under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research.

(3) Noncommercial scientific institution: An institution that is not operated on a commercial basis, as that term is defined in paragraph (h)(1) of this section, and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

(4) Representative of the news media: An individual actively gathering news for an entity that is organized and operated to publish and broadcast news to the public and pursuant to the entity’s news dissemination function and not its commercial interests; the term “news” means information which concerns current events, would be of current interest to the general public, would enhance the public understanding of the operations or activities of the U.S. Government, and is in fact disseminated to a significant element of the public at minimal cost; freelance journalists are included in this definition if they provide sufficient evidence to justify an expectation of publication through such an organization, even though not actually employed by it; a publication contract or prior publication record is relevant to such status.

(5) All other: A request from an individual not within paragraphs (h)(1), (2), (3), or (4) of this section;

(i) Freedom of Information Act, “FOIA,” or “the Act” means the statute as codified at 5 U.S.C. 552;

(j) ODNI means the Office of the Director of National Intelligence and its component organizations. It does not include other members of the Intelligence Community as defined in 50 U.S.C. 401a, or other federal entities subsequently designated in accordance with this authority, unless specifically designated as included in this part or in the notice of a system of records;

(k) Potential requester means a person, organization, or other entity who submits an expression of interest.