

## Federal Election Commission

## § 5.4

- 5.4 Availability of records.
- 5.5 Request for records.
- 5.6 Fees.

AUTHORITY: 52 U.S.C. 30108(d), 30109(a)(4)(B)(ii), 30111(a); 31 U.S.C. 9701.

SOURCE: 45 FR 31293, May 13, 1980, unless otherwise noted.

### § 5.1 Definitions.

(a) *Commission* means the Federal Election Commission established by the Federal Election Campaign Act of 1971, as amended.

(b) *Commissioner* means an individual appointed to the Federal Election Commission pursuant to 52 U.S.C. 30106(a).

(c) *Request* means to seek access to Commission materials subject to the provisions of the Federal Election Campaign Act of 1971, as amended.

(d) *Requestor* is any person who submits a request to the Commission.

(e) *Act* means the Federal Election Campaign Act, as amended by the Federal Election Campaign Act Amendments of 1974, 1976, and 1979, and unless specifically excluded, includes chapters 95 and 96 of the Internal Revenue Code of 1954 relating to public financing of Federal elections.

(f) *Public Disclosure Division* of the Commission is that division which is responsible for, among other things, the processing of requests for public access to records which are submitted to the Commission pursuant to 52 U.S.C. 30109(a)(4)(B)(ii) and 30111(a).

[45 FR 31293, May 13, 1980, as amended at 65 FR 9207, Feb. 24, 2000; 79 FR 77844, Dec. 29, 2014]

### § 5.2 Policy on disclosure of records.

(a) The Commission will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy, the rights of persons contracting with the Commission with respect to trade secrets and commercial or financial information entitled to confidential treatment, and the need for the Commission to promote free internal policy deliberations and to pursue its official activities without undue disruption.

(b) Nothing herein shall be deemed to restrict the public availability of Commission records falling outside provisions of the Act, or to restrict such public access to Commission records as

is available pursuant to the Freedom of Information Act and the rules set forth as part 4 of this chapter.

### § 5.3 Scope.

(a) The regulations in this part implement the provisions of 52 U.S.C. 30108(d), 30109(a)(4)(B)(ii), and 30111(a).

(b) Public access to such Commission records as are subject to the collateral provisions of the Freedom of Information Act and are not included in the material subject to disclosure under this part (described in 11 CFR 5.4(a)) shall be governed by the rules set forth as part 4 of this chapter.

[45 FR 31293, May 13, 1980, as amended at 79 FR 77844, Dec. 29, 2014]

### § 5.4 Availability of records.

(a) In accordance with 52 U.S.C. 30111(a), the Commission shall make the following material available for public inspection and copying through the Commission's Public Disclosure Division:

(1) Reports of receipts and expenditures, designations of campaign depositories, statements of organization, candidate designations of campaign committees and the indices compiled from the filings therein.

(2) Requests for advisory opinions, written comments submitted in connection therewith, and responses issued by the Commission.

(3) With respect to enforcement matters, any conciliation agreement entered into between the Commission and any respondent.

(4) Opinions of Commissioners rendered in enforcement cases and General Counsel's Reports and non-exempt 52 U.S.C. 30109 investigatory materials shall be placed on the public record of the Agency no later than 30 days from the date on which all respondents are notified that the Commission has voted to close such an enforcement file.

(5) Letter requests for guidance and responses thereto.

(6) The minutes of Commission meetings.

(7) Material routinely prepared for public distribution, e.g. campaign guidelines, FEC Record, press releases, speeches, notices to candidates and committees.

## §5.5

(8) Audit reports (if discussed in open session).

(9) Agendas for Commission meetings.

(b) The provisions of this part apply only to existing records; nothing herein shall be construed as requiring the creation of new records.

(c) In order to ensure the integrity of the Commission records subject to the Act and the maximum availability of such records to the public, nothing herein shall be construed as permitting the physical removal of any Commission records from the public facilities maintained by the Public Disclosure Division other than copies of such records obtained in accordance with the provisions of this part.

(d) Release of records under this section is subject to the provisions of 5 U.S.C. 552a.

[45 FR 31293, May 13, 1980, as amended at 65 FR 9207, Feb. 24, 2000; 79 FR 77844, Dec. 29, 2014]

### §5.5 Request for records.

(a) A request to inspect or copy those public records described in 11 CFR 5.4(a) may be made in person or by mail. The Public Disclosure Division is open Monday through Friday between the hours of 9 a.m. and 5 p.m. and is located on the first floor, 999 E Street, NW., Washington, DC 20463.

(b) Each request shall describe the records sought with sufficient specificity with respect to names, dates and subject matter to permit the records to be located with a reasonable amount of effort. A requester will be promptly advised if the requested records cannot be located on the basis of the description given and that further identifying information must be provided before the request can be satisfied.

(c) Requests for copies of records not available through the Public Disclosure Division shall be addressed to the Chief FOIA Officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463. Requests for Commission records not described in 11 CFR 5.4(a) shall be treated as requests made pursuant to the Freedom of Information Act (5 U.S.C. 552) and shall be governed by 11 CFR part 4. In the event that the Public Disclosure Division receives a written request for access to

## 11 CFR Ch. I (1-1-15 Edition)

materials not described in 11 CFR 5.4(a), it shall promptly forward such request to the Commission FOIA Officer for processing in accordance with the provisions of part 4 of this chapter.

[45 FR 31293, May 13, 1980, as amended at 50 FR 50778, Dec. 12, 1985; 75 FR 31, Jan. 4, 2010]

### §5.6 Fees.

(a)(1) Fees will be charged for copies of records which are furnished to a requester under this part and for the staff time spent in locating and reproducing such records. The fees to be levied for services rendered under this part shall not exceed the Commission's direct cost of processing requests for those records computed on the basis of the actual number of copies produced and the staff time expended in fulfilling the particular request, in accordance with the following schedule of standard fees:

Photocopying from microfilm reader-printer—\$.15 per page  
Photocopying from photocopying machines—\$.05 per page  
Paper copies from microfilm—Paper Print Machine—\$.05 per frame/page

#### REELS OF MICROFILM

Daily film (partial or complete roll)—\$2.85 per roll  
Other film (partial or complete roll)—\$5.00 per roll

#### PUBLICATIONS: (NEW OR NOT FROM STOCKS AVAILABLE)

Cost of photocopying (reproducing) document—\$.05 per page  
Cost of binding document—\$.30 per inch  
Plus cost of staff research time after first ½ hour (see Research Time)

#### PUBLICATIONS: (AVAILABLE STOCK)

If available from stock on hand, cost is based on previously calculated cost as stated in the publication (based on actual cost per copy, including reproduction and binding).

#### COMPUTER TAPES:

Cost (\$.0006 per Computer Resource Unit Utilized—CRU) to process the request plus the cost of the computer tape (\$25) and professional staff time (see Research Time). The cost varies based upon request.

#### COMPUTER INDEXES:

No charge for 20 or fewer requests for computer indexes, except for a name search as described below.