

U.S. DEPARTMENT OF COMMERCE U.S. Census Bureau POLICIES AND PROCEDURES MANUAL (PPM)	CHAPTER: C-4
	EFFECTIVE DATE: July 15, 2014
SUBJECT: Requests for Records under the Freedom of Information Act (FOIA) and the Privacy Act (PA)	

TABLE OF CONTENTS

Section	Title	Page
1.	What materials does this Chapter replace?	3
2.	What is added to this Chapter?	3
3.	What is the Chapter's purpose?.....	3
4.	What are the Chapter's legal or other authorities?.....	3
5.	How do you request records under the Freedom of Information Act (FOIA)?	4
a.	What is a FOIA request?	4
b.	Who is responsible for replying to FOIA requests?.....	4
c.	How do you make a FOIA request?	5
d.	Are there time limits for responding to requests under FOIA?	6
e.	How should Census Bureau employees handle FOIA requests they receive?.....	6
f.	How are replies made to FOIA requests?	6
g.	Are there any reporting requirements under FOIA?	7
6.	How do you request records under the Privacy Act (PA)?.....	7
a.	What is a PA request?	7

b. Who is responsible for replying to PA requests? 7

c. How do you make a PA request? 7

d. Are there time limits for responding to requests under PA?..... 9

e. How should Census Bureau employees handle PA requests they receive? 9

f. How are replies made to PA requests? 9

g. Are there any reporting requirements under PA? 9

7. Who has Census Bureau authority for this Chapter?..... 9

1. What materials does this Chapter replace?

This Chapter replaces Policies and Procedures Manual (PPM) Chapter C-4, “Requests for Records under the Freedom of Information Act (FOIA) and the Privacy Act (PA),” dated May 16, 2008. This Chapter also replaces sections of PPM Chapter C-2, “Confidential Data, Sensitive Information, and Requests Under the FOIA and PA,” dated July 22, 1993. Specific sections replaced are:

- Subsection 5.07, “Confidentiality of Census Bureau Information and the FOIA and PA.”
- Section 12, “Requests for Records under the FOIA.”
- Section 13, “Requirements of the Privacy Act of 1974 (Title 5, United States Code, Section 552a).”

This Chapter supersedes any other Census Bureau instructions on this subject matter.

2. What is added to this Chapter?

Administrative updates to include the use of FOIAonline, which is a multi-agency FOIA processing and tracking tool that allows the public to electronically submit, update, and track FOIA requests.

3. What is the Chapter's purpose?

This Chapter’s purpose is to state the Census Bureau’s policy and procedure for the handling of FOIA and PA requests. The Chapter covers, among other things, the following:

- How to make requests under the FOIA and PA.
- Responsibilities for replying to FOIA and PA requests.
- Employee procedures for handling FOIA and PA requests.
- Time limits for responding to FOIA and PA requests.
- Preparation of replies to FOIA and PA requests.
- Reporting requirements under the FOIA and PA.

4. What are the Chapter’s legal or other authorities?

The following contains the Chapter’s authorities for handling FOIA requests.

- Title 5, United States Code (U.S.C.), Section 552.
- Title 15, Code of Federal Regulations (CFR), Part 4, Subpart A.
- Department Administrative Order (DAO) 205-14, "Processing Requests Under the Freedom of Information Act."
- DAO 205-12, “Public Information.”

The following contains the Chapter’s authorities for handling PA requests.

- Title 5, U.S.C., Section 552a.
- Title 15, CFR, Part 4, Subpart B.

These authorities are available through the Census Bureau's Intranet web site at <http://www.census.gov/foia/resources>.

5. How do you request records under the Freedom of Information Act (FOIA)?

a. What is a FOIA request?

A FOIA request is any request made by an individual, which includes current and former federal employees acting in their individual capacities, for existing federal agency records. Current federal employees cannot work on and submit a FOIA request while on duty and using government equipment. Other federal government entities and Congress cannot make a FOIA request.

A request does not have to state that it is a FOIA request to be treated as a FOIA request. Any request or correspondence which asks for existing federal agency records that are not standard Census Bureau statistical data products, regardless of whether the request refers to the FOIA, should be treated as a FOIA request and immediately forwarded to the Chief, Freedom of Information Act and Information Branch (FOIA Office), Policy Coordination Office (PCO), for action and response. Such existing agency records are deemed to be FOIA information.

In general, the FOIA requires federal agencies to provide the public with access to, and copies of, existing agency records, unless the records are protected from disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. As an example, one such exemption provides protection from disclosure for records that are prohibited from disclosure under other statutes, such as Title 13, U.S.C. All census information protected by Title 13 confidentiality is protected from disclosure under the FOIA. Nonetheless, census information protected by Title 13 must be provided to the FOIA Office in response to a request. Contact the FOIA Office for more information on other exemptions.

