

Office of the Secretary of Labor

§ 70.2

director with the most votes will be the representative.

(b) *Method of transmission.* The Commissioner may distribute the ballots relating to the election under this part by electronic mail or other methods the Commissioner determines to be appropriate and may specify the methods through which votes are to be cast.

(c) *Vacancies.* If a representative does not complete the term, the Commissioner shall conduct an election to elect a replacement for the remainder of the term using the procedures described in paragraph (a) and (b) of this section.

PART 70—PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS

Subpart A—General

Sec.

- 70.1 Purpose and scope.
- 70.2 Definitions.
- 70.3 Policy.
- 70.4 Public reading rooms.
- 70.5 Compilation of new records.
- 70.6 Disclosure of originals.
- 70.7–70.18 [Reserved]

Subpart B—Procedures for Disclosure of Records Under the Freedom of Information Act

- 70.19 Requests for records.
- 70.20 Responsibility for responding to requests.
- 70.21 Form and content of responses.
- 70.22 Appeals from denial of requests.
- 70.23 Action on appeals.
- 70.24 Form and content of action on appeals.
- 70.25 Time limits and order in which requests must be processed.
- 70.26 Business information.
- 70.27 Preservation of records.
- 70.28–70.37 [Reserved]

Subpart C—Costs for Production of Records

- 70.38 Definitions.
- 70.39 Statutes specifically providing for setting of fees.
- 70.40 Charges assessed for the production of records.
- 70.41 Reduction or waiver of fees.
- 70.42 Consent to pay fees.
- 70.43 Payment of fees.
- 70.44 Other rights and services.
- 70.45–70.52 [Reserved]

Subpart D—Public Records and Filings

- 70.53 Office of Labor-Management Standards.
- 70.54 Employee Benefits Security Administration.

APPENDIX A TO PART 70—DISCLOSURE OFFICERS

APPENDIX B TO PART 70 [RESERVED]

AUTHORITY: 5 U.S.C. 301, 5 U.S.C. 552, as amended; Reorganization Plan No. 6 of 1950, 5 U.S.C. Appendix; E.O. 12600, 52 FR 23781, 3 CFR, 1988 Comp., p. 235.

SOURCE: 71 FR 30763, May 30, 2006, unless otherwise noted.

Subpart A—General

§ 70.1 Purpose and scope.

This part contains the regulations of the Department of Labor implementing the Freedom of Information Act (FOIA), as amended, 5 U.S.C. 552 and Executive Order 12600. It also implements the public information provisions of the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 435, the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1026 (106), and the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 11. Subpart A contains general information about Department of Labor policies and procedures; subpart B sets forth the procedures for obtaining access to records of the Department; subpart C contains the Department's regulations on fees; and subpart D sets forth the procedures for obtaining access to certain public records. Appendix A contains a list of all Department of Labor disclosure officers from whom records may be obtained.

§ 70.2 Definitions.

As used in this part:

(a) The terms *agency*, *person*, *party*, *rule*, *order*, and *adjudication* have the meaning attributed to these terms by the definitions in 5 U.S.C. 551.

(b) *Component* means each separate bureau, office, board, division, commission, service or administration of the Department of Labor.

(c) *Disclosure officer* means an official of a component who has authority to disclose or withhold records under the FOIA and to whom requests to inspect or copy records in his/her custody

§ 70.3

should be addressed. Department of Labor disclosure officers are listed in Appendix A to this part.

(d) *The Secretary* means the Secretary of Labor.

(e) *The Department* means the Department of Labor.

(f) *Request* means any written request for records made pursuant to 5 U.S.C. 552(a)(3) and which meets the requirements of this Part.

(g) *Requester* means any person who makes a request.

(h) *Record* means information in any format, including electronic format.

(i) *Search* means to seek, manually or by automated means, Department records for the purpose of locating records in response to a request.

(j) *Business information* means commercial or financial information received or obtained by the Department from a submitter, directly or indirectly, that arguably may be protected from disclosure under Exemption 4 of the FOIA.

(k) *Submitter* means any person or entity from whom the Department receives or obtains commercial or financial information, directly or indirectly. The term submitter includes, but is not limited to corporations, labor organizations, non-profit organizations, and local, state, tribal and foreign governments.

§ 70.3 Policy.

All agency records, except those exempt from mandatory disclosure by one or more provisions of 5 U.S.C. 552(b), will be made promptly available to any person submitting a written request in accordance with the procedures of this part.

§ 70.4 Public reading rooms.

(a) To the extent required by 5 U.S.C. 552(a)(2), each component within the Department will make the materials listed in this section available for public inspection and copying (unless they are published and copies are offered for sale):

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretation which have been adopted

29 CFR Subtitle A (7-1-06 Edition)

by the agency and are not published in the FEDERAL REGISTER;

(3) Administrative staff manuals and instructions to staff that affect a member of the public except to the extent that such records or portions thereof are exempt from disclosure under section 552(b) of the FOIA; and

(4) Copies of all records, regardless of form or format, which have been released to any person under 5 U.S.C. 552(a)(3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

(5) A general index of the records referred to in paragraph (a) (4) of this section.

(b) Each component of the Department will maintain and make available, including through the Department's Internet/World Wide Web site [<http://www.dol.gov>], current indexes providing identifying information regarding any matter issued, adopted or promulgated after July 4, 1967, and required by paragraph (a) of this section to be made available or published. Each component will publish and make available for distribution copies of such indexes and their supplements at least quarterly, unless it determines by Notice published in the FEDERAL REGISTER that publication would be unnecessary and impracticable. After issuance of such Notice, the component will provide copies of any index upon request at a cost not to exceed the direct cost of duplication.

(c) A component may exclude information from records made available to the public pursuant to paragraphs (a)(1), (a)(2) and (a)(3) of this section where release of such information would constitute a clearly unwarranted invasion of privacy and may also exclude identifying details from records made available to the public pursuant to paragraph (a)(4) of this section when disclosure would be harmful to an interest protected by an exemption. When making a deletion for such purposes, the component will explain the reason for the deletion. Also, a component will describe the extent of the deletion and must, if technically feasible,