

NIH GUIDE

file copy

for GRANTS and CONTRACTS

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Vol. 2, No. 9, November 23, 1973

NIH MANPOWER SURVEY

A N N O U N C E M E N T

1. In order to obtain information about the NIH research grant and contract supported manpower pool, a survey will be conducted to provide information on which to base program and policy decisions and to respond to essential requests regarding the impact of NIH support on the biomedical research manpower pool. Each principal investigator and contractor will be requested to complete the Manpower Report form (NIH 1749, Rev. 8/73). Data requested includes: the number of individuals paid; their occupational status (faculty, non-faculty, other staff, etc.); the dollar amount of support received; and certain other key items. The survey is not intended to review a particular project's progress, nor will it use personal information concerning any individual. These data will be used only in the form of statistical summaries.
2. Initially, the manpower report form will be distributed to all principal investigators of NIH research projects, program projects and centers awarded under FY 1973 funds. NIH contractors will receive the report form in sufficient time to report on the first full year of performance ending after June 30, 1974.
3. The cooperation of the principal investigator, contractor, and of appropriate institution officials will be necessary to the success of this survey and its utilization for planning purposes by the NIH.
4. A copy of the Manpower Report form is enclosed as an Exhibit of this issuance.

The GUIDE is published at irregular intervals to provide policy, program, and administrative information to individuals and organizations who need to be kept informed of requirements and changes in grants and contracts activities administered by the National Institutes of Health.

FORM APPROVED
O.M.B. NO. 68-R1209

Complete only if label missing

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH

MANPOWER REPORT

GRANT OR CONTRACT NUMBER	BUDGET PERIOD (Same as progress report)
PRINCIPAL INVESTIGATOR OR PROGRAM DIRECTOR	
GRANTEE OR CONTRACTOR INSTITUTION NAME	

Please complete both parts of this report:

Part I. Paid Personnel: All persons receiving salary from the direct cost awarded for this grant or contract.

Part II. Unpaid Personnel: All persons who performed some work on the research project for which no payment was received from this grant or contract.

Individual reports will be treated as confidential and will be used only in the form of statistical summaries. Names and Social Security numbers are necessary to avoid duplicate counting.

GENERAL INSTRUCTIONS

If data are not available on all questions, please supply as much information as you can. Reasonable estimates will be satisfactory. Write "N.A." (Not Applicable) if question is not applicable, rather than leave a blank space.

All information requested applies to the budget period specified above.

Please return one copy of the questionnaire and retain the other for your files. If additional copies are needed write to: Division of Research Grants, National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20014. For information on completion of form telephone (301) 496-7263.

**DEFINITIONS
(Part I and Part II)**

PROFESSIONAL: Individuals who hold positions which normally: (1) require a baccalaureate, equivalent, or higher degree, and (2) are considered as performing professional work. (Exclude all consultants.)

Faculty Status: All professional persons paid by this grant or contract—including temporary, part-time and retired—who hold appointments designated as "faculty" by an institution of higher education.

Non-Faculty: All professional persons paid by this grant or contract who do not hold appointments designated as "faculty" by an institution of higher education. This includes all non-faculty professional staff employed by non-academic institutions (independent hospitals, research institutes, nonprofit foundations, and private companies). Post-doctorals considered as primarily in a training status should be reported under "In Training Status."

In Training Status: Include only those individuals who, while employed on a grant or contract, are considered to be in a predoctoral or postdoctoral training status. This includes graduate students registered in institutions of higher education for part-time or full-time study leading to an academic (PhD, ScD, MA, MS, MPH, or equivalent) or professional (MD, DDS, DVM, or equivalent) degree. Predoctorate students working on their dissertation should be entered in this section. Individuals who already have an academic or professional doctorate but are considered as being primarily in a training status should be included. Residents and interns receiving some salary from the grant or contract should also be reported here. Undergraduate students should be counted as "All Other Staff."

ALL OTHER STAFF: All other personnel paid from this grant or contract. Include undergraduate students. (Exclude all consultants.)

SPECIFIC INSTRUCTIONS FOR PART I

- List in Items 1, 2, and 3 the names of all professional personnel who worked on activities supported by this grant or contract during the budget period specified who received any salary from the grant or contract.
- In Item 4, "All Other Staff," count all other personnel who received any salary from the grant or contract during the budget period specified. Give total number of persons in each of the four categories listed and estimate total manweeks and personnel costs.
- Exclude employer payments for Social Security and other fringe benefits from all amounts reported for salaries and personnel expenditures.
- Social Security Number (Items 1, 2, and 3, Column b):** If the individual does not have a Social Security Number, enter the month and day of birth. Example: 06-15 for June 15.
- Number of Weeks Worked (Items 1, 2, and 3, Column f):** Weeks worked during the budget period specified on activities supported by the grant or contract for which salary was received from grant or contract funds. Count each week regardless of number of hours worked.
- Estimated Total Manweeks (Item 4, Column r):** The total number of weeks all persons counted were paid for their work on the project. Reasonable estimates are acceptable. Part-time work should be computed on the basis of 40 hours a week or the accepted work week in the grantee institution if it is less than 40 hours.
- Total Personnel Expenditures (Item 5):** The amount given should be the sum of the professional salaries and the expenditures reported for the "all other" staff. If continuation pages have been used, be sure to include all persons listed for a given professional category regardless of the page on which the name appears.

