§ 201.11 Requirements for waiver or reduction of fees.

(a) Fees for processing your request may be waived if you meet the criteria listed in paragraph (b) of this section. The burden is on you to justify entitlement to a fee waiver. Requests for fee waivers are decided on a case-by-case basis. The fact that you have received a fee waiver in the past does not mean you are automatically entitled to a fee waiver for every request you may submit, because the essential element of any fee waiver determination is whether the release of the particular documents sought in the request will likely contribute significantly to public understanding of the operations or activities of the government. The Board will rely on the fee waiver justification you have submitted in your request letter. If you do not submit sufficient justification, your fee waiver request will be denied. The Board may, at its discretion, communicate with you to request additional information if necessary. However, the Board must make a determination on the fee waiver request within the statutory time limit, even if the Board has not received such additional information. In certain circumstances, a partial fee waiver may be appropriate, if some, but not all, of the requested records are likely to contribute significantly to public understanding of the operations and activities of the government.

(b) The Board will waive fees (in whole or part) if disclosure of all or part of the information is in the public interest because its release:

1. Is likely to contribute significantly to public understanding of the operations or activities of the government; and
2. Is not primarily in the commercial interest of the requester.

§ 201.12 Denials.

(a) When denying a request in any respect, the Board shall notify the requester of that determination in writing. The types of denials include:

1. Denials of requests, including a determination:
   (i) To withhold any requested record in whole or in part;
   (ii) That a requested record does not exist or cannot be located;
   (iii) That a record is not readily reproducible in the form or format sought;
   (iv) That what has been requested is not a record subject to the FOIA; and
   (v) That the material requested is not a Board record (e.g., material produced by another agency or organization).
2. A determination on any disputed fee matter, including a denial of a request for a fee waiver.
3. A denial of a request for expedited processing.

(b) The denial letter shall be signed by the FOIA Officer or designee and shall include all of the following:

1. The name and title of the person responsible for the denial.
2. A brief statement of the reason(s) for the denial, including any FOIA exemptions applied in denying the request.
3. An estimate of the volume of records withheld, in number of pages or in some other reasonable form of estimation. This estimate does not need to be provided if it would harm an interest protected by an applicable exemption.
4. A statement that the denial may be appealed under §201.14 and a description of the requirements of §201.14.

§ 201.13 Business information.

(a) In general. Business information obtained by the Board from a submitter shall be disclosed under the FOIA only under this section.

(b) Definitions. For purposes of this section:

1. Business information—commercial or financial records obtained by