

FSA
HANDBOOK
K

Privacy Act Operations

To access the transmittal page click on the short reference

For All FSA Offices

SHORT REFERENCE

3-INFO

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Privacy Act Operations 3-INFO	Amendment 4
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Approved by: Acting Administrator



Amendment Transmittal

A Reason for Amendment

The following have been withdrawn because procedure for processing appeals under the Privacy Act is now included in 1-APP:

- subparagraph 18 C
- paragraph 19
- Part 4
- Part 5.

Page Control Chart		
TC	Text	Exhibits
1, 2	3-1 through 3-6 3-9, 3-10 4-1 through 4-4 (remove) 5-1, 5-2 (remove) 5-3 (remove)	

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- 1 Reports, Forms, Abbreviations, and Redelegations of Authority
- 2 Definitions of Terms Used in This Handbook
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Part 1 Basic Provisions

1 Overview

A

Handbook Purpose

This handbook provides procedures to be followed by all offices when collecting, maintaining, or disclosing data or information concerning an individual.

B

Related Handbooks

See the following handbooks for information about Privacy Act operations:

- 2-INFO for information available to the public
 - 2-AS for retention of records.
-

C

Policy

It is FSA policy to:

- safeguard individual privacy from the misuse of Federal records
 - grant individuals access to records concerning themselves.
-

D

Source of Authority

Authority for Privacy Act operations is Privacy Act of 1974, 5 U.S.C. 552a.

2 Privacy Act

A Privacy Act Purpose

The Privacy Act of 1974, 5 U.S.C. 552a, enables an individual to:

- determine what records Federal agencies possess that pertain to himself or herself
 - prevent the use of such records for improper purposes
 - review and correct such records.
-

B Privacy Act Requirements

The Privacy Act requires Federal agencies to:

- use care in collecting and maintaining information relating to individuals
- make agencies and their employees subject to suit for damages that occur as a result of violations of the Privacy Act.

Federal agencies must collect, maintain, use or disseminate records of identifiable personal information in a manner that:

- ensures such action is for a necessary and lawful purpose
 - ensures that the information is current and accurate for its intended use
 - provides adequate safeguards to prevent misuse of this information.
-

C Scope of the Privacy Act

The protection afforded and the rights conferred by the Privacy Act extend only to individuals who are citizens of U.S. and aliens lawfully admitted for permanent residence but do not extend to nonresident aliens, foreign nationals, corporations, proprietorships, and businesses.

Continued on the next page

2 Privacy Act (Continued)

D

Disclosing Social Security Numbers

It is illegal to deny an individual any right, benefit, or privilege provided by law because the individual refused to disclose his or her Social Security number, unless the disclosure is required by law or regulation adopted before January 1, 1975.

Follow procedures in 1-CM regarding the producer's identifying number when reporting payments to IRS. This is based on IRS regulations 26 U.S.C. 6109 and 26 CFR 301.6109.1, in effect before January 1, 1975.

3 Safeguarding Confidentiality of Records

A

Agency Responsibilities

The head of each office shall:

- implement internal operating procedures for safeguarding the privacy of employees, producers, applicants, borrowers, and other private individuals
 - caution employees who have access to personal information that it is not to be disclosed by any means of communication
 - limit access to records containing personal information to those employees who need to know to carry out their assigned duties
 - maintain under lock and key, with strictly controlled access, any record containing information which, if the integrity is lost, may cause harm, embarrassment, or unfairness to an individual
 - initiate disciplinary action as necessary.
-

Continued on the next page

3 Safeguarding Confidentiality of Records (Continued)

**B
Employee
Responsibilities**

Each employee shall:

- carry out the provisions of this handbook in whatever capacity or occasion the employee has access to personal information
 - read and understand the entire contents of this handbook
 - refrain from unnecessary discussions of personal information with fellow employees who have no official interest in the information.
-

4-7 (Reserved)

Part 2 System of Records

8 Public Notice

A
FR Notice
Purpose

Each Federal agency that maintains a system of records must:

- review the system annually
- publish any changes to the system in an FR notice.

The notice informs the public of:

- the existence and location of the system of records
 - the kinds of information maintained
 - the kinds of individuals on whom the information is maintained
 - the purposes for which the records are used
 - how individuals can exercise their rights under the Privacy Act.
-

B
Published
Systems of
Records

Exhibit 4 is the Agency systems of records that have been identified and published in FR.

9 New or Altered Systems

**A
System
Requirements**

Before new or altered systems become effective and operational, FSA shall:

- provide adequate advance notice to Congress and OMB
 - provide a copy of the Agency's FR notice to Congress and OMB to the Privacy Protection Study Commission
 - publish notice in FR.
-

**B
Change in
Routine Use**

A revised public notice shall be published in FR 30 calendar days before a change becomes effective and operational in the routine use of a system of records.

