

## Corporation for National and Community Service

## § 2507.3

2507.27 Rights and services qualified by the FOIA statute.

AUTHORITY: 5 U.S.C. 552, 42 U.S.C. 12501 *et seq.*

SOURCE: 87 FR 55309, Sept. 9, 2022, unless otherwise noted.

### Subpart A—General Provisions

#### § 2507.1 Scope.

This part contains the rules that the Corporation for National and Community Service, operating as AmeriCorps (“the Agency” or “AmeriCorps”), follows in processing requests for records under the Freedom of Information Act (“FOIA”), 5 U.S.C. 552. These rules should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (“OMB Guidelines”). Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed in accordance with AmeriCorps’ Privacy Act regulations, 45 CFR part 2508, as well as under this part.

#### § 2507.2 Policy.

(a) AmeriCorps follows a balanced approach in administering the FOIA. The Agency recognizes the right of the public to seek access to information in its possession. It also recognizes the legitimate interests of organizations or persons who have submitted records to AmeriCorps or who would otherwise be affected by release of records. AmeriCorps has no discretion to release certain records, such as trade secrets and confidential commercial information, prohibited from release by law. The Agency provides the fullest responsible disclosure that is consistent with the requirements of the FOIA.

(b) When a FOIA exemption gives Federal agencies the discretion to either withhold or release records, AmeriCorps releases the records or information unless it reasonably foresees that disclosure would harm an interest that the exemption protects.

#### § 2507.3 Definitions.

As used in this part:

*Agency* is any executive agency, military agency, government corporation, government-controlled corporation, or other establishment in the Executive Branch of the Federal Government, or any independent regulatory agency. AmeriCorps is an agency.

*AmeriCorps* or *the Agency* means the Corporation for National and Community Service, which operates as AmeriCorps.

*Complex request* is a request that typically seeks a high volume of material or requires additional steps to process, such as the need to search for records in multiple locations.

*Consultation* is when AmeriCorps locates a record that contains information of interest to another agency, and, before any final determination is made, AmeriCorps asks that other agency for its views on whether or not the records can be released to the requester.

*Exemptions* are the nine categories of information that are not required to be released in response to a FOIA request because release would be harmful to a government or private interest. These categories are called “exemptions” from disclosure.

*Expedited processing* is the FOIA response track granted in certain limited situations to process FOIA requests ahead of other pending requests.

*FOIA request* is a written request for Agency records, made by any person, including a member of the public (U.S. or foreign citizen), an organization, or a business—but not including a Federal agency, an agent of a foreign government, an order from a court, or a fugitive from the law—that either explicitly or implicitly involves the FOIA, or this part.

*Freedom of Information Act (FOIA)* is a United States Federal law at 5 U.S.C. 552 that grants the public access to records possessed by government agencies. Upon written request, U.S. Government agencies are required to release reasonably described records, except to the extent the records fall under an exclusion or one of the nine exemptions listed in the Act.

*Frequently requested records* are records that have been released either in full or with the same information withheld and either: