

preclude prior notice to and consultation with the Chief Counsel, the employee shall respectfully request from the demanding authority a stay in the proceedings to allow sufficient time to obtain advice of counsel.

(d) If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with paragraph (c) of this section pending consultation with counsel, or if the court or other authority rules that the demand must be complied with irrespective of instructions not to testify or disclose the information sought, the employee upon whom the demand has been made shall respectfully decline to comply with the demand, citing these regulations and *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

**§ 5.88 Testimony in litigation in which the United States is a party.**

(a) Whenever, in any legal proceeding in which the United States is a party, the attorney in charge of presenting the case for the United States requests it, the Chief Counsel shall arrange for an employee of the Agency to testify as a witness for the United States.

(b) The attendance and testimony of named employees of the Agency may not be required in any legal proceeding by the judge or other presiding officer, by subpoena or otherwise. However, the judge or other presiding officer may, upon a showing of exceptional circumstances (such as a case in which a particular named FEMA employee has direct personal knowledge of a material fact not known to the witness made available by the Agency) require the attendance and testimony of named FEMA personnel.

**§ 5.89 Waiver.**

The Chief Counsel may grant, in writing, a waiver of any policy or procedure prescribed by this subpart, where waiver is considered necessary to promote a significant interest of the Agency or for other good cause. In granting such waiver, the Chief Counsel shall attach to the waiver such reasonable conditions and limitations as are deemed appropriate in order that a response in strict compliance with the terms of a subpoena duces tecum or the

providing of testimony will not interfere with the duties of the employee and will otherwise conform to the policies of this part. The Administrator may, in his or her discretion, review any decision to authorize a waiver of any policy or procedure prescribed by this subpart.

**PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974**

**Subpart A—General**

Sec.

- 6.1 Purpose and scope of part.
- 6.2 Definitions.
- 6.3 Collection and use of information (Privacy Act statements).
- 6.4 Standards of accuracy.
- 6.5 Rules of conduct.
- 6.6 Safeguarding systems of records.
- 6.7 Records of other agencies.
- 6.8 Subpoena and other legal demands.
- 6.9 Inconsistent issuances of FEMA and/or its predecessor agencies superseded.
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**Subpart B—Disclosure of Records**

- 6.20 Conditions of disclosure.
- 6.21 Procedures for disclosure.
- 6.22 Accounting of disclosures.

**Subpart C—Individual Access to Records**

- 6.30 Form of requests.
- 6.31 Special requirements for medical records.
- 6.32 Granting access.
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**Subpart D—Requests To Amend Records**

- 6.50 Submission of requests to amend records.
- 6.51 Review of requests to amend records.
- 6.52 Approval of requests to amend records.
- 6.53 Denial of requests to amend records.
- 6.54 Agreement to alternative amendments.
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- 6.56 Statement of disagreement.
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**Subpart E—Report on New Systems and Alterations of Existing Systems**

- 6.70 Reporting requirement.
- 6.71 Federal Register notice of establishment of new system or alteration of existing system.