**C
Responsibility
for Changes**

When changes in routine uses occur:

- all offices shall notify Director, PAS
 - PAS shall provide a revised public notice to OGC for publication in FR.
-

10 Collecting Information About Individuals

**A
Informing the
Individual**

Offices shall advise the individual before asking for data or information on the:

- authority which authorizes the collection of the information, and whether it is mandatory or voluntary
- principal purposes for which the information will be used
- routine uses which may be made of the information
- effects on the individual, if any, for not providing the information.

When asking an individual to supply personal data or information, follow the guidelines in this table.

Method Requested	Guidelines
By form	<p>Ensure that the appropriate Privacy Act statement is part of the form that the individual is signing.</p> <p>When completing forms cited, continue to issue statements until the forms have been revised to include the statements.</p>
By personal interview	<p>Orally summarize the information being requested before the interview begins.</p> <p>Provide the individual with information required in this subparagraph using either of the following:</p> <ul style="list-style-type: none"> • a statement that the individual can retain • applicable information and data forms.

Continued on the next page

10 Collecting Information About Individuals (Continued)

**B
Office
Responsibility**

Offices shall:

- collect and maintain only such information that is relevant and necessary to accomplish the mission of FSA required by procedures or regulations
 - purge files of records that do not belong in the files
 - collect information to the greatest extent possible from the subject individual
 - not maintain records describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by either of the following:
 - statute
 - the individual on whom the information is maintained.
-

11-15 (Reserved)

Part 3 Access to Records**16 Rules of Access****A General Rules of Access**

The Privacy Act does not require that the requester be granted physical access to the records. It provides that records:

- may be edited or translated if they contain information that does not concern the requester
- shall not be edited or translated to withhold information about the requester.

Privacy Act requests may be made in person or in writing to the records holding office by any person who wishes to be notified if a system of records maintained by FSA contains any record pertaining to the subject individual.

B Requests in Writing

Requests submitted in writing shall include:

- name of individual making request
- name of system of records as set forth in the FR notice or some other identification, such as form number or title of record
- any other information specified in the FR notice
- whether the requester wants to:
 - make a personal inspection of the records
 - be supplied with copies of the records by mail.

16 Rules of Access (Continued)

C Right to Appeal Denial

Any person whose request is denied may appeal that denial to the Administrator, according to subparagraph 18 C.

If an appeal is denied, the requester may initiate civil action in a Federal district court to seek review of the Administrator's denial * * *.

D Nonresponsive Records

If an access request is received for records that do not belong in the files:

- do not destroy these records before processing the request
- process the request for all records relating to the requester in existence at the time the request was received
- advise the requester that records were found that do not belong in the files and that they will be removed or destroyed at a later date
- remove improperly maintained or filed records only after the request has been fully processed.

17 Records Holding Office Responsibility**A Responsibilities**

The head of each office that maintains a system of records shall:

- determine initially whether to provide or withhold individual records in the custody of that office
- determine initially whether to amend or not to amend a record or portion of a record
- account for certain disclosures, according to paragraph 22
- make accounting of disclosures available to the subject of the record
- inform any person or other agency about any correction or notation of dispute concerning a record that has been disclosed to that person or agency
- permit an individual who disagrees with the refusal to amend a record to request a review of such refusal
- provide space for the requester to inspect and/or copy records
- provide copies of requested records
- collect applicable fees
- make reasonable efforts to serve notice on an individual when any record on such an individual is made available to any person under compulsory legal process when such process becomes a matter of public record
- notify Director, PAS, of any of the following according to paragraph 9:
 - new systems of records
 - changes in routine use
 - other changes that may require publication of a revised public FR notice
- protect personal privacy and public interest by preventing unauthorized access to FSA records.

18 Privacy Act Request for Documents and Access to Records

A Processing Requests

The records holding office shall:

- acknowledge the request or appeal in writing within 10 workdays after receipt

Note: The acknowledgement shall indicate whether access will or will not be granted and, if granted, when and where.

- provide access within 30 calendar days if access is granted, or show good cause why it is unable to provide access.

B Informing Requester

If the records holding office is unable to meet the deadline, inform requester of:

- reasons for inability to fill request
- probable date that access will be granted.

If access is granted, the requester shall be informed if a system of records contains records about him or her and that permission is given to:

- review these records accompanied by a person of the requester's choosing at a specific time and place

Note: If a requester wishes to have another person or persons present during the inspection, the requester must provide a written statement authorizing disclosure of the record in their presence.

- obtain the initial copy of these records in a form understood by the requester at no charge, according to paragraph 23.

* * *

19 (Withdrawn--Amend. 4)

20 Legal Basis for Withholding Information

A

Civil Action or Proceeding Anticipated

There are 2 Privacy Act exemptions invoked by FSA in denying a request for Privacy Act Records.

Exemption 5 U.S.C. 552a(d)(5) states, "nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding."

This basis for denial is relevant to material FSA has compiled in reasonable anticipation of a civil action or proceeding where such information is developed relative to a problem case for which the Agency intends to seek litigation. It should also be invoked where there is a request for a tort claim file, for investigative material prepared for OIG, or where communications with OIG or OGC are responsive to a request.

