

Department of Justice

§ 15.4

or designee shall provide the United States Attorney for the district embracing the place where the action or proceeding is brought and the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice, information concerning the commencement of such action or proceeding, and copies of all process and pleadings.

(b) Any covered person against whom a civil action or proceeding is brought for money damages for loss or damage to property, or personal injury or death, on account of any act or omission, under circumstances in which Congress has provided by statute that the remedy provided by the Federal Tort Claims Act is made the exclusive remedy, shall promptly deliver to the appropriate Federal agency all process and pleadings served on the covered person, or an attested true copy thereof. In addition, if prior to the covered person's receipt of such process or pleadings, the covered person receives information regarding the commencement of such a civil action or proceeding, he shall immediately so advise the appropriate Federal agency. The appropriate Federal agency shall provide to the United States Attorney for the district embracing the place where the action or proceeding is brought, and the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice, information concerning the commencement of such action or proceeding, and copies of all process and pleadings.

§ 15.3 Agency report.

(a) The Federal employee's employing Federal agency shall submit a report to the United States Attorney for the district embracing the place where the civil action or proceeding is brought fully addressing whether the employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose, and a copy of the report shall be sent by the employing Federal agency to the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice.

(b) The appropriate Federal agency shall submit a report to the United

States Attorney for the district embracing the place where the civil action or proceeding is brought fully addressing whether the person was acting as a covered person at the time of the incident out of which the suit arose, and a copy of the report shall be sent by the appropriate Federal agency to the responsible Branch Director of the Torts Branch, Civil Division, Department of Justice.

(c) A report under this section shall be submitted at the earliest possible date, or within such time as shall be fixed upon request by the United States Attorney or the responsible Branch Director of the Torts Branch.

§ 15.4 Removal and defense of suits.

(a) The United States Attorney for the district where the civil action or proceeding is brought, or any Director of the Torts Branch, Civil Division, Department of Justice, is authorized to make the statutory certification that the Federal employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose.

(b) The United States Attorney for the district where the civil action or proceeding is brought, or any Director of the Torts Branch, Civil Division, Department of Justice, is authorized to make the statutory certification that the covered person was acting at the time of the incident out of which the suit arose under circumstances in which Congress has provided by statute that the remedy provided by the Federal Tort Claims Act is made the exclusive remedy.

(c) A certification under this section may be withdrawn if a further evaluation of the relevant facts or the consideration of new or additional evidence calls for such action. The making, withholding, or withdrawing of certifications, and the removal and defense of, or refusal to remove or defend, such civil actions or proceedings shall be subject to the instructions and supervision of the Assistant Attorney General in charge of the Civil Division or his or her designee.

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act

Sec.

- 16.1 General provisions.
- 16.2 Proactive disclosure of Department records.
- 16.3 Requirements for making requests.
- 16.4 Responsibility for responding to requests.
- 16.5 Timing of responses to requests.
- 16.6 Responses to requests.
- 16.7 Confidential commercial information.
- 16.8 Administrative appeals.
- 16.9 Preservation of records.
- 16.10 Fees.
- 16.11 Other rights and services.

Subpart B—Production or Disclosure in Federal and State Proceedings

- 16.21 Purpose and scope.
- 16.22 General prohibition of production or disclosure in Federal and State proceedings in which the United States is not a party.
- 16.23 General disclosure authority in Federal and State proceedings in which the United States is a party.
- 16.24 Procedure in the event of a demand where disclosure is not otherwise authorized.
- 16.25 Final action by the Deputy or Associate Attorney General.
- 16.26 Considerations in determining whether production or disclosure should be made pursuant to a demand.
- 16.27 Procedure in the event a department decision concerning a demand is not made prior to the time a response to the demand is required.
- 16.28 Procedure in the event of an adverse ruling.
- 16.29 Delegation by Assistant Attorneys General.

APPENDIX TO SUBPART B OF PART 16—REDELEGATION OF AUTHORITY TO THE DEPUTY ASSISTANT ATTORNEY GENERAL FOR LITIGATION, ANTITRUST DIVISION, TO AUTHORIZE PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart C—Production of FBI Identification Records in Response to Written Requests by Subjects Thereof

- 16.30 Purpose and scope.
- 16.31 Definition of identification record.
- 16.32 Procedure to obtain an identification record.

- 16.33 Fee for production of identification record.
- 16.34 Procedure to obtain change, correction or updating of identification records.

Subpart D—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

- 16.40 General provisions.
- 16.41 Requests for access to records.
- 16.42 Responsibility for responding to requests for access to records.
- 16.43 Responses to requests for access to records.
- 16.44 Classified information.
- 16.45 Appeals from denials of requests for access to records.
- 16.46 Requests for amendment or correction of records.
- 16.47 Requests for an accounting of record disclosures.
- 16.48 Preservation of records.
- 16.49 Fees.
- 16.50 Notice of court-ordered and emergency disclosures.
- 16.51 Security of systems of records.
- 16.52 Contracts for the operation of record systems.
- 16.53 Use and collection of social security numbers.
- 16.54 Employee standards of conduct.
- 16.55 Other rights and services.

Subpart E—Exemption of Records Systems Under the Privacy Act

- 16.70 Exemption of the Office of the Attorney General System—limited access.
- 16.71 Exemption of the Office of the Deputy Attorney General System—limited access.
- 16.72 Exemption of Office of the Associate Attorney General System—limited access.
- 16.73 Exemption of Office of Legal Policy System—limited access.
- 16.74 Exemption of National Security Division Systems—limited access.
- 16.75 Exemption of the Office of the Inspector General Systems/Limited Access.
- 16.76 Exemption of Justice Management Division.
- 16.77 Exemption of U.S. Trustee Program System—limited access.
- 16.78 Exemption of the Special Counsel for Immigration-Related, Unfair Employment Practices Systems.
- 16.79 Exemption of Pardon Attorney System.
- 16.80 Exemption of Office of Professional Responsibility System—limited access.
- 16.81 Exemption of United States Attorneys Systems—limited access.