

## Office of Personnel Management

## § 294.401

a detailed written statement of any objection to disclosure. The statement shall specify all grounds for withholding any of the material under any exemption of the Freedom of Information Act. When Exemption 4 of the FOIA is cited as the grounds for withholding, the specification shall demonstrate the basis for any contention that the material is a trade secret or commercial or financial information that is privileged or confidential. It must also include a specification of any claim of competitive harm, including the degree of such harm, that would result from disclosure. Information provided in response to this paragraph may itself be subject to disclosure under the FOIA. Information provided in response to this paragraph shall also be subject to the designation requirements of paragraph (c) of this section. Failure to object in a timely manner shall be considered a statement of no objection by OPM, unless OPM extends the time for objection upon timely request from the submitter and for good cause shown. The provisions of this paragraph concerning opportunity to object shall not apply to notices of administrative appeals, when the submitter has been previously provided an opportunity to object at the time the request was initially considered.

(i) OPM shall consider carefully a submitter's objections and specific grounds for nondisclosure, when received within the period of time described in paragraph (h) of this section, prior to determining whether to disclose the information. Whenever OPM decides to disclose the information over the objection of a submitter, OPM shall forward to the submitter a written notice, which shall include:

(1) A statement of the reasons why the submitter's disclosure objections were not sustained;

(2) A description of the information to be disclosed; and

(3) A specified disclosure date.

(j) OPM will notify both the submitter and the requester of its intent to disclose material a reasonable number of days prior to the specified disclosure date.

(k) Whenever a requester brings suit seeking to compel disclosure of con-

fidential commercial information, OPM shall promptly notify the submitter.

[57 FR 32150, July 21, 1992]

### Subpart B—The Public Information Function

#### § 294.201 Public information policy.

(a) In addition to the basic policies of the Office relative to the disclosure of information when requested by a member of the public, the Office has an independent public information policy for bringing to the attention of the public through news releases, publications of the Office, or other methods, information concerning the functions of the Office as a Federal agency, and the programs administered by the Office.

(b) The Assistant Director for Public Affairs carries out the public information policy of the Office. In addition, each employee of the Office shall cooperate in carrying out this policy.

[50 FR 3310, Jan. 24, 1985]

### Subpart C—Office Operations

#### § 294.301 Policy and interpretations.

(a) Statements of Office policy and interpretations of the laws and regulations administered by the Office which the Office has adopted, whether or not published in the FEDERAL REGISTER, are available to the public.

(b) Generally, memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material, when prepared for the purpose of internal communication within the Office or between the Office and other agencies, organizations, or persons, are not available to the public.

[50 FR 3310, Jan. 24, 1985, as amended at 66 FR 66710, Dec. 27, 2001]

### Subpart D—Cross References

#### § 294.401 References.

The table below provides assistance in locating other OPM regulations in title 5 of the Code of Federal Regulations that have provisions on the disclosure of records:

Type of information	Location
Classification appeal records .....	511.616.
Classification information .....	175.101.
Employee performance folders .....	293.311.
Examination and related subjects records.	300.201.
Grade and pay retention records .....	536.307.
Investigative records .....	736.104.
Job grading reviews and appeals records.	532.707.
Medical information .....	297.205 and 293 subpart E.
Official Personnel Folders .....	293.311.
Privacy and personnel records .....	297.
Retirement .....	831.106 and 841.108.

[54 FR 25098, June 13, 1989, as amended at 58 FR 32046, June 8, 1993]

## PART 297—PRIVACY PROCEDURES FOR PERSONNEL RECORDS

### Subpart A—General Provisions

Sec.

- 297.101 Purpose and scope.
- 297.102 Definitions.
- 297.103 Designations of authority by system manager.
- 297.104 Types of records.
- 297.105 Agency and Office responsibilities for systems of records and applicability of the regulations.
- 297.106 Contact point for Privacy Act matters.

### Subpart B—Request for Access

- 297.201 General provisions.
- 297.202 Methods of access.
- 297.203 Access by the parent of a minor or by the legal guardian of an individual declared to be incompetent.
- 297.204 Access by the representative of the data subject.
- 297.205 Access to medical records.
- 297.206 Fees charged by the Office.
- 297.207 Denials of access and appeals with respect to such denials.
- 297.208 Judicial review.

### Subpart C—Amendment of Records

- 297.301 General provisions.
- 297.302 Time limits.
- 297.303 Applicability of amendment provisions.
- 297.304 Approval of requests to amend records.
- 297.305 Denial of requests to amend records.
- 297.306 Appeal of a denial of a request to amend a record.
- 297.307 Statement of disagreement.
- 297.308 Judicial review.

### Subpart D—Disclosure of Records

- 297.401 Conditions of disclosure.
- 297.402 Disclosure pursuant to a compulsory legal process served on the Office.
- 297.403 Accounting of disclosure.

### Subpart E—Exempt Records

- 297.501 Exemptions.

AUTHORITY: Sec. 3, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

SOURCE: 53 FR 1998, Jan. 26, 1988, unless otherwise noted.

### Subpart A—General Provisions

#### § 297.101 Purpose and scope.

This part sets forth the regulations of the U.S. Office of Personnel Management (the Office) to govern the maintenance, protection, disclosure, and amendment of records within the systems of records as defined by the Privacy Act of 1974 (5 U.S.C. 552a), Public Law 93-579.

#### § 297.102 Definitions.

In this part, the terms *agency*, *individual*, *maintain*, *record*, *statistical records*, and *systems of records* have the same meanings as defined in the Privacy Act, 5 U.S.C. 552a. In addition:

*Access* means providing a copy of a record to, or allowing review of the original record by, the data subject or the data subject's authorized representative, parent, or legal guardian;

*Act* means the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, as amended;

*Agency* means any department or independent establishment in the Executive Branch of the Federal Government, including a Government corporation, of Government-controlled corporation, except those specifically excluded from the Office recordkeeping requirements by statute, this title, or formal agreement between the Office and the agency.

*Amendment* means the correction, addition, deletion, or destruction of a record or specific portions of a record;

*Data subject* means the individual to whom the information pertains and by whose name or other individual identifier the information is retrieved;

*Disclosure* means providing personal review of a record, or a copy thereof, to