Example: If a farm loan real estate appraisal was performed for foreclosure proceedings, the Agency could cite 5 U.S.C. 552a(d)(5) to deny the request under the Privacy Act. See 2-INFO, paragraph 16 to invoke the appropriate FOIA exemption. The Agency must cite both Acts to withhold information from the subject of the record.

B

Exemption for Investigatory Material

Exemption 5 U.S.C. 552a(k)(2) protects investigatory material compiled for law enforcement purposes, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to the subject individual, except to the extent that the disclosure of such material would reveal the identity of a source who provided information to the Government under an express promise that the identity of the source would be held in confidence, or before the effective date of this section [May 1, 1987] under an implied promise that the identity of the source would be held in confidence.

FSA's application of this exemption may cover portions of investigatory material compiled for law enforcement purposes given to the Agency under a promise of confidentiality.

Examples: Conversion and problem case reports, investigations of employee conduct, and discrimination complaints.

Continued on the next page

21 Conditions of Disclosure to Third Parties

A

General Rule

No personal record about an individual which is contained in a system of records shall be disclosed by any means of communication to any person or agency outside USDA except with prior written consent of the individual to whom the records pertain.

B

Exceptions to General Rule

Disclosure to anyone other than the subject of the record is prohibited except when disclosure is:

- to employees within USDA who have a need for the record in performing their official duties
- a mandatory disclosure to the public under FOIA, according to 2-INFO
- to the Bureau of the Census
- for statistical research and reporting in a form not individually identifiable
- to the National Archives
- for emergency circumstances

Note: When time required to obtain the consent of the individual to whom the record pertains might result in a delay which could impair the health or safety of an individual. Notifications of disclosures of this type should be transmitted to the last known address of the individual.

- for law enforcement purposes to IRS or another governmental agency within or under the control of U.S. for a civil or criminal law enforcement activity when a written request is received from the agency head specifying:
 - the record desired
 - the law enforcement purpose for which the record is requested
 - for routine use as shown in FR notice and Exhibit 4
 - to Congress only as specified in paragraph 22
 - to GAO
 - pursuant to court order.
-

22 Accounting for Disclosures

A Record of Disclosures

Offices shall maintain a record of each disclosure of records on FSA-874 containing personal information showing the:

- name and address of the person or other Federal agency to whom the disclosure was made
- date, nature, and purpose of each disclosure of a record.

The written accounting will be retained as part of the record from which disclosure was made. See Exhibit 5.

B Disclosure Exceptions

The accounting is not required for disclosures to:

- employees within USDA
- members of the public under FOIA, unless restricted records are released under an appeal
- individual requesting own records.

C Request for Accounting of Disclosures

Make accounting of disclosures available to the subject of the record upon request by the individual.

D Disclosures to Congress

Personal records about individuals protected by the Privacy Act may be disclosed to any:

- committee, joint committee, or subcommittee of the Congress
- congressional office in response to an inquiry made at the written request of that individual.

22 Accounting for Disclosures (Continued)**E Retrieval of Records**

Records stored in FRC and National Archives are considered to be maintained by the office that submitted the records for storage.

The submitting office shall be responsible for any disclosure and accountability of those records.

F Disclosure of Medical Records

Record holding officers may refuse to disclose certain medical records directly to the individual that indicate the existence of a malignancy, a mental condition, or other disorder, the disclosure of which would be harmful to the individual to whom the medical information relates.

When records are requested, and such a determination is made, the head of the records holding office shall:

- ask the requester to designate a doctor to review the records and make a determination of availability to the individual
- transmit copies of these records to the doctor designated by the individual.

23 Fees Charged for Records**A Fees for Services**

Use the table in 2-INFO, subparagraph 52 E to determine fees for duplicating documents, unsuccessful searches, and other costs incurred by FSA.

Note: Only charge for copies. Do not charge fees for time spent searching for and reviewing requested records. The fee shall be waived in all circumstances where the amount of the fee is \$25 or less.

24-30 (Reserved)

Part 4 (Withdrawn--Amend. 4)

31-33 (Withdrawn--Amend. 4)

34-39 (Reserved)

Part 5 (Withdrawn--Amend. 4)

40-42 (Withdrawn--Amend. 4)

43-48 (Reserved)

Part 6 Privacy Act Report

49 Biennial Report

**A
Report
Requirements**

Each records holding office shall complete a biennial Privacy Act Report (MS-272P) providing the following information.

Item	Numbers Requested
1	Individuals who request information on the existence of records pertaining to them. Note: Items 2 through 4 must equal item 1.
2	Requests granted in whole or in part.
3	Requests denied in whole or in part.
4	Requests for which no record was found.
5	Requests from individuals requesting that their records be amended . Note: Items 6 and 7 must equal item 5.
6	Amendment requests granted in whole or in part.
7	Amendment requests denied in whole or in part.
8	Appeals for refusal to amend records.
9	Individuals who sought redress through the courts.

