

grant the appeal, it shall inform the requester of any conditions surrounding the granting of the request (e.g., payment of fees) and the approximate date upon which compliance will be effected. If the agency grants only a portion of the appeal, it shall treat the portion not granted as a denial. If it determines to deny the appeal either in part or in whole, it shall inform the requester of that decision and of the following:

- (1) The reasons for denial;
- (2) The name and title or position of each person responsible for denial of the appeal; and
- (3) The right to judicial review of the denial in accordance with 5 U.S.C. 552(a)(4).

(e) If, in compliance with the request, a charge is to be made in accordance with section 8 of appendix A of this subpart, agencies shall inform the requester of the fee amount and of the basis for the charge. Each agency may, in accordance with section 8 of appendix A of this subpart, require payment of the entire fee, or a portion of the fee, or full payment of a delinquent fee plus any applicable interest, before it provides the requested records. If a requester refuses to remit payment in advance, an agency may refuse to process the request with written notice to that effect forwarded to the requester. The "date of receipt" of a request for which advance payment has been required shall be the date that payment is received.

(f) In the event compliance with the request involves inspection of records by the requester rather than providing copies of the records, the agency response shall include the name, mailing address, and telephone number of the person to be contacted to arrange a mutually convenient time for such inspection.

(g) Whenever duplication fees, or search fees for unsuccessful searches (see section 4(f) of appendix A of this subpart), are anticipated to exceed \$25.00, and the requester has not indicated, in advance, a willingness to pay fees as high as those anticipated, agencies shall notify the requester of the amount of the anticipated fee. If an extensive and therefore costly successful search is anticipated, agencies also

should notify requesters of the anticipated fees. The notification shall offer the requester the opportunity to confer with agency personnel to reform the request to meet the requester's needs at a lower fee. In appropriate cases, an advance deposit in accordance with section 8 of appendix A of this subpart may be required.

[52 FR 49386, Dec. 31, 1987, as amended at 62 FR 33979, June 24, 1997]

#### § 1.9 Search services.

(a) Search services are services of agency personnel—clerical or supervisory/professional salary level—used in trying to find the records sought by the requester. Search services include time spent examining records for the purpose of finding information which is within the scope of the request. Search services also include services to transport personnel to places of record storage, or records to the location of personnel for the purpose of the search, if such services are reasonably necessary.

(b) Search services do not include the time spent locating a record if the record is in its normal location in a file or other facility or the review of records to determine whether the records are exempt.

[52 FR 49386, Dec. 31, 1987, as amended at 62 FR 33979, June 24, 1997]

#### § 1.10 Review services.

(a) Review services are services by agency personnel—clerical or supervisory/professional—in examining records located in response to a request that is for a commercial use (as specified in section 6 of appendix A of this subpart) to determine whether any portion of any record located is permitted to be withheld.

(b) Review services include processing any records for disclosure, e.g., doing all that is necessary to excise exempt portions and otherwise prepare records for release.

(c) Review services do not include the time spent resolving general legal or policy issues regarding the application of exemptions.

[52 FR 49386, Dec. 31, 1987, as amended at 62 FR 33979, June 24, 1997]