§ 103.13 Segregability of records.

Subpart B—Production or Disclosure in Federal, State, Local, and Foreign Proceedings

103.21 Purpose and definitions.

103.22 Procedure in the event of a demand for Customs information in any federal, state, or local civil proceeding or administrative action.

103.23 Factors in determining whether to disclose information pursuant to a demand.

103.24 Procedure in the event a decision concerning a demand is not made prior to the time a response to the demand is required.

103.25 Procedure in the event of an adverse ruling.

103.26 Procedure in the event of a demand for Customs information in a state or local criminal proceeding.

103.27 Procedure in the event of a demand for Customs information in a foreign proceeding.

Subpart C—Other Information Subject to Restricted Access

103.31 Information on vessel manifests and summary statistical reports.

103.31a Advance electronic information for air, truck, and rail cargo.

103.32 Information concerning fines, penalties, and forfeitures cases.

103.33 Release of information to foreign agencies.

103.34 Sanctions for improper actions by Customs officers or employees.

103.35 Confidential commercial information; exempt.


§ 103.1 Public reading rooms.

Each office listed below will maintain a public reading room or public reading area where the material required to be made available under 5 U.S.C. 552(a)(2) and this part may be inspected and copied:

United States Customs Service (Headquarters), 1300 Pennsylvania Avenue, NW., Washington, DC 20229

Boston, 10 Causeway Street, Boston, Massachusetts 02222

New York, One Penn Plaza, 18th Floor, New York, NY 10119

Chicago, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603

Miami, 99 S.E. 5th Street, Miami, Florida 33131
§ 103.2 Information available to the public.

(a) General. The Freedom of Information Act, as amended (5 U.S.C. 552), provides for access to information and records developed or maintained by Federal agencies. Subject only to the exemptions set forth in §103.12, the public generally or any individual member is entitled to information or records which are described in paragraph (b) of this section and which are in the possession of the United States Customs Service. Access to that information is governed by the regulations in this part.

(b) Three categories of information available. Generally, 5 U.S.C. 552 divides agency information into three major categories and provides methods by which each category is available to the public. The three major categories, for which the disclosure requirements of the United States Customs Service are set forth in this part, are as follows:

(1) Information required to be published in the Federal Register (see §103.3).

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale (see §103.4).

(3) Information required to be made available to any member of the public upon specific request (see §103.5).

§ 103.3 Publication of information in the Federal Register.

(a) Requirements. Subject to the application of the exemptions described in §103.12 and subject to the limitations provided in paragraph (b) of this section, the United States Customs Service is required, by 5 U.S.C. 552(a)(1), to separately state, publish and keep current in the Federal Register for the guidance of the public the following information:

(1) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

(2) A statement of the general course and method by which its function are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(3) Rules of procedure, descriptions of forms available and the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by it.

(5) Each amendment, revision, or repeal of matters referred to in paragraphs (a) (1) through (4) of this section.

(b) Limitations—(1) Incorporation by reference in the Federal Register. Matter reasonably available to an affected class of persons, whether published by a private organization or an agency of the United States, is published in the Federal Register for purposes of paragraph (a) of this section when it is incorporated by reference in the Federal Register with the approval of the Director of the Federal Register. Any matter which is incorporated by reference must be set forth in the privately- or publically-printed document substantially in its entirety and not merely summarized or printed as a synopsis. There can be no incorporation by reference in the Federal Register of any matter where only a few persons having a special working knowledge of the activities of...