**B
Due Dates**

The biennial report covers the 2 previous calendar years and shall be submitted as follows:

- County Offices to State Offices by February 1 of the reporting year
- all other offices to Director, PAS by February 15 of the reporting year.

Note: State Offices shall submit reports to PAS through the Area Office.

Example: The biennial report due in 1998 will cover calendar years 1996 and 1997.

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports This table lists the required reports in this handbook.

Report Control Number	Title	Reporting Period	Submission Date	Negative Report	Reference
MS-272P	Privacy Act Report	Biennial	County Offices: 2/1 All other offices: 2/15	Yes	49

Forms This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
FSA-874	Record of Disclosures of Information	Ex. 5	22

Abbreviations Not Listed in 1-CM None

Redelegations of Authority None

Definitions of Terms Used in This Handbook

Individual An individual is a citizen of U.S. or an alien lawfully admitted for permanent residence.

Record A record is any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, the individual's education, financial information, medical history, and criminal or employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

Routine Use Routine use is the disclosure of a record for a purpose which is compatible with the purpose for which it was collected. A proposed routine use must be published in FR at least 30 calendar days before becoming effective. Otherwise, disclosure outside USDA is prohibited without prior written consent from the subject of the record.

System of Records A system of records is a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual

Systems of Records

System name:

Biographical Background, USDA/FSA-1

System location:

This system of records is under the control of the Deputy Administrator for Program Delivery and Field Operations, FSA, USDA, Stop 0539, P.O. Box 2415, Washington, D.C. 20013. The data will be maintained at the Kansas City Management Office, 8930 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205; Kansas City Commodity Office, P.O. Box 419205, 9200 Ward Parkway, Kansas City, Missouri 64141-0205; and in the appropriate State FSA office at address listed in local telephone directory under the heading "United States Government, Department of Agriculture, Farm Service Agency."

Categories of individuals covered by the system:

Individuals who hold key positions in FSA, guest speakers and recipients of FSA awards.

Categories of records in the system:

The information in the system consists of brief resumes of individuals' personal history.

Authority for maintenance of system:

5 U.S.C. 301.

Purpose:

To enable quick access to relevant biographical information of individuals in key positions of FSA and certain individuals that work with FSA or who have received awards from FSA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

(1) to individuals, both public and private, for the purpose of introduction of individual at speaking engagements; and

(2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the records pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders.

Retrievability:

The records are indexed by individual name.

Continued on the next page

Systems of Records (Continued)

Safeguards:

The records are kept in a locked office.

Retention and disposal:

The records are retained indefinitely on a currently updated basis.

System manager(s) and address:

Director, Public Affairs Staff, USDA/FSA, Stop 0506, P.O. Box 2415, Washington, D.C.
20013-2415.

Notification procedure:

An individual may request information regarding this system of record, or information as to whether this system contains records pertaining to such individual by contacting the System Manager listed above.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Directly from the individual.

Continued on the next page

Systems of Records (Continued)

System Name:

Farm Records File (Automated), USDA/FSA-2.

System Location:

This system of records is under the control of the Deputy Administrator, for Program Delivery and Field Operations, FSA, USDA, Stop 0539, P.O. Box 2415, Washington, D.C. 20013. The data will be maintained at the county FSA office which services the particular farm, the State FSA Office of the State where the particular county FSA office is located, the Kansas City Management Office, 8930 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205; the Kansas City Commodity Office, P.O. Box 419205, 9200 Ward Parkway, Kansas City, Missouri 64141-0205, and the FSA National Office. The address of each county and State FSA office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Farm Service Agency."

Categories of individuals covered by the system:

Farm owners, operators, and other producers.

Categories of records in the system:

The information in the system consists of documentation of participation in the active programs as well as discontinued programs. This includes but is not necessarily limited to farm allotments, quotas, bases, and history; compliance data; production and marketing data; lease and transfer of allotments and quotas; appeals; new grower applications; conservation program documents; program participation and payment documents; appraisals, leases, and data for farm reconstitution; and, for payment limitation purposes, financial statements, and other applicable farm information as well as such documents as tax statements, wills, trusts, partnership agreements, and corporate charters.

Authority for maintenance of the system:

7 U.S.C. 135b, 450j, 450k, 405l, 1281-1393, 1421-1449, 1461-1469, 1471-1471i, 1781-1787; 15 U.S.C. 714-714p; 16 U.S.C. 590a-590q, 1301-1311, 1501-1510, 1606, 2101-2111, 2201-2205, 3501, 3801-3847, 4601, 5822; 26 U.S.C. 6109; 40 U.S.C. App. 1, 2, 203; 43 U.S.C. 1592; and 48 U.S.C. 1469.

Purpose:

To facilitate the Congressional mandate that FSA and CCC operate farm programs that control the price and supply of certain agricultural commodities, that protect the environment and enhance the marketing and distribution of certain agricultural commodities.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

Continued on the next page

Systems of Records (Continued)

(1) to a cooperative marketing association approved to carry out CCC price support loan and marketing programs only that data regarding member's and related individual's participation in such programs;

(2) to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any records within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;

(3) to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery to the extent that records sought are relevant to the subject of the proceeding;

(4) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

(5) to the Internal Revenue Service to establish the tax liability of individuals as required by the Internal Revenue Code;

(6) to a State or local tax authorities having an agreement with CCC to withhold taxes or fees from loan proceeds;

(7) to the Bureau of Reclamation (BOR) only that data necessary for the BOR to administer the Reclamation Act of 1982 as amended; such information may consist of:

- landowners' names
- lessees' names
- lessors' or tenants' names
- operator name
- the number of acres owned, leased, and/or operated by those landowners, lessees, lessors, tenants, or operators
- the number of irrigated acres
- a description of the land in question including a legal description when available
- an aerial photocopy of the land in question
- spouse's name
- dependent's names
- addresses of landowners, lessees, lessors, tenants, operators, spouses, and dependents

Continued on the next page

Systems of Records (Continued)

- identification numbers of landowners, lessees, lessors, tenants, operators, spouses, and dependents. This includes Social Security numbers or Federal employer identification numbers.
- resident/nonresident alien status of landowners, lessees, lessors, tenants, operators, spouses, and dependents.
- cropping information for individual farms and/or tracts.
- multi-county producer data of landowners, lessees, lessors, tenants, operators, spouses, and dependents.
- combined entity reports of landowners, lessees, lessors, tenants, operators, spouses, and dependents.

(8) to boards or other entities authorized by state statute to collect commodity assessments;

(9) to the Federal State Inspection Service;

(10) to the Peanut Board with respect to producers of peanuts and their participation in the peanut price support, production control and quota programs;

--(11) to the Bureau of Indian Affairs the name and address of producers to assist in the--
distribution of funds to Native American Indians;

(12) to candidates for FSA county and/or community committee positions the names and addresses of producers in the county for the purpose of county committee elections;

(13) to tobacco analysis laboratories the producers' names and addresses as well as crop-specific data regarding tobacco being analyzed prior to the marketing of such tobacco;

(14) to the public who may inspect farm allotment and quota data for marketing quota crops as required by the Agricultural Act of 1938, as amended;

(15) to State Foresters the names and addresses of producers and crop-specific data regarding their operations with respect to forestry conservation practices;

(16) to cotton buyers the names of cotton producers;

(17) to cotton ginneries the names, addresses and cotton acreages;

(18) to members of Congress the names and addresses of producers;

Continued on the next page

Systems of Records (Continued)

(19) to the public when they need to obtain the names and addresses of producers who have loans with FSA or CCC to prevent such individual from purchasing commodity that has been placed under a CCC loan; and

--(20) to State or local taxing authorities or their contracted appraisal companies the name of and address of producers for tax appraisal purposes.--

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders and Department computer systems at applicable location as set out above under the heading "System Location".

Retrievability:

Records may be indexed by individual name, farm number, tax identity number, Social Security number, or loan number.

Safeguards:

Records are kept in locked Government office buildings. Access to these records are limited to authorized FSA personnel and representatives. Records stored in computer files are protected by passwords and other electronic security systems. Additionally, any negotiable documents, such as warehouse receipts are kept in a fireproof cabinet.

Retention and disposal:

Program documents are destroyed within 6 years after end of participation, except for conservation program documents which are retained for periods sufficient to insure compliance equal to the life of the practice. Other documents, such as powers of attorney or leases, are destroyed after such document is no longer valid. Original loan notes are returned to producers after liquidation of loan.

System manager(s) and address:

--Executive Director for State Operations (EDSO), FSA, USDA, Stop 0539, Washington, DC 20250-0539.--

Notification procedure:

An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to the individual from the System Manager listed above.

Continued on the next page

Systems of Records (Continued)

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in this system is submitted by county and State Committee and their representatives, the Office of the Inspector General and other investigatory agencies, the Office of the General Counsel, the Kansas City Commodity Office, the Kansas City Management Office, the Natural Resources and Conservation Service and by third parties and by the individual who is the subject of the file.

System Name:

Consultants File, USDA/FSA-3

System location:

Information Technology Services Division, USDA/FSA, Stop 0580, P.O. Box 2415, Washington D.C. 20013-2415.

Categories of individuals covered by the system:

Individuals who perform consulting services for FSA.

Categories of records in the system:

The information in this system consists of a summary of negotiations, executed contracts, descriptions of work and of work performed, schedules and purchase orders.

Authority for maintenance of system:

5 U.S.C 301; 15 U.S.C. 714-714p.

Continued on the next page

Systems of Records (Continued)

Purpose:

This system enables FSA to properly track work performed by consultants for the agency.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

- (1) to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for investigating or prosecuting a violation of law, or enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;
- (2) to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery to the extent that what is disclosed is relevant to the subject matter involved in a pending judicial or administrative proceeding; and
- (3) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in files folders at office listed above.

Retrievability:

The records may be indexed by name of the consultant or by FSA contract number.

