

## SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

### PART 705—EMPLOYEE ETHICAL CONDUCT STANDARDS AND FINANCIAL DISCLOSURE REGULATIONS

AUTHORITY: 5 U.S.C. 7301.

#### § 705.101 Cross-reference to employee ethical conduct standards and financial disclosure regulations.

Employees of the Overseas Private Investment Corporation (OPIC) should refer to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the OPIC regulation at 5 CFR 4301.101 which supplements the executive branch-wide standards, and the executive branch-wide financial disclosure regulation at 5 CFR part 2634.

[58 FR 33320, June 17, 1993]

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AUTHORITY: 5 U.S.C. 552, as amended; Executive Order 12600; 44 U.S.C. 2901, *et. seq.*

SOURCE: 65 FR 64343, Oct. 27, 2000, unless otherwise noted.

#### Subpart A—General

##### § 706.11 General provisions.

(a) *Purpose.* The purpose of this part is to help interested parties obtain access to OPIC records. Many OPIC records may be accessed by the public without filing a formal request under the FOIA. Records that are not routinely available, however, must be requested under the FOIA. This part also informs OPIC's business submitters of their right to be notified of a request for disclosure of business information and to object to such disclosure. Finally, this part provides information about access to records that OPIC has transferred to the National Archives.

(b) *Policy.* OPIC's policy is to make its records available to the public to the greatest extent possible, in keeping with the spirit of the FOIA. This policy includes providing reasonably segregable information from records that also contain information that may be withheld under the FOIA. However, implementation of this policy also reflects OPIC's view that the soundness and viability of many of its programs depend in large measure upon full and reliable commercial, financial, technical and business information received from applicants for OPIC assistance and that the willingness of those applicants to provide such information depends on OPIC's ability to hold it in confidence. Consequently, except as provided by law and this part, information provided to OPIC in confidence will not be disclosed without the submitter's consent.

(c) *Scope.* This regulation applies to all agency records in OPIC's possession

and control. This regulation does not compel OPIC to create records or to ask outside parties to provide documents in order to satisfy a FOIA request. OPIC may, however, in its discretion and in consultation with a FOIA requester, create a new record as a partial or complete response to a FOIA request. In responding to requests for information, OPIC will consider only those records within its possession and control as of the date of the request. This regulation does not apply to requests for records under the Privacy Act, 5 U.S.C. 552a. OPIC's regulations governing Privacy Act requests are located at 22 CFR part 707.

(d) *OPIC Internet site.* OPIC maintains an Internet site at *www.opic.gov*. This site contains information on OPIC functions, activities, programs, and transactions. OPIC encourages all prospective requesters of information, whether under FOIA or otherwise, to visit its Internet site prior to submitting a request.

(e) *OPIC address.* OPIC is located at 1100 New York Avenue, NW., Washington, DC 20527. All correspondence should be sent to this address.

#### § 706.12 Definitions.

For purposes of this subpart, the following definitions apply:

*All other requesters*—Requesters other than commercial use requesters, educational and non-commercial scientific requesters, or representatives of the news media.

*Business information*—Trade secrets and confidential or privileged commercial or financial information obtained from any person, including, but not necessarily limited to, information contained in individual case files relating to such activities as insurance, loans, and loan guaranties.

*Business submitter*—Any person that provides business information to OPIC.

*Educational institution*—A preschool, a public or private elementary or secondary school, an institution of undergraduate or graduate higher education, or an institution of professional or vocational education.

*FOIA*—The Freedom of Information Act, as amended, 5 U.S.C. 552.

*National Archives*—The National Archives of the United States.

*Non-commercial scientific institution*—An institution that is operated for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry, and that is not operated solely for purposes of furthering a business, trade, or profit interest.

*OPIC*—The Overseas Private Investment Corporation.

*Person*—An individual, partnership, corporation, association, or organization, other than a federal government agency.

*Record*—All papers, memoranda, or other documentary material, or copies thereof, regardless of physical form or characteristics, created or received by OPIC and within OPIC's possession and control. "Record" does not include publications that are available to the public through the FEDERAL REGISTER, by sale or through free distribution.

*Redaction*—The process of removing non-disclosable material from a record so that the remainder may be released.

*Representative of the news media*—A person actively gathering information on behalf of an entity organized and operated to publish or broadcast news to the public. Freelance journalists qualify as representatives of the news media when they can demonstrate that a request is reasonably likely to lead to publication.

*Request*—Any request made to OPIC under the FOIA.

*Requester*—Any person making a request.

*Review*—The examination of a record located in response to a request in order to determine whether any portion of the record is exempt from disclosure. Review also includes processing any record for disclosure—for example, redacting and preparing the record for disclosure. Review also includes time spent considering any formal objection to disclosure made by a business submitter, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

*Search*—The process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and