

Freedom of Information Act (FOIA)

How to Make a Privacy Act Request

March 19, 2015
10:00-11:00 a.m.

Freedom of Information Act and Open Government Branch

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Overview of the Privacy Act

- The Privacy Act of 1974, Public Law 93-579, was created in response to concerns about how the use of computerized databases impacts individuals' privacy rights.
- The Act, which became effective **27 September 1975**, and has been called a code of fair information practices, attempts to strike a balance between the Government's right to maintain information on individuals and the individuals' right to have his or her privacy protected against unwarranted intrusions.

Overview of the Privacy Act

- There must be no personal data record-keeping systems whose very existence is secret.
- There must be a way for an individual to find out what information about the individual is in a record and how it is used.
- There must be a way for an individual to prevent information about the him obtained for one purpose from being used or made available for other purposes without the person's consent.
- There must be a way for an individual to correct or amend a record of identifiable information about him.
- Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the reliability of the data for their intended use and must take reasonable precautions to prevent misuses of the data.

Overview of the Privacy Act

Privacy Act – Safeguards

- Requires government agencies to show an individual any records kept on him or her
- Requires agencies to follow “fair information practices”
- Places restrictions on how agencies can share an individual’s data
- Allows individuals to sue the government for violations of the Act

Overview of the Privacy Act

Privacy Act - has four basic policy objectives:

- Restricts disclosure of PII
- Grants individuals access
- Grants individuals the right to seek amendment of their records
- Establishes practices which require agencies to comply with statutes

Overview of the Privacy Act

Privacy Act – Applies to:

- U.S. citizens
- Resident aliens lawfully admitted to the U.S. for permanent residence

The Privacy Act does NOT cover:

- Nonresident aliens or organizations
- Deceased persons

Overview of the Privacy Act

The Privacy Act maintains federal agencies must:

- inform people at the time of collection, why the information is collected and how it is used;
- publicly inform whenever a record system is created, altered, amended or deleted;
- ensure that information collected is accurate, timely, complete and relevant before it is disclosed to others;
- allow a person access to information about themselves;
- maintain an accounting of certain disclosures; and
- allow a person the opportunity to correct factual inaccuracies

Overview of the Privacy Act

Privacy Act – Provisions

- Limit personal information
- Prohibit secret Government record systems
- Prohibit secret use of Government records
- Provide the right to see and correct one's own records
- Provide safeguards to protect information security and accuracy
- Provide civil and criminal consequences for violations

Overview of the Privacy Act

Privacy Act vs. FOIA

Privacy Act	FOIA
Permits <u>only</u> an “individual” to seek access to only his own “record,” and only if that record is maintained by the agency within a “system of records.”	Permits “any person” to seek access to any “agency record” not subject to any of its nine exemptions and three exclusions.
Does not speak of a requester’s right to administratively appeal any adverse determination that an agency makes on his access request.	Requester’s right to administratively appeal an adverse determination.
Pertains to records maintained in a system of records which are retrieved by a name or personal identifier.	Balances the public’s interest and individual’s right to privacy.

Making a Privacy Act Request

- Written Request
- In-Person Request

Submitting a Written Request

- Mark on the envelope and the letter in capital letters the phrase, “PRIVACY ACT INQUIRY.”
- Name of individual whose record is sought.
- State whether individual is either a U.S. citizen or legal resident.
- Identifying data that will help locate the record within a Privacy Act System of Records (SOR).
- Record sought and system of records name, if known.

What is a Privacy Act System of Records (SOR)?

A Privacy Act SOR is:

- A group of more than one record containing information about individuals.
- Retrieved by name or other personal identifier.
- Can also be retrieved by biometric data.
- If a record does not contain personal identifiers or if the record system is not designed to be retrieved by one or more personal identifiers, the Privacy Act does not apply to the system in which it is maintained.

Written Request cont...

- Action requested.
- Requester's name (printed), hand written signature, address, and telephone number; date.
- Complete BC-300, Certification of Identify form (Provide hand-written signature & mail) required under Privacy Act 1974, 5 U.S. C. Section 552a.
- Keep a copy of your request in case you need to refer to it in further correspondence with the agency.
- All written requests for PA information should be addressed to: Chief, Freedom of Information Act and Open Government Branch RM 8H027 U.S. Census Bureau 4600 Silver Hill Road Washington ,D.C. 20233

Submitting an In Person Request

Requires you to provide satisfactory proof of identity.

Means of Proof

- Document bearing individual's photograph.
- Document, issued for participation in a Federally-sponsored program, bearing individual's signature.
- Document issued for participation in a Federally-sponsored program.
- Identify yourself by completing a BC-300 Certification of Identity.

Two Types of Privacy Act Requests

First Party Request

- Requesting information about yourself.
- Completion of the BC-300 form.

Third- Party Request

- Request from any persons for access to records concerning another individual.
- Require person's written consent to disclose the information to you.
- Completion of the BC-300 form.

BC-300 FORM

FORM BC-300 (9-6-2012)



CERTIFICATION OF IDENTITY

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

PRIVACY ACT STATEMENT

In accordance with 15 CFR Section 4.24(d), the U.S. Census Bureau requires you provide us with sufficient information to identify you when you submit requests by mail or otherwise not in person under the Privacy Act of 1974, 5 U.S.C. Section 552a. We take this step to ensure that we do not wrongfully disclose the records of individuals who are the subject of U.S. Census Bureau systems of records. Providing this information is voluntary, however, if you do not provide it we will be unable to take action on your request. If you provide false information on this statement you may be subject to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

REQUESTER INFORMATION

1. Full name of requester/ Subject of record(s) sought	Last – Please print or type	First – Please print or type	Middle – Please print or type
	Place of Birth – Please print or type	Date of Birth (mm/dd/yyyy)	
2. Current address	Address – Number and street – Please print or type		
	City – Please print or type	State	ZIP Code
3. Requester status Mark (X) appropriate box.	<input type="checkbox"/> Self <input type="checkbox"/> Guardian of individual whose record(s) is sought – Enclose copy of appointing document, <input type="checkbox"/> Parent of minor child whose record(s) is sought		
4. Information being requested – Please describe in as much detail as possible.	Please print or type		
5. Declaration	I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.		
	Original Signature of Requester	Date	
6. Authorization to release information to another person.	a. If you are authorizing information relating to yourself to be released to another person – Please fill in the information below. Name of authorized recipient – Please print or type		
	b. Further pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Census Bureau to release the above described information relating to me.		
	Original Signature of Requester	Date	
Office Use Only PA/FOIA Control #			

Clear Fields

Print Form

Save Form As

Questions ?????

