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requirements for the Regulated Entities.

*Director*, written in title case, means the Director of FHFA or his or her designee.

*Enterprise* means Fannie Mae and Freddie Mac (collectively, Enterprises) and any affiliate thereof.

*Excess stock* means that amount of a Bank's capital stock owned by a member or other institution in excess of that member's or other institution's minimum investment in capital stock required under the Bank's capital plan, the Bank Act, or FHFA's regulations, as applicable.

*Fannie Mae* means the Federal National Mortgage Association and any affiliate thereof.

*FDIC* means the Federal Deposit Insurance Corporation.

*FHFA* means the Federal Housing Finance Agency established by Section 1311(a) of the Safety and Soundness Act. (12 U.S.C. 4511(a)).

*Financing Corporation or FICO* means the Financing Corporation established and supervised by the Director under section 21 of the Bank Act (12 U.S.C. 1441) and part 1271 of this chapter.

*FRB* means the Board of Governors of the Federal Reserve System.

*Freddie Mac* means the Federal Home Loan Mortgage Corporation and any affiliate thereof.

*Generally Accepted Accounting Principles or GAAP* means accounting principles generally accepted in the United States.

*Ginnie Mae* means the Government National Mortgage Association.

*GLB Act* means the Gramm-Leach-Bliley Act (Pub. L. 106-102 (1999)).

*HERA* means the Housing and Economic Recovery Act of 2008, Public Law No. 110-289, 122 Stat. 2654.

*Housing associate* means an entity that has been approved as a housing associate pursuant to part 1264 of this chapter.

*HUD* means the United States Department of Housing and Urban Development.

*Member* means an institution that has been approved for membership in a Bank and has purchased capital stock in the Bank in accordance with §§ 1263.20 or 1263.24(b) of this chapter.

*NCUA* means the National Credit Union Administration.

*NRSRO* means a credit rating organization registered with the SEC as a nationally recognized statistical rating organization by the Securities and Exchange Commission.

*OCC* means the Office of the Comptroller of the Currency.

*Office of Finance or OF* means the Office of Finance, a joint office of the Banks established under part 1273 of this chapter and referenced in the Bank Act and the Safety and Soundness Act.

*President*, when referring to an officer of a Bank only, means a Bank's principal executive officer.

*Regulated Entity* means the Federal Home Loan Mortgage Corporation and any affiliate thereof, the Federal National Mortgage Association and any affiliate thereof, and any Federal Home Loan Bank.

*Resolution Funding Corporation or REFCORP* means the Resolution Funding Corporation established by section 21B of the Bank Act (12 U.S.C. 1441b).

*Safety and Soundness Act* means the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended (12 U.S.C. 4501 *et seq.*).

*SBIC* means a small business investment company formed pursuant to section 301 of the Small Business Investment Act (15 U.S.C. 681).

*SEC* means the United States Securities and Exchange Commission.

*State* means a state of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands.

[78 FR 2322, Jan. 11, 2013, as amended at 79 FR 64665, Oct. 31, 2014; 81 FR 76295, Nov. 2, 2016; 81 FR 91688, Dec. 19, 2016]

**PART 1202—FREEDOM OF INFORMATION ACT**

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SOURCE: 82 FR 13745, Mar. 15, 2017, unless otherwise noted.

### § 1202.1 Why did FHFA issue this part?

The Federal Housing Finance Agency (FHFA) issued this regulation to comply with the Freedom of Information Act (FOIA) (5 U.S.C. 552).

(a) The Freedom of Information Act (FOIA) (5 U.S.C. 552), is a Federal law that requires the Federal Government to disclose certain Federal Government records to the public.

(b) This part explains the rules that the FHFA will follow when processing and responding to requests for records under the FOIA. It also explains what you must do to request records from FHFA under the FOIA. You should read this part together with the FOIA, which explains in more detail your rights and the records FHFA may release to you.

(c) If you want to request information about yourself that is contained in a system of records maintained by FHFA, you may do so under the Privacy Act of 1974, as amended (5 U.S.C. 552a). This is considered a first-party or Privacy Act request under the Privacy Act, and you must file your request following FHFA's Privacy Act regulation at part 1204 of this title. If you file a request for information about yourself, FHFA will process your request under both the FOIA and Privacy Act in

order to give you the greatest degree of access to any responsive material.

(d) Notwithstanding the FOIA and this part, FHFA may routinely publish or disclose to the public information without following these procedures.

### § 1202.2 What do the terms in this part mean?

Some of the terms you need to understand while reading this regulation are—

*Aggregating* means combining multiple requests for documents that could reasonably have been the subject of a single request and which occur within a 30-day period, by a single requester or by a group of requesters acting in concert that would otherwise involve unusual circumstances.

*Appeals Officer or FOIA Appeals Officer* means a person designated by FHFA who processes appeals of denied FOIA requests for FHFA records.

*Chief FOIA Officer* means the designated high-level official within FHFA (FHFA-OIG does not have a separate Chief FOIA Officer) who has overall responsibility for the agency's FOIA program and compliance with the FOIA.

*Confidential commercial information* means records provided to the Federal Government by a submitter that contain material exempt from release under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

*Days*, unless stated as "calendar days," are working days and do not include Saturdays, Sundays, and Federal holidays. If the last day of any period prescribed herein falls on a Saturday, Sunday, or Federal holiday, the last day of the period will be the next working day that is not a Saturday, Sunday, or Federal holiday.

*Discretionary release* means disclosure of records or information that would otherwise be exempt from disclosure under the FOIA.

*Direct costs* means the expenses, including contract services and retrieving documents from the National Archives and Records Administration, incurred by FHFA, in searching for, reviewing and/or duplicating records to respond to a request for information.