

§ 1148.6 How will I receive responses to my requests?

(a) *In general.* The Arts Endowment, to the extent practicable, will communicate with requesters having access to the internet electronically, such as email or web portal.

(b) *Acknowledgments of requests.* The Arts Endowment will acknowledge the request in writing and assign it an individualized tracking number if it will take longer than 10 working days to process. The Arts Endowment will include in the acknowledgment a brief description of the records sought to allow requesters to more easily keep track of their requests.

(c) *Estimated dates of completion and interim responses.* Upon request, the Arts Endowment will provide an estimated date by which the Arts Endowment expects to provide a response to the requester. If a request involves a voluminous amount of material, or searches in multiple locations, the Arts Endowment may provide interim responses, releasing the records on a rolling basis.

(d) *Grants of requests.* Once the Arts Endowment determines it will grant a request in full or in part, it will notify the requester in writing. The Arts Endowment will also inform the requester of any fees charged under § 1148.10 and will disclose the requested records to the requester promptly upon payment of any applicable fees. The Arts Endowment will inform the requester of the availability of its FOIA Public Liaison to offer assistance.

(e) *Adverse determinations of requests.* If the Arts Endowment makes an adverse determination denying a request in any respect, it will notify the requester of that determination in writing. Adverse determinations, or denials of requests, include decisions that: the requested record is exempt, in whole or in part; the request does not reasonably describe the records sought; the information requested is not a record subject to the FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Adverse determinations also include denials involving fees or fee waiver matters or denials of requests for expedited processing.

(f) *Content of denial.* The denial will be signed by the Arts Endowment's General Counsel or designee and will include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reasons for the denial, including any FOIA exemption applied by the Arts Endowment in denying the request;

(3) An estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption;

(4) A statement that:

(i) The denial may be appealed under § 1148.8(a);

(ii) That the requester has 90 days to file an appeal in order for it to be considered timely, and that the Arts Endowment will not process or consider appeals that were not filed within 90 days of the receipt of an adverse determination; and

(iii) A description of the appeal requirements; and

(5) A statement notifying the requester of the assistance available from the Arts Endowment's FOIA Public Liaison and the dispute resolution services offered by OGIS.

(g) *Use of record exclusions.* In the event that the Arts Endowment identifies records that may be subject to exclusion from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), the Arts Endowment will confer with Department of Justice, Office of Information Policy (OIP), to obtain approval to apply the exclusion. The Arts Endowment, when invoking an exclusion will maintain an administrative record of the process of invocation and approval of the exclusion by OIP.