

in other proceedings which are not available to the public to the extent described in the answer to question 3.

*Cases not subject to the Administrative Procedure Act.*—The Commission's organization adjudicates numerous types of "appeals" from applicants for Federal employment and from employees of other agencies. Typical of these cases are appeals from employees who have been discharged or subjected to other disciplinary actions that are subject to section 14 of the Veterans' Preference Act (5 U.S.C. Sup. 863). In many of these cases, a Commission adjudicating office may decide a case on the basis of a precedent case which is not published or otherwise available.

6. and 7. *Records, files, interpretations, etc., in cases subject to the Administrative Procedure Act.*—The Commission will make this material available to the general public on much the same basis that it makes opinions and orders available in cases under section 12 of the Hatch Act. (See answer to question 3.)

*Records, files, interpretations, etc., in cases not subject to the Administrative Procedure Act.*—The Commission publishes a large body of regulations in the Federal Register on how its operations are carried out (see chapter 1 of 5 CFR). It also publishes extensive supplementary information in the Commission's Federal Personnel Manual which reflects policies, procedures, interpretations, and legal opinions. The Commission—and Federal agencies generally—ordinarily will make a copy of this manual available in their offices to members of the public on request, and any person may order a copy from the Superintendent of Documents. On the other hand, the Commission does not make available to the public on request the following:

- (a) Examination questions and other examining material.
- (b) Ratings made by individuals in civil service examinations.
- (c) Records and files not relating to actions or cases subject to the Administrative Procedure Act.
- (d) Information from the Commission's investigative files.
- (e) Information from retirement records.
- (f) Information from medical records of applicants and employees.
- (g) Results of inspections of agency operations under delegation of authority.

The Civil Service Act, 5 U.S.C. 632, et seq., and other statutes administered by the Commission including the Civil Service Retirement Act, 5 U.S.C. 2251, et seq., and the Veterans' Preference Act of 1944, as amended, 5 U.S.C. 851, et seq., provide the bases upon which the Commission generally relies for the nondisclosure of information within the categories outlined above. Although the statutes do not expressly authorize the Commission to restrict, by regulation, the release of information, the Commission considers that it has the authority to do so if necessary in the public interest and the effective administration of the laws subject to its jurisdiction.

8. *Actions subject to the Administrative Procedure Act.*—None. We believe (1) the rules of practice in actions proposed against State and local employees under section 12 of the Hatch Act (5 CFR, pt. 151) and hearing examiners appointed under section 11 of the Administrative Procedure Act (5 CFR, pt. 930, subpart B) and (2) the rules to carry out the provisions of the Federal Employees Health Benefits Act of 1959 (5 CFR, pt. 890) satisfy the intent of the requirements referred to here.

*Actions not subject to the Administrative Procedure Act.*—The Commission does not publish in the Federal Register the organization or procedure which an applicant for (1) Federal employment should follow when appealing a rating assigned in a civil service examination, and (2) annuity should follow in a so-called Hiss Act case under 5 U.S.C. 2281, et seq. However, these applicants are given this information by other means.

9. None.

10. As indicated in our previous answers, the exception in section 3(2) of the Administrative Procedure Act is one of the major reasons why the Commission considers that most of its functions are not subject to the Administrative Procedure Act.

11. We consider that this term means a record relating to an action or case that is subject to the provisions of the Administrative Procedure Act.