

§ 505.1

their request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. The application of this provision would make known to subjects of an investigation that an investigation is taking place and that they are the subjects of it. Release of such information could result in the alteration or destruction of documentary evidence, improper influencing of witnesses, and reluctance of witnesses to offer information, and could otherwise impede or compromise an investigation.

(2) 5 U.S.C. 552a(d)(1), (d)(2), (d)(3), and (d)(4), (e)(4)(G) and (e)(4)(H), and (f), relate to an individual's right to be notified of the existence of, and the right to examine, records pertaining to such individual. Notifying an individual at the individual's request of the existence of records and allowing the individual to examine an investigative file pertaining to such individual, or granting access to an investigative file, could:

- (i) Interfere with investigations and enforcement proceedings;
- (ii) Constitute an unwarranted invasion of the personal privacy of others;
- (iii) Disclose the identity of confidential sources and reveal confidential information supplied by those sources; or
- (iv) Disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system. Application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality, thus compromising the agency's ability to conduct investigations and to identify, detect, and apprehend violators.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. Limiting the system as described would impede enforcement activities because:

- (i) It is not always possible to determine the relevance or necessity of spe-

12 CFR Ch. V (1-1-97 Edition)

cific information in the early stages of an investigation; and

(ii) In any investigation the Office may obtain information concerning violations of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the Office should retain this information to aid in establishing patterns of criminal activity, and to provide leads for those law enforcement agencies charged with enforcing criminal or civil laws.

(d) *Documents exempted.* Exemptions will be applied only when appropriate under 5 U.S.C. 552a(k).

[55 FR 31371, Aug. 2, 1990]

**PART 505—FREEDOM OF INFORMATION ACT**

Sec.

- 505.1 Basis and scope.
- 505.2 Public reference room.
- 505.3 Requests for records.
- 505.4 Administrative appeal of initial determination to deny records.
- 505.5 Delivery of process.

AUTHORITY: 5 U.S.C. 552; 12 U.S.C. 1462a, 1463, 1464.

CROSS REFERENCE: See 31 CFR part 1, subpart A.

**§ 505.1 Basis and scope.**

(a) This part is issued by the Office of Thrift Supervision ("OTS") as a supplement to the Freedom of Information Act regulations of the Department of the Treasury, 31 CFR part 1, subpart A, which apply to the OTS as a component part of the Department of the Treasury.

(b) This part is issued by the OTS pursuant to the requirement of section 552 of title 5 of the United States Code, which requires every federal agency to publish in the FEDERAL REGISTER the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals on requests, or obtain decisions, and the forms available or the places at which forms and instructions as to the scope and contents of all papers, reports, or examinations may be found. Information about the Public Reading Room is set forth in § 505.2 of this part. Procedures for requests for information are set

Office of Thrift Supervision, Treasury

§ 506.1

forth in §505.3 of this part. Information about administrative appeals is set forth in §505.4 of this part. Provisions relating to delivery of process upon the OTS are set forth in §505.5 of this part.

[54 FR 49444, Nov. 30, 1989, as amended at 60 FR 66716, Dec. 26, 1995]

§505.2 Public reference room.

The OTS will make materials available for review on an ad hoc basis when necessary. Contact the Dissemination Branch, Records Management and Information Policy Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, or visit the Public Reference Room at 1700 G Street, NW., lower level, from 9:00 a.m. to 4:00 p.m. on business days.

[60 FR 66716, Dec. 26, 1995]

§505.3 Requests for records.

Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the OTS will be made by the Manager, Dissemination Branch or by an official so designated. Requests may be mailed to: Freedom of Information Act Request, Dissemination Branch, Records Management and Information Policy Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, or marked "FOIA" and delivered in person to the Public Reference Room, Dissemination Branch, Records Management and Information Policy Division, 1700 G Street, NW., Lower Level. Requests may also be sent by facsimile.

[60 FR 66716, Dec. 26, 1995]

§505.4 Administrative appeal of initial determination to deny records.

Appellate determinations under 31 CFR 1.5(h) with respect to records of the OTS will be made by the Executive Director for Administration or the Director, Records Management and Information Policy Division. Appeals by mail should be addressed to: Dissemination Branch, Records Management and Information Policy Division, 1700 G Street, NW., Washington, DC 20552. Appeals may be delivered personally to the Dissemination Branch, Records Management and Information Policy Division, Office of Thrift Supervision,

1700 G Street, NW., Lower Level. Appeals may also be sent by facsimile.

[60 FR 66716, Dec. 26, 1995]

§505.5 Delivery of process.

Service of process will be received as set forth in §510.4 of this chapter.

[54 FR 49444, Nov. 30, 1989]

PART 506—INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT

AUTHORITY: 44 U.S.C. 3501 et seq.

§506.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) Purpose. This part collects and displays the control numbers assigned to information collection requirements contained in regulations of the Office of Thrift Supervision by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104-13, 109 Stat. 163, and is adopted in compliance with the requirements of 5 CFR 1320.8. Information collection requirements that are not mandated by statute must be assigned control numbers by OMB in order to be enforceable.

(b) Display.

Table with 2 columns: 12 CFR part or section where identified and described, Current OMB control No. Lists various CFR sections and their corresponding OMB control numbers.