

SUBCHAPTER B—SEEKING INFORMATION FROM THE COMMISSION

PART 3005—PRIVACY ACT RULES

Sec.

3005.101 Purpose and scope.

3005.102 Definitions.

3005.103 Procedures for requesting inspection, copying, or correction.

3005.104 Response to a request.

3005.105 Appeals of denials of access or amendment.

3005.106 Fees.

3005.107 Exemptions.

AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579), 5 U.S.C. 552a.

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EDITORIAL NOTE: Nomenclature changes to part 3005, formerly part 3003, appear at 70 FR 48277, Aug. 17, 2005.

§ 3005.101 Purpose and scope.

This part implements the Privacy Act of 1974 (5 U.S.C. 552a) by establishing Commission policies and procedures that permit individuals to obtain access to and request amendment of information about themselves that is maintained in systems of records. This part does not expand or restrict any rights granted under the Privacy Act of 1974.

[64 FR 57982, Oct. 28, 1999. Redesignated at 85 FR 9615, Feb. 19, 2020]

§ 3005.102 Definitions.

For purposes of this part:

(a) *Commission* means the Postal Regulatory Commission.

(b) *Individual*, *record*, and *system of records* have the meanings specified in 5 U.S.C. 552a(a).

(c) *Day* means a calendar day and does not include Saturdays, Sundays, and legal holidays.

[64 FR 57982, Oct. 28, 1999, as amended at 72 FR 33165, June 15, 2007. Redesignated at 85 FR 9615, Feb. 19, 2020]

§ 3005.103 Procedures for requesting inspection, copying, or correction.

(a) An individual who—

(1) Wishes to know whether a Commission system of records contains a record about the individual,

(2) Seeks access to a Commission record about the individual that is maintained in a system of records (including the accounting of disclosures), or

(3) Seeks to amend a record about the individual that is maintained in a system of records, may file a written request with the chief administrative officer of the Commission at the Commission's current address (901 New York Avenue NW, Suite 200, Washington, DC 20268-0001). The request should state on the outside of the envelope and in the request that it is a Privacy Act request.

(b) A request for amendment must describe the information sought to be amended and the specific reasons for the amendment.

(c) A requester—

(1) May request an appointment to inspect records at the Commission's offices between the hours of 8 a.m. and 4:30 p.m. on any day;

(2) Must present suitable identification, such as a driver's license, employee identification card, or Medicare card;

(3) If accompanied by another individual, must sign a statement, if requested by the chief administrative officer, authorizing discussion of the individual's record in the presence of that individual;

(4) Who files a request by mail must include the individual's date of birth, dates of employment at the Commission (if applicable), and suitable proof of identity, such as a facsimile of a driver's license, employee identification card, or Medicare card; and

(5) Must, if requested by the chief administrative officer, provide additional proof of identification.

[64 FR 57982, Oct. 28, 1999. Redesignated and amended at 85 FR 9615, 9616, Feb. 19, 2020]

§ 3005.104 Response to a request.

(a) In the case of a request for notice of the existence of a record, the chief

Postal Regulatory Commission

Pt. 3006

administrative officer shall respond within 10 days of receipt of a request and shall inform the individual whether a system of records maintained by the Commission contains such a record.

(b) In the case of a request for access to a record or for a copy of a record, the chief administrative officer shall acknowledge the request within 10 days and shall promptly thereafter—

(1) Fulfill the request by mail or arrange for an inspection by the requester in the Commission's offices; or

(2) If the request is denied, notify the requester of the denial, the reasons for the denial, the procedures for appealing the refusal, and the name and address of the Chairman of the Commission who will consider an appeal.

(c) In the case of a request for amendment, the chief administrative officer shall:

(1) Acknowledge the request in writing within 10 days;

(2) Promptly review the record; and

(3)(i) Make any requested amendment of a record found to be not accurate, relevant, timely, or complete; notify the requester of the change and provide a copy of the corrected record; and notify any previous recipient of the record (excluding Commission staff who obtained the record in the performance of their duties and recipients under the Freedom of Information Act) of any change; or

(ii) Inform the requester of a refusal to amend the record, the reasons for the refusal, the procedures for appealing the refusal, and the name and address of the Chairman of the Commission who will consider an appeal.

[64 FR 57982, Oct. 28, 1999. Redesignated at 85 FR 9615, Feb. 19, 2020]

§ 3005.105 Appeals of denials of access or amendment.

(a) If a request for access to or amendment of a record is denied, the requester may file a written appeal with the Chairman of the Commission. The Chairman will decide each appeal within 30 days of receipt unless the Chairman has, for good cause, extended the period for another 30 days.

(b) If an appeal is denied, the requester will be notified of the decision, the reasons for the denial, the right to

file a concise statement of disagreement, the procedures for filing a statement of disagreement, the subsequent uses of a statement of disagreement, and of the right to seek judicial review in accordance with subsection (g) of the Privacy Act.

[64 FR 57982, Oct. 28, 1999. Redesignated at 85 FR 9615, Feb. 19, 2020]

§ 3005.106 Fees.

The first copy of any record furnished under the Privacy Act of 1974 will be provided without charge. Additional copies will be charged at the cost of reproduction.

[64 FR 57982, Oct. 28, 1999. Redesignated at 85 FR 9615, Feb. 19, 2020]

§ 3005.107 Exemptions.

The Postal Regulatory Commission has not established any exempt system of records.

[64 FR 57982, Oct. 28, 1999, as amended at 72 FR 33165, June 15, 2007. Redesignated at 85 FR 9615, Feb. 19, 2020]

PART 3006—PUBLIC RECORDS AND FREEDOM OF INFORMATION ACT

Subpart A—General Provisions

Sec.

3006.100 Applicability and scope.

3006.101 Commission policy.

3006.102 Proactive disclosures.

3006.103 Reading room.

3006.104 Chief Freedom of Information Act Officer.

3006.105 Freedom of Information Act Public Liaison.

3006.106 Commission procedure when served a subpoena.

Subpart B—Procedures for Freedom of Information Act Requests

3006.200 Procedures for submitting requests.

3006.201 Timing of responses to requests.

3006.202 Responses to requests.

3006.203 Appeals.

3006.204 Relationship among the Freedom of Information Act, the Privacy Act, and the Commission's procedures for accord-ing appropriate confidentiality.

3006.205 Consultations, referrals, and coordi-nations.

3006.206 Submission of non-public materials by a person other than the Postal Service.