PART I: PAID PERSONNEL

READ INSTRUCTIONS BEFORE COMPLETING FORM. USE TYPEWRITER. IF NECESSARY, USE CONTINUATION PAGES.

NAME <i>(Last, first initial)</i> a	SOCIAL SECURITY NUMBER b	YEAR OF BIRTH c	SEX M OR F d	HIGHEST DEGREE HELD CODE * e	HOURS AND EARNINGS IN BUDGET PERIOD			FDS CODE FOR PROJECT EMPLOYMENT * f	OTHER SOURCES OF INCOME WHILE ON PROJECT (Check more than one if appropriate)					
					NUMBER OF WEEKS WORKED g	AVERAGE WEEKLY HOURS (Estimate) h	TOTAL SALARY FROM PROJECT i		NIH SUPPORT					
									TRAINING GRANT, FELLOWSHIP, OR CAREER AWARD j	OTHER RESEARCH GRANT k	RESEARCH CONTRACT l	OTHER FEDERAL SUPPORT m	NONFEDERAL GRANT OR CONTRACT SUPPORT n	ALL OTHER o

1. PROFESSIONAL: FACULTY STATUS

2. PROFESSIONAL: NON-FACULTY

3. PROFESSIONAL: IN TRAINING STATUS (Predoctorals and postdoctorals)

DEGREE BOUGHT CODE *
P

4. ALL OTHER STAFF

	q	r	s
TOTAL: ALL OTHER STAFF		TOTAL MANWEEKS (estimate)	TOTAL AMOUNT PAID FROM THIS GRANT OR CONTRACT (estimate)
1. CLINICAL SUPPORTING STAFF - those whose duties primarily involve patient care (orderlies, practical nurses, etc.)			
2. TECHNICAL - includes technicians, laboratory assistants, animal caretakers, etc.			
3. CLERICAL AND ADMINISTRATIVE STAFF			
4. OTHER			
5.			

5. TOTAL PERSONNEL EXPENDITURES IN BUDGET PERIOD
(Exclude employer payments for Social Security and fringe benefits)

\$

PART II: UNPAID PERSONNEL

The purpose of this portion of the report form is to obtain information to help evaluate the contributions to NIH research programs by individuals who perform significant work on an NIH research project for which no salary is received from that NIH research grant or contract.

If no individuals performed unpaid work on this project as defined in the instructions below, please check box.

SPECIFIC INSTRUCTIONS FOR PART II

1. Exclude interns and residents working on this project on rotation as part of their regular medical training.
2. **Column (a):** Estimate the number of individuals in each occupational category given in the table below who contributed at least 80 hours of unpaid work on the research project during the budget period and received no monetary compensation from the grant or contract. Enter these numbers in Column (a). Exclude those individuals who contributed less than 80 hours of unpaid work. Individuals who performed both paid and unpaid work are reported in Column (c).
3. **Column (b):** For each of the individuals entered in Column (a) estimate the total number of unpaid hours worked and divide by 40 hours (or the accepted work week in the grantee institution if it is less than 40 hours) to secure manweeks. Add the number of manweeks for all individuals in a given occupational category and enter in Column (b).
4. **Column (c):** Estimate the number of individuals in each occupational category who received salary for work performed on the grant or contract but also performed *any amount* of work on the project without receiving salary from the grant or contract. Enter this number in Column (c).
5. **Column (d):** For all of the individuals entered in Column (c), estimate the total numbers of unpaid hours worked. Convert to occupational category manweeks as described in paragraph 3 above and enter in Column (d).

OCCUPATIONAL CATEGORY	PERSONS NOT PAID BY THIS GRANT OR CONTRACT WHO WORKED AT LEAST 80 HOURS ON PROJECT		PERSONS PAID BY THIS GRANT OR CONTRACT WHO ALSO PERFORMED UNPAID WORK ON PROJECT	
	NUMBER (a)	TOTAL UNPAID MANWEEKS (b)	NUMBER (c)	TOTAL UNPAID MANWEEKS (d)
TOTAL: ALL INDIVIDUALS 1.				
PROFESSIONAL STAFF: TOTAL 2.				
FACULTY STATUS 3.				
NON-FACULTY 4.				
IN TRAINING STATUS: TOTAL 5.				
Predoctoral 6.				
Postdoctoral 7.				
ALL OTHER STAFF 8.				

CODE SHEET

DEGREE CODES: HIGHEST DEGREE HELD AND DEGREE SOUGHT

- | | |
|-------------------|--|
| 1. Degree unknown | 5. PhD, ScD, D.Eng, DPH or equivalent foreign or domestic academic degree |
| 2. No degree | 6. MD, OD, DDS, DVM or equivalent foreign or domestic professional degree |
| 3. Baccalaureate | 7. MD and PhD (any combination of both academic and professional doctorates) |
| 4. Masters | |

FDS CODE FOR PROJECT EMPLOYMENT: FIELD, DISCIPLINE, AND SPECIALTY
(NEC Not elsewhere classified)

Basic Medical and Biological Sciences

- A1 Anatomy, Neuroanatomy
- A2 Anatomy, NEC
- A3 Bacteriology
- A4 Biochemistry, Enzyme/Metabolism
- A5 Biochemistry, Hormone/Vitamin
- A6 Biochemistry, Protein/Amino Acid
- A7 Biochemistry, NEC
- A8 Biology, Developmental
- B1 Biology, NEC
- B2 Biophysics, Molecular Structure
- B3 Biophysics, NEC
- B4 Botany
- B5 Cell Biology, Molecular
- B6 Cell Biology, NEC
- B7 Ecology
- B8 Entomology
- C1 Genetics, Biochemical and Molecular
- C2 Genetics, NEC
- C3 Immunology
- C4 Medical, General
- C5 Microbial Biochemistry
- C6 Microbiology, NEC
- C7 Nutrition
- C8 Parasitology
- C9 Pathology, Experimental
- D1 Pathology, NEC
- D2 Pharmacology
- D3 Physiology, Cardiovas. & Pulmonary
- D4 Physiology, Endocrine
- D5 Physiology, Gastrointestinal
- D6 Physiology, Neuro and Muscular
- D7 Physiology, Renal
- D8 Physiology, NEC
- E1 Pre dental
- E2 Pre medical
- E3 Radiation, Nonclinical
- E4 Virology
- E5 Zoology
- E9 Other Basic Biomedical Sciences

Internal Medicine: Clinical

- F1 Allergy
- F2 Cardiovascular Diseases
- F3 Endocrinology
- F4 Gastroenterology
- F5 Hematology
- F6 Immunology
- F7 Infectious Diseases
- F8 Internal Medicine, General
- G1 Metabolism
- G2 Pulmonary Diseases
- G3 Renal Diseases
- G9 Other Internal Medicine

Clinical Medicine (Except Internal)

- H1 Anesthesiology
- H2 Chemotherapy, Cancer
- H3 Chemotherapy, Other
- H4 Dermatology
- H5 Neurology
- H6 Nuclear Medicine
- H7 Obstetrics and Gynecology
- H8 Oncology
- I1 Ophthalmology
- I2 Osteopathy
- I3 Otorhinolaryngology
- I4 Pediatrics, Cardiology
- I5 Pediatrics, NEC
- I6 Pharmacology, Clinical
- I7 Physical Medicine & Rehabilitation
- I8 Preventive Medicine & Public Health
- J1 Psychiatry
- J2 Radiology, Diagnostic
- J3 Radiology, Therapeutic
- J4 Radiology, NEC
- J5 Surgery, Cardiovascular
- J6 Surgery, General
- J7 Surgery, Neurological
- J8 Surgery, Orthopedic
- K1 Surgery, Plastic
- K2 Surgery, Thoracic
- K3 Surgery, NEC
- K4 Tropical Medicine
- K5 Urology
- K9 Other Clinical Medicine

Dentistry

- L1 Clinical Dentistry, Cleft Palate
- L2 Clinical Dentistry, Oral Pathology
- L3 Clinical Dentistry, Oral Surgery
- L4 Clinical Dentistry, Periodontia
- L5 Dentistry, General
- L9 Other Dental Specialties

Behavioral and Social Sciences

- M1 Anthropology
- M2 Economics
- M3 Psychology, Clinical
- M4 Psychology, Developmental
- M5 Psychology, General & Experimental
- M6 Psychology, Physiological
- M7 Psychology, NEC
- M8 Sociology
- M9 Other Behavioral & Social Sciences

Other Health-Related Fields

- N1 Audiology & Speech Therapy
- N2 Dental Hygiene
- N3 Dietetics
- N4 Epidemiology
- N5 Health Administration
- N6 Nursing
- N7 Optometry
- P1 Pharmacy
- P2 Physical Therapy
- P3 Social Work
- P4 Veterinary Medicine
- P9 Other Health-Related Fields

Environmental Sciences and Engineering

- Q1 Air and Water Pollution
- Q2 Engineering
- Q3 Engineering, Biomedical
- Q4 Engineering, Environmental
- Q9 Other Environmental Sciences

Mathematics, Statistics, and Computer Sciences

- R1 Biostatistics
- R2 Computer Applications
- R3 Computer & Information Systems
- R4 Mathematics
- R5 Statistics
- R9 Other Math. and Stat.

Physical Sciences

- S1 Chemistry, Inorganic
- S2 Chemistry, Organic
- S3 Chemistry, Medicinal
- S4 Chemistry, Physical
- S5 Chemistry, NEC
- S6 Physics
- S9 Other Physical Sciences

Other Fields

- T1 Arts and Humanities
- T2 Audio-Visual
- T3 Education
- T4 Library Science
- T9 Other, Specify _____

NAME AND TITLE OF PERSON COMPLETING FORM

TOTAL NO. CONTINUATION PAGES INCLUDED

NAME OF ORGANIZATION

ADDRESS OF ORGANIZATION (Street, City, State and Zip Code)

TELEPHONE (Include Area Code, Number and Extension)

PUBLIC INFORMATION REGULATIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

POLICY

1. The regulations of the Department of Health, Education, and Welfare pertaining to the availability of information to the public as prescribed by the Freedom of Information Act (PL 90-23) were published in the Federal Register (August 17, 1973, 38 FR 22230).
2. A copy of the regulations is attached for the information and guidance of all NIH grantees.

DISCONTINUATION OF "NIH/DRG NEWSLETTER"

A N N O U N C E M E N T

1. The *NIH/DRG NEWSLETTER* is being discontinued with the November 1973 (Vol. 10, No. 11) issue. The action is in compliance with an order from the Assistant Secretary for Public Affairs, Department of Health, Education, and Welfare, to reduce the number of the Department's publications.

PUBLIC WELFARE
Title 45—

PREAMBLE

The people's right to know is fundamental to the functioning of a true democracy. But the right grows ever more difficult to guarantee as government grows in size and complexity.

The Freedom of Information Act, as implemented in the regulation that follows, is the public's passkey to the vast storehouse of government knowledge—which is to say, knowledge accumulated by the government to serve the public interest.

With this new regulation, the Department of Health, Education, and Welfare assures the public the right to examine literally thousands of records and documents which bear upon the well-being of our millions of citizen-constituents.

The only exceptions to this right involve legal obligations to maintain confidentiality, which obligations are strictly defined by the Freedom of Information Act.

This marks the first updating of the Department's regulation since promulgation of the Freedom of Information Act in 1967. The new regulation not only expands but updates the Act's coverage, bringing all forms of audio-visual materials within reach of the inquiring public.

Most importantly, from my viewpoint, it places new emphasis on the need for prompt handling by the Department of all requests for information, and for appeals of adverse rulings by the Department.

The regulation reflects in concrete terms the determination of the Department of Health, Education, and Welfare to keep the public informed about the Department's handling of the public's business. It is a guarantee to the public that this Department will observe not only the letter of the Freedom of Information Act, but the spirit of public disclosure as well.

Caspar W. Weinberger
Secretary Health, Education, and Welfare

**Subtitle A—Department of Health, Education, and Welfare,
General Administration**

**PART 5—AVAILABILITY OF INFORMATION TO THE
PUBLIC PURSUANT TO PUBLIC LAW 90—23**

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AUTHORITY: The provisions of this Part 5 issued under 5 U.S.C. 552, as amended by Public Law 90-23.

Subpart A—Definitions

§ 5.1 Act.

As used in this part, "Act" means section 552 of Title 5, United States Code, as amended by Public Law 90-23, codifying the Act of July 4, 1966, sometimes referred to as the "Public Information Act".

§ 5.2 Department.

As used in this part, "Department" means the Department of Health, Education, and Welfare, which consists of the Office of the Secretary and the several operating agencies.

§ 5.3 Operating agency.

As used in this part, "operating agency" means the constituent operating agencies of the Department, i.e., the Center for Disease Control, the Health Resources Administration, the Health Services Administration, the National Institutes of Health, the Food and Drug Administration, the Office of Education, the National Institute of Education, the Social Security Administration (including intermediaries and carriers performing functions under their agreement entered into pursuant to section 1816 and 1842 of Social Security Act), and the Social and Rehabilitation Service. The Office of the Assistant Secretary for Health and the five health agencies, the Center for Disease Control, the Health Resources Administration, the Health Services Administration, the National Institutes of Health, and the Food and Drug Administration constitute the Public Health Service.

§ 5.4 Heads of Office of Secretary and operating agencies.

The heads of the Office of the Secretary, the Public Health Service, and the operating agencies are as follows:

- Office of the Secretary—Secretary of Health, Education, and Welfare.
- Public Health Service—Assistant Secretary for Health.
- Food and Drug Administration—Commissioner of Food and Drugs.
- Center for Disease Control—Director, Center for Disease Control.
- Health Resources Administration—Administrator, Health Resources Administration.
- Health Services Administration—Administrator, Health Services Administration.
- National Institutes of Health—Director, National Institutes of Health.
- Office of Education—Commissioner of Education.
- National Institute of Education—Director, National Institute of Education.
- Social Security Administration—Commissioner of Social Security.

Social and Rehabilitation Service—Administrator, Social and Rehabilitation Service.

§ 5.5 Records.

As used in this part:

(a) "Record" includes books, brochures, punch cards, magnetic tapes, paper tapes, sound recordings, maps, pamphlets, photographs, slides, motion pictures, or other documentary materials, regardless of physical form or characteristics, made or received by the Department in pursuant of Federal law or in connection with the transaction of public business and preserved by the Department as evidence of the organization, functions, policies, decisions, procedures, operations, programs, or other activities.

(b) "Record" does not include: Objects or articles such as tangible exhibits, models, equipment, or processing materials; or formulae, designs, drawings, or other items of value property; books, magazines, pamphlets, or other reference material in formally organized and officially designated libraries of the Department, which are available under the rules of the particular library concerned.

Subpart B—What Records Are Available

§ 5.11 Purpose and scope.

This part constitutes the regulation of the Department respecting the availability to the public pursuant to the Act, of records of the Department. It informs the public what records are generally available and where and how they may be obtained. To the extent that they are not inconsistent with this regulation, it does not revoke, modify, or supersede the following regulations of the Public Health Service, of the operating agencies, or of subsidiaries of operating agencies:

Public Health Service—42 CFR Part 1.

Food and Drug Administration—21 CFR Parts 1, 2, 4, 8, 121, 130, 135, 146, and 191 (see Notice of Proposed Rule-making 37 FR 9128 May 5, 1972).

Saint Elizabeths Hospital, NIMH, PHS—42 CFR Part 300.

Social Security Administration—20 CFR Part 401 and Part 422, Subpart E.

§ 5.12 General policy.

The Department's policy is one of the fullest responsible disclosure limited only by the obligations of confidentiality and the administrative necessities recognized by the Act. Unless otherwise exempted from disclosure pursuant to law, records of the Department shall be available for inspection and copying in accordance with this part. The establishment of records search and copying services in especially designated centers shall supplement, and in no way curtail, the free access of public inquirers throughout the Department.

§ 5.13 Records available.

(a) *Publication in the Federal Register.* The following shall be published in the FEDERAL REGISTER:

(1) Descriptions of the Department's central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which the Department's functions are channeled and determined, including the nature and requirements of all formal procedures available;

(3) Rules of procedures, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Department;

(5) Every amendment, revision, or repeal of the foregoing.

(b) *Agency opinions and orders.* The Department shall, in accordance with this part and applicable regulations, make available for public inspection and copying:

(1) All final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases (initial decisions and reconsiderations thereof in matters that are not the result of administrative proceedings such as hearings or formal appeals—for example, initial decisions and reconsiderations on claims for benefits—are not "opinions and orders in the adjudication of cases");

(2) Those statements of policy and interpretations which have been adopted by the agency and are not published in the FEDERAL REGISTER;

(3) Administrative staff manual and instructions to staff that affect any member of the public; unless such materials are promptly published and copies offered for sale.

The Department shall maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required by this paragraph (b) to be published or made available.

(c) *Availability of records on request.* In addition to the records made available pursuant to paragraphs (a) and (b) of this section, the Department shall, upon request for identifiable records made in accordance with this part, make such records available to any person, unless it is determined that such records must be withheld from disclosure and are exempt under subsection (b) of the Act and Subpart F of this part.

§ 5.14 Published documents.

Published records of the Department, whether or not available for purchase, shall be made available for examination in or through the Appropriation Information Centers.

§ 5.15 Creation of records.

Records are not required to be created by compiling selected items from the files, and records are not required to be created to provide the requester with such data as ratios, proportions, percentages, per capita, frequency distributions trends, correlations, and comparisons. If such data have been compiled and are available in the form of a record, the record shall be made available as provided in this part.

§ 5.16 Deletion of identifying details.

Whenever any final opinion, order, or other materials required to be made available pursuant to subsection (a) (2) of the Act relates to a private party or parties and the release of the name or names or other identifying details will constitute a clearly unwarranted invasion of personal privacy, the record shall be published or made available with such identifying details left blank, or shall be published or made available with obviously fictitious substitutes and with a notification such as the following as a preamble:

Names of parties and certain other identifying details have been removed [and fictitious names substituted] in order to prevent a clearly unwarranted invasion of the personal privacy of the individuals involved.

§ 5.17 Records in record centers.

When a request is made for identifiable records of the Department which have been stored in the National Archives or other record centers of the General Services Administration, but would otherwise be available under this Act, such records shall be requested by the Department for the requester.

§ 5.18 Destroyed Records.

Records of specified form or character are destroyed after the lapse of time specified in the Records Disposal Act of 1943 (44 U.S.C. 366-380), the Federal Property Management Regulations (41 CFR Part 101-111), and the Records Control Schedules (Appendices A and B of the Department of Health, Education, and Welfare Records Management Manual).

§ 5.19 Records of other departments and agencies.

Requests for records which originated in or concern matters which originated in another Department or Government agency may be forwarded to the Department or agency primarily concerned and the requester so notified.

Subpart C—Where Information Centers Are Located

§ 5.31 Information centers or facilities.

(a) The Department maintains its Central Information Center at the following location:
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

This Center shall include a records reference and copying service, and shall have as its primary goal the provision, as far as practicable, of information service covering the programs and activities of the Department.

(b) The Department maintains an Information Center or information facilities in each of its Regional Office as follows:

- Region I—John F. Kennedy Federal Building, Boston, Mass. 02203.
- Region II—26 Federal Plaza, New York, N.Y. 10007*
- Region III—P.O. Box 13716, Philadelphia, Pa. 19101.
- Region IV—50 Seventh Street, NE., Atlanta Ga. 30323.

*Corrected from Federal Register

Region V--New Post Office Building, 433 West Van Buren Street, Chicago, Ill. 60607.

Region VI--1114 Commerce Street, Dallas, Tex. 75202.

Region VII--601 East 12th Street, Kansas City, Mo. 64106.

Region VIII--Federal Office Building, 19th and Stout Streets, Denver, Colo. 80202.

Region IX--Federal Office Building, 50 Fulton Street, San Francisco, Calif. 94102.

Region X--Arcade Plaza Building, 1321 Second Avenue, Seattle, Wash. 98101.

(c) Centers are maintained for the Office of the Secretary and the operating agencies, or subsidiaries thereof, at the following locations:

Office of the Secretary

HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Food and Drug Administration

Federal Building No. 8, 200 C Street, S.W., Washington, D.C. 20204.

National Institutes of Health

Building No. 1, 9000 Rockville Pike, Bethesda, Md. 20014.

Center for Disease Control

Center for Disease Control, Atlanta, Georgia 30333.

Health Resources Administration

Parklawn Bldg., 5800 Fishers Lane, Rockville, Md. 20852.

Health Services Administration

Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852.

Office of Education

Federal Office Building No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Social Security Administration

Altmeyer Building, 6401 Security Boulevard, Baltimore, Md. 21235.

