

§ 2105.26 What information will the Agency include when it notifies a submitter of a request for their possibly confidential information?

A notice to a submitter must include:

- (a) Either a copy of the request, the exact language of the request, or (for notices published under § 2105.25(b)) a general description of the request;
- (b) Either a description of the possibly confidential information located in response to the request or a copy of the responsive records, or portions of records, containing the information;
- (c) A description of the procedures for objecting to the release of the possibly confidential information under §§ 2105.28 and 2105.29;
- (d) A time limit for responding to the Agency—no less than 10 workdays from receipt or publication of the notice (as set forth in § 2105.25(b))—to object to the release and to explain the basis for the objection;
- (e) Notice that information contained in the submitter's objections may itself be subject to disclosure under the FOIA;
- (f) Notice that the Agency, not the submitter, is responsible for deciding whether the information will be released or withheld;
- (g) A request for the submitter's views on whether they still consider the information to be confidential if the submitter designated the material as confidential commercial or financial information 10 or more years before the request; and
- (h) Notice that failing to respond within the time frame specified under paragraph (d) of this section will create a presumption that the submitter has no objection to the disclosure of the information in question.