

Census Bureau Privacy Act Exemptions

Pursuant to 5 U.S.C. §552a(k)(4), certain Census Bureau system of records are exempted from the otherwise applicable notification, access, and contest requirements of the agency procedures (under 5 U.S.C. §552a(c)(3), (d), (e)(1), (e)(4)(G)-(I) and (f)). These exemptions are applicable because the data are maintained by the Census Bureau solely as statistical records, as required under Title 13, to be used solely as statistical records and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with 15 CFR part 4 subpart B.

These exemptions include:

Privacy Act (5 USC 552(a)) Section	Text of Privacy Act Section (and for which there is an Exemption)	Use of Exemption	Additional Information re the Exemption	Provision for which an exemption may be claimed
(c)(3)	<p>ACCESS EXEMPTION Each agency, with respect to each system of records under its control, shall— (3) except for disclosures made under subsection (b)(7), an individual is entitled, upon request, to get access to this accounting of disclosures of his record.</p>	<p>An agency must, upon request of the individual to whom the record pertains, make available to that individual all information in its accounting of disclosures except those pertaining to disclosures to another agency or government instrumentality for law enforcement purposes pursuant to subsection (b)(7) unless the system has been exempted from this provision pursuant to subsections (j) or (k).</p> <p>Since (k)(4) provides the exemption for statistical records maintained by the Census Bureau, (b)(7) also does not apply.</p>	<p>(k)(4) prevents access for statistical records. For SORNs covering Title 13 systems of records, the Records Access Procedures element in the <i>Federal Registers</i> (SORNs) is shown as “None”.</p>	(k)(4)
(d)(1)	<p>ACCESS EXEMPTION Each agency that maintains a system of records shall-- (1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;</p>		<p>(k)(4) prevents access for statistical records. For SORNs covering Title 13 systems of records, the Records Access Procedures element in the <i>Federal Registers</i> (SORNs) is shown as “None”.</p>	(k)(4)

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(d)(2)	<p>RECORD AMENDMENT EXEMPTION Each agency that maintains a system of records shall-- (2) permit the individual to request amendment of a record pertaining to him and-- (A) not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and (B) promptly, either-- (i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or (ii) inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;</p>		(k)(4) prevents access for statistical records. For SORNs covering Title 13 systems of records, the Contesting Records Procedures element in the <i>Federal Registers</i> (SORNs) is shown as "None".	(k)(4)
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<p>(d)(3)</p>	<p>RECORD REVIEW EXEMPTION Each agency that maintains a system of records shall-- (3) permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such refusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g)(1)(A) of this section;</p>		<p>(k)(4) prevents access for statistical records. For SORNs covering Title 13 systems of records, the Record Access Procedures element in the <i>Federal Registers</i> (SORNs) is shown as "None".</p>	<p>(k)(4)</p>
<p>(d)(4)</p>	<p>DISCLOSURE OF DISPUTED INFORMATION EXEMPTION Each agency that maintains a system of records shall-- (4) in any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed;</p>		<p>(k)(4) prevents access for statistical records. For SORNs covering Title 13 systems of records, the Record Access Procedures element in the <i>Federal Registers</i> (SORNs) is shown as "None".</p>	<p>(k)(4)</p>

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(d)(5)	<p>ACCESS TO INFORMATION COMPILED IN ANTICIPATION OF CIVIL ACTION EXEMPTION</p> <p>Each agency that maintains a system of records shall--</p> <p>(5) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.</p>		<p>(k)(4) prevents access for statistical records.</p> <p>For SORNs covering Title 13 systems of records, the Record Access Procedures element in the <i>Federal Registers</i> (SORNs) is shown as "None".</p>	(k)(4)
(e)(1)	<p>RESTRICTIONS ON COLLECTING INFORMATION EXEMPTION</p> <p>Each agency that maintains a system of records shall—</p> <p>(1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;</p>	<p>A key objective of the Privacy Act is to restrict the amount of personal information collected by Federal agencies to reduce the risk of intentionally or inadvertently improper use of personal data, however, agencies need to maintain information to discharge responsibilities effectively. Agencies derive authority for the collection by the Constitution, statute, or Executive Order. For each system of records, agencies must identify the specific provision in law which authorizes that activity. Agencies are to review the information they maintain to assure that it is relevant and necessary.</p>	<p>Title 13 gives the Census Bureau the authority to collect information for statistical purposes.</p>	
(e)(4)(G)	<p>NOTIFICATION EXEMPTION</p> <p>Each agency that maintains a system of records shall—</p> <p>(4) subject to the provisions of paragraph (11) of this subsection, publish in the <i>Federal Register</i> upon establishment or revision a notice of the existence and character of the system of records, which notice shall include—</p> <p>(G) procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;</p>	<p>An agency must establish procedures whereby an individual may request notification if a system of records contains records pertaining to them. The agency may require proof of identity.</p>	<p>(k)(4) prevents notification for statistical records.</p> <p>For SORNs covering Title 13 systems of records, the Notification Procedures element in the <i>Federal Registers</i> (SORNs) is shown as "None".</p>	(k)(4)
(e)(4)(H)	<p>PROCEDURES FOR GAINING ACCESS</p>	<p>An agency must establish procedures how an individual may</p>	<p>(k)(4) prevents notification and access for statistical</p>	(k)(4)

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	<p>EXEMPTION Each agency that maintains a system of records shall— (4) subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register upon establishment or revision a notice of the existence and character of the system of records, which notice shall include— (H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and</p>	<p>gain access to to any records pertaining to themselves in a system of records and how to contest its content.</p>	<p>records. For SORNs covering Title 13 systems of records, the Record Access Procedures and Notification Procedures elements in <i>Federal Registers</i> (SORNs) is shown as “None”.</p>	
(e)(4)(I)	<p>DESCRIBING CATEGORIES OF INFORMATION SOURCES EXEMPTION Each agency that maintains a system of records shall— (4).subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register upon establishment or revision a notice of the existence and character of the system of records, which notice shall include— (I) the categories of sources of records in the system.</p>	<p>When an agency maintains a system of records that contains information obtained from sources other than the individual to whom the records pertain, the notice (FRN/SORN) should list the sources. Specific individual or institutions need not be identified.</p>		
(f)(1)	<p>RULES FOR DETERMINING IF AN INDIVIDUAL IS SUBJECT OF A RECORD EXEMPTION In order to carry out the provisions of this section, an agency that maintains a system of records shall promulgate rules, in accordance with [notice and comment rulemaking, <u>see</u> 5 U.S.C. § 553] of this title, which shall— (1) establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record</p>	<p>Agencies must promulgate rules to implement the provisions of the Privacy Act in accordance with requirements of section 5 U.S.C. 553 including publication of the rules in the <i>Federal Register</i> so that interested persons can have an opportunity to comment. A “rule” is defined as “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization procedures or practice requirements of an agency.</p>	<p>(k)(4) prevents access for Title 13 statistical records. For other than statistical records, procedures were established in accordance with 15 CFR part 4 subpart B.</p>	(k)(4)

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	pertaining to them.			
(f)(2)	<p>RULES FOR HANDLING REQUESTS EXEMPTION In order to carry out the provisions of this section, an agency that maintains a system of records shall promulgate rules, in accordance with [notice and comment rulemaking, <i>see</i> 5 U.S.C. § 553] of this title, which shall—</p> <p>(2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual.</p>	Agencies must develop procedures for individuals to identify themselves for the purposes of gaining access to their records.	(k)(4) prevents access for Title 13 statistical records. For other than statistical records, procedures were established in accordance with 15 CFR part 4 subpart B.	(k)(4)
(f)(3)	<p>RULES FOR GRANTING ACCESS EXEMPTION In order to carry out the provisions of this section, an agency that maintains a system of records shall promulgate rules, in accordance with [notice and comment rulemaking, <i>see</i> 5 U.S.C. § 553] of this title, which shall—</p> <p>(3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records pertaining to him.</p>	Agencies may grant access to individuals for their records either in person or by having copies mailed to them. The Privacy Act provides that individuals have unqualified access to records with certain exceptions specified in subsections (j) and (k) of the Act, but that the process by which individuals are granted access to medical records may be modified to prevent harm to the individual.	(k)(4) prevents access for Title 13 statistical records. For other than statistical records, procedures were established in accordance with 15 CFR part 4 subpart B.	(k)(4)
(f)(4)	<p>RULES FOR AMENDING RECORDS EXEMPTION In order to carry out the provisions of this section, an agency that maintains a system of records shall promulgate rules, in accordance with [notice and</p>	Agency procedures for permitting an individual to request amendment of a record shall be consistent with subsections (d)(2) and (d)(3) of the Privacy Act.	(k)(4) prevents access for Title 13 statistical records. For other than statistical records, procedures were established in accordance with 15 CFR part 4 subpart B.	(k)(4)

