

(3) A statement as to whether the requester wishes to inspect the record or obtain a copy of it.

(4) A statement that all costs for search (in the case of "other" and "commercial" requesters), duplication (in case of all categories of requesters), and review (in the case of "commercial requesters") will be borne by the requester even if no records, or no releasable records, are found, if appropriate. See 32 CFR part 286 for information on fees and fee waivers.

(5) The full address (including ZIP code) of the requester.

(c) A notarized request by an individual requesting investigative or other personnel records may be required to avoid the risk of invasion of privacy. Requesters will be notified and furnished appropriate forms if this requirement is deemed necessary. In lieu of a notarized statement, an unsworn declaration in accordance with 28 U.S.C. 1746 may be required.

(d) When a request is incomplete or fails to include all of the information required, the requester will be contacted for additional information prior to beginning release procedures.

(e) DIS shall normally respond to request within 10 working days after receipt by the Office of Information and Public Affairs, unless an extension is required and the requester is notified in writing. If a significant number of requests prevents responding in 10 working days, requests, will be processed on a first-come, first-served basis to ensure equitable treatment to all requesters.

(f) When the release of information has been approved, a statement of costs computed in accordance with the DoD Fee Schedule (32 CFR part 286), or a statement waiving the fee, will be included in the notification of approval. Records approved for release will generally be mailed immediately following the receipt of fees. Fees may be waived or reduced in accordance with 32 CFR part 286. Remittances must be in the form of a personal check, bank draft, or postal money order. Remittances are to be made payable to the Treasurer of the United States. Certified documents may be requested for an official government or legal function, and will be provided at a rate estab-

lished by 32 CFR part 286 for each authentication.

(g) When requests are denied in whole or in part in accordance with 32 CFR part 286, the requester will be advised of the identity of the official making the denial, the reason for the denial, the right of appeal of the decision, and the identity of the person to whom an appeal may be addressed.

(h) Facilities for the review or reproduction of records following approval of the request or appeal are available at the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Place, Alexandria, Virginia 22314-1651. All other transactions will be conducted by mail.

(i) *Appeal of denial of DIS records and information.* (1) All appeals will be submitted in writing and reach the following appellate authority no later than 60 days after the date of the initial denial letter: Director, Defense Investigative Service (V0000), 1340 Braddock Place, Alexandria, Virginia 22314-1651.

(2) All appeals will contain at least the same identification of the records requested as the original request, and a copy of the letter denying the request, if available. Requesters will be given appeal rights when a search has been conducted and no records are located.

(3) All appeals will be reviewed by the Director, DIS, or the Special Assistant to the Director, DIS. Responses to appeals normally shall be made within 20 working days after receipt, unless an extension is required and the appellant is notified. When a request is approved on appeal, the procedures set forth in paragraph (f) of this section will be followed.

§ 298.5 Information requirements.

The DIS Office of Information and Public Affairs is responsible for preparation of the annual "Freedom of Information Act Report." This report has been assigned control symbol PA (TRA&AN) 1365. No forms or publications are required by this part.

PART 299—NATIONAL SECURITY AGENCY (NSA) FREEDOM OF INFORMATION ACT PROGRAM

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299.1 Purpose.

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- 299.2 Organization and requests for information.
- 299.3 Indexes.
- 299.4 Procedures for request of records.
- 299.5 Appeals.
- 299.6 Effective date.

AUTHORITY: 5 U.S.C. 552.

§ 299.1 Purpose.

Pursuant to the requirements of the Freedom of Information Act as amended (5 U.S.C. 552), the following rules of procedure are established with respect to public access to the records of the National Security Agency/Central Security Service.

[56 FR 15047, Apr. 15, 1991]

§ 299.2 Organization and requests for information.

The Headquarters of the National Security Agency/Central Security Service is located at Fort George G. Meade, Md. Requests for information and decisions and other submittals may be addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755.

[40 FR 7300, Feb. 19, 1975, as amended at 46 FR 26482, May 13, 1981]

§ 299.3 Indexes.

The NSA/CSS does not originate final orders, opinions, statements of policy, interpretations, staff manuals or instructions that affect a member of the public of the type covered by the indexing requirement of 5 U.S.C. 552(a)(2) or required to be published for the guidance of the public under 5 U.S.C. 552(a)(1). The Director, NSA/Chief, CSS, has therefore determined, pursuant to pertinent statutory and Executive order requirements, that it is unnecessary and impracticable to publish an index of the type required by 5 U.S.C. 552 as amended by Pub. L. 93-502.

[40 FR 7300, Feb. 19, 1975]

§ 299.4 Procedures for request of records.

(a) *Requests.* Requests for access to records of the National Security Agency/Central Security Service may be filed by mail addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Fort

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George G. Meade, Md. 20755. Requests need not be made on any special form but may be by letter or other written statement identifying the request as a Freedom of Information Act request and setting forth sufficient information reasonably describing the requested record.

(b) *Determination and notification.* When the requested record has been located and identified, the Information Officer shall determine whether the record is one which, consistent with statutory requirements, Executive orders and appropriate directives, may be released or should be exempted under the provisions of 5 U.S.C. 552. The Chief, Office of Policy, shall notify the requester of his determination within 10 working days of his receipt of the request.

(c) *Extension of response time.* Where the requested record cannot be located within the initial response period of 10 days because of unusual circumstances, the Chief, Office of Policy shall notify the requester in writing within the initial response period of the delay, the reasons therefore, and a date, not to exceed 10 working days, on which a determination is expected to be dispatched.

(d) *Fees.* (1) *General.* As a component of the Department of Defense, the applicable published Departmental rules and schedules with respect to the schedule of fees chargeable and waiver of fees will also be the policy of NSA/CSS. See § 286.33 *et seq.*

(2) *Advance payments.* (i) Where a total fee to be assessed is estimated to exceed \$250, advance payment of the estimated fee will be required before processing of the request, except where assurances of full payment are received from a requester with a history of prompt payment. Where a requester has previously failed to pay a fee within 30 days of the date of billing, the requester will be required to pay the full amount owed as well as make an advance payment of the full amount of any estimated fee before processing of the request continues.

(ii) For all other requests, advance payment, *i.e.*, a payment made before work is commenced, will not be required. Payment owed for work already completed is not an advance payment,

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however, responses will not be held pending receipt of fees from requesters with a history of prompt payment. Fees should be paid by certified check or postal money order forwarded to the Chief, Office of Policy, and made payable to the Treasurer of the United States.

[40 FR 7300, Feb. 19, 1975, as amended at 46 FR 26482, May 13, 1981; 56 FR 15047, Apr. 15, 1991]

§ 299.5 Appeals.

Any person denied access to records, or denied a fee waiver may, within 60 days after notification of such denial, file an appeal to the Freedom of Information Act Appeals Authority, National Security Agency/Central Security Service. Such an appeal shall be in

writing addressed to the Freedom of Information Act Appeals Authority, National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755-6000, shall reference the initial denial and shall contain in sufficient detail and particularity the grounds upon which the requester believes release of the information, or granting of the fee waiver is required. The Freedom of Information Act Appeals Authority shall respond to the appeal within 20 working days after receipt of the appeal.

[56 FR 15047, Apr. 15, 1991]

§ 299.6 Effective date.

This notice shall become effective upon May 13, 1981.

[46 FR 26482, May 13, 1981]