

and scope of the investigation and could result in the altering or destruction of evidence, improper influencing of witnesses, and other evasive actions that could impede or compromise the investigation.

(2) From subsection (d)(1), because release of investigative records to an individual who is the subject of an investigation could interfere with pending or prospective law enforcement proceedings, constitute an unwarranted invasion of the personal privacy of third parties, reveal the identity of confidential sources, or reveal sensitive investigative techniques and procedures.

(3) From subsection (d)(2), because amendment or correction of investigative records could interfere with pending or prospective law enforcement proceedings, or could impose an impossible administrative and investigative burden by requiring the OIG to continuously retrograde its investigations attempting to resolve questions of accuracy, relevance, timeliness and completeness.

(4) From subsection (e)(1), because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing; what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to investigation. In addition, the OIG may obtain information concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the OIG could retain this information because it may aid in establishing patterns of unlawful activity and provide leads for other law enforcement agencies. Further, in obtaining evidence during an investigation, information may be provided to the OIG which relates to matters incidental to the main purpose of the investigation but which may be pertinent to the investigative jurisdiction of another agency. Such information cannot readily be identified.

[67 FR 72374, Dec. 5, 2002]

PART 1612—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

Sec.

- 1612.1 Purpose and scope.
- 1612.2 Definitions.
- 1612.3 Open meeting policy.
- 1612.4 Exemptions to open meeting policy.
- 1612.5 Closed meeting procedures: agency initiated requests.
- 1612.6 Closed meeting procedures: request initiated by an interested person.
- 1612.7 Public announcement of agency meetings.
- 1612.8 Public announcement of changes in meetings.
- 1612.9 Legal Counsel's certification in closing a meeting.
- 1612.10 Recordkeeping requirements.
- 1612.11 Public access to records.
- 1612.12 Fees.
- 1612.13 Meetings closed by regulation.
- 1612.14 Judicial review.

AUTHORITY: 5 U.S.C. 552b, sec. 713, 78 Stat. 265; 42 U.S.C. 2000e-12.

SOURCE: 42 FR 13830, Mar. 14, 1977, unless otherwise noted.

§ 1612.1 Purpose and scope.

This part contains the regulations of the Equal Employment Opportunity Commission (hereinafter, the Commission) implementing the Government in the Sunshine Act of 1976, 5 U.S.C. 552b, which entitles the public to the fullest practicable information regarding the decision-making processes of the Commission. The provisions of this part set forth the basic responsibilities of the Commission with regard to the Commission's compliance with the requirements of the Sunshine Act and offers guidance to members of the public who wish to exercise any of the rights established by the Act.

§ 1612.2 Definitions.

The following definitions apply for purposes of this part:

(a) The term *agency* means the Equal Employment Opportunity Commission and any subdivision thereof authorized to act on its behalf.

(b) The term *meeting* means the deliberations of at least three of the members of the agency, which is a quorum of Commissioners, where such deliberations determine or result in the joint conduct or disposition of official agency business (including conference calls), but does not include: