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## 31 C.F.R. § 1.26

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### Procedures for notification and access to records pertaining to individuals—Format and fees for request for access.

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- (a) *Procedures for notification and access.* Each component must, in accordance with the requirements of 5 U.S.C. 552a(d)(1), set forth in the appendix to this subpart applicable to such component procedures whereby an individual can be notified, in response to a request, if any system of records named by the individual contains a record pertaining to that individual. In addition, such procedures must set forth the requirements for access to such records. At a minimum, such procedures must specify the times during, and the places at which access will be afforded, together with such identification as may be required of the individual before access. (See 5 U.S.C. 552a(f)(1), (2) and (3).)
- (b) *Access.* Each component, in accordance with the procedures prescribed under paragraph (a) of this section, must allow an individual, upon request, to gain access to records or to any information pertaining to such individual which is contained in a system of records. Permit the individual to review the record and have a copy made of all or any portion of the record in a comprehensible form. Also permit the individual to be accompanied by any person of the individual's choosing to review the record, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence. (See 5 U.S.C. 552a(d)(1).)
- (c) *Exceptions.* Neither the procedures prescribed under paragraph (a) of this section nor the requirements for access under paragraph (b) of this section apply to:
- (1) Systems of records exempted pursuant to 5 U.S.C. 552a(j) and (k) and § 1.23(c);
  - (2) Information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552(d)(5)); or
  - (3) Information pertaining to an individual which is contained in, and inseparable from, another individual's record.
- (d) *Format of request.* (1) A request for notification of whether a record exists must:
- (i) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained or such individual's duly authorized representative (see § 1.34);
  - (ii) State that it is made pursuant to the Privacy Act or the regulations in this subpart, or have "Privacy Act Request" written on both the request and on the envelope, if not submitted via a component-provided electronic method;
  - (iii) Give the name of the system or subsystem or categories of records to which access is sought, as specified in "Privacy Act Issuances" published by the Office of the Federal Register and referenced in the appendices to this subpart;

(iv) Describe the nature of the record sought, the date of the record or the period in which the record was compiled or otherwise describe the record in sufficient detail to enable Department personnel to locate the system of records containing the record with a reasonable amount of effort;

(v) Provide such identification of the requester as may be specified in the appropriate appendix to this subpart; and

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