

§ 1169.7 Procedures for amending or correcting an individual's NEH record.

(a) Individuals are entitled to request amendments or corrections of records pertaining to themselves pursuant to 5 U.S.C. 552a(d)(2). Normally, amendments to this part are limited to correcting factual matters and not matters of official judgment, such as grant proposal evaluations, performance ratings, promotion potential, and job performance appraisals. An individual seeking action under this provision bears the burden of demonstrating to NEH that a record should be amended or corrected.

(b) Individuals may request the amendment of records pertaining to themselves by submitting a letter in writing to the NEH Office of the General Counsel at the email or physical address identified in § 1169.3. Such letter shall include the following information:

(1) Identification of the particular record to be amended or corrected;

(2) The NEH system from which the record was retrieved;

(3) The precise correction or amendment sought, preferably in the form of an edited copy of the record reflecting the desired modification;

(4) Reasons for requesting amendment or correction of the record, including copies of available documentary evidence supporting the request, where applicable.

(c) NEH will acknowledge a request for amendment or correction as soon as practicable, and in no event less than 5 business days.

(d) When NEH has previously verified the individual's identity pursuant to § 1169.6(b) or § 1169.6(c), it will not require further verification of identity so long as the request for amendment or correction does not suggest a need for additional verification. If NEH has not previously verified the individual's identity, it may require that the individual validate his or her identity as described in § 1169.6(b) or § 1169(c).

(e) To the extent possible, NEH will render a decision upon a request to amend a record no less than 20 business days after receiving such a request. In the event NEH cannot render a decision within that time frame, it will so inform the individual who made the request and provide an expected date for a decision. Any such decision will include the following information:

(1) NEH's decision whether to grant in whole, or deny any part of, the request to amend or correct the record;

(2) The reasons for the determination for any portion of the request which is denied;

(3) A statement that any denial may be appealed pursuant to the procedures set forth in § 1169.8; and

(4) The name and address of the official to whom an individual may submit an appeal of denial.

(f) NEH will forward requests to amend or correct a record governed by the regulations of another agency to such agency for processing, and inform the person who submitted such request in writing of its referral.