Safeguards:

Records are kept in a locked Government office building. Access to these records are limited to authorized FSA personnel and representatives. Records stored in computer files are protected by passwords and other electronic security systems.

Retention and disposal:

The records are retained for six years after the fiscal year contract is awarded.

Continued on the next page

Systems of Records (Continued)

System manager and address:

Director, Information Technology Services Division, USDA/FSA, Stop 0580, P.O. 2415, Washington, D.C. 20013-2415.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual from the System Manager listed above.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in this system is provided by the individual consultants, FSA employees and representatives, third party observers, the Office of the Inspector General, and other investigatory agencies.

System name:

Cotton Loan Clerks, USDA/FSA-4

System location:

This system of records is under the control of the county FSA office where approved clerks will execute loan documents. The address of each county FSA office can be found in local telephone directory under heading "United States Government, Department of Agriculture, Farm Service Agency."

Categories of individuals covered by the system:

Individuals who request permission to process loan documents.

Continued on the next page

Systems of Records (Continued)

Categories of records in the system:

The system consists of agreements and other related information concerning agreements between cotton clerks and CCC.

Authority for maintenance of system:

15 U.S.C. 714-714p.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

- (1) to lending agencies that participate in the CCC Cotton Loan Program; and
- (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

Purpose:

This system is maintained to enable FSA to track and administer its agreements with cotton loan clerks.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in the Department's computers and in file folders at the appropriate county FSA offices.

Retrievability:

Records are indexed by name of individual.

Safeguards:

Records are kept in a locked Government office building. Access to these records are limited to authorized FSA personnel and representatives. Records stored in computer files are protected by passwords and other electronic security systems.

Retention and disposal:

The records are retained six years after the agreement is canceled or suspended.

System manager and address:

Director, Price Support Division, USDA/FSA, Stop 0512, P.O. 2415, Washington, D.C. 20013-2415.

Continued on the next page

Systems of Records (Continued)

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual from the System Manager listed above.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in this system is provided by the individual consultants, FSA employees and representatives, third party observers, the Office of the Inspector General and other investigatory agencies.

System name:

County Office Employees Administrative Expense File, USDA/FSA-5

System location:

County FSA office by which individual is employed, except that some records concerning county office employees are on file in State FSA offices and the Kansas City Management Office, 8930 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205. The address of each FSA State and county office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Farm Service Agency."

Categories of individuals covered by the system:

FSA county and community committee members and FSA representatives who are employed in county offices.

Continued on the next page

Systems of Records (Continued)

Categories of records in the system:

The information in this system contains the names of all county FSA committee members and FSA employees and information such as: identifying number (Social Security Number), race code, sex code, State code, county code, biweekly amount of payroll check including deduction amounts for FICA, Federal, State and local withholding, Thrift Savings Plan, FEHBA, FEGLI (Optional), NASCO dues, and bonds. Also records of the date of birth, CO Grade and step, service computation date, last WGI, health code, cumulative and current retirement deduction, date severance pay ceases.

Authority for maintenance of system:

5 U.S.C. 8331, 8701, 8901; 16 U.S.C. 590h.

Purpose:

To facilitate the accounting of administrative expenses incurred by county FSA offices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

- (1) to the Internal Revenue Service as required by the Internal Revenue Code and other related statutes;
- (2) a State Revenue Board and local tax authorities as required by law;
- (3) the Office of Personnel Management for fringe benefits withholdings, 5 U.S.C 8331, 8701, 8901;
- (4) the Social Security Administration for FICA withholdings;
- (5) the general public with respect to county committee members for the purpose of maintaining accountability of these committee members to their constituent producers;
- (6) the Federal Civilian Personnel Records Center, St. Louis, Missouri, as a permanent record of service with FSA;
- (7) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or enforcing or implementing a statute, or a rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;

Continued on the next page

Systems of Records (Continued)

(8) the Department of Justice when (a) the agency, or any component thereof; or (b) any representative of the agency in his or her official capacity; or (c) any representative of the agency in his or her individual capacity where the Department of Justice has agreed to represent the individual; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(9) a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; (b) any representative of the agency in his or her official capacity; (c) any representative of the agency in his or her individual capacity where the agency has agreed to represent the individual; or (d) the United States, where the agency determines that a litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(10) a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains;

(11) a collection or servicing contractor, or a local, State, or Federal agency, when FSA determines a referral is appropriate for servicing or collecting the debtor's account or as provided for in contracts with servicing or collection agencies;

(12) to the Internal Revenue Service to enable it to offset against Federal income tax refunds to satisfy past-due, legally enforceable debts owed to USDA;

(13) to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act, as amended (31 U.S.C. 3701(a)(3)); and

(14) to local banks when savings bonds are purchased.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Continued on the next page

Systems of Records (Continued)

Storage:

The records are maintained in file folders in the county office and stored in Department computer system at the Kansas City Computer Center, 8930 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205.

Retrievability:

The records may be indexed by social security number or by the individual's name.

Safeguards:

The records are kept in secured Government buildings. Access is limited to authorized FSA representatives. Computer files are protected by authorization codes, passwords and other safeguard technology.