The FOIA requires federal agencies to respond to FOIA requests within 20 working days. The FOIA gives the public the right to appeal the denial of records. Additionally, the FOIA allows the public to seek legal ramifications for untimeliness of, or dissatisfaction with, a federal agency's FOIA response.

b. Who is responsible for replying to FOIA requests?

The Chief, FOIA Office, is the FOIA/PA Officer and is responsible for replying to all FOIA requests. The FOIA/PA staff is responsible for coordinating the preparation of FOIA responses and maintaining the complete and official file of FOIA requests. The FOIA/PA staff coordinates concurrence of all responses to initial FOIA requests with the Legal Office and all other appropriate offices.

The FOIA Public Liaison serves as a supervisory official to whom requesters can raise concerns after initial response. The FOIA Public Liaison assists in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. The name and contact information of the Census Bureau’s Chief FOIA/PA Officer and the FOIA Public Liaison can be found at <http://www.census.gov/foia/>.

c. How do you make a FOIA request?

Individuals must submit FOIA requests in writing or electronically. All requests for FOIA information are deemed FOIA requests whether or not the request is identified as such on the envelope, letter, or in the correspondence text. The FOIA/PA Officer should identify the request as a FOIA request and handle it appropriately

Written requests

For the quickest handling of written requests, the request (and envelope, if the request is mailed) should be clearly marked “Freedom of Information Act Request.”

Address all written requests for information under the FOIA to:

FOIA/PA Officer
U.S. Census Bureau
Room 8H027
4600 Silver Hill Road
Washington, DC 20233-3700

Electronic requests

Electronic requests are made through FOIAonline, a multi-agency FOIA processing and tracking tool that allows the public to electronically submit, update, and track FOIA requests. There is no fee for using the system. You may register for an account or submit a request as a guest user at <https://foiaonline.regulations.gov>. Please note that guest users will have limited tracking and communications features. Enhanced features are available to users with accounts.

Guest users may:

- Search for previously released records;
- Generate reports;
- Receive records electronically if you provide an email address.

Registered users may, in addition to the above:

- Track progress on all of your requests submitted through FOIAonline via a personal dashboard;

- Communicate directly with the agency at all points in the process;
- Have your contact information pre-populated in future requests;
- Receive notification when the status of your request has changed.

d. Are there time limits for responding to requests under FOIA?

The FOIA requires that requests be answered within 20 working days unless an extension is obtained from the requester. Title 15, CFR, Part 4, Subpart A, establishes rules for requesting extensions. The Chief, FOIA Office must approve requests for any extension of time to respond to FOIA requests. For more information about response times and extensions, refer to the U.S. Census Bureau FOIA Reference Guide, Section VII “Response Times.”

e. How should Census Bureau employees handle FOIA requests they receive?

(1) Mail Room, Administrative and Customer Services Division (ACSD)

Mail room personnel will hand carry any letter identified as a FOIA request directly to PCO, Room 8H027, as soon as the request is received.

(2) Other Census Bureau Personnel

Census Bureau employees who receive a FOIA request shall send and/fax it, as soon as the request is received to:

Mail:

FOIA/PA Officer
U.S. Census Bureau
Room 8H027
4600 Silver Hill Road
Washington, DC 20233-3700

Fax: (301) 763-6239 (ATTN: FOIA/Privacy Act Officer) “**Note:** You must call first to ensure someone from the FOIA Office is available to receive your fax.”

If you have questions about your request or need assistance with making a request, please contact the FOIA Office at: (301) 763-2127.

f. How are replies made to FOIA requests?

In accordance with Title 15, CFR, Part 4, FOIA/PA staff will prepare a response to the FOIA request that will either grant or deny the request, either in whole or in part. The Chief, FOIA Office, will sign the response, after clearance with the Legal Office, and all other appropriate Census Bureau offices.

g. Are there any reporting requirements under FOIA?

The Chief, FOIA Office, is responsible for preparing the Quarterly and Annual FOIA Report. He or she will gather the necessary report data from the PCO's files and logs and transmit the report to the Department of Commerce's (DOC) FOIA Officer.

6. How do you request records under the Privacy Act (PA)?

a. What is a PA request?

The PA places restrictions on the collection, use, maintenance, and release of information about individuals. The PA confers the right to individuals to make requests of government agencies. A PA request is a request made by an individual (or someone acting on the individual's behalf) to an agency either for (a) access to and/or copies of records about the individual or (b) to amend/correct records on the individual. Regardless of whether such a request refers to the PA, the request should be treated as a PA request and immediately forwarded to the Chief, FOIA Office, for action and response. Records pertaining to an identifiable individual are deemed to be PA information.

