

Overseas Private Investment Corporation

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the request in accordance with its own FOIA regulations.

PART 707—ACCESS TO AND SAFEGUARDING OF PERSONAL INFORMATION IN RECORDS OF THE CORPORATION

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AUTHORITY: 5 U.S.C. 552a(f); Foreign Assistance Act of 1961 (22 U.S.C. 2191)F.

SOURCE: 40 FR 46284, Oct. 6, 1975, unless otherwise noted.

Subpart A—General

§ 707.11 Purpose.

This part 707 is adopted pursuant to 5 U.S.C. 552a(f) to implement the provisions of the Privacy Act of 1974, 5 U.S.C. 552a. This part 707 establishes procedures for notifying an individual whether any system of records of the Corporation contains information pertaining to him; the times, places, and procedures to be followed by an individual seeking access to records of the Corporation containing information pertaining to him, procedures to be followed by an individual desiring the amendment of any record of the Corporation for making copies under this part 707 of records of the Corporation containing information pertaining to him; and the fees charged by the Corporation containing information pertaining to an individual. Pursuant to 5 U.S.C. 552a(k), this part 707 also exempts certain systems of records from some of the provisions of 5 U.S.C. 552a.

§ 707.12 Definitions.

As used in this part 707, the terms *agency*, *individual*, *maintain*, *record*, *system of records*, *statistical record*, and *routine use* shall have the meaning specified for each such term in 5 U.S.C. 552a(a).

Subpart B—Notification; Access to Records; Amendment; Fees

§ 707.21 Requests for notification of, access to or copies of records.

(a) Whenever an individual desires either notification of, access to or copies of records which are maintained by the Corporation and which may contain information pertaining to said individual, he may submit such a request to the Corporation in the form specified in paragraph (b) of this section. Such request shall be addressed to the Director of Personnel and Administration and may either be mailed to the Corporation or be delivered to the receptionist at the office of the Corporation, 1129—20th Street NW., Washington, DC 20527, between 8:45 a.m. and 5:30 p.m., Monday thru Friday (excluding legal public holidays). Access to records maintained by the Corporation will be provided only by appointment. No officer or employee of the Corporation shall, pursuant to the provisions of this part 707, provide any individual with access to any records maintained by the Corporation until the Corporation shall have received from such individual a written request in the form specified in paragraph (b) of this section and verification of the identity of the individual as provided in paragraph (c) of this section.

(b) Any request under this part 707 for notification of, access to or copies of records maintained by the Corporation shall comply with the following requirements:

(1) It shall be in writing, signed by the individual, and, except in the event such requesting individual is an officer or employee of the Corporation, duly acknowledged before a notary public or other authorized public official;

(2) It shall accurately identify the records or information to which access is sought;

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(3) It shall specify the date and hour such individual wishes such an appointment; and

(4) It shall specify whether the individual also wishes copies of the information pertaining to him.

(c) Prior to providing any individual either with notification of, access to or copies of any records maintained by the Corporation that contain information pertaining to said individual, the Director of Personnel and Administration shall verify the identity of such individual. In order to verify the identity of any such individual, the Director of Personnel and Administration shall require such individual to provide reasonable proof of his identity such as, by way of example and not limitation, a valid drivers license, identification card, passport, employee identification card and any other identifying information. The Director of Personnel and Administration shall deny any such request from any individual if he determines, in his sole discretion, that the evidence offered to verify the identity of such individual is insufficient to establish conclusively the identity of such individual. Upon denying any such request under this paragraph (c), the Director of Personnel and Administration shall promptly notify the individual in writing of such determination.

(d) In the event that the Director of Personnel and Administration shall decline any request submitted to the Corporation under paragraph (b) of this section because he determines under paragraph (c) of this section that the individual has not provided adequate evidence to verify his identity, said individual may, within thirty (30) days of the date of the notification thereof by the Director of Personnel and Administration, file a written appeal of such determination with the Executive Vice President of the Corporation. The decision of the Executive Vice President with respect to such appeal shall be final.

(e) Whenever an individual desires copies of any records in addition to personal access thereto, copies will be furnished upon payment of the fees prescribed in § 707.23 of this part.

(f) The Corporation may require any individual who wishes to be accom-

panied by any other individual when reviewing any records made available under this part 707 shall provide the Corporation with a signed, written statement authorizing discussion of the information contained in such records in the presence of such accompanying individual.

(g) Copies of records made available for review to any individual under this part 707 may be released to a duly authorized representative of any such individual provided that such individual provides the Corporation with a power of attorney to such effect on behalf of said representative, signed by such individual and duly acknowledged before a notary public or other authorized public official. The Corporation shall require any such representative to verify his identity in accordance with paragraph (c) of this section.

(h) Original or record copies of records will not be released from the files of the Corporation. Individuals will not be permitted to disturb any record files or to remove any records from the designated place of examination within the Corporation.

§ 707.22 Amendment of records.

(a) Whenever any individual desires an amendment to any record of the Corporation to correct information in such record pertaining to him that he believes not to be accurate relevant, timely, or complete, he may submit such a request to the Corporation in the form specified in paragraph (b) of this section. Such request shall be addressed to the Director of Personnel and Administration and may either be mailed to the Corporation or delivered to the receptionist at the office of the Corporation, 1129—20th Street, NW., Washington, DC 20527, between 8:45 a.m. and 5:30 p.m., Monday thru Friday (excluding legal public holidays). Such request shall be deemed not to have been received by the Corporation until actually delivered to it or, whenever mailed, actually received by the Chief of Personnel and Administration.

