

PART 9—ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF RECORDS—PANAMA CANAL COMMISSION

Subpart A—Organization and Functions of the Commission; Availability of Information and Official Records

Subpart A—Organization and Functions of the Commission; Availability of Information and Official Records

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AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 99-570, 100 Stat. 3207; 22 U.S.C. 3611; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

SOURCE: 44 FR 75309, Dec. 19, 1979, unless otherwise noted.

§ 9.1 Purpose of this subpart.

This subpart describes the organization and functions of the Panama Canal Commission (referred to in this part as “the Commission” or “Agency”) and explains how a member of the public may request records from this agency under the Freedom of Information Act.

§ 9.2 Organization.

The principal office of the Panama Canal Commission is located at Balboa Heights, Republic of Panama. The Office of the Secretary of the Panama Canal Commission is located at International Square, 1825 I Street, NW., suite 1050, Washington, DC 20006-5402. The Commission also maintains a procurement office at 4400 Dauphine Street, New Orleans, LA 70146-6800.

[52 FR 31397, Aug. 20, 1987; 53 FR 16256, May 6, 1988, as amended at 59 FR 26122, May 19, 1994]

§ 9.3 Functions.

(a) The Panama Canal Commission, which replaced the Canal Zone Government and the Panama Canal Company effective October 1, 1979, is established in the executive branch of the United States by the Panama Canal Act of 1979 (Pub. L. 96-70, 93 Stat. 452) as an agency of the United States, for the purpose of maintaining and operating the Panama Canal and the facilities and appurtenances related thereto. As provided in section 1101 of that Act, the authority of the President with respect to the Commission is exercised through the Secretary of Defense.

(b) As provided in the Panama Canal Act of 1979, the supervision of the Commission is vested in a Board composed of nine members, one of whom is the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not fewer than five

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members of the Board are nationals of the United States; the remaining members are nationals of the Republic of Panama.

(c) The President appoints the members of the Board. The members of the Board who are United States nationals are appointed by and with the advice and consent of the Senate. Each member of the Board holds office at the pleasure of the President.

(d) The Administrator of the Commission, who is appointed by the President, by and with the advice and consent of the Senate, holds office at the pleasure of the President.

(e) The Commission maintains and operates the Panama Canal and facilities and appurtenances related thereto, including electric power, water, and telephone systems; procurement and storehouse facilities; motor transportation services; an agency press and duplicating center; marine and general repair shop; and an employees' housing system.

(The Panama Canal Act of 1979, secs. 1101, 1102, 1103, Pub. L. 96-70, 93 Stat. 456, 457)

§9.4 How to request general information or publications.

The Commission has an Office of Public Affairs which is responsible for providing information about the agency to members of the public and the press. If you are interested in general information about the Commission's activities, or copies of its publications, you should write, visit, or call this office. Address letters to: Panama Canal Commission, Office of Public Affairs, Unit 2300, APO AA 34011-2300 (or Balboa, Republic of Panama).

[46 FR 48659, Oct. 2, 1981, as amended at 52 FR 31397, Aug. 20, 1987; 53 FR 16256, May 6, 1988; 59 FR 26122, May 19, 1994]

§9.5 The Freedom of Information Act.

(a) The Freedom of Information Act (5 U.S.C. 552) is a law which creates a procedure for any person to request official records from United States Government agencies. The rest of the rules in this subpart explain how you may request official records from the Panama Canal Commission.

(b) The Freedom of Information Act requires every United States Government agency to make official records

available to any person who requests them, unless the records that the person requests fall within one of more of the exceptions to availability listed in the law. For more details about these exceptions, see subsection (b) of section 552, Title 5, United States Code, available in libraries.

(c) The Freedom of Information Act does not require an agency to create records or compile information that you would like to have. The law deals only with making existing records available.

[44 FR 75309, Dec. 19, 1979, as amended at 52 FR 31397, Aug. 20, 1987; 53 FR 16256, May 6, 1988]

§9.6 How to make a Freedom of Information Act request.

