

(i) The subject of the request must concern identifiable operations or activities of the Federal Government, with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested records must be meaningfully informative about Federal Government operations or activities in order to be “likely to contribute” to an increased public understanding of those operations or activities. Disclosure of information that is already in the public domain, in either the same or a substantially identical form, would not contribute to such understanding.

(iii) Disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester’s expertise in the subject area, as well as their ability and intention to effectively convey information to the public, will be considered. A representative of the news media making the request for professional purposes satisfies this consideration.

(iv) The public’s understanding of the subject in question must be enhanced by the disclosure to a significant extent. However, AmeriCorps will not make value judgments about whether the information at issue is “important” enough to be made public.

(2) To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, AmeriCorps will give requesters an opportunity to explain the purpose of the request. The Agency will consider the following factors:

(i) If there is an identified commercial interest, AmeriCorps will determine whether that is the primary interest furthered by the request.

(ii) The identified commercial interest is not the primary interest furthered by the request (such that a waiver or reduction of fees is justified) where the public interest in disclosure is greater than the identified commercial interest in disclosure. AmeriCorps ordinarily will presume that when a news media requester has satisfied the public interest standard, it is a public interest that is primarily served by disclosure to that requester. Disclosure to data brokers or others who merely

compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(c) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver will be granted for those records only.

(d) A requester may appeal the denial of a fee waiver.

Subpart H—Miscellaneous

§ 2507.25 Preservation of records.

AmeriCorps will preserve all correspondence relating to FOIA requests it receives, and all records processed for those requests, until the destruction of the correspondence and records is authorized by Title 44 of the United States Code and the records disposition authority granted by NARA. The records will not be sent to a Federal Records Center, transferred to the permanent custody of NARA, or destroyed while they are the subject of a pending request, appeal, or civil action under the FOIA.

§ 2507.26 Reporting requirements.

(a) AmeriCorps will submit to the Attorney General a statistical report on FOIA requests, processing, disposition, and appeals.

(b) As required, the Chief FOIA Officer will submit to the Attorney General a Chief FOIA Officer Report containing a narrative description of the steps taken by the agency to support and improve FOIA compliance and transparency.

§ 2507.27 Rights and services qualified by the FOIA statute.

Nothing in this part may be construed to entitle any person, as a right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

PART 2508—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Sec.

2508.1 Definitions.

2508.2 What is the purpose of this part?

2508.3 What is the Corporation’s Privacy Act policy?

§ 2508.1

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- 2508.4 When can Corporation records be disclosed?
- 2508.5 When does the Corporation publish its notice of its system of records?
- 2508.6 When will the Corporation publish a notice for new routine uses of information in its system of records?
- 2508.7 To whom does the Corporation provide reports to regarding changes in its system of records?
- 2508.8 Who is responsible for establishing the Corporation's rules of conduct for Privacy Act compliance?
- 2508.9 What officials are responsible for the security, management and control of Corporation record keeping systems?
- 2508.10 Who has the responsibility for maintaining adequate technical, physical, and security safeguards to prevent unauthorized disclosure or destruction of manual and automatic record systems?
- 2508.11 How shall offices maintaining a system of records be accountable for those records to prevent unauthorized disclosure of information?
- 2508.12 What are the contents of the systems of records that are to be maintained by the Corporation?
- 2508.13 What are the procedures for acquiring access to Corporation records by an individual about whom a record is maintained?
- 2508.14 What are the identification requirements for individuals who request access to records?
- 2508.15 What are the procedures for requesting inspection of, amendment or correction to, or appeal of an individual's records maintained by the Corporation other than that individual's official personnel file?
- 2508.16 What are the procedures for filing an appeal for refusal to amend or correct records?
- 2508.17 When shall fees be charged and at what rate?
- 2508.18 What are the penalties for obtaining a record under false pretenses?
- 2508.19 What Privacy Act exemptions or control of systems of records are exempt from disclosure?
- 2508.20 What are the restrictions regarding the release of mailing lists?

AUTHORITY: 5 U.S.C. 552a; 42 U.S.C. 12501 *et seq.*; 42 U.S.C. 4950 *et seq.*

SOURCE: 64 FR 19294, Apr. 20, 1999, unless otherwise noted.

§ 2508.1 Definitions.

(a) *Amend* means to make a correction to, or expunge any portion of, a record about an individual which that individual believes is not accurate, relevant, timely, or complete.

(b) *Appeal Officer* means the individual delegated the responsibility to act on all appeals filed under the Privacy Act.

(c) *Chief Executive Officer* means the Head of the Corporation.

(d) *Corporation* means the Corporation for National and Community Service.

(e) *Individual* means any citizen of the United States or an alien lawfully admitted for permanent residence.

(f) *Maintain* means to collect, use, store, disseminate or any combination of these recordkeeping functions; exercise of control over and therefore, responsibility and accountability for, systems of records.

(g) *Personnel record* means any information about an individual that is maintained in a system of records by the Corporation that is needed for personnel management or processes such as staffing, employment development, retirement, grievances, and appeals.

(h) *Privacy Act Officer* means the individual delegated the authority to allow access to, the release of, or the withholding of records pursuant to an official Privacy Act request. The Privacy Act Officer is further delegated the authority to make the initial determination on all requests to amend records.

(i) *Record* means any document or other information about an individual maintained by the agency whether collected or grouped, and including, but not limited to, information regarding education, financial transactions, medical history, criminal or employment history, or any other personal information that contains the name or other personal identification number, symbol, etc. assigned to such individual.

(j) *Routine use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(k) *System of records* means a group of any records under the maintenance and control of the Corporation from which information is retrieved by use of the name of an individual or by some personal identifier of the individual.