

## §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:

## Federal Housing Finance Board

## § 913.10

(i) To prevent interference with law enforcement proceedings;

(ii) To avoid an unwarranted invasion of personal privacy by revealing information about third parties such as other subjects of an investigation, law enforcement personnel, witnesses and other sources of information;

(iii) To fulfill commitments made to protect the confidentiality of sources including Federal employees who furnish a complaint or information to the Office of the Inspector General and other sources of information;

(iv) To assure access by the Office of Inspector General to sources of confidential information, including those contained in federal, state and local criminal law enforcement information systems;

(v) To prevent disclosure of law enforcement techniques and procedures; and

(vi) To avoid endangering the life or physical safety of confidential sources and law enforcement personnel.

(2) *Personnel Investigative Records.* The records contained in the system of records titled "Personnel Investigative Records" (FHFB-5) are exempt:

(i) To fulfill commitments made to protect the confidentiality of sources; and

(ii) To assure access to sources of confidential information, including those contained in federal, state and local criminal law enforcement information systems.

[68 FR 39812, July 3, 2003, as amended at 68 FR 59309, Oct. 15, 2003; 71 FR 60813, Oct. 17, 2006]

### § 913.8 Security of systems of records.

(a) *Controls.* Each Finance Board office must establish administrative and physical controls to prevent unauthorized access to its systems of records, unauthorized or inadvertent disclosure of records, and physical damage to or destruction of records. The stringency of these controls should correspond to the sensitivity of the records that the controls protect. At a minimum, the administrative and physical controls must ensure that:

(1) Records are protected from public view;

(2) The area in which records are kept is supervised during business

hours to prevent unauthorized persons from having access to them;

(3) Records are inaccessible to unauthorized persons outside of business hours; and

(4) Records are not disclosed to unauthorized persons or under unauthorized circumstances in either oral or written form.

(b) *Limited access.* Access to records is restricted only to individuals who require access in order to perform their official duties.

[71 FR 60813, Oct. 17, 2006]

### § 913.9 Use and collection of social security numbers.

At least annually, the Privacy Act Official and/or Chief Privacy Officer will inform employees who are authorized to collect information that:

(a) Individuals may not be denied any right, benefit, or privilege as a result of refusing to provide their social security numbers, unless the collection is authorized either by a statute or by a regulation issued prior to 1975; and

(b) They must inform individuals who are asked to provide their social security numbers:

(1) If providing a social security number is mandatory or voluntary;

(2) If any statutory or regulatory authority authorizes collection of a social security number; and

(3) The uses that will be made of the social security number.

[71 FR 60813, Oct. 17, 2006]

### § 913.10 Employee responsibilities under the Privacy Act.

At least annually, the Privacy Act Official and/or Chief Privacy Officer will inform employees about the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. Unless otherwise permitted by law, a Finance Board employee shall:

(a) Collect from individuals only information that is relevant and necessary to discharge the Finance Board's responsibilities.

(b) Collect information about an individual directly from that individual whenever practicable.

(c) Inform each individual from whom information is collected of: