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(d) *Commercial use* refers to a use or purpose by the requester of information for the information that furthers the requester's commercial, trade or profit interests. Requests for charge files by profit-making entities, other than educational and noncommercial scientific institutions and representatives of the new media, shall be considered for commercial use unless the request demonstrates a noncommercial use.

(e) *Direct costs* refers to those expenses that EEOC actually incurs in searching for and duplicating (and, in the case of commercial requesters, reviewing) records to respond to a request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space and heating or lighting of the facility in which the records are stored.

(f) *Search* refers to the time spent looking for and retrieving material that is responsive to a request. It includes page-by-page or line-by-line identification of information within documents and also includes reasonable efforts to locate and retrieve information from records maintained in electronic formats. EEOC employees should ensure that searching for materials is done in the most efficient and least expensive manner reasonably possible. For example, employees shall not search line-by-line when merely duplicating a document would be quicker and less expensive.

(g) *Duplication* refers to the process of making a copy of a record or document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, electronic formats (for example magnetic tape or disk), among others. Employees shall honor a requester's specified preference of format of disclosure if the record is readily reproducible with reasonable efforts in the requested format by the office responding to the request.

(h) *Attestation* refers to the authentication of copies of Commission documents by an affidavit or unsworn dec-

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laration from the records custodian without the Commission Seal.

(i) *Certification* refers to the authentication of copies of Commission documents by an affidavit or unsworn declaration from the records custodian under the Commission Seal.

[40 FR 8171, Feb. 26, 1975, as amended at 52 FR 13830, Apr. 27, 1987; 70 FR 57511, Oct. 3, 2005]

§ 1610.2 Statutory requirements.

5 U.S.C. 552(a)(3) requires each Agency, upon request for reasonably described records made in accordance with published rules stating the time, place, fees, if any, and procedure to be followed, to make such records promptly available to any person. 5 U.S.C. 552(b) exempts specified classes of records from the public access requirements of 5 U.S.C. 552(a) and permits them to be withheld.

[40 FR 8171, Feb. 26, 1975]

§ 1610.3 Purpose and scope.

This subpart contains the regulations of the Equal Employment Opportunity Commission implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all organizational units within the Commission. Official records of the Commission made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public only as prescribed by this subpart. Officers and employees of the Commission may continue to furnish to the public, informally and without compliance with the procedures prescribed herein, information and records which prior to the enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. To the extent that it is not prohibited by other laws, the Commission also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest.

§ 1610.4 Public reference facilities and current index.

(a) The Commission will maintain in a public reading area located in the

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Commission's library at 131 M Street, NE., Washington DC 20507, the materials which are required by 5 U.S.C. 552(a)(2) and 552(a)(5) to be made available for public inspection and copying. Any such materials created on or after November 1, 1996 may also be accessed through the Internet at EEOC's World Wide Web site at <http://www.eeoc.gov>. The Commission will maintain and make available for public inspection and copying in this public reading area a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required to be indexed by 5 U.S.C. 552(a)(2). The Commission in its discretion may, however, include precedential materials issued, adopted, or promulgated prior to July 4, 1967. The Commission will also maintain on file in this public reading area all material published by the Commission in the FEDERAL REGISTER and currently in effect.

(b) Each Commission office shall maintain and make available for public inspection and copying a copy of:

(1) The Commission's notices and regulatory amendments which are not yet or have never been published in the Code of Federal Regulations,

(2) The Commission's annual reports,

(3) The Commission's Compliance Manual,

(4) Blank forms relating to the Commission's procedures as they affect the public,

(5) The Commission's Orders (agency directives), and

(6) "CCH Equal Employment Opportunity Commission Decisions" (1973) and Employment Practices Guide (vol. 2), published by Commerce Clearing House, Inc.

(c) The Commission's offices are:

Albuquerque Area Office (Phoenix District), 505 Marquette, NW., Suite 900, Albuquerque, NM 87102.

