employees on the response to a sub-
poea or other legal demand for mate-
rial or information received or gen-
erated in the performance of official
duty or because of the person’s official
status.

(c) Any policies and procedures in
any GSA internal or external directive
inconsistent with the policies and pro-
cedures set forth in this part are super-
seded to the extent of that inconsis-
tency.

Subpart 105–60.1—General
Provisions

§ 105–60.101 Purpose.

This part 105–60 implements the pro-
visions of the Freedom of Information
Act (FOIA), as amended, 5 U.S.C. 552.
The regulations in this part also imple-
ment Executive Order 12600,
Predisclosure Notification Procedures
for Confidential Commercial Informa-
tion, of June 23, 1987 (3 CFR, 1987
Comp., p. 235). This part prescribes pro-
cedures by which the public may in-
spect and obtain copies of GSA records
under the FOIA, including administra-
tive procedures which must be ex-
husted before a requester invokes the
jurisdiction of an appropriate United
States District Court for GSA’s failure
to respond to a proper request within
the statutory time limits, for a denial
of agency records or challenge to the
adequacy of a search, or for a denial of
a fee waiver.

§ 105–60.102 Application.

This part applies to all records and
informational materials generated,
maintained, and controlled by GSA
that come within the scope of 5 U.S.C.
552.

§ 105–60.103 Policy.

§ 105–60.103–1 Availability of records.

The policies of GSA with regard to
the availability of records to the public
are:

(a) GSA records are available to the
greatest extent possible in keeping
with the spirit and intent of the FOIA.
GSA will disclose information in any
existing GSA record, with noted excep-
tions, regardless of the form or format
of the record. GSA will provide the
record in the form or format requested
if the record is reproducible by the
agency in that form or format without
significant expenditure of resources.
GSA will make reasonable efforts to
maintain its records in forms or for-
mats that are reproducible for purposes
of this section.

(b) The person making the request
does not need to demonstrate an inter-
est in the records or justify the re-
quest.

(c) The FOIA does not give the public
the right to demand that GSA compile
a record that does not already exist.
For example, FOIA does not require
GSA to collect and compile informa-
tion from multiple sources to create a
new record. GSA may compile records
or perform minor reprogramming to
extract records from a database or sys-
tem when doing so will not signifi-
cantly interfere with the operation of
the automated system in question or
involve a significant expenditure of re-
sources.

(d) Similarly, FOIA does not require
GSA to reconstruct records that have
been destroyed in compliance with dis-
position schedules approved by the Ar-
chivist of the United States. However,
GSA will not destroy records after a
member of the public has requested ac-
cess to them and will process the re-
quest even if destruction would other-
wise be authorized.

(e) If the record requested is not com-
plete at the time of the request, GSA
may, at its discretion, inform the re-
quester that the complete record will
be provided when it is available, with
no additional request required, if the
record is not exempt from disclosure.

(f) Requests must be addressed to the
office identified in §105–60.402–1.

(g) Fees for locating and duplicating
records are listed in §105–60.305–10.

§ 105–60.103–2 Applying exemptions.

GSA may deny a request for a GSA
record if it falls within an exemption
under the FOIA outlined in subpart
105–60.5 of this part. Except when a
record is classified or when disclosure
would violate any Federal statute, the
authority to withhold a record from
disclosure is permissive rather than
mandatory. GSA will not withhold a