

Congress, each GSE shall submit to the Secretary an Annual Housing Activities Report including the information in paragraph (a) of this section and mortgage year-to-date data as specified, in writing, by the Secretary. Each GSE shall submit such report, within 60 days after the end of each calendar year, to the Secretary; the Committee on Banking and Financial Services of the House of Representatives; and the Committee on Banking, Housing, and Urban Affairs of the Senate. Each GSE shall make its Annual Housing Activities Report available to the public at its principal and regional offices. Before making such reports available to the public, the GSE may exclude from the report any information that the Secretary has deemed proprietary.

(c) Subpart C of this part requires each GSE to submit Business Practices Analyses. To the extent such a Business Practices Analysis encompasses the information required under paragraph (a)(6) of this section, and where the GSE has conducted such a Business Practices Analysis within the preceding three years, the GSE may, in connection with meeting the requirements of paragraph (a)(6) of this section, reference such Analysis and use the Annual Housing Activities Report to update the GSE's progress concerning the GSE's most recent Business Practices Analysis.

§ 81.64 Periodic reports.

Each GSE shall provide to the Secretary all releases of information that are disclosed to entities outside of the GSE, at the time such information is disclosed, including, but not limited to:

- (a) Material prepared for the GSE's Housing Advisory Council;
- (b) Press releases;
- (c) Investor reports; and
- (d) Proxy statements.

§ 81.65 Other information and analyses.

In addition to the regular reports required under this subpart, the GSEs shall furnish to the Secretary the data underlying the reports required under this subpart and conduct additional analyses, as required by the Secretary. The GSEs shall submit additional reports concerning their activities, as the Secretary considers appropriate and requests.

§ 81.66 Submission of reports.

Each GSE shall submit all hard copy reports or other written information required under this subpart to the Secretary and the Director, Financial Institutions Regulation Staff, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC, 20410. Each GSE shall

submit computerized data, reports, and information required under this subpart to the Director, Financial Institutions Regulations Staff.

Subpart F—Access to Information

§ 81.71 General.

This subpart provides for the establishment of a public use data base to make available to the public mortgage data that the GSEs are required to submit to the Secretary under section 309(m) of the Fannie Mae Charter Act, section 307(e) of the Freddie Mac Act, and subpart E of this part. The Act provides that proprietary information and data may not be made publicly available. This subpart establishes mechanisms for the GSEs to designate information as proprietary and for the Secretary to determine whether information is proprietary and to withhold such proprietary information from the public. This subpart provides procedures for disclosure of information submitted by or relating to the GSEs under the Freedom of Information Act or at the request of Congress and sets forth protections for treatment of GSE information by the Secretary, Departmental officers and employees, and contractors. This subpart provides that information submitted by or relating to the GSEs that would constitute a clearly unwarranted invasion of personal privacy shall not be disclosed to the public.

§ 81.72 Public use data base and public information.

(a) *General.* The Secretary shall establish and make available for public use, in accordance with this section, a public use data base and shall make available for public inspection and copying the GSE's Annual Housing Activities Reports, except for information the Secretary determines to be proprietary.

(b) *Examination of submissions.* Following receipt of mortgage data and Annual Housing Activity Reports from the GSEs and any other information submissions from the GSEs, the Secretary shall, as expeditiously as possible, examine the submissions for information that:

- (1) Has been deemed proprietary under this part or subsequent order;
- (2) The GSE has designated as proprietary in accordance with § 81.73;
- (3) Would constitute a clearly unwarranted invasion of personal privacy if such information were released to the public; or
- (4) Is required to be withheld under applicable laws or regulations.

(c) *Public data and proprietary data.* The Secretary shall exclude from the

public use data base and from public disclosure all information within the scope of paragraphs (b)(1), (b)(3), and (b)(4) of this section and, following a determination under § 81.74, concerning data identified by the GSE as proprietary, the Secretary shall place all public data in the public use data base.

(d) *Access.* The Secretary shall provide such means as the Secretary determines are reasonable for the public to gain access to the public use data base. To obtain access to the public use data base, the public should contact the Director, Financial Institutions Regulation, 451 7th St. SW, Washington, DC, 20410, (202) 708-1464 (this is not a toll-free number).

(e) *Fees.* The Secretary may charge reasonable fees to cover the cost of providing access to the public use data base. These fees will include the costs of system access, computer use, copying fees, and other costs.

§ 81.73 GSE request for proprietary treatment.

(a) *General.* A GSE may request proprietary treatment of data and information submitted to the Secretary. Such a request does not in any manner affect the GSE's responsibility to provide the information to the Secretary.

(b) *Request for proprietary treatment.* Where a GSE seeks to have information treated as proprietary information by the Secretary and withheld from public disclosure, the GSE shall submit a Request for Proprietary Treatment that shall:

(1) Clearly designate those portions of the information to be treated as proprietary with a prominent stamp, typed legend, or other suitable form of notice, stating "Proprietary Information—Confidential Treatment Requested by [name of GSE]" on each page or portion of each page. If such marking is impractical under the circumstances, the GSE shall attach a cover sheet prominently marked "Proprietary Information—Confidential Treatment Requested by (name of GSE)" to the information for which confidential treatment is requested;

(2) Accompany its request with a certification by an officer or authorized representative of the GSE that the information is proprietary;

(3) Submit a statement explaining the reasons for the assertion that the information is proprietary, including without limitation:

(i) A description of the information; the nature of the adverse consequences to the GSE, financial or otherwise, that would result from its disclosure and the reasons therefor, including any adverse