



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

June 21, 2000

MEMORANDUM FOR PRIVACY ACT OFFICERS OF DEPARTMENTS AND AGENCIES

FROM: John T. Spotila *JS* *LS*

SUBJECT: Status of Biennial Reporting Requirements under the Privacy Act and the Computer Matching and Privacy Protection Act

As outlined in this Memorandum, OMB has decided to streamline some of the reporting requirements for federal departments and agencies under OMB Circular A-130, Appendix I.

Background

Agency Biennial Privacy Act Report. Circular A-130 Appendix I, Section 4.a requires agencies to submit to OMB every two years an Agency Biennial Privacy Act Report listing, among other information, numbers of systems of records, routine uses, exemptions, and access and amendment requests. On May 14, 1998, the President directed federal departments and agencies to review their Privacy Act systems of records to ensure compliance with the Privacy Act and to report to OMB on such review. OMB issued guidance on complying with that directive on January 7, 1999 in M-99-05.

In addition, Congress recently repealed the requirement in Section 552a(s) for OMB to submit a biennial Privacy Act report to Congress. This repeal, effective May 15, 2000, occurred in Section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (P.L. 104-66), as amended by Section 236 of the Miscellaneous Appropriations Act for Fiscal Year 2000 (H.R. 3425, incorporated by reference in P.L. 106-113).

Under the circumstances, OMB has decided that agencies required to report to OMB under the President's directive and M-99-05 last year need not submit to OMB Agency Biennial Privacy Act Reports this year. In the coming months, OMB will be reviewing with agencies what information they should submit to OMB in the future regarding their implementation of the Privacy Act.

Agency Biennial Computer Matching Report. Circular A-130, Appendix I, Section 4.b. requires agencies to submit biennially to OMB an Agency Biennial Computer Matching Report detailing membership of Data Integrity Boards, descriptions

of new matching programs, cost-benefit analysis information, rejected matching agreements, litigation based on inaccurate data, and other information related to computer matching. This report contains useful information that was not included in agency responses to the President's directive. Accordingly, agencies should submit their Agency Biennial Matching Activity Report. This report should be submitted by July 31, 2000.

Questions and Answers

Q: What do I have to submit? When?

A: Agencies should submit to OMB, by July 31, information described in Circular A-130, Appendix I, Section 4.b., the Agency Biennial Computer Matching Report. This report requires agencies to detail, among other information, membership of Data Integrity Boards, descriptions of new matching programs, cost-benefit analysis information, rejected matching agreements, litigation based on inaccurate data, and other information related to computer matching.

Q: What do I not have to submit?

A: This year, agencies are not required to submit information described in Circular A-130, Appendix I, Section 4.a., the Agency Biennial Privacy Act Report. This report requires agencies to list, among other information, numbers of systems of records, routine uses, exemptions, and access and amendment requests.

Q: Who do I contact if I have more questions?

A: If you have any questions on these requirements, please contact Lauren Steinfeld, Associate Chief Counselor for Privacy at OMB / OIRA: tel. 202-395-3647; fax. 202-395-3047; e-mail lauren_steinfeld@omb.eop.gov.