Social and Rehabilitation Service

HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Saint Elizabeths Hospital, National Institute of Mental Health, Public Health Service

Administration Building, St. Elizabeths Hospital, Martin Luther King, Jr. Avenue, S.E., Washington, D.C. 20032.

National Institute of Education

Room 628, 300 7th St., S.W., Washington, D.C.

[Mail inquiries to NIE should be addressed to Office of Public Information, National Institute of Education, Code 600, Washington, D.C. 20202]

§ 5.32 Information center officers.

(a) The Associate Director of Information for Public Services shall serve as the Department's Central Information Center Officer and shall be responsible for determining whether records of the Office of the Secretary (including its staff offices) must be withheld from disclosure and shall have authority to deny requests for records of the Office of the Secretary.

(b) The Regional Information Center Officer in each region shall have a like responsibility for records of the Secretary in his region. The Regional Information Center Officer in each region shall be the Assistant to the Regional Director (for Information).

(c) The Information Center Officer for each of the operating agency information centers shall have, concurrently with other duly authorized officers, a like responsibility for the records of his operating agency. The Information Center Officer for the respective operating agencies shall be as follows:

Director of Public Services, Department Information Center Officer.

Health Services Administration, Center for Disease Control, Health Resources Administration, and National Institutes of Health.

Assistant Commissioner for Public Affairs

Food and Drug Administration

Office of Education

Social Security Administration

Social and Rehabilitation Service

Assistant to the Director for Public Information

National Institute of Education

§ 5.33 Duty hours.

The Information Centers shall be open to the public on regular work days during the regular duty hours of the installation where located.

§ 5.34 Material in the information centers.

(a) The Central Information Center shall contain or shall have available, as a minimum, the following:

(1) FEDERAL REGISTER, Code of Federal Regulations, and regulations of the Department contained therein;

(2) Precedent final opinions and orders in the adjudication of cases issued subsequent to July 4, 1967;

(3) Administrative staff manuals which affect members of the public;

(4) Administrative program manuals which affect members of the public;

(5) Those statements of policy and interpretations issued or adopted after July 4, 1967, and used or relied upon as precedents not otherwise published;

(6) Current indices of the foregoing materials issued, adopted or promulgated after July 4, 1967.

(b) Each Regional Office Information Center shall contain the records required by paragraph (a) of this section and in addition such records appertaining to the activities of that Regional Office as may be determined by the Regional Information Center Officer.

(c) The Information Centers of the operating agencies shall contain or shall provide for the availability of the material appertaining to the activities of the respective operating agency.

Subpart D--Procedures for Requesting Access to Records

§ 5.51 Procedure.

(a) A request for any information or record may be made at (1) the Department's Central Information Center, (2) any Regional Office Information Center, or (3) any subsidiary Information Center of an operating agency. A request may also be made at any appropriate office of the Department or any operating agency.

(b) Requests made at the Central or a Regional Office Information Center for information or records not located there shall, if reduced to writing by the requester, be forwarded to the proper office. If a request is made at any other Center or office of the Department or any operating agency and the information or record is not located where the request is made, the requester shall be referred to the proper Center or office, or if the request is put in writing it may be forwarded to the proper office.

(c) A request should identify the requested record by brief description, containing the name, number, or date as applicable, sufficient to enable the record to be identified and located. It is the policy of the Department that requests be answered as soon as possible but in no event more than 10 working days from date of receipt; however, a reasonable time should be allowed for records to be located, evaluated, reproduced, and mailed. If the action cannot be completed within 10 days, a letter will be sent to the requester explaining the reasons for the delay.

(d) The request should include the fee or request determination of the fee.

§ 5.52. Copies of records.

Copies of available records shall be produced as promptly as possible upon receipt of the fee therefor. Copying service shall be limited to not more than two copies of any single page, except that additional copies may be made where administrative considerations permit. Records which are published or available for sale need not be copied.

§ 5.53 Denial of requests for records.

Written requests for inspection or copying of records shall be denied only by the Department's Information Center Officer, the appropriate Information Center Officer of the region or the operating agency, or other duly authorized officer of the operating agency. Denials of written requests shall be in writing. Oral requests may be dealt with orally, but if the requester is dissatisfied with the disposition of such a request he shall be asked to put the request in writing.

Subpart E—Fees

§ 5.60 Policy on fees.

It is the policy of the Department to provide routine information to the general public without charge. Special information services involving a benefit that does not accrue to the general public shall be subject to the payment on fees, which shall be fixed in such amounts as to recover the cost to the Government of providing such services. Fees will be charged for the following special services:

- (a) Reproduction, duplication, or copying of records;
- (b) Certification or authentication of records;
- (c) Searches of or for records.

§ 5.61 Fee schedules.

The fee schedule for Office of the Secretary is as follows:

1. Search for records—\$3 per hour; provided however that no charges will be made for the first one-half hour.
2. Reproduction, duplication, or copying of records—10 cents per page; provided however that no charge will be

made where the total amount does not exceed 50 cents and provided further that where records are not susceptible to photo-copying, e.g. punch cards or magnetic tapes, the amount charged will be actual cost, as determined on a case-by-case basis.

3. Certification or authentication of records—\$3 per certification or authentication.

4. Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

Fee schedules for operating agencies may be found in the applicable agency regulations; see § 5.11.