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	<p>comment rulemaking, <u>see</u> 5 U.S.C. § 553] of this title, which shall—</p> <p>(4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under [the Act].</p>			
(k)(4)	<p>EXEMPTION FOR STATISTICAL RECORDS. Subsection (k) (4) “Required by statute to be maintained and used solely as statistical records;”</p> <p>A “statistical record” is defined in subsection (a) (6) as “a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual by section 6 of title 13 (Census)”</p> <p>This provision permits an agency head to exempt a system of records which is used only for statistical, research, or program evaluation purposes, and which is not used to make decisions on the rights, benefits, or entitlements of individuals except as permitted by section 8 of Title 13. The use of the language “required by statute to be maintained * * * only” suggests that systems of records which qualify to be exempted under this provision</p>	<p>It is the intent of this provision to permit exemptions for those systems of records which by operation cannot be used to make a determination about an individual.</p> <p>This provision permits an agency head to exempt a system of records which is used only for statistical, research, or program evaluation purposes, and which is not used to make decisions on the rights, benefits, or entitlements of individuals except as permitted by section 8 of Title 13.</p> <p>The use of the language “required by statute to be maintained * * * only” suggests that systems of records which qualify to be exempted under this provision are those composed exclusively of records that by statute are prohibited from being used for any purpose involving the making of a determination about the individual to whom they pertain; not merely that the agency does not engage in such uses.</p> <p>Disclosure of statistical records [to the individual] in most instances would not provide any benefit to anyone, for these records do not</p>		<p>(c)(3); (d)(1); (d)(2); (d)(3); (d)(4); (d)(5); (e)(1); (e)(4)(G); (e)(4)(H); (e)(4)(I); (f)(1); (f)(2); (f)(3); (f)(4); (f)(5);</p>

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	are those composed exclusively of records that by statute are prohibited from being used for any purpose involving the making of a determination about the individual to whom they pertain; not merely that the agency does not engage in such uses.	have a direct effect on any given individual; it would however, interfere with a legitimate, Congressionally- sanctioned activity.		
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- (c)(3) – Making disclosure accounting available to the individual
- (c)(4) – Informing prior recipients of corrections
- (d)(1) – Individual access to records
- (d)(2) – Amending records
- (d)(3) – Review of the Component’s refusal to amend a record
- (d)(4) – Disclosure of disputed information
- (d)(5) – Access to information compiled in anticipation of civil action
- (e)(1) – Restrictions on collecting information
- (e)(2) – Collecting directly from the individual
- (e)(3) – Informing individuals from whom information is requested
- (e)(4)(G) – Procedures for determining if a system contains a record on an individual
- (e)(4)(H) – Procedures for gaining access
- (e)(4)(I) – Describing categories of information sources
- (e)(5) – Standards of accuracy
- (f)(1) – Rules for determining if an individual is subject of a record
- (f)(2) – Rules for handling access requests
- (f)(3) – Rules for granting access
- (f)(4) – Rules for amending records
- (f)(5) – Rules regarding fees
- (g)(1) – Basis for civil action
- (g)(2) – Basis for judicial review and remedies for refusal to amend
- (g)(3) – Basis for judicial review and remedies for denial of access
- (g)(4) – basis for judicial review and remedies for other failure to comply
- (g)(5) – Jurisdiction and time limits
- (h) – Rights of legal guardians
- (l)(1) – Records stored in GSA records center
- (l)(2) – Records archived before September 27, 1975
- (l)(3) – Records archived on or after September 27, 1975
- (m) – Applicability to Government contractors
- (n) – Mailing lists