Retention and disposal:

The records are retained indefinitely on a currently updated basis.

System manager and address:

Director, Kansas City Management Office, 8930 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual from the System Manager listed above.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Continued on the next page

Systems of Records (Continued)

Record source categories:

Information in this system is provided by the individual, FSA employees and representatives, third party observers, the Office of the Inspector General and other investigatory agencies.

System name:

County Personnel Records, USDA/FSA-6

System location:

County FSA office by which individual is employed, except that some records concerning county office employees are on file in State FSA offices and the FSA Human Resources Division, USDA/FSA, Stop 0590, P.O. Box 2415, Washington D.C. 20013-2415. The address of each FSA State and county office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Farm Service Agency."

Categories of individuals covered by the system:

FSA county and community committeemen and employees who are employed in county FSA offices.

Categories of records in the system:

Information in this system consists of personnel official records of county FSA employees including documents such as employment applications, oaths of office, personnel actions, job descriptions, performance data, life and health insurance forms, annual pay status records, retirement record cards, and any other documents, letters, or records regarding the individual's employment in the county office.

Authority for maintenance of system:

5 U.S.C. 8331, 8701, 8901; 16 U.S.C. 590h.

Purpose:

This system of records is maintained to retain necessary personal records of FSA county office employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

- (1) to the Internal Revenue Service as required by the Internal Revenue Code and other related statutes;
- (2) to a State Revenue Board and local tax authorities as required by law;

Continued on the next page

Systems of Records (Continued)

(3) to the Office of Personnel Management for fringe benefits withholdings, 5 U.S.C 8331, 8701, 8901;

(4) to the Social Security Administration for FICA withholdings;

(5) to the general public with respect to county committee members for the purpose of maintaining accountability of these committee members to the their constituent producers;

(6) to the Federal Civilian Personnel Records Center, St. Louis, Missouri, as a permanent record of service with FSA;

(7) to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or enforcing or implementing a statute, or a rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;

(8) to the Department of Justice when (a) the agency, or any component thereof; or (b) any representative of the agency in his or her official capacity; or (c) any representative of the agency in his or her individual capacity where the Department of Justice has agreed to represent the individual: or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(9) to a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; (b) any representative of the agency in his or her official capacity; (c) any representative of the agency in his or her individual capacity where the agency has agreed to represent the individual; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

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Systems of Records (Continued)

- (10) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains;
- (11) to a collection or servicing contractor, or a local, State, or Federal agency, when FSA determines a referral is appropriate for servicing or collecting the debtor's account or as provided for in contracts with servicing or collection agencies;
- (12) to the Internal Revenue Service to enable it to offset and satisfy past-due, legally enforceable debts owed to USDA against Federal income tax refunds;
- (13) to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act, as amended (31 U.S.C. 3701(a)(3));
- (14) to local banks when savings bonds are purchased; and
- (15) to a Federal agency, in response to its request, in connection with hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license or other benefit by the requesting agency, to the extent that this information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders in the county office and stored in Department computers and on magnetic tape at the applicable locations above.

Retrievability:

The records may be indexed by individual's name or social security number.

Safeguards:

The records are kept in secured Government buildings. Access is limited to authorized FSA representatives. Computer files are protected by authorization codes, passwords and other safeguard technology.

Continued on the next page

Systems of Records (Continued)

Retention and disposal:

The records are retained on site for duration of employment and are transferred to Civilian Personnel Records Center, St. Louis, Missouri, after separation. The records in county offices are kept in a locked fireproof file in a Government office building. Other records are stored in cabinets in a locked or secured Government office.

System manager(s) and address:

Director, Human Resources Division, USDA/FSA, Stop 0590, P.O. 2415, Washington, D.C. 20013-2415.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual from the System Manager listed above.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in this system is provided by the individual, FSA employees and representatives, the Office of the Inspector General and other investigatory agencies.

Continued on the next page

Systems of Records (Continued)

System name:

Employee Resources Master File, USDA/FSA-7

System location:

Kansas City Management Office, 8930 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205.

Categories of individuals covered by the system:

Federal Employees (career, career conditional, temporary, general schedule, and wage board) who are presently employed in the Management Office.

Categories of records in the system:

Contains names of all individuals identified in the preceding paragraph and such information as social security number, date of birth, service date (for retirement and annual leave) pay plan, grade, step, occupational series, and annual salary, daily salary rate, hourly salary rate, overtime hourly rate, training course number, course sponsor, course title, hour credit, and completion date.

Authority for maintenance of system:

5 U.S.C. 301.

Purpose:

This system of records is maintained to retain necessary personnel records of FSA employees at the Kansas City Management Office to facilitate the processing of personnel matters.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practice for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in the Department's computer system at the Kansas City Computer Center, 8930 Ward Parkway, P.O. 419205, Kansas City, Missouri 64141-0205.

Retrievability:

The records are indexed by employee name.

