

**§ 28.161**

**4 CFR Ch. I (1–1–16 Edition)**

on a regular business day. Requests in writing should be clearly and prominently marked “Privacy Act Request.” Requests for copies of records shall be subject to duplication fees set forth in 4 CFR 83.17.

(b) Individuals making a request in person shall be required to present satisfactory proof of identity, preferably a document bearing the individual’s photograph. Requests by mail or submitted other than in person should contain sufficient information to enable the General Counsel to determine with reasonable certainty that the requester and the subject of the record are one and the same. To assist in this process, individuals should submit their names and addresses, dates and places of birth, social security number, and any other known identifying information such as an agency file number or identification number and a description of the circumstances under which the records were compiled.

(c) *Exemptions from disclosure.* The Personnel Appeals Board General Counsel and the Personnel Appeals Board, in deciding what records are exempt from disclosure, will follow the policies set forth in 4 CFR part 83.

[68 FR 69304, Dec. 12, 2003, as amended at 77 FR 15233, Mar. 15, 2012]

**§ 28.161 Denial of access to information—Appeals.**

(a) If a request for access to information under § 28.160 is denied, the Gen-

eral Counsel shall give the requester the following information:

(1) The General Counsel’s name and business mailing address;

(2) The date of the denial;

(3) The reasons for the denial, including citation of appropriate authorities; and

(4) The individual’s right to appeal the denial as set forth in paragraphs (b) and (c) of this section.

(b) Any individual whose request for access to records of the PAB General Counsel has been denied in whole or in part by the General Counsel may, within 30 days of receipt of the denial, challenge that decision by filing a written request for review of the decision with the Personnel Appeals Board, Room 1566, 441 G Street NW., Washington, DC 20548.

(c) The appeal shall describe:

(1) The initial request made by the individual for access to records;

(2) The General Counsel’s decision denying the request; and

(3) The reasons why that decision should be modified by the Board.

(d) The Board, en banc, may in its discretion render a decision based on the record, may request oral argument, or may conduct an evidentiary hearing.

[68 FR 69304, Dec. 12, 2003, as amended at 77 FR 15233, Mar. 15, 2012]

**PART 29 [RESERVED]**

**SUBCHAPTERS C–D [RESERVED]**