(b) Any request submitted to the Corporation under paragraph (a) of this section shall comply with the following requirements:

(1) It shall be in writing, signed by the individual, and, except in the event

such requesting individual is an officer or employee of the Corporation, duly acknowledged before a notary public or other authorized public official;

(2) It shall accurately identify the records and information to be amended;

(3) It shall specify the correction requested; and

(4) It shall fully specify the basis for such individual's belief that the records and information are not accurate, relevant, timely or complete; and

(5) It shall be supported by substantial and reliable evidence sufficient to permit the Corporation to determine whether such amendment is in order. Any such request shall be deemed not to have been received by the Corporation and shall be returned without prejudice whenever the Director of Personnel and Administration determines that such request either does not describe records specifically enough to permit the staff of the Corporation to promptly locate such records or does not state the amendment requested or the basis therefor in reasonably specific language.

(c) The Director of Personnel and Administration shall acknowledge in writing the receipt of any such request to correct any records not later than ten (10) days (excluding Saturdays, Sundays and legal public holidays) after the date of the receipt of such request by the Corporation.

(d) Not later than thirty (30) days (excluding Saturdays, Sundays and official holidays) after the date of the receipt of such request by the Corporation, the Director of Personnel and Administration shall either:

(1) Make any correction of any portion of such records that he determines not to have been accurate, relevant, timely, or complete and notify the individual in writing of such correction; or

(2) Inform the individual in writing of his decision to deny any portion of such request, the reason for the refusal, and the right of the individual to request a review thereof by the Executive Vice President of the Corporation under paragraph (e) of this section.

(e) In the event the Director of Personnel and Administration shall deny any portion of any individual's request

to amend records, such individual may within thirty (30) days of the date of the notification of such denial, file a written appeal of such decision with the Executive Vice President of the Corporation. Such appeal may be supported by any additional written evidence and statements deemed appropriate by the individual.

§ 707.23 Fees.

The fees to be charged by the Corporation for making copies of any records provided to any individual under this part 707 shall be twenty (20) cents per page.

Subpart C—Exceptions

§ 707.31 Public information.

Nothing in this part 707 shall be construed as a waiver by the Corporation, either in whole or in part, of the provisions of 5 U.S.C. 552(b) or 18 U.S.C. 1905. The Corporation, to the maximum extent permitted by law, may delete information from copies of any records furnished to any individual under this part 707.

§ 707.32 Specific exemptions.

The provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) shall not apply to any system of records maintained by the Corporation that is—

(a) Subject to the provisions of 5 U.S.C. 552(b)(1);

(b) Investigatory material compiled for law enforcement purposes other than those specified in 5 U.S.C. 552a (j)(2);

(c) Required by statute to be maintained and used solely as statistical records;

(d) Investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, military service, Federal contracts or access to classified information, but only to the extent that the Corporation may determine, in its sole discretion, that the disclosure of such material would reveal the identity of the source who, subsequent to September 27, 1975, furnished information to the Government

under an express promise that the identity of the source would be held in confidence or, prior to such date, under an implied promise to such effect; and

(e) Testing or examination materials used solely to determine individual qualifications for appointment or promotion in the Federal service and the Corporation determines, in its sole discretion, that disclosure of such materials would compromise the fairness of the testing or examination process.

PART 708—SUNSHINE REGULATIONS

Sec.

708.1 Purpose and applicability.

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

SOURCE: 42 FR 13110, Mar. 9, 1977, unless otherwise noted.

§ 708.1 Purpose and applicability.

The purpose of this part is to effectuate the provisions of the Government in the Sunshine Act. This part applies to the deliberations of a quorum of the Directors of the Corporation required to take action on behalf of the Corporation where such deliberations determine or result in the joint conduct or disposition of official Corporation business, but does not apply to deliberations to take action to open or close a meeting or to release or withhold information under § 708.5. Any deliberation to which this part applies is hereinafter in this part referred to as a meeting of the Board of Directors.

§ 708.2 Open meeting policy.

(a) It is the policy of the Corporation to provide the public with the fullest practicable information regarding the decisionmaking process of the Board of Directors of the Corporation while protecting the rights of individuals and the ability of the Corporation to carry out its responsibilities. In order to effect this policy, every meeting of the Board of Directors shall be open to public observation and will only be closed to public observation if justified under one of the provisions of § 708.5.

The public is invited to observe and listen to all meetings of the Board of Directors, or portions thereof, open to public observation, but may not participate or record any of the discussions by means of electronic or other devices or cameras. Documents being considered at meetings of the Board of Directors may be obtained subject to the procedures and exemptions set forth in part 706 of this chapter.

(b) Directors of the Corporation shall not jointly conduct or dispose of agency business other than in accordance with this part. This prohibition shall not prevent Directors from considering individually business that is circulated to them sequentially in writing.

(c) The Secretary of the Corporation shall be responsible for assuring that ample space, sufficient visibility, and adequate acoustics are provided for public observation of meetings of the Board of Directors.

§ 708.3 Scheduling of a meeting.

A decision to hold a meeting of the Board of Directors should be made as provided in the By-laws of the Corporation and at least eight days prior to the scheduled meeting date in order for the Secretary of the Corporation to give the public notice required by § 708.4. However in special cases, a majority of the Directors may decide to hold a meeting less than eight days prior to the scheduled meeting date if they determine by a recorded vote that Corporation business requires such meeting at such earlier date. After public announcement of a meeting of the Board of Directors under the provisions of § 708.4, the subject matter thereof, or the determination to open or close a meeting, or portion thereof, may only be changed if a majority of the Directors determines by a recorded vote that business so requires and that no earlier announcement of the change is possible.

§ 708.4 Public announcement.

(a) Except to the extent that such information is exempt from disclosure under the provisions of § 708.5, in the case of each meeting of the Board of Directors, the Secretary shall make public announcement at least one week before the meeting, of the time, place,