(a) To make a request for a record using the Freedom of Information Act, you must:

(1) Write to the Panama Canal Commission, Agency Records Officer (Chief, Administrative Services Division), Unit 2300, APO AA 34011-2300 (or Balboa, Republic of Panama); and

(2) State in your letter that you are making a request under the Freedom of Information Act, and clearly mark the envelope "Freedom of Information Act Request". A request under 5 U.S.C. 552 which is not properly addressed and is not marked in this way shall not be considered to be received by the agency until it has actually been received by the Agency Records Officer.

(3) In your letter, reasonably describe the records you are seeking. Be as specific in describing the records as you can. Although it is not required, it will be helpful if, whenever possible, you supply in your letter specific information regarding dates, titles, file designations, the office where you believe the records may be found, and other information which may help to identify the records.

(b) The Panama Canal Commission may request that you furnish information as to the purpose of your request. Such information is required to assist agency officials in categorizing your request in order to accurately assess fees.

[44 FR 75309, Dec. 19, 1979, as amended at 52 FR 31397, Aug. 20, 1987; 53 FR 16256, May 6, 1988; 59 FR 26122, May 19, 1994]

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§9.7 How your Freedom of Information Act request will be handled.

(a) The official responsible for deciding whether your request will be granted is the Agency Records Officer. That official must make the decision and send you notification of it within ten working days after the Commission receives your request. In unusual circumstances, the Commission may extend the time for responding to your request. For details, see §9.10 of this part.

(b) If the Agency Records Officer denies your request, in whole or in part, the letters sent to you to notify you of this decision must:

(1) Tell you why the request is being denied;

(2) Tell you that you have the right, by appealing the decision, to require the agency to reconsider its decision; and

(3) Tell you how to make an appeal.

(c) If you request records or information which is in the files of the Commission but which originated in another Federal agency, the Agency Records Officer may refer your request to that agency. In that case, the Agency Records Officer will inform you that your request has been referred to the originating agency.

§9.8 How to make an appeal under the Freedom of Information Act.

(a) If you are not satisfied with the decision of the Agency Records Officer, you may require the Commission to reconsider that decision. This is called "making an appeal."

(b) To make an appeal, you must:

(1) Write to the Panama Canal Commission, Director, Office of Executive Administration, Unit 2300, APO AA 34011-2300 (or Balboa, Republic of Panama); and

(2) State in your letter that you are making an appeal under the Freedom of Information Act, and clearly mark the envelope "Freedom of Information Act Appeal"; and

(3) Mail or deliver the letter of appeal within ten working days after you receive the letter from the Agency Records Officer.

(c) Although it is not required, it may be helpful if you clearly indicate in your appeal the reasons why you dis-

agree with the decision on your request and your reasons for wanting the records.

[44 FR 75309, Dec. 19, 1979, as amended at 46 FR 48659, Oct. 2, 1981; 52 FR 31397, Aug. 20, 1987; 53 FR 16256, May 6, 1988; 59 FR 26122, May 19, 1994]

§9.9 How your Freedom of Information Act appeal will be handled.

(a) The official responsible for deciding whether to grant your appeal is the Director, Office of Executive Administration of the Panama Canal Commission. That official must make that decision and send you notification of it within 20 working days after receiving your appeal. In unusual circumstances, the Commission may extend the time for responding to your appeal. For details, see §9.10 of this part.

(b) If the Director, Office of Executive Administration denies your appeal, in whole or in part, the letter sent to you to notify you of this decision must:

(1) Tell you why the appeal is being denied;

(2) Tell you that this denial is the Commission's final decision; and

(3) Tell you that you have the right to request a U.S. District Court to review the denial of your appeal, as provided by 5 U.S.C. 552(a)(4)(B), as amended.

[44 FR 75309, Dec. 19, 1979, as amended at 46 FR 48659, Oct. 2, 1981]

§9.10 How the Commission may extend the time to respond to your request or appeal.

(a) In unusual circumstances, the Commission may extend the time for making a decision about your request or about your appeal. If the Commission does extend the time, it will do so by sending you a written notice signed by the Agency Records Officer. The notice will:

(1) Tell you why it is necessary to extend the time;

(2) Tell you how long the time has been extended; and

(3) Tell you the date when you can expect the decision about your request or your appeal to be sent to you.

(b) The Commission may extend the time for making a decision about your request or your appeal by a total of ten

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working days. The extension period may be split between the request and the appeal, but it may not exceed ten working days overall.

(c) The unusual circumstances which may reasonably require an extension of time for the proper handling of your request or appeal are:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; or

(2) The need to search for, collect, and appropriately examine a voluminous quantity of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Commission having substantial subject matter interest in the request.

§9.11 Fees for Freedom of Information Act requests.

(a) The following are fees charged by the Commission for document search and reproduction.

(1) Search for records: \$7.10 per hour of search conducted by clerical personnel, and \$23.50 per hour of search conducted by supervisory or professional personnel.

(2) Search requiring computers: \$185.94 for the first two hours or fraction of the first two hours; \$92.97 for each additional hour.

(3) Copying: \$0.13 per page for the first copy of a record. The word "page" refers to a paper copy of a standard agency size which is 8½" x 11" or 11" x 14". For additional copies, you will be charged the official Panama Canal Commission tariff rate for reproduction.

(4) Converting microfilm to paper copy: \$0.13 per page for the first copy of a record. For additional copies, you will be charged the official Panama Canal Commission tariff rate for reproduction. Microfilm search charges will be at the clerical rate.

(5) Duplication of tape recordings: (i) *Labor costs:* \$10.65 per ½ hour for 40 channel tape recording; \$7.30 per ½

hour for basic tape recording; \$9.35 per ½ hour for video tape recording. Minimum charge for taping is ½ hour.

(ii) *Material costs:* No cost will be assessed to tapes if provided by requester. If agency furnishes tapes, the requester will be charged direct purchasing costs.

(6) Duplication of photographs: Black and white, up to 8" x 10", \$2.55 per print; color, up to 8" x 10", \$9.20 per print.

(7) Duplication of canal sounding and engineering charts, graphs, and drawings (reproducible and non-reproducible) at cost recovery rate.

(8) Other services: If there is no specific fee listed in this section for a service necessary for handling your request, you will be charged the official agency tariff for that service. If no tariff exists for that service, the Agency Records Officer is authorized to charge the direct cost to the Commission of that service.

(b) Review fees are chargeable only when a request is for a commercial use, as defined in §9.12. Review fees will be charged in accordance with the search fee rates set forth in §9.11(a)(1).

(c) If the Commission estimates that search charges are likely to exceed \$25.00, and the requester has not previously agreed to pay fees as high as those anticipated, the agency will notify the requester of the estimated amount of fees, and offer the requester the opportunity to revise the request.

(d) The Panama Canal Commission may require a requester to pay fees in advance only if the estimated charges are likely to exceed \$250.00, or the requester has previously failed to pay a fee in a timely fashion (i.e., within 30 days of the date of billing).

(1) If the requester has a history of prompt payment, and the estimated charges are likely to exceed \$250.00, the Commission will notify the requester of the estimated cost and obtain satisfactory assurance of full payment.

(2) If the requester has no prior payment history, and the estimated charges are likely to exceed \$250.00, the agency may require an advance payment of an amount up to the full amount of estimated charges.

(3) If the requester has a poor payment history, the agency may require advance payment of the full amount of

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the estimated fees, as well as any amount currently owed, plus interest on the delinquent amount, before the agency begins to process a new or pending request from that requester.

(4) When the agency acts under this subsection, the administrative time limits prescribed in §§9.7(a) and 9.9(a) will begin only after receipt of the required fee payments.

(e) If you wish to request a waiver or reduction of fees, you must do so in writing to the Chief, Administrative Services Division, Agency Records Officer, Panama Canal Commission, Unit 2300, APO AA 34011-2300. The Agency Records Officer may waive or reduce the fees if the official decides that providing the records you request would be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and is not primarily in the commercial interest of the requester. Requests for a waiver or reduction of fees shall be considered on a case-by-case basis.

(1) In order to determine whether disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, the Agency Records Officer will consider the following four factors:

(i) The subject of the request: Whether the subject of the requested records concerns the operations or activities of the government;

(ii) The informative value of the information to be disclosed: Whether the disclosure is likely to contribute to an understanding of government operations or activities;

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to public understanding; and

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute significantly to public understanding of government operations or activities.

(2) In order to determine whether disclosure of the information is not primarily in the commercial interest of the requester, the Agency Records Offi-

cer will consider the following two factors:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(ii) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(3) The Agency Records Officer will not consider waiver or reduction of fees for requesters (persons or organizations) from whom unpaid fees remain due to the Agency for another information access request.

(4) The Agency's decision to refuse to waive or reduce fees as requested under this section may be appealed to the Director, Office of Executive Administration, Panama Canal Commission, Unit 2300, APO AA 34011-2300. Appeals should contain as much information and documentation as possible to support the request for a waiver or reduction of fees. The requester will be notified within thirty working days from the date on which the Agency received the appeal.

(f) This agency will assess interest charges on an unpaid bill starting on the 31st day following the day on which the bill was sent. Interest will be computed at the rate prescribed in Section 3717 of Title 31, United States Code, and will accrue from the date of the billing.

[52 FR 31397, Aug. 20, 1987, as amended at 53 FR 16256, May 6, 1988; 59 FR 26122, May 19, 1994]

§9.12 Definitions.

Commercial use refers to a request or a requester seeking information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

Duplication refers to the process of making a copy of document necessary to respond to a Freedom of Information Act request. Such copies can take the form of paper copy, microfilm, audiovisual materials, or machine readable

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documentation (e.g., magnetic tape or disk), among others. The copy provided will be in a form that is reasonably usable by the requester.

Educational institution refers to a pre-school, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates programs of scholarly research.

Non-commercial scientific institution refers to an institution that is not operated on a commercial basis and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

Representative of the news media refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. As used herein, the word "news" means information that is about current events or that would be of current interest to the public.

Review refers to the process of examining documents located in response to a request that is for a commercial use to determine whether any portion of any document located is permitted to be withheld. It also includes the time spent processing any documents for disclosure; i.e., doing all that is necessary to delete unreleasable portions and prepare documents for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

Search time is the time spent by the agency to identify the documents requested and will be charged in accordance with §9.11(a)(1) and (2).

[52 FR 31398, Aug. 20, 1987; 53 FR 16256, May 6, 1988]

§9.13 Classifying requests for fee purposes.

(a) When the Panama Canal Commission receives a request for documents that appears to be for commercial use, fees will be assessed for the total search time, review time, and all duplication of the documents. Requestors must reasonably describe the records

sought. When the agency has reasonable cause to doubt the stated use of the documents, or where the use is not clear from the request itself, the agency can seek additional clarification. Requesters should note that the Panama Canal Commission may assess fees for search and review even if no documents are determined to be releasable under the Freedom of Information Act.

(b) Educational institution requesters will be provided the first 100 pages of duplication without charge and will not be charged for search time. To be eligible for this reduction in fees, the requester must show that the request is being made under the auspices of a qualifying institution and that the records are being sought to further scholarly research and not for commercial use. The requester must reasonably describe the records sought.

(c) Non-commercial scientific institution requesters will be provided the first 100 pages without charge and will not be charged for search time. To be eligible for this reduction in fees, the requester must show that the request is being made under the auspices of a qualifying institution and that the records are being sought to further scientific research and not for commercial use. The requester must reasonably describe the records sought.

(d) Representatives of the news media will be provided the first 100 pages without charge and will not be charged for search time. To be eligible for reduction in fees, the requester must meet the criteria prescribed in §9.12 and the request must not be for commercial use. A request for records supporting the news dissemination function of the requester will not be considered to be a request that is for a commercial use. The requester must reasonably describe the records sought.

(e) For all other requesters who do not fit into the above categories, fees will be charged which recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time will be furnished without charge. The requester must reasonably describe the records sought.

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(f) Those requesters searching for records about themselves will be treated under the Privacy Act of 1974 and will only be charged for reproduction costs.

(g) A requester may not file multiple requests solely in order to avoid payment of fees. When the agency reasonably believes that a requester is attempting to separate a request into a series of requests for the purpose of evading the assessment of fees, the agency may aggregate any such requests and charge accordingly.

[52 FR 31398, Aug. 20, 1987; 53 FR 16256, May 6, 1988]

§9.14 Current index.

(a) The Commission maintains and will make available for public inspection and copying a current index of the agency's opinions, policy statements, administrative staff manuals, and instructions to staff that affect a member of the public.

(b) The Commission has decided that it is not necessary to publish this index.

(c) On request, the Commission will provide copies of this index to members of the public. The charges for the copies will be no greater than those set out in §9.11.

[44 FR 75309, Dec. 19, 1979. Redesignated at 52 FR 31397, Aug. 20, 1987; 53 FR 16256, May 6, 1988]

§9.15 Annual report.

On or before March 1 of each calendar year, the Panama Canal Commission sends to both Houses of Congress a report of its activities in connection with the Freedom of Information Act during the preceding calendar year. The Freedom of Information Act requires each agency to make this report and to include in it such information as: how many requests were denied and why; how many denials were appealed and the result of those appeals; the name and title of each official who denied a request; and other information showing how the agency administered the Freedom of Information Act during the period covered by the report.

[44 FR 75309, Dec. 19, 1979. Redesignated at 52 FR 31397, Aug. 20, 1987; 53 FR 16256, May 6, 1988]

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§9.16 Predisclosure notification procedures for confidential commercial information.

(a) *In general.* Confidential commercial information provided to the Panama Canal Commission by a submitter shall not be disclosed pursuant to a Freedom of Information Act (FOIA) request except in accordance with this section. The following definitions apply:

(1) *Confidential commercial information* means records provided to the Commission by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) *Submitter* means any person or entity who provides confidential commercial information to the Commission. The term "submitter" includes, but is not limited to, corporations, state governments, and foreign governments.

(b) *Notice to submitters.* The Panama Canal Commission shall provide a submitter with prompt notice of receipt of a Freedom of Information Act request encompassing its confidential commercial information whenever required in accordance with paragraph (c) of this section, and except as provided in paragraph (g) of this section. The written notice shall either describe the exact nature of the information requested or provide copies of the records or portions of records containing the requested information.

(c) *When notice is required.* (1) For confidential commercial information submitted prior to January 1, 1988, the Panama Canal Commission shall provide a submitter with notice of receipt of a FOIA request whenever:

(i) the records are less than 10 years old and the information has been designated by the submitter as confidential commercial information;

(ii) The Panama Canal Commission has reason to believe that disclosure of the information could reasonably result in commercial or financial harm to the submitter; or

(iii) The information is subject to the prior express commitment of confidentiality given by the Commission to the submitter.

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(2) For confidential commercial information submitted on or after January 1, 1988, the Commission shall provide a submitter with notice of receipt of a FOIA request whenever:

(i) The submitter has in good faith designated the information as commercially or financially sensitive; or

(ii) The Commission has reason to believe that disclosure of the information could reasonably result in commercial or financial harm to the submitter.

(3) Notice of a request for confidential commercial information falling within paragraph (c)(2)(i) of this section shall be required for a period of not more than ten years after the date of submission unless the submitter requests, and provides acceptable justification for, a specific notice period of greater duration.

