FINAL REGULATIONS

IMPLEMENTATION OF THE ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

The following excerpt is taken from Volume 63, Number 8 of the Federal Register for Tuesday, January 13, 1998 (pp. 1926-1927)

LIBRARY OF CONGRESS
Copyright Office
37 CFR Part 203
[Docket No. 97-77]

Implementation of the Electronic Freedom of Information Act Amendments of 1996

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations.

SUMMARY: The Copyright Office is issuing final regulations permitting public access to Office records created on or after November 1, 1996, in electronic format. These final regulations conform the Copyright Office's regulations to the requirements of the Freedom of Information Act (FOIA), as amended by the Electronic Freedom of Information Act Amendments of 1996 (EFOIA).


FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Patricia L. Sinn, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024, Telephone: (202)707-8380. Fax: (202)707-8366.

SUPPLEMENTARY INFORMATION:
The Copyright Office adopts final regulations amending Part 203 of its regulations to implement the EFOIA, Pub. L. No. 104-231, 110 Stat. 3048 (1996), which amended the FOIA. 5 U.S.C. et seq. The Office is subject to the FOIA, which is part of the Administrative Procedure Act, under section 701(d) of title 17, U.S.C. Copyright Office regulations describe records and documents available for public inspection under the Copyright Act, the Privacy Act of 1974, and the FOIA. See 37 CFR 201.2, 203, 204.

The EFOIA, signed into law on October 2, 1996, contains amendments that address methods required to make agency records available to the public by electronic means and in electronic formats. This regulation revises several provisions of the Office's FOIA regulations under 37 CFR 203 to comply with provisions of the EFOIA. The final regulation also establishes a response period of 30 days within which appeals to denials for information must be made. Interim regulations with a request for comments were issued October 28, 1997, 62 FR 55740 (October 28, 1997). No comments were received. The interim regulations, together with the addition of the response period for appeals, are adopted as final regulations.

List of Subjects in 37 CFR Part 203

Freedom of Information Act, Policies and procedures.

Final Regulations

In consideration of the foregoing, the Copyright Office adopts the interim rule amending part 203 of 37 CFR, as published at 62 FR 55740 on October 28, 1997, with the following changes:

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

1. The authority citation for part 203 is revised to read as follows:

Authority: 17 U.S.C 702; 5 U.S.C 552, as amended.

2. Section 203.4 is amended by adding two new sentences at the end of paragraph (f) and revising the last sentence of paragraph (i)(2) to read as follows:

Sec. 203.4 Methods of operation.

* * * * *

(f) If a requestor wishes to appeal a denial of some or all of his or her request for information, he or she must make an appeal in writing within 30 calendar days of the date of the Office's denial. The request should be directed to the General Counsel of the United States Copyright Office.

(i) * * *

(2) Denials of requests for expedited processing may be appealed to the Office of the General Counsel.


David O. Carson, General Counsel.