# 3.907-5 Access to investigative file of Inspector General.

(a) The employee alleging reprisal under this section *shall* have access to the investigation file of the *Inspector General*, in accordance with the Privacy Act, 5 U.S.C. §552a. The investigation of the *Inspector General shall* be deemed closed for the purposes of disclosure under such section when an employee files an appeal to the *agency head* or a court of competent jurisdiction.

(b) In the event the employee alleging reprisal brings a civil action under section 1553(c)(3) of the Recovery Act, the employee alleging the reprisal and the *non-Federal employer shall* have access to the investigative file of the *Inspector General* in accordance with the Privacy Act.

(c) The *Inspector General may* exclude from disclosures made under 3.907-5(a) or (b)-

(1) Information protected from disclosure by a provision of law; and

(2) Any additional information the *Inspector General* determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation, unless the *Inspector General* determines that the disclosure of law enforcement techniques, procedures, or information could reasonably be expected to risk circumvention of the law or disclose the identity of a confidential source.

(d) An *Inspector General* investigating an alleged reprisal under this section *may* not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with 5 U.S.C. 552a or as required by any other applicable Federal law.

**Parent topic:** 3.907 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (the Recovery Act).