



# Filing a System of Records Notice Process and Procedures

A Mandatory Reference for ADS Chapter 508

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# Filing a System of Records Notice Process and Procedures

## 1. INTRODUCTION

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This document defines the process and procedures to file a System of Records Notice (SORN).

## 2. SYSTEM OF RECORDS NOTICES

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System Owners must work with the Privacy Office to develop a Draft System of Records Notice (SORN) for a newly created system of records (SOR) or when an existing SOR is significantly changed. The Privacy Office will submit the Draft SORN to the Federal Register, which provides an opportunity for interested persons to submit written data, views, or arguments to the Agency.

### 2.1 *New System of Records (SOR)*

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A new System of Records (SOR) is created when any one of the following criteria is met:

1. A program, authorized by either a new or an existing statute or Executive Order (EO), requires, for its successful accomplishment, the creation and retrieval of individually identifiable records.
2. There is a proposed new use for existing records that is incompatible with the purpose for which the records were originally collected. In this case, all individuals covered by the existing system of records must be notified of the new purpose and routine uses for the records in the SOR and must be provided with a new Privacy Act statement.
3. There is a new organization of records, resulting in the consolidation of two or more existing systems into one new ("umbrella") system, whenever the consolidation cannot be classified under a current SOR notice.
4. It is discovered that records about individuals are being created and used, and that this activity is not covered by a current, published SOR notice. (This is a "found SOR"). The Office of Management and Budget (OMB) requires the temporary suspension of data collection and disclosure in this case. (The period

of suspension for a found SOR begins as soon as the SOR is "found" and continues through the advanced notice period required for a new SOR.)

5. A new organization (configuration) of existing records about individuals, which was not previously subject to the Privacy Act, (i.e., was not a System of Records) results in the creation of a System of Records.

## **2.2 Significantly Altered System of Records (SOR)**

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A significant alteration to an existing System of Records occurs as a result of a change in the following:

- The manner in which records are organized,
- The manner in which records are indexed or retrieved, or
- The nature or scope of the records.

A SOR is considered to be significantly altered when any of the following alterations are required:

1. Increase or change in the number or type of individuals on whom records are maintained (Changes involving the number, rather than the type, of individuals about whom records are kept only need to be reported when the change alters the character and purpose of the SOR);
2. Expansion of the type or categories of information maintained (For example, if an employee file is expanded to include data on education and training, this is considered an expansion of the "types or categories of information" maintained);
3. Alteration of the manner in which the records are organized, indexed, or retrieved so as to change the nature or scope of these records; such as splitting an existing SOR into two or more different SORs which may occur in a centralization or a decentralization of organizational responsibilities;
4. Modification of the purpose for which information in the SOR is used;
5. Changed equipment configuration (that is, hardware or software on which the SOR operates to create the potential for either greater or easier access).

A non-significant change of procedures associated with the SOR, in a manner that affects an individual's exercise of his or her rights, requires only a revised SORN to be published in the Federal Register. The 40-day public comment period is not required for the revised SORN.

### 3. FILING A SORN

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System Owners must provide detailed information about their system of record when drafting a SORN for publication. The SORN template is available on the USAID Privacy Page. The following information, which constitutes the Draft SORN, must be provided to the Privacy Office:

1. Name and location of the system;
2. Categories of individuals on whom records are maintained in the system;
3. Categories of records maintained in the system;
4. Each routine use of records contained in the system, including the categories of users and the purpose of such use;
5. Policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
6. Title, name, and business address of the agency official who is responsible for the system of records (This field requires the name of an individual and not just the title.);
7. Agency procedures to notify an individual, at his request, if the system of records contains a record pertaining to him;
8. Agency procedures to notify an individual, 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
9. Categories of sources of records in the system.

#### ***SORN Documentation Package***

The following three documents, which comprise the SORN package, must be submitted to the Privacy Office:

1. Narrative report of the SOR

This document is the Draft SORN System Owners must submit to the Privacy Office for publication in the Federal Register.

2. Privacy Act Statement of Disclosure

The Privacy Act established the omnibus "code of fair information practice," which regulates the collection, use and dissemination of personal information by Federal Government agencies. All data processed and stored in a System of Records are collected via the use of forms (electronic or paper). Every form that collects information must contain a statement of disclosure. If the information collection vehicle is a Web site rather than a paper or electronic form, the requirement for a Privacy Act Statement still applies.

The Privacy Act statement of disclosure must state the following:

- Authority for collecting the information,
- The purpose for which the information is being collected, and
- The routine uses that will be made of the information.

The statement must also explain whether furnishing information is voluntary or mandatory, and explain the consequences that will result if an individual does not agree to furnish the information.

3. System of Records Notice

The System of Records Notice (SORN) consists of the final draft SORN, which incorporates any substantive changes raised during the public comment period. This SORN will be published on the USAID public Web site Privacy Page.

System Owners must submit the SORN package in electronic format and send it to the Privacy Office at [privacy@usaid.gov](mailto:privacy@usaid.gov). For Missions or other overseas locations, where access to the USAID intranet is unavailable, electronic SORN files can be sent on electronic media such as a disk, CD, DVD, etc.(via postal service, diplomatic pouch, commercial shipping, etc.) to the following address:

U.S. Agency for International Development  
Chief Privacy Officer,  
1300 Pennsylvania Avenue, NW  
Room 2.12-010  
Washington, D.C. 20523-2701

### ***Matching Programs***

If a SOR is part of a matching program with a non-Federal agency, System Owners must prepare a notice of establishment or revision of any matching program and submit it to the Privacy Office for publication in the Federal Register. This notice must be published 30 days prior to such a program's operation.