(4) Whenever possible, the submitter's claim of confidentiality shall be supported by a statement or certification by an officer or authorized representative of the company that the information in question is in fact confidential commercial or financial information and that the information has not been disclosed to the public.

(5) When notice is given to a submitter under this section, the Commission shall at the same time provide written notice to the requester that it is affording the submitter a reasonable period of time within which to object to disclosure and that, therefore, there will be a delay in responding to the request because of the overseas location of the agency and the time requirements to obtain responses from the submitters.

(d) *Opportunity to object to disclosure.*

(1) The notice required by paragraph (b) of this section shall afford a submitter ten (10) working days within which to provide the Commission with a detailed statement of any objection to disclosure. Such statement must specify all grounds for withholding information under any exemption of the Freedom of Information Act and, in the case of Exemption 4, must demonstrate why the information is contended to be a trade secret or commercial or financial information which is considered privileged or confidential and capable of causing competitive damage if disclosed. Information provided by a sub-

mitter pursuant to this paragraph may itself be subject to disclosure under the Freedom of Information Act.

(e) *Notice of intent to disclose.* The Commission will carefully consider the submitter's objections to release prior to determining whether or not to disclose the information. Whenever the Commission decides to disclose information over the objection of the submitter, the Commission will forward a written notice to the submitter which shall include:

(1) A statement of the reasons for which the submitter's disclosure objections were not sustained;

(2) A description of the confidential commercial information to be disclosed; and,

(3) A specific disclosure date, which shall be ten (10) working days after the notice of the final decision to release the requested information has been mailed to the submitter.

(4) When notice is given to a submitter under this section, the Commission will notify the requester that such notice has been given to the submitter and the proposed date for disclosure.

(f) *Notice of lawsuit.* (1) Whenever a requester brings legal action seeking to compel disclosure of information covered by paragraph (c) of this section, the Commission shall promptly notify the submitter.

(2) Whenever a submitter brings legal action seeking to prevent disclosure of information covered by paragraph (c) of this section, the Commission shall notify the requester.

(g) *Exception to notice requirement.* The notice requirements of paragraph (c) of this section shall not apply if:

(1) The Panama Canal Commission determines that the information should not be disclosed;

(2) The information has been published or otherwise officially made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The information was acquired in the course of a lawful investigation of a possible violation of criminal law.

[56 FR 11373, Mar. 18, 1991]

Subpart B—Vital Statistics Records**§9.31 Definitions.**

As used in this subpart:

Live birth means the birth of a child who shows evidence of life after the child is entirely outside the mother.

Stillbirth means a birth after 20 weeks of gestation which is not a live birth.

Physician means a person legally authorized to practice medicine before October 1, 1979, in the area then known as the Canal Zone.

Vital statistics includes the registration, preparation, transcription and preservation of data pertaining to marriages, births, adoptions, legitimations, deaths, stillbirths, and data incidental thereto.

Vital Statistics Unit means the organizational unit charged by the Administrator of the Panama Canal Commission with the function of vital statistics.

§9.32 Administration.

The Vital Statistics Unit shall administer this subpart, under the supervision of the Administrator or his designee.

§9.33 Functions of the Vital Statistics Unit.

The Vital Statistics Unit is the keeper of the vital statistics records of the Canal Zone Government. Some of the functions previously performed by that unit were discontinued on October 1, 1979, when the Canal Zone and its civil government ceased to exist. The Vital Statistics Unit now performs the residual functions of recordkeeping; i.e., it is limited to performing the following:

(a) Maintaining all vital statistics records of the Canal Zone Government.

(b) Performing the vital statistics functions as defined in §9.31 of this part for those events which occurred in the Canal Zone before October 1, 1979, and which were not previously registered in that unit. This includes the delayed registration of a birth that occurred prior to October 1, 1979.

(c) The alteration of records which are filed in that unit.

(d) The issuance of copies of documents filed in that unit.

(Panama Canal Treaty of 1977 and related agreements and Pub. L. 96-70, 93 Stat. 452)

§9.34 Supplementary certificate upon adoption.

Upon receipt of a certified copy of an order or decree of adoption, the Vital Statistics Unit shall prepare a supplementary certificate in the new name of the adopted person and shall seal and file the original certificate of birth with such certified copy attached thereto. The sealed documents may be opened only upon the demand of the adopted person, if of legal age, or by an order of court. Upon receipt of a certified copy of a court order of annulment of the adoption, the original certificate shall be restored to its original place in the file.

§9.35 New birth certificate upon legitimation.

In cases of legitimation the Vital Statistics Unit, upon receipt of proof thereof, shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon the demand of the person involved, if of legal age, or by an order of court.

CROSS REFERENCE: Legitimation of child, see 8 P.C.C. 335, 387, 76A Stat. 689, 691. See also 7 P.C.C. 576, 76A Stat. 571.

§9.36 Delayed filing of birth certificate.

(a) When a live birth occurred in the Canal Zone (prior to October 1, 1979), a certificate of live birth should have been filed with the Vital Statistics Unit within five days after the birth by the physician, midwife, or other legally authorized person in attendance at the birth or, if the birth was not so attended, by one of the parents. If a certificate of live birth in the Canal Zone was not filed during that time, it may still be possible to file a delayed certificate of birth by following the procedure set forth in paragraph (b) of this section.

(b) A delayed certificate of live birth may be filed upon the submission to, and receipt by, the Vital Statistics Unit of such evidence, in the form of affidavits or otherwise, as the Vital Statistics Unit deems sufficient to establish satisfactorily the truth of the facts alleged in support of the request

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for delayed filing. Certificates accepted more than six months after the time prescribed for filing in paragraph (a) of this section shall contain the date of the delayed filing and shall be marked "delayed." A summary statement of the evidence submitted in support of the acceptance for delayed filing shall be endorsed on the certificate. Such evidence shall be kept in a special permanent file.

§ 9.37 Altered certificates.

Certificates of marriage, birth, still-birth, or death filed in the Vital Statistics Unit may be altered upon the submission to, and receipt by, the Vital Statistics Unit of such evidence, in the form of affidavits or otherwise, as that unit deems sufficient to establish satisfactorily the truth of the facts alleged in support of the request for alteration. Certificates which are altered after being filed shall contain the date of the alteration and shall be marked "altered." A summary statement of the evidence submitted in support of the acceptance for alteration shall be endorsed on the certificate. Such evidence shall be kept in a special permanent file.

§ 9.38 Certified copies of records.

Subject to the restrictions contained in § 9.39, a certified copy of a certificate on file or any part thereof shall be furnished to any applicant upon request. The person designated by the Administrator or by the Administrator's designee to act as Vital Statistics Clerk shall be the person to certify copies of such certificates or parts thereof. Charges shall be made for certified copies of vital statistics records at the rate prescribed in the official Panama Canal Commission tariff.

§ 9.39 Disclosure of records.

Inspection of a vital statistics record is not permitted, and a certified copy of a certificate or part thereof may not be issued, unless the Vital Statistics Unit is satisfied that the applicant has a direct and legitimate interest in the matter recorded or that the information therein contained is necessary for the determination of personal or property rights.

PART 10—ACCESS TO INFORMATION ABOUT INDIVIDUALS

Sec.

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APPENDIX A TO PART 10—GENERAL ROUTINE USES

AUTHORITY: 5 U.S.C. 552a.

SOURCE: 44 FR 75312, Dec. 19, 1979, unless otherwise noted.

§ 10.1 Purpose of this part.

The purpose of this part is to establish Panama Canal Commission policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93-579), and particularly the provisions of 5 U.S.C. 552a.

§ 10.2 The Privacy Act of 1974.

The Privacy Act of 1974 (referred to in this part as "the Privacy Act") is a law which provides safeguards against the invasion of an individual's personal privacy. The Privacy Act creates a procedure for an individual to request access to or amendment of a record about himself or herself that is maintained