

§ 2105.47 When will you be notified of anticipated fees?

(a) The Agency will notify you under this section unless:

- (1) The anticipated fee is less than \$50 (*see* § 2105.35(g));
- (2) You have been granted a full fee waiver; or
- (3) You have previously agreed to pay all the fees associated with the request.

(b) If none of the exceptions in paragraph (a) of this section apply, the Agency will:

- (1) Promptly notify you of the estimated costs for search, review, and/or duplication;
- (2) Ask you to provide written assurance within 20 workdays that you will pay all fees or fees up to a designated amount;
- (3) Notify you that it will not be able to comply with your FOIA request unless you provide the written assurance requested; and
- (4) Give you an opportunity to reduce the fee by modifying the request.

(c) If the Agency does not receive your written response containing the additional information that resolves any fee issues, in accordance with paragraphs (b)(2) and/or (4) of this section, within 20 workdays after the Agency has requested it, the Agency will presume that you are no longer interested in the records and will close the file on the request.

(d) After the Agency begins processing a request, if it finds that the actual cost will exceed the amount you previously agreed to pay, the Agency will:

- (1) Stop processing the request;
- (2) Promptly notify you of the higher amount and ask you to provide written assurance of payment; and
- (3) Notify you that it will not be able to fully comply with your FOIA request unless you provide the written assurance requested; and
- (4) Give you an opportunity to reduce the fee by modifying the request.

(e) If you wish to modify your request in an effort to reduce fees, the Agency's FOIA Officer or Public Liaison can assist you.