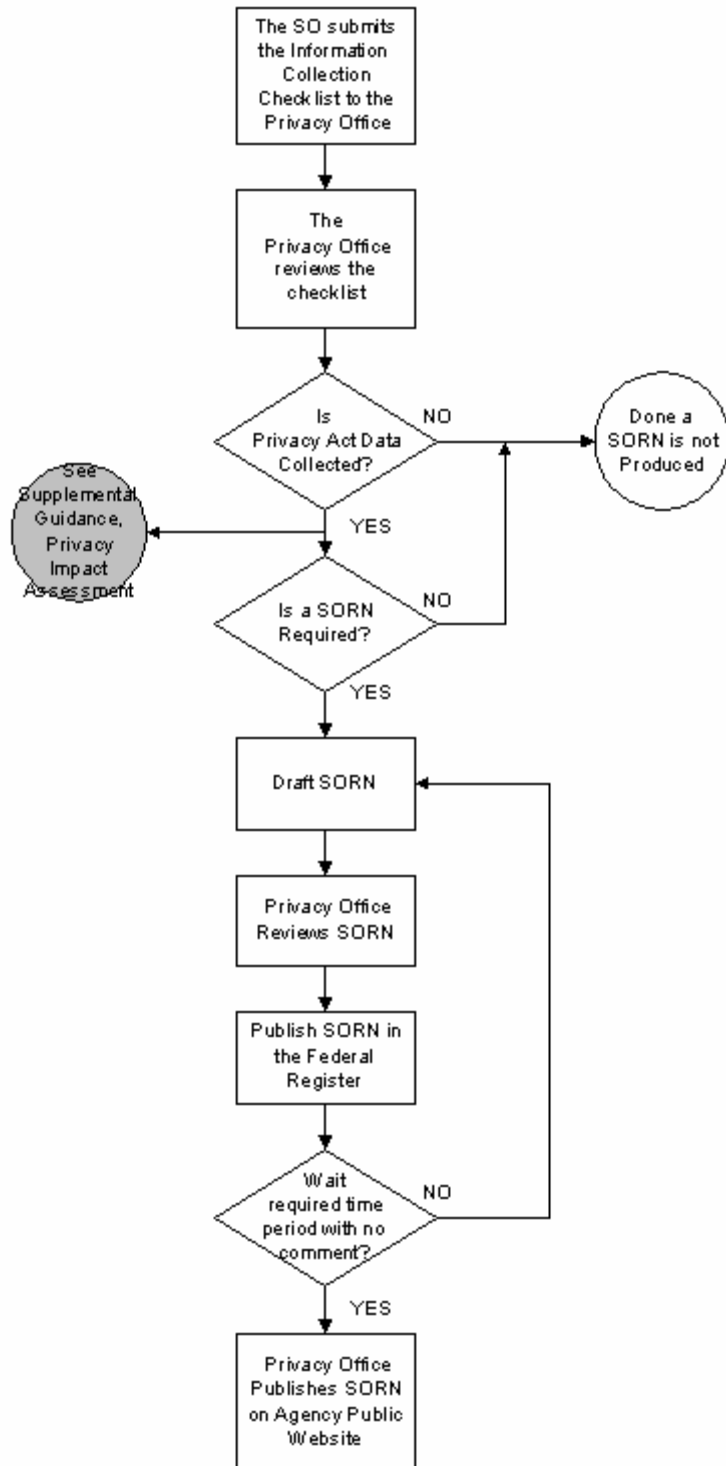
Prior to disseminating any record about an individual, to any person other than an agency, System Owners must make reasonable efforts to assure that such records contained in their system of records are accurate, complete, timely, and relevant for agency purposes.

## **4. SYSTEM OF RECORDS NOTICE PROCESS**

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Figure 4.0, *The SORN Process*, graphically depicts the mandatory steps in the preparation and completion of a System of Records Notice (SORN).

Figure 4.0  
The System of Records Notice (SORN) Process



### *System of Records Notice Process*

- Step 1:** The System Owner completes and submits the Information Collection Checklist to the Privacy Office.
- Step 2:** The Privacy Office reviews the Checklist to determine if 1) the system contains PII, 2) the system is an information collection request containing PII, and 3) the system is a system of records and requires a system of records notice (SORN) to be filed with the Federal Register. Each of the decision diamonds in Figure 4.0 indicate possible progression to separate, but related processes. Separate processes are indicated by a grayed-out circle that contains the name of the supplementary guidance that describes the processes in detail.
- Step 3:** If the Information Collection Checklist indicates that the system contains PII, the System Owner must conduct a full Privacy Impact Assessment (PIA).
- Step 4:** If the Information Collection Checklist indicates that the system is a system of records (SOR), the System Owner must draft a System of Record Notice. This may be done concurrently with completing the PIA. The PIA process is a separate process, indicated by a grayed-out ellipse, which has an independent process covered in [PIA Process and Procedures](#).
- Step 5:** The System Owner submits the Draft SORN to the Privacy Office for review and coordination.
- Step 6:** The Privacy Office submits the Draft SORN to the Federal Register for public comment.
- Step 7:** The System Owner must wait 40 days for public comments. If substantive comments are submitted at any time within the 40-day period, the System Owner must address the comment(s) and amend the Draft SORN and re-submit the amended SORN to the Privacy Office for re-posting in the Federal Register. When the Privacy Office re-submits the Draft SORN, the 40-day waiting period for public comment begins again.
- Step 8:** If no substantive comments are received within the 40-day public comment period, the Privacy Office publishes the final SORN on the USAID public Web site.
- Step 9:** The SORN process is complete, pending other requirements related to putting the SOR into production (e.g., security certification and accreditation, ICR process, or PIA process). If all other requirements are met, the SOR may proceed to production.



*System of Records Notice Process*

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