Atlanta District Office, 100 Alabama Street, SW., Suite 4R30, Atlanta, GA 30303.

Baltimore Field Office (Philadelphia District), City Crescent Building, 10 South Howard Street, 3rd Floor, Baltimore, MD 21201.

Birmingham District Office, Ridge Park Place, 1130 22nd Street South, Suite 2000, Birmingham, AL 35205-2397.

Boston Area Office (New York District), John F. Kennedy Federal Building, Gov-

ernment Center, Fourth Floor, Room 475, Boston, MA 02203-0506.

Buffalo Local Office (New York District), 6 Fountain Plaza, Suite 350, Buffalo, NY 14202.

Charlotte District Office, 129 West Trade Street, Suite 400, Charlotte, NC 28202.

Chicago District Office, 500 West Madison Street, Suite 2800, Chicago, IL 60661.

Cincinnati Area Office (Indianapolis District), 550 Main Street, Suite 10019, Cincinnati, OH 45202-5202.

Cleveland Field Office (Philadelphia District), 1240 E. 9th Street, Suite 3001, Cleveland, OH 44199.

Dallas District Office, 207 S. Houston Street, 3rd Floor, Dallas, TX 75202-4726.

Denver Field Office (Phoenix District), 303 E. 17th Avenue, Suite 510, Denver, CO 80203.

Detroit Field Office (Indianapolis District), 477 Michigan Avenue, Room 865, Detroit, MI 48226-2523.

El Paso Area Office (Dallas District), 300 East Main Street, Suite 500, El Paso, TX 79901-1331.

Fresno Local Office (Los Angeles District), 1265 West Shaw Avenue, Suite 103, Fresno, CA 93711.

Greensboro Local Office (Charlotte District), 2303 West Meadowview Road, Suite 201, Greensboro, NC 27405.

Greenville Local Office (Charlotte District), 301 North Main Street, Suite 1402, Greenville, SC 29601.

Honolulu Local Office (Los Angeles District), 300 Ala Moana Boulevard, Room 7-127, PO Box 50082, Honolulu, HI 96850-0051.

Houston District Office, Mickey Leland Federal Building, 1919 Smith Street, 7th Floor, Houston, TX 77002-8049.

Indianapolis District Office, 101 West Ohio Street, Suite 1900, Indianapolis, IN 46204-4203.

Jackson Area Office (Birmingham District), Dr. A.H. McCoy Federal Building, 100 West Capitol Street, Suite 207, Jackson, MS 39269.

Kansas City Area Office (St. Louis District), Gateway Tower II, 400 State Avenue, Suite 905, Kansas City, KS 66101.

Las Vegas Local Office (Los Angeles District), 333 Las Vegas Blvd. South, Suite 8112, Las Vegas, Nevada 89101.

Little Rock Area Office (Memphis District), 820 Louisiana Street, Suite 200, Little Rock, AR 72201.

Los Angeles District Office, 255 E. Temple Street, 4th Floor, Los Angeles, CA 90012.

Louisville Area Office (Indianapolis District), 600 Dr. Martin Luther King Jr. Place, Suite 268, Louisville, KY 40202.

Memphis District Office, 1407 Union Avenue, Suite 621, Memphis, TN 38104.

Miami District Office, One Biscayne Tower, 2 South Biscayne Boulevard, Suite 2700, Miami, FL 33131.

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Milwaukee Area Office (Chicago District), 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203-2292.

Minneapolis Area Office (Chicago District), 330 South Second Avenue, Suite 430, Minneapolis, MN 55401-2224.

Mobile Local Office (Birmingham District), 63 South Royal Street, Suite 504, Mobile, Alabama 36602.

Nashville Area Office (Memphis District), 50 Vantage Way, Suite 202, Nashville, TN 37228-9940.

Newark Area Office (New York District), 1 Newark Center, 21st Floor, Newark, NJ 07102-5233.