Continued on the next page

Systems of Records (Continued)

Safeguards:

The records are kept in secured Government buildings. Access is limited to authorized FSA representatives. Computer files are protected by authorization codes, passwords and other safeguard technology.

Retention and disposal:

The records are retained indefinitely on a currently updated basis.

System manager(s) and address:

Director, Kansas City Management Office, 8930 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual, from the System Manager listed above.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Summary of data maintained in the Official Personnel Folder.

Continued on the next page

Systems of Records (Continued)

System name:

EEO Advisory Committee and Counselors, USDA/FSA-8

System location:

Office of the Deputy Administrator, Management, USDA/FSA, Stop 0561, P.O. Box 2415, Washington D.C. 20013-2415.

Categories of individuals covered by the system:

Individuals who have been selected or considered to serve on the EEO Committee or to be an EEO Counselor.

Categories of records in the system:

Information in this system consists of the individual's EEO qualifications.

Authority for maintenance of system:

42 U.S.C. 2000d and 2000e.

Purpose:

To facilitate the tracking of individuals who have served on EEO Committees or as EEO Counselors as required.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

(1) to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or enforcing or implementing a statute, or a rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;

(2) to the Department of Justice when (a) the agency, or any component thereof; or (b) any representative of the agency in his or her official capacity; or (c) any representative of the agency in his or her individual capacity where the Department of Justice has agreed to represent the individual; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected; and;

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Systems of Records (Continued)

(3) to a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; (b) any representative of the agency in his or her official capacity; (c) any representative of the agency in his or her individual capacity where the agency has agreed to represent the individual; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders and Department computer records at the office listed above.

Retrievability:

The records may be indexed by individual name and by social security number.

Safeguards:

The records are kept in secured Government buildings. Access is limited to authorized FSA representatives. Computer files are protected by authorization codes, passwords and other safeguard technology.

Retention and disposal:

The records are retained for two years after individual ceases to serve as a committee person or counselor.

System manager(s) and address:

EEO and Civil Rights Staff, USDA/FSA, Stop 0509, P.O. 2415, Washington, D.C. 20013-2415, telephone (202) 720-3901.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual, from the System Manager listed above.

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Systems of Records (Continued)

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information is supplied to this system by the subject individual.

System name:

Complaints and Discrimination Investigation Handled by the EEO Staff, USDA/FSA-9

System location:

Office of the Deputy Administrator, Management, USDA/FSA, Stop 0560, P.O. Box 2415, Washington, D.C. 20013-2415, and in offices of each EEO counselor at address posted on bulletin boards in Washington, D.C.

Categories of individuals covered by the system:

Individuals who have filed formal allegations of discrimination.

Categories of records in the system:

Preliminary inquires, audit, investigation reports and supporting material.

Authority for maintenance of system:

42 U.S.C. 2000d, 2000e, 42 U.S.C. 6101, et seq.

Purpose:

To facilitate the tracking of discrimination complaints and investigations as required.

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Systems of Records (Continued)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

(1) to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or enforcing or implementing a statute, or a rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;

(2) to the Department of Justice when (a) the agency, or any component thereof; or (b) any representative of the agency in his or her official capacity; or (c) any representative of the agency in his or her individual capacity where the Department of Justice has agreed to represent the individual; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(3) to a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; (b) any representative of the agency in his or her official capacity; (c) any representative of the agency in his or her individual capacity where the agency has agreed to represent the individual; or (d) the United States, where the agency determines that a litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected; and

(4) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders and Department computers at the offices listed above.

Continued on the next page

Systems of Records (Continued)

Retrievability:

The records are indexed by individual name.

Safeguards:

The records are kept in secured Government buildings. Access is limited to authorized FSA representatives. Computer files are protected by authorization codes, passwords and other safeguard technology.

Retention and disposal:

The records are retained for three years after case is closed.

System manager and address:

Civil Rights and Small Business Development Staff, USDA/FSA, Stop 0509, P.O. 2415, Washington, D.C. 20013-2415.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual from the System Manager listed above.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their requests to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Individual preliminary inquiries, third party observers, audit and investigation reports.

Continued on the next page

Systems of Records (Continued)

Systems exempted from certain provisions of the act:

This system has been exempted pursuant to 5 U.S.C. 552a(k) from the requirements of 5 U.S.C. 552a(c)(3)(d), (e)(1), (e)(4)(G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. Individual access to these files could impair investigations and alert subjects of investigations that the activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and of existence and identity of confidential sources of information would hamper law enforcement activity.

System name:

Investigation and Audit Reports, USDA/FSA-10

System location:

Executive Secretariat Staff, USDA/FSA, Stop 0504, P.O. Box 2415, Washington, D.C. 20013-2415, Kansas City Commodity Office, 9200 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205, Kansas City Management Office, 8930 Ward Parkway, P.O. Box 419205, Kansas City, Missouri 64141-0205. Each State FSA office at address listed in local telephone directory under the heading "United States Government, Department of Agriculture, Farm Service Agency."

Categories of individuals covered by the system