Subject to proper authorization by the requesting individual, the agency must provide access to and/or copies of the records unless the records are protected from disclosure by one of the PA's exemptions. A PA request to amend/correct records shall be granted or denied in accordance with DOC regulations. The PA gives the individual requester the right to appeal denials of access to, or copies of, records, or of denials of requests to amend/correct records.

b. Who is responsible for replying to PA requests?

The Chief, FOIA Office, is the FOIA/PA Officer and is responsible for replying to PA requests. The FOIA/PA staff is responsible for coordinating the preparation of PA responses and maintaining the complete and official file of PA requests. The FOIA/PA staff will coordinate concurrence of all responses to PA requests with the Legal Office and all other appropriate offices.

c. How do you make a PA request?

Individuals must submit PA requests in writing, electronically (via fax), or in person. For the quickest handling of PA requests, the request (and envelope, if the request is mailed) should be clearly marked "Privacy Act Request." All requests for PA information are deemed PA requests whether or not the request is identified as such on the envelope, letter, or in the correspondence text. The FOIA/PA Officer should identify the request as a PA request and handle it appropriately.

Anyone who makes a request in person must identify himself or herself and complete and sign a Form BC-300, "Certification of Identity," in accordance with Title 15, CFR, Part 4, Subpart B. In accordance with these same regulations, all other requesters must provide an original completed and signed Form BC-300.

All requests for medical records or information must be forwarded to the Census Bureau's FOIA Office for processing and must be accompanied by an original signed and completed Form BC-300.

The Form BC-300 form is available online at www.census.gov/foia/pdf/bc-300.pdf. The FOIA/PA staff will also mail a form to the PA requester if he/she wishes it.

All written requests for Privacy Act information, to include medical records, should be mailed or faxed to:

FOIA/PA Officer
U.S. Census Bureau
Room 8H027
4600 Silver Hill Road
Washington, D. C. 20233-3700

Fax: (301) 763-6239 (ATTN: FOIA/Privacy Act Officer) “**Note:** You must call first to ensure someone from the FOIA Office is available to receive your fax.”

If you have questions about your request or need assistance with making a request, please contact the FOIA Office at: (301) 763-2127.

Current employees of the Census Bureau who wish to see their own personnel files should contact Human Resources Division (HRD) on (301) 763-6677.

Former employees should submit a written request to the National Personnel Records Center that contains the following information:

- (1) identify the documents or information needed and explain the purpose of your request,
- (2) full name used during Federal employment,
- (3) date of birth,
- (4) Social Security Number (if applicable),
- (5) name and location of employing Federal agency, and
- (6) beginning and ending dates of Federal service.

Written requests (**signed and dated**) may be mailed or faxed to:

National Personnel Records Center, Annex
1411 Boulder Boulevard
Valmeyer, IL 62295

Fax: (618) 935-3014

d. Are there time limits for responding to requests under PA?

It is Census Bureau policy that PA requests shall be answered within 10 working days. Combined FOIA and PA requests shall be answered within 20 working days.

e. How should Census Bureau employees handle PA requests they receive?

(1) Mail Room, ACSD

Mail room personnel will hand carry any letter identified as a PA request directly to PCO, Room 8H027, as soon as the request is received.

(2) Other Census Bureau Personnel

Census Bureau employees who receive a written or electronic PA request shall fax and/or send it, as soon as the request is received, to PCO, Room 8H027, fax number: (301) 763-6239. Any Census Bureau employee who receives a walk-in request citing the PA should refer the requester to the FOIA/PA staff, Room 8H027, for assistance. Requesters should identify themselves and complete a Form BC-300, "Certification of Identity," or a "Request for Release of Medical Records," according to Title 15, CFR, Part 4, Subpart B.

f. How are replies made to PA requests?

In accordance with Title 15, CFR, Part 4, Subpart B, FOIA/PA staff will prepare a response to the PA request, which will either grant or deny the request, either in whole or in part. The Chief, FOIA Office, will sign the response, after clearance with the Legal Office, and all other appropriate Census Bureau offices.

g. Are there any reporting requirements under PA?

The Chief, FOIA Office, shall have the responsibility for reports related to PA responses. He or she will gather data for the report from PCO's files and logs and transmit the report to the DOC's FOIA/PA Officer when requested.

7. Who has Census Bureau authority for this Chapter?

The authority for carrying out the policies and procedures for this chapter is delegated to the Chief, FOIA Office.

By Direction: Nancy A. Potok Date: 7/8/14
Nancy A. Potok
Deputy Director and Chief Operating Officer
U.S. Census Bureau