Subpart F—Availability of Specific Records

§ 5.70 Policy.

This subpart specifies the types of records which the Department shall, in keeping with its policy of fullest possible disclosure, make available for inspection and copying. For clarity and purposes of guidance, there are also set forth below the kinds or portions of records which generally will not be released, except as may be determined under § 5.74. The appendix to this part contains some examples of the kinds of materials which, in accordance with § 5.72, will generally be released and other materials which, in accordance with § 5.73, are not normally available. Regulations of the operating agencies (see § 5.11) may provide for disclosure of records beyond that provided for in § 5.72.

In the event that any record contains both information which is discloseable and that which is not discloseable under this regulation, the nondiscloseable information will be deleted and the balance of the record disclosed.

§ 5.71 Protection of personal privacy and proprietary information.

As set forth with more particularity below, certain types of information in whatever record or document contained shall not be disclosed where disclosure would be inconsistent with individual rights of personal privacy or would violate obligations of confidentiality.

(a) Except to the extent specifically otherwise provided by regulations of operating agencies, no disclosure will be made of information of a personal and private nature, such as information in personnel and medical files, in welfare and social security records and any other information of a private and personal nature.

(b) Except to the extent specifically otherwise provided by regulations of operating agencies, information having a commercial, financial, or professional value and in which the person providing the information has a proprietary interest will not be disclosed if it is in fact confidential. In determining whether such information is in fact confidential, consideration may be given to such factors as (1) the general custom or usage in the occupation or business to which the information relates that it be held confidential, (2) the number and situation of the individuals who have access to such information, (3) the type and degree of risk of financial injury to be expected if disclosure occurs, and (4) the length of time such information should be regarded as retaining the characteristics noted above.

(c) Information obtained by the Department from any individual or organization, who furnishes it in reliance upon a provision for confidentiality authorized by applicable statute or regulation, will not be disclosed. This subpart does not itself authorize the giving of any pledge of confidentiality by any officer or employee of the Department.

This section does not preclude use of nondiscloseable records or information from such records for authorized program purposes, including law enforcement purposes and litigation. Release of information of the nature described in this section to the individual or the organization to whom the information pertains or to an authorized representative of either will not be deemed a disclosure within the meaning of this part.

§ 5.72 Records available.

The following records of the Department shall, subject to the exceptions set forth in §§ 5.71 and 5.73, be available upon request for inspection and copying.

(a) *Correspondence.* Correspondence between the Department or any official of the Department and individuals or organizations outside the executive branch of the Federal Government relating to or resulting from the conduct of the official business of the Department.

(b) *Records pertaining to grants.* (1) Portions of funded grant applications and other supporting documents submitted by applicants which are not excepted from disclosure by this subpart.

(2) Grant award documents.

(3) All State plans, amendments, and supplements thereto, including applications for the waiver of any provision thereof whether acted upon by the Department or not.

(c) *Contracts.* (1) Contract instruments.

(2) Portions of offers reflecting final prices submitted in negotiated procurements.

(d) *Reports on grantee, contractor, or provider performance.* Final reports of audits, surveys, reviews, or evaluations by, for, or on behalf of the Department, of performance by any grantee, contractor, or provider under any departmentally financed or supported program or activity, which reports have been transmitted to the grantee, contractor, or provider. However, such reports will be available only after 14 days (or after 30 days in the case of reports subject to the provisions of 20 CFR 401 and 322) have elapsed following transmittal of the report to the grantee, contractor, or provider.

(e) *Research, development, and demonstration project records.* The final report of a grantee or a contractor of the performance under any research, development, or demonstration project, Records, other than reports, produced in such projects, such as films, computer software, other copyrightable materials and reports of inventions, will be available, except that considerations relating to obtaining copyright and patent protection may require delay in disclosure for such period as necessary to accomplish such protection. Disclosure of records which are copyrightable or which reflect patentable inventions shall not confer upon the

requester any license under any copyright or patent without regard to the holder or owner thereof.

§ 5.73 Records not available.

The following types of records or information contained in any record, in addition to those prohibited by law from disclosure are not available for inspection or copying, any provision of § 5.72 notwithstanding:

(a) *Intra-agency and inter-agency communications.* Communications within the Department, other than those described in § 5.72(d) or between the Department or any official of the Department and any other agency, department, or official of the executive branch of the Federal Government, to the extent they reflect the views or judgment of the writer or of other individuals. If disclosure of any factual portion of the communication would indicate the views of judgment being withheld from disclosure, then such factual portions will also be withheld.

(b) *Investigatory files.* (1) Investigatory files compiled for law enforcement purposes in cases not yet closed. A file is closed within the meaning of this regulation when a final decision has been made not to take enforcement action or enforcement action has been taken and has been concluded. For the purpose of this section "enforcement action" means any authorized action intended to abate, prevent, counteract, deter, or terminate violations of law and includes action involving possible civil, criminal, or administrative sanctions, whether such sanctions involve adversary proceedings or other procedures, such as termination of benefits, protective measures, etc.

