SUBCHAPTER R—ACCESS TO INFORMATION

PART 171—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

Subpart A—General Policy and Procedures

Sec.
171.1 Availability of information.
171.2 Types of records maintained.
171.3 Public reading room.
171.4 Electronic reading room.
171.5 Requests for information—types and how made.
171.6 Archival records.


171.10 Purpose and scope.
171.11 Definitions.
171.12 Processing requests.
171.13 Business information.
171.14 Fees to be charged—general.
171.15 Fees to be charged—categories of requesters.
171.16 Miscellaneous fee provisions.
171.17 Waiver or reduction of fees.

Subpart C—Executive Order 12958 Provisions

171.20 Definitions.
171.21 Declassification review.
171.22 Appeals.
171.23 Declassification in the public interest.
171.24 Access by historical researchers and certain former government personnel.
171.25 Applicability of other laws.

Subpart D—Privacy Act Provisions

171.30 Purpose and scope.
171.31 Definitions.
171.32 Request for access to records.
171.33 Request to amend or correct records.
171.34 Request for an accounting of record disclosures.
171.35 Denials of requests; appeals.
171.36 Exemptions.

Subpart E—Ethics in Government Provisions

171.40 Purpose and scope.
171.41 Covered employees.
171.42 Requests and identifying information.
171.43 Time limits and fees.
171.44 Improper use of reports.

Subpart F—Appeals Procedures

171.50 Appeals of denials of expedited processing.
171.51 Appeals of denials of fee waivers or reductions.
171.52 Appeal of denial of access to, declassification of, amendment of, accounting of disclosures of, or challenge to classification of records.


SOURCE: 69 FR 63935, Nov. 3, 2004, unless otherwise noted.

Subpart A—General Policy and Procedures

§ 171.1 Availability of information.
Records of the Department of State shall be made available to the public upon request made in compliance with the access procedures established in this part, except for any records exempt by law from disclosure. Any request for records must describe the information sought in such a way (see §171.5(c)) that an employee of the Department of State who is familiar with the subject area of the request can locate the records with a reasonable amount of effort. The sections that follow govern the response of the Department to requests for information under the Freedom of Information Act, the Privacy Act, Executive Order 12958, and the Ethics in Government Act. Regulations at 22 CFR 172.1–9 govern the response of the Department to subpoenas, court orders, and certain other requests for testimony of Department officials or disclosure of Department records in litigation to which the Department is not a party.

§ 171.2 Types of records maintained.
Most of the records maintained by the Department pertain to the formulation and execution of U.S. foreign policy. Certain records that pertain to individuals are also maintained such as applications for U.S. passports, applications for visas to enter the U.S.,
§ 171.3 Public reading room.

A reading room providing public access to certain Department of State material is located in the Department of State, SA–2, 515 22nd Street, NW., Washington, DC. The reading room contains material pertaining to access to information under the Freedom of Information Act, Privacy Act, E.O. 12958 and includes those statutes, regulations, guidelines, and other items required to be made available to the public under 5 U.S.C. 552(a)(3). Also available in the reading room are microfiches of records released by the Department pursuant to requests under the Freedom of Information Act and compilations of documents reviewed and released in certain special projects. The reading room is open during normal Department weekday working hours, 8:15 a.m. to 5 p.m. There are no fees for access by the public to this room or the material contained therein, but fees shall be assessed for the duplication of materials maintained in the reading room at the rate of 15 cents per page and $2.00 per microfiche card. Fees for copies made by other methods of reproduction or duplication, such as tapes, printouts, or CD-ROM, shall be the actual cost of producing the copies, including operator time. Persons wishing to use their own copying equipment must request approval in advance from the Department’s Information and Privacy Coordinator, U.S. Department of State, SA–2, 515 22nd Street, NW., Washington, DC 20522–6001. The use of such equipment must be consistent with security regulations of the Department and is subject to the availability of personnel to monitor such copying.

§ 171.4 Electronic reading room.

The Department has established a site on the Internet with most of the same records and reference materials that are available in the public reading room. This site also contains information on accessing records under the FOIA and the Privacy Act. The site is a valuable source that is easily accessed by the public by clicking on “FOIA” at the Department’s Web site at http://www.state.gov or directly at the FOIA home page: http://foia.state.gov.

§ 171.5 Requests for information—types and how made.

(a) Requests for records in accordance with this chapter may be made by mail addressed to the Information and Privacy Coordinator, U.S. Department of State, SA–2, 515 22nd Street, NW., Washington, DC 20522–6001. Facsimile requests under the FOIA only may be sent to: (202) 261–8579. E-mail requests cannot be accepted at this time. Requesters are urged to indicate clearly on their requests the provision of law under which they are requesting information. This will facilitate the processing of the request by the Department. In any case, the Department will process the request under the provision of law that provides the greatest access to the requested records.

(b) Requests may also be made by the public in person from 8:15 a.m. to 5 p.m. at the Department of State, SA–2, 515 22nd Street, NW., Washington, DC.

(c) Although no particular request format is required, it is essential that a request reasonably describe the Department records that are sought. The burden of adequately identifying the record requested lies with the requester. Requests should be specific and include all pertinent details about the request. For FOIA requests, the request should include the subject, time-frame, any individuals involved, and reasons why the Department is believed to have records on the subject of