures you must follow to obtain records from NCUA under the Freedom of Information Act (FOIA), (5 U.S.C. 552).

#### RECORDS PUBLICLY AVAILABLE

#### § 792.02 What records does NCUA make available to the public for inspection and copying?

Except for records that are exempt from public disclosure under FOIA as amended (5 U.S.C. 552) or are promptly published and copies are available for purchase, NCUA routinely makes the following five types of records available for you to inspect and copy:

### § 792.03

(a) Final opinions, including concurring and dissenting opinions, and orders made in the adjudication of cases;

(b) Statements of policy and interpretations which have been adopted by the agency but not published in the FEDERAL REGISTER;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Copies of all records, regardless of form or format, which have been released after March 31, 1997, in response to a FOIA request and which, because of the nature of their subject matter, NCUA determines have been or are likely to become the subject of subsequent requests; and

(e) Indices of the documents referred to in this paragraph.

### § 792.03 How will I know which records to request?

NCUA maintains current indices providing identifying information for the public for any matter referred to in § 792.02, issued, adopted, or promulgated after July 4, 1967. The listing of material in an index is for the convenience of possible users and does not constitute a determination that all of the items listed will be disclosed. NCUA has determined that publication of the indices is unnecessary and impractical. You may obtain copies of indices by making a request to the Office of Administration, at NCUA, 1775 Duke Street, Alexandria, VA 22314-2387 or, as indicated, on the NCUA web site. The indices are available for public inspection and copying and are provided at their duplication cost. The indices are:

(a) NCUA Publications List: Manuals relating to general and technical information, booklets published by NCUA, and the Credit Union Directory. The NCUA Publications list is available on the NCUA web site.

(b) Directives Control Index: A list of statements of policy, NCUA Instructions, Bulletins, Letters to Credit Unions, and certain internal manuals.

(c) Popular FOIA Index: Records released in response to a FOIA request, that NCUA determines are likely to be the subject of subsequent requests because of the nature of their subject matter. The Popular FOIA Index will

### 12 CFR Ch. VII (1-1-08 Edition)

be available on the NCUA web site on or before December 31, 1999.

### § 792.04 How can I obtain these records?

You may obtain these types of records or information in the following ways:

(a) You may obtain copies of the records referenced in § 792.02 by obtaining the index referred to in § 792.03 and following the ordering instructions it contains, or by making a request to the FOIA Officer, NCUA, Office of General Counsel at 1775 Duke Street, Alexandria, Virginia 22314-3428.

(b) If they were created by NCUA on or after November 1, 1996, records referenced in § 792.02 are available on the NCUA web site, found at <http://www.ncua.gov>.

### § 792.05 What is the significance of records made available and indexed?

The records referred to in § 792.02 may be relied on, used, or cited as precedent by NCUA against a party, provided:

(a) The materials have been indexed and either made available or published; or

(b) The party has actual and timely notice of the materials' contents.

### RECORDS AVAILABLE UPON REQUEST

### § 792.06 Can I obtain other records?

Except with respect to records routinely made available under § 792.02 or published in the FEDERAL REGISTER, or to the extent that records are exempt under the FOIA, if you make a request for records in accordance with this subpart, NCUA will make such records available to you, including records maintained in electronic format, as long as you agree to pay the actual, direct costs.

### § 792.07 Where do I send my request?

(a) You must send your request to one of NCUA's Information Centers. The Central Office and Office of Inspector General are designated as Information Centers for the NCUA. The Freedom of Information Officer of the Office of General Counsel is responsible for the operation of the Information