

**§§ 2104.171–2104.999**

**§§ 2104.171–2104.999 [Reserved]**

**PART 2105—REQUIREMENTS FOR  
COMPLIANCE WITH THE FREE-  
DOM OF INFORMATION ACT**

**Subpart A—Introduction**

Sec.

2105.1 What should you know up front?

2105.2 What kinds of records are not covered by the regulations in this part?

**Subpart B—How To Make a Request**

2105.3 Where should you send a FOIA request?

2105.4 How should you describe the records you seek?

2105.5 How will fee information affect the processing of your request?

2105.6 What information should you include about your fee category?

2105.7 Can you ask for records to be disclosed in a particular form or format?

2105.8 What if your request seeks records about another person?

2105.9 May you ask for the processing of your request to be expedited?

2105.10 What contact information should your request include?

**Subpart C—Processing Requests**

2105.11 What should you know about how the Agency processes requests?

2105.12 How do consultations and referrals work?

**Subpart D—Timing of Responses to  
Requests**

2105.13 In what order are responses usually made?

2105.14 What is multitrack processing and how does it affect your request?

2105.15 What is the basic time limit for responding to a request?

2105.16 When can the Agency suspend the basic time limit?

2105.17 When may the Agency extend the basic time limit?

2105.18 When will expedited processing be provided and how will it affect your request?

**Subpart E—Responses to Requests**

2105.19 How will the Agency respond to requests?

2105.20 How will the Agency grant requests?

2105.21 When will the Agency deny a request or procedural benefits?

2105.22 How will the Agency deny requests?

2105.23 What if the requested records contain both exempt and nonexempt material?

**45 CFR Ch. XXI (10–1–24 Edition)**

**Subpart F—Handling Confidential  
Information**

2105.24 May submitters of possibly confidential information designate information as confidential when making submissions?

2105.25 When will the Agency notify a submitter of a request for their possibly confidential information?

2105.26 What information will the Agency include when it notifies a submitter of a request for their possibly confidential information?

2105.27 When will the Agency not notify a submitter of a request for their possibly confidential information?

2105.28 How and when may a submitter object to the disclosure of confidential information?

2105.29 What must a submitter include in a detailed Exemption 4 objection statement?

2105.30 How will the Agency consider the submitter's objections?

2105.31 What if the Agency determines it will disclose information over the submitter's objections?

2105.32 Will a submitter be notified of a FOIA lawsuit?

2105.33 Will you receive notification of activities involving the submitter?

2105.34 Can an Agency release information protected by Exemption 4?

**Subpart G—Fees**

2105.35 What general principles govern fees?

2105.36 What are the requester fee categories?

2105.37 How does your requester category affect the fees you are charged?

2105.38 How will fee amounts be determined?

2105.39 What search fees will you have to pay?

2105.40 What duplication fees will you have to pay?

2105.41 What review fees will you have to pay?

2105.42 What fees for other services will you have to pay?

2105.43 When will the Agency waive fees?

2105.44 When may you ask the Agency for a fee waiver?

2105.45 How will the Agency notify you if it denies your fee waiver request?

2105.46 How will the Agency evaluate your fee waiver request?

2105.47 When will you be notified of anticipated fees?

2105.48 When will the Agency require advance payment?

2105.49 What if the Agency needs clarification about fee issues?

2105.50 How will you be billed?

## Commission of Fine Arts

## § 2105.4

- 2105.51 How will the Agency collect fees owed?  
2105.52 When will the Agency combine or aggregate requests?  
2105.53 What if other statutes require the Agency to charge fees?

### Subpart H—Administrative Appeals

- 2105.54 When may you file an appeal?  
2105.55 How long do you have to file an appeal?  
2105.56 How do you file an appeal?  
2105.57 Who makes decisions on appeals?  
2105.58 How are decisions on appeals issued?  
2105.59 When can you expect a decision on your appeal?  
2105.60 Can you receive expedited processing of appeals?  
2105.61 Must you submit an appeal before seeking judicial review?

### Subpart I—General Information

- 2105.62 Where are records made available?  
2105.63 What are public liaisons?  
2105.64 When will the Agency make records available without a FOIA request?  
2105.65 How will FOIA materials be preserved?  
2105.66 How will an Agency handle a request for federally-funded research data?  
2105.67 What definitions apply to this part?  
APPENDIX A TO PART 2105—FEE SCHEDULE

AUTHORITY: 5 U.S.C. 552, as amended by Public Law 110-175, 121 Stat. 2524 and Pub. L. 114-185, 130 Stat. 538.

SOURCE: 84 FR 27722, June 14, 2019, unless otherwise noted.

### Subpart A—Introduction

#### § 2105.1 What should you know up front?

- (a) This part contains the rules that the Agency follows in processing records under the Freedom of Information Act (FOIA), 5 U.S.C. 552.  
(b) Definitions of terms used in this part are found at § 2105.67.  
(c) This part should be read in conjunction with the text of the FOIA and the OMB Fee Guidelines.  
(d) This part does not entitle any person to any service or to the disclosure of any record that is not required under the FOIA.  
(e) You are encouraged to review the Agency's FOIA libraries before filing a FOIA request. The material you seek may be immediately available electronically at no cost.

#### § 2105.2 What kinds of records are not covered by the regulations in this part?

In the event that the Agency identifies records that may be subject to exclusion from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), the agency must confer with legal counsel and the Department of Justice, Office of Information Policy, to obtain approval to apply the exclusion.

### Subpart B—How To Make a Request

#### § 2105.3 Where should you send a FOIA request?

(a) To make a request for Agency records, you must contact the Agency directly.

(b) Address requests to the FOIA Officer found in the Agency contacts at <https://www.cfa.gov/foia>.

#### § 2105.4 How should you describe the records you seek?

(a) You must reasonably describe the records sought. A reasonable description contains sufficient detail to enable Agency personnel familiar with the subject matter of the request to locate the records with a reasonable amount of effort.

(b) You should include as much detail as possible about the specific records or types of records that you are seeking. This will assist the Agency in identifying the requested records (for example, time frames involved or specific personnel who may have the requested records). For example, whenever possible, identify:

- (1) The date, title or name, author, recipient, and subject of any particular records you seek;
- (2) The office that created the records you seek;
- (3) The timeframe for which you are seeking records; and
- (4) Any other information that will assist the Agency in locating the records.

(c) The Agency's FOIA Officer or Public Liaison can assist you in formulating or reformulating a request in an effort to better identify the records you seek.