§ 701.7 Timing of responses to requests.

(a) General. (1) The time limits of the FOIA will begin only after the requirements for submitting a request as established in §701.5 have been met, and the request is deemed received by the Freedom of Information Office.

(2) A request for records shall be considered to have been received on the later of the following dates:

(i) The requester has agreed in writing to pay applicable fees in accordance with §701.5(d), or

(ii) The fees have been waived in accordance with §701.11(k), or

(iii) Payment in advance has been received from the requester when required in accordance with §701.11(i).

(3) The time for responding to requests set forth in paragraph (b) of this section may be delayed if:

(i) The request does not sufficiently identify the fee category applicable to the request;

(ii) The request does not state a willingness to pay all fees;

(iii) A request seeking a fee waiver does not address the criteria for fee waivers set forth in §701.11(k);

(iv) A fee waiver request is denied, and the request does not include an alternative statement indicating that the requesting party is willing to pay all fees.

(b) Initial determination. Whenever possible, an initial determination to release or deny a record shall be made within twenty business days after receipt of the request. In “unusual circumstances” as described in paragraph (d) of this section, the time for an initial determination may be extended for ten business days.

(c) Multitrack processing. (1) Amtrak may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process a request or the number of pages involved.

(2) In general, when requests are received, Amtrak’s FOIA Office will review and categorize them for tracking purposes. Requests within each track will be processed according to date of receipt.

(3) The FOIA Office may contact a requester when a request does not appear to qualify for fast track processing to provide an opportunity to limit the scope of the request and qualify for a faster track. Such notification shall be at the discretion of the FOIA Office and will depend largely on whether it is believed that a narrowing of the request could place the request on a faster track.

(d) Unusual circumstances. (1) The requesting party shall be notified in writing if the time limits for processing a request cannot be met because of unusual circumstances, and it will be necessary to extend the time limits for processing the request. The notification shall include the date by which the request can be expected to be completed. Where the extension is for more than ten business days, the requesting party will be afforded an opportunity to either modify the request so that it may be processed within the time limits or to arrange an alternative time
§ 701.8 Responses to requests.

(a) Granting of requests. When an initial determination is made to grant a request in whole or in part, the requesting party shall be notified in writing and advised of any fees charged under §701.11(e). The records shall be disclosed to the requesting party promptly upon payment of applicable fees.

(b) Adverse determination of requests—

(1) Types of denials. The requesting party shall be notified in writing of a determination to deny a request in any respect. Adverse determinations or denials of records consist of:

(i) A determination to withhold any requested record in whole or in part;

(ii) A determination that a requested record does not exist or cannot be located;

(iii) A denial of a request for expedited treatment; and

(iv) A determination on any disputed fee matter including a denial of a request for a fee waiver.

(2) Deletions. When practical, records disclosed in part shall be marked or annotated to show both the amount and location of the information deleted.

(3) Content of denial letter. The denial letter shall be signed by the Freedom of Information Officer or designee and shall include:

(i) A brief statement of the reason(s) for the adverse determination including any FOIA exemptions applied in denying the request;