(2) Investigatory files compiled for law enforcement purposes in cases that have been closed, to the extent that disclosure of such files would:

(i) Identify informants;

(ii) Name or otherwise identify, or make available statements with respect to, persons referred to in such file, so as unjustly to defame, embarrass, or prejudice such persons or their successors, affiliates, families, or descendants in their professional, commercial, occupational, community, or personal activities, or otherwise result in a clearly unwarranted invasion of personal privacy;

(iii) Release trade secrets, commercial or financial information, personnel files or medical files; or

(iv) Reveal policy recommendations, or other expression of views or opinions.

§ 5.74 Further disclosure by agency head.

(a) The head of any operating agency, or the Assistant Secretary for Administration and Management with respect to documents in the possession of the Office of the Secretary, or the Assistant Secretary for Health with respect to documents of the Public Health Service, or their designees may in particular instances except where prohibited by law, disclose documents or portions of documents described in § 5.73 if he determines that disclosure is in the public interest and is consistent with obligations of confidentiality and administrative necessity.

(b) In making such a determination, consideration may be given to the Department's responsibilities under law for

dissemination to the public of information relating to public health, safety of products or services, education, and welfare.

(c) When such determination has been made, the particular document or portion of document to which it relates shall thereafter be available upon request for inspection and copying: *Provided however*, That use of non-discloseable records or information from such records for authorized program purposes, including law enforcement purposes and litigation is not a disclosure within the meaning of this section.

Subpart G—Administrative Review

§ 5.80 Review of denial of a record.

This subpart provides for the review of a denial, pursuant to § 5.53, of a written request for inspection or copying of a record.

§ 5.81 Time for initiation of request for review.

A person whose request has been denied may initiate a review by filing a request for review within 30 days of the denial of the request.

§ 5.82 By whom review is made.

(a) Request for review shall be addressed to the Assistant Secretary for Administration and Management, or his designee, with respect to records of the Office of the Secretary, to the Assistant Secretary for Health, or his designee, with respect to the records of the Public Health Service, and to the head of the operating agency, or his designee, with respect to the records of the other operating agencies.

(b) The decision on review if adverse to the requester, shall be made only with the concurrence of the Assistant Secretary for Public Affairs, or his designee.

§ 5.83 Contents of request for review.

The request for review shall include a copy of the written request and the denial.

§ 5.84 Consideration on review.

Review shall be considered on the basis of the written record including any written argument submitted by the requester.

§ 5.85 Decisions on review.

(a) Decisions on review shall be in writing within 20 days from receipt of the request for review. If the decision is in favor of the requester, the decision shall order records made available to the requester as provided in the decision.

(b) The decision, if adverse to the requester, shall briefly state the reasons for the decision, and shall be promptly communicated to the requester, and shall constitute final action of the Department.

(c) All such decisions constituting precedents shall be indexed and available for inspection and copying in the same manner as final orders and opinions subject to subsection (a)(2) of the Act.

(d) Adverse decisions pursuant to this subpart may be reviewed by the courts as provided in subsection (a)(3) of the Act.

APPENDIX

The following are some examples of specific records (or specific information relating to personnel, programs, or activities of this Department) listed according to whether or not they are available upon request for inspection and copying.

Generally Available¹

Grants

Name of grantee, date, subject matter, and amount of grant.
 Face sheet of funded grant application.
 Final report of grantee.
 Records of any funded grant other than research grants.
 Final report of any review or evaluation of grantee performance conducted or cause to be conducted by the Department.
 Application for demonstration, experimental, or pilot project under section 1115 of the Social Security Act.
 State plan material.

Contracts

Name of contractor, subject matter, date, and amount of contract.
 Contract performance review report.
 Deficiency report.
 Report on performance of providers of medicare services.
 Final Report.

Advisory Committees

Name of committee
 Final report.
 Minutes or transcripts of meetings open to the public and not involved with matters exempt from mandatory disclosure under Freedom of Information Act.

Personnel Information

Name of employee, title of position, and location of regular duty station.
 Grade, position, description, and salary of public employees.

Affirmative Action Plan Filed Pursuant to Executive Order 11246

Approved action plan, including analysis, proposed remedial or affirmative steps to be taken with goals and timetables, policies or recruitment, hiring, and promotion, and description of grievance procedures.

Generally not Available¹

Grants

Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature.
 Confidential financial information of grantee.
 Raw research data and interim reports on research prior to submission of the final report.

Research or research training grant application on which award is not made.

Contracts

Trade secrets.

Confidential pricing data contained in contract proposal if in the Department's judgment it is properly so designated by the offeror.

Proprietary technical data contained in a contract proposal if in the Department's judgment it is properly so designated by offeror.

Confidential financial information of contractor.

Draft of proposed final report submitted for comment prior to acceptance.

Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature, including proprietary contents of unsolicited proposals.

Proposals on which no award is made.

Advisory Committees

Minutes or transcripts of committee meetings or portions thereof which are involved with matters exempt from mandatory disclosure under Freedom of Information Act.

Personnel Information

Home addresses of employees.

Miscellaneous

Names of individual beneficiaries of departmental programs or a list of the benefits they receive if release would unwarranted invasion of privacy.

Earnings records, claims file, and other personal information maintained by or for the Social Security Administration. Office for Civil Rights investigatory files in open cases.

¹Since there may be unforseen variations in the contents of documents in the examples given, or in the circumstances pertinent to the Government's activities concerning materials relating to such documents, these examples do not apply in each and every instance, and they do not override provisions of the regulation that may be applicable in a given case.

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