

Federal Housing Finance Board

§913.5

the grant of the request. If you are accompanied by another person, we will require your written authorization before discussing the records in the presence of the other person.

(b) *What will the Finance Board's response include?* The written response will include the Privacy Act Official's determination whether to grant or deny your request in whole or in part, a brief explanation of the reasons for the determination, and the amount of the fee charged, if any, under §913.6. If you requested access to records, the Privacy Act Official will make the records, if any, available to you. If you requested amendment or correction of a record, the response will describe any amendments or corrections made and advise you of your right to obtain a copy of the amended or corrected record, in disclosable form, under this part.

(c) *Adverse determinations*—(1) *What is an adverse determination?* Adverse determinations consist of the following determinations by the Privacy Act Official:

(i) A determination to withhold any requested record in whole or in part;

(ii) A determination to deny a request to amend or correct a record in whole or in part;

(iii) A determination not to provide an accounting of disclosures;

(iv) A determination that a requested record does not exist or cannot be located;

(v) A determination that what has been requested is not a record subject to the Privacy Act; or

(vi) A determination on any disputed fee matter.

(2) *Responses that include an adverse determination.* If the Privacy Act Official makes an adverse determination with respect to your request, the written response under this section will state that the Privacy Act Official is the person responsible for the adverse determination, that the adverse determination is not a final agency action, and that you may appeal the adverse determination under §913.5.

[68 FR 39812, July 3, 2003, as amended at 71 FR 60813, Oct. 17, 2006]

§913.5 What can I do if I am dissatisfied with the Finance Board's response to my Privacy Act request?

(a) *Appeals.* You can appeal any adverse determination made by the Privacy Act Official in responding to your Privacy Act request. If you wish to seek review by a court of any adverse determination or denial of a request, you first must appeal it under this section.

(b) *How do I make an appeal?* You may make an appeal by submitting a written application giving the reasons why the adverse determination should be overturned within 30 working days of the date of the Privacy Act Official's determination under §913.4. You should include the notation "Privacy Act Appeal" on the front of your envelope and also at the beginning of your application to make sure that the Privacy Act Office receives your appeal without delay.

(c) *When will the Finance Board respond to my appeal?* The Finance Board generally will respond to you in writing within 30 working days of receipt of an appeal that meets the requirements of paragraph (b) of this section. The Finance Board may extend the response time in unusual circumstances, such as the need to consult with another agency about a record or to retrieve a record shipped offsite for storage.

(d) *What will the Finance Board's response include?* The written response will include the Finance Board's determination whether to grant or deny your appeal in whole or in part, a brief explanation of the reasons for the determination, and information about the Privacy Act provisions for court review of the determination. If your appeal concerns a request for access to records, the Finance Board will make the records, if any, available to you. If your appeal concerns amendment or correction of a record, the response will describe any amendment or correction made and advise you of your right to obtain a copy of the amended or corrected record, in disclosable form, under this part and your right to file a Statement of Disagreement under paragraph (e) of this section.

(e) *Statements of Disagreement* (1) *What is a Statement of Disagreement?* A Statement of Disagreement is a concise

§913.6

written statement in which you clearly identify each part of any record that you dispute and explain your reason(s) for disagreeing with the Finance Board's denial in whole or in part of your appeal requesting amendment or correction.

(2) *How do I file a Statement of Disagreement?* You must deliver your Statement of Disagreement to the Privacy Act Official within 30 working days of the Finance Board's denial in whole or in part of your appeal concerning amendment or correction of a record.

(3) *What will the Finance Board do with my Statement of Disagreement?* The Finance Board will place your Statement of Disagreement in the system(s) of records in which the disputed record is maintained. The Finance Board also may append a concise statement of its reason(s) for denying the request to amend or correct the record. The Finance Board will notify all persons, organizations, or agencies to which it previously disclosed the record, if an accounting of that disclosure was made, that the record has been amended or corrected. We will provide a copy of your Statement of Disagreement and its explanation, if any, along with the record whenever the record is disclosed.

[68 FR 39812, July 3, 2003, as amended at 71 FR 60813, Oct. 17, 2006]

§913.6 Fees.

(a) *Your request is an agreement to pay fees.* The Finance Board considers your Privacy Act request as your agreement to pay all applicable fees unless you specify a limit on the amount of fees you agree to pay. The Finance Board will not exceed the specified limit without your written agreement.

(b) *How does the Finance Board calculate fees?* The Finance Board will charge a fee for duplication of a record under the Privacy Act in the same way it charges for duplication of records under the FOIA (12 CFR 910.9). The Finance Board will not charge any fees to search for or review records.

§913.7 Exemptions.

(a) *What is the effect of an exemption?—(1) In general.* Except as provided in paragraph (a)(2) of this section, the

12 CFR Ch. IX (1–1–08 Edition)

Finance Board will not provide you with an accounting of disclosures or make available to you records that are exempt under paragraph (b) of this section.

(2) *Certain law enforcement records.* The Finance Board will disclose a law enforcement record that is subject to an exemption if any right, privilege or benefit to which you would otherwise be entitled by Federal law, or for which you would otherwise be eligible, is denied as a result of the maintenance of the record, except to the extent that disclosure of the record would reveal the identity of a source who furnished information to the government under an express promise that his or her identity would be held in confidence.

(b) *Which records are exempt?* (1) *Office of Inspector General Audit and Investigative Records.* Pursuant to 5 U.S.C. 552a(k)(2) and (5), a record contained in the system of records titled "Office of Inspector General Audit and Investigative Records" (FHFB-6) is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f), to the extent that the record consists of audit or investigatory material compiled:

(i) For law enforcement purposes; or
(ii) For the purpose of determining suitability, eligibility or qualifications for federal civilian employment or federal contracts, if disclosure of the record would reveal the identity of a source who furnished information to the government under an express promise that his or her identity would be held in confidence.

(2) *Personnel Investigative Records.* Pursuant to 5 U.S.C. 552a(k)(5), a record contained in the system of records titled "Personnel Investigative Records" (FHFB-5) is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f), to the extent that disclosure would reveal the identity of a source who furnished information to the government under an express promise that his or her identity of the source would be held in confidence.

(c) *Why are these records exempt?* (1) *Office of Inspector General Investigative Records.* The records contained in the system of records titled "Office of Inspector General Investigative Records" (FHFB-6) are exempt: