

## § 1.2

any rules or regulations promulgated specifically with respect to that component. (See Appendices in this subpart for cross references.) The head of each component is hereby also authorized to substitute the officials designated and change the addresses specified in the appendix to this subpart applicable to the component. The components of the Department of the Treasury for the purposes of this part are:

(1) The Departmental Offices, which include the offices of:

(i) The Secretary of the Treasury, including immediate staff;

(ii) The Deputy Secretary of the Treasury, including immediate staff;

(iii) The Under Secretary of the Treasury for Finance, including immediate staff;

(iv) The Fiscal Assistant Secretary, including immediate staff;

(v) The Assistant Secretary of the Treasury for Economic Policy and all other offices reporting to such official, including immediate staff;

(vi) The General Counsel and also the Legal Division, except legal counsel to the components listed in paragraphs (d)(1)(ix) and (2) through (12) of this section;

(vii) The Assistant Secretary of the Treasury for International Affairs and all offices reporting to such official, including immediate staff;

(viii) The Treasurer of the United States, including immediate staff;

(ix) The Assistant Secretary of the Treasury for Tax policy, including immediate staff and all offices reporting to such official;

(x) The Assistant Secretary of the Treasury for Management, and all offices reporting to such official, including immediate staff.

(xi) The Assistant Secretary of the Treasury for Domestic Finance and all offices reporting to such official, including immediate staff;

(xii) The Assistant Secretary of the Treasury for Legislative Affairs, including immediate staff;

(xiii) The Assistant Secretary of the Treasury for Public Affairs and Public Liaison, including immediate staff;

(xiv) The Assistant Secretary of the Treasury for Enforcement and all offices reporting to such official, including immediate staff;

## 31 CFR Subtitle A (7-1-99 Edition)

(xv) The Special Assistant to the Secretary (National Security), including immediate staff;

(xvi) The Inspector General and all offices reporting to such official, including immediate office.

(2) The Bureau of Alcohol, Tobacco and Firearms;

(3) The Office of the Comptroller of the Currency;

(4) The United States Customs Service;

(5) The Bureau of Engraving and Printing;

(6) The Federal Law Enforcement Training Center;

(7) The Financial Management Service;

(8) The Internal Revenue Service;

(9) The United States Mint;

(10) The Bureau of the Public Debt;

(11) The United States Savings Bonds Division;

(12) The United States Secret Service;

(13) The Office of Thrift Supervision.

For purposes of this subpart, the office of legal counsel for the components listed in paragraphs (d), (2), (3), (4), (5), (7), (8), (9), (10), and (12) of this section are to be considered a part of their respective components. Any office, which is now in existence or may hereafter be established, which is not specifically listed or known to be a component of any of those listed above, shall be deemed a part of the Departmental Offices for the purpose of making requests for records under these regulations.

[52 FR 26305, July 14, 1987, as amended at 60 FR 31632, June 16, 1995]

### § 1.2 Information made available.

(a) *General.* Section 552 of Title 5 of the United States Code provides for access to information and records developed or maintained by Federal agencies. Generally, this section divides agency information into three major categories and provides methods by which each category is to be made available to the public. The three major categories, for which the disclosure requirements of the components of the Department of the Treasury are set forth in this subpart, are as follows:

(1) Information required to be published in the FEDERAL REGISTER (see § 1.3 of this part);

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale (see § 1.4 of this part); and

(3) Information required to be made available to any member of the public upon specific request (see § 1.5 of this part). The provisions of section 552 are intended to assure the right of the public to information.

(b) Subject only to the exemptions set forth in § 1.2(c), the public generally or any member of the public shall be afforded access to information or records in the possession of any component of the Department of the Treasury. Such access shall be governed by the regulations in this Subpart A and any regulations of a component implementing or supplementing them.

(c) *Exemptions*—(1) *In general.* Under 5 U.S.C. 552(b), the disclosure requirements of section 552(a) do not apply to certain matters which are:

(i)(A) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order (See 31 CFR part 2);

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute (other, than 5 U.S.C. 552(b)): *Provided*, That such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings (see § 1.2(c)(2)); (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger the life or physical safety of any individual.

(viii) Contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(ix) Geological and geophysical information and data, including maps, concerning wells.

(2)(i) Whenever a request is made which involves access to records described in § 1.2(c)(1)(vii)(A), and—

(A) The investigation or proceeding involves a possible violation of criminal law; and

(B) There is a reason to believe that the subject of the investigation or proceeding is not aware of its pendency, and disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

### § 1.3

(ii) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

(iii) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in paragraph (b)(1) of this section, the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

(3) The exemptions set forth in paragraph (c)(1) of this section apply to each of the three categories of information set forth in paragraph (a) of this section.

(4) *Segregable portions of records.* Portions of some records may be denied leaving the remaining reasonably segregable portions which must be released to the requester. These portions are released only when the meaning is not distorted by deletion of the denied portions and when it reasonably can be assumed that a skillful and knowledgeable person could not reconstruct the deleted information. When a record is denied in whole, the response advising the requester of that determination shall specifically state that it is not reasonable to segregate portions of the record for release.

(5) *Application of exemptions.* Even though an exemption described in paragraph (c)(1) of this section may be fully applicable to a matter in a particular case, a component of the Department of the Treasury may, if not precluded by law, elect under the circumstances of that case not to apply the exemption. The fact that the exemption is not applied by a component in that particular case will have no precedential significance in other cases, but is merely an indication that, in the particular case involved, the component

### 31 CFR Subtitle A (7-1-99 Edition)

finds no compelling necessity for applying the exemption.

#### **§ 1.3 Publication in the Federal Register.**

(a) *Requirement.* Subject to the application of the exemptions described in § 1.2(c) and subject to the limitations provided in paragraph (b) of this section, each component of the Department of the Treasury is required, in conformance with 5 U.S.C. 552(a)(1), to separately state, publish and maintain current in the FEDERAL REGISTER for the guidance of the public the following information with respect to that component:

(1) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the component; and

(5) Each amendment, revision, or repeal of matters referred to in paragraphs (a)(1) through (4) of this section.

(b) *Limitations*—(1) *Incorporation by reference in the FEDERAL REGISTER.* Matter reasonably available to the class of persons affected thereby, whether in a private or public publication, will be deemed published in the FEDERAL REGISTER for purposes of paragraph (a) of this section when it is incorporated by reference therein with the approval of the Director of the Federal Register. The matter which is incorporated by reference must be set forth in the private or public participation substantially in its entirety and not merely summarized or printed as a synopsis. Matter, the location and