

## Office of the Secretary, Education

## § 5.13

5.53 Denial of requests for records.

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#### APPENDIX TO PART 5

AUTHORITY: 5 U.S.C. 552.

SOURCE: 45 FR 30803, May 9, 1980, unless otherwise noted.

EFFECTIVE DATE NOTE: At 75 FR 33510, June 14, 2010, part 5 was revised, effective July 14, 2010. For the convenience of the user, the revised text follows the existing part.

## Subpart A—Definitions

### § 5.1 Act.

As used in this part, *Act* means section 552 of title 5, United States Code, as amended by Pub. L. 90–23, codifying the Act of July 4, 1966, sometimes referred to as the “Freedom of Information Act”.

### § 5.2 Department.

As used in this part, *Department* means the Department of Education.

### § 5.5 Records.

As used in this part:

(a) *Record* includes books, brochures, punch cards, magnetic tapes, paper tapes, sound recordings, maps, pamphlets, photographs, slides, motion pictures, or other documentary materials, regardless of physical form or characteristics, made or received by the Department pursuant to Federal law or in connection with the transaction of

public business and preserved by the Department as evidence of the organization, functions, policies, decisions, procedures, operations, programs, or other activities.

(b) *Record* does not include: Objects or articles such as tangible exhibits, models, equipment, or processing materials; or formulae, designs, drawings, or other items of valuable property; books, magazines, pamphlets, or other reference material in formally organized and officially designated libraries of the Department, which are available under the rules of the particular library concerned.

### § 5.6 Statutory definitions.

The definitions in the Act and the Office of Management and Budget’s “Uniform FOIA Fee Schedule and Guidelines,” 52 FR 10012 (March 27, 1987), apply to this part.

[52 FR 32525, Aug. 27, 1987]

## Subpart B—What Records Are Available

### § 5.11 Purpose and scope.

This part constitutes the regulation of the Department respecting the availability to the public, pursuant to the Act, of records of the Department. It informs the public what records are generally available.

### § 5.12 General policy.

The Department’s policy is one of the fullest responsible disclosure limited only by the obligations of confidentiality and the administrative necessities recognized by the Act. Unless otherwise exempted from disclosure pursuant to law, records of the Department shall be available for inspection and copying in accordance with this part.

### § 5.13 Records available.

(a) *Publication in the Federal Register.* The following shall be published in the FEDERAL REGISTER:

(1) Descriptions of the Department’s central and field organization and the established places at which, the officers from whom, and the methods