New Orleans Field Office (Houston District), 1555 Poydras, Suite 1900, New Orleans, LA 70112.

New York District Office, 33 Whitehall Street, 5th Floor, New York, NY 10004.

Norfolk Local Office (Charlotte District), Federal Building, 200 Granby Street, Suite 739, Norfolk, VA 23510.

Oakland Local Office (San Francisco District), 1301 Clay Street, Suite 1170-N, Oakland, CA 94612-5217.

Oklahoma City Area Office (St. Louis District), 210 Park Avenue, Suite 1350, Oklahoma City, OK 73102.

Philadelphia District Office, 21 South 5th Street, Suite 400, Philadelphia, PA 19106-2515.

Phoenix District Office, 3300 N. Central Avenue, Suite 690, Phoenix, AZ 85012-2504.

Pittsburgh Area Office (Philadelphia District), Liberty Center, 1001 Liberty Avenue, Suite 300, Pittsburgh, PA 15222-4187.

Raleigh Area Office (Charlotte District), 1309 Annapolis Drive, Raleigh, NC 27608-2129.

Richmond Local Office (Charlotte District), 830 East Main Street, Suite 600, Richmond, VA 23219.

San Antonio Field Office (Dallas District), 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229-3555.

San Diego Local Office (Los Angeles District), 401 B Street, Suite 510, San Diego, CA 92101.

San Francisco District Office, 350 Embarcadero, Suite 500, San Francisco, CA 94105-1687.

San Jose Local Office (San Francisco District), 96 North 3rd Street, Suite 200, San Jose, CA 95112.

San Juan Local Office (Miami District), 525 F.D. Roosevelt Ave., Plazas Las Americas, Suite 1202, San Juan, Puerto Rico 00918-8001.

Savannah Local Office (Atlanta District), 410 Mall Boulevard, Suite G, Savannah, GA 31406-4821.

Seattle Field Office (San Francisco District), Federal Office Building, 909 First Avenue, Suite 400, Seattle, WA 98104-1061.

St. Louis District Office, Robert A. Young Building, 1222 Spruce Street, Room 8.100, St. Louis, MO 63103.

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Tampa Field Office (Miami District), 501 East Polk Street, Room 1000, Tampa, FL 33602.

Washington Field Office (Charlotte District), 131 M Street, NE., Fourth Floor, Suite 4NW02F, Washington, DC 20507.

[40 FR 8171, Feb. 26, 1975, as amended at 45 FR 40603, June 16, 1980; 49 FR 13024, Apr. 2, 1984; 54 FR 32061, Aug. 4, 1989; 56 FR 29578, June 28, 1991; 63 FR 1341, Jan. 9, 1998; 71 FR 26829, May 9, 2006; 72 FR 5617, Feb. 7, 2007; 74 FR 3430, Jan. 21, 2009]

§ 1610.5 Request for records.

(a) A written request for inspection or copying of a record of the Commission may be presented in person or by mail to the Commission employee designated in §1610.7. Requests must be presented during business hours on any workday.

(b) Each request must contain information which reasonably describes the records sought and, when known, should contain a name, date, subject matter and location for the record requested in order to permit the record to be promptly located.

(c) Where a request is not considered reasonably descriptive or requires the production of voluminous records, or necessitates the utilization of a considerable number of work hours to the detriment of the business of the Commission, the Commission may require the person making the request or such person's agent to confer with a Commission representative in order to attempt to verify the scope of the request and, if possible, narrow such request.

[40 FR 8171, Feb. 26, 1975, as amended at 56 FR 29578, June 28, 1991; 63 FR 1341, Jan. 9, 1998]

§ 1610.6 Records of other agencies.

Requests for records that originated in another Agency and are in the custody of the Commission will be coordinated in appropriate circumstances with that Agency and the person submitting the request shall be so notified. The decision made by that Agency with respect to such records will be honored by the Commission.

[45 FR 40604, June 16, 1980]