statement authorizing the discussion
and presentation of the record in the
accompanying individuals presence.

§ 1205.15 Denying access.

(a) Basis. In accordance with 5 U.S.C.
552a(k)(2), the Board may deny access
to records that are of an investigatory
nature and that are compiled for law
enforcement purposes. Those requests
will be denied only where access to
them would otherwise be unavailable
under Exemption (b)(7) of the Freedom
of Information Act.

(b) Form. All denials of access under
this section will be made in writing
and will notify the requester of the
right to judicial review.

§ 1205.16 Fees.

(a) No fees will be charged except for
making copies of records.

(b) Photocopies of records duplicated
by the Board will be subject to a
charge of 20 cents a page.

(c) If the fee to be assessed for any re-
quest is less than $100 (the cost to the
Board of processing and collecting the
fee), no charge will be made to the re-
quester.

(d) Fees for copying audio tapes and
computer records will be charged at a
rate representing the actual costs to
the Board, as shown in paragraphs
(d)(1) through (d)(3) of this section.

(1) Audio tapes will be provided at a
charge not to exceed $15 for each cas-
ette tape.

(2) Computer printouts will be pro-
vided at a charge of 10 cents a page.

(3) Records reproduced on computer
tapes, computer diskettes, or other
electronic media, will be provided at
the actual cost to the Board.

(e) The Board will provide one copy
of the amended parts of any record it
amends free of charge as evidence of
the amendment.

Subpart C—Amendment of
Records

§ 1205.21 Request for amendment.

A request for amendment of a record
must be submitted to the Regional Di-
rector or Chief Administrative Judge of
the appropriate regional or field office,
or to the Clerk of the Board, U.S. Merit
Systems Protection Board, 1615 M
Street, NW., Washington, DC 20419–0001,
depending on which office has custody
of the record. The request must be in
writing, must be identified conspicu-
ously on the outside of the envelope
and the letter as a "PRIVACY ACT RE-
QUEST," and must include the fol-
lowing information:

(a) An identification of the record to
be amended;

(b) A description of the amendment
requested; and

(c) A statement of the basis for the
amendment, along with supporting
documentation, if any.

[64 FR 51043, Sept. 21, 1999, as amended at 65
FR 48886, Aug. 10, 2000]

§ 1205.22 Action on request.

(a) Amendment granted. If the Board
grants the request for amendment, it
will notify the requester and provide
him or her with a copy of the amend-
ment.

(b) Amendment denied. If the Board
denies the request for amendment in
whole or in part, it will provide the re-
quester with a written notice that in-
cludes the following information:

(1) The basis for the denial; and

(2) The procedures for appealing the
denial.

§ 1205.23 Time limits.

The Clerk of the Board, Regional Di-
rector, or Chief Administrative Judge
will acknowledge a request for amend-
ment within 10 workdays of receipt of
the request in the appropriate office
except under the unusual cir-
stances described in paragraphs
(a)(1) through (a)(4) of §1205.12 of this
part.

Subpart D—Appeals

§ 1205.31 Submitting appeal.

(a) A partial or complete denial, by
the Clerk of the Board, by the Regional
Director, or by the Chief Administra-
tive Judge, of a request for amendment
may be appealed to the Chairman,
Merit Systems Protection Board, 1615
M Street, NW., Washington, DC 20419–
0001 within 10 workdays from the date
of the denial.

(b) Any appeal must be in writing,
must be clearly and conspicuously