**Section 1010.205 Records that Will Be Withheld from Disclosure**

a) For exemptions from FOIA that are stated in FOIA, see Section 7(1) of FOIA.

b) *A record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Agency for purposes of* Subpart C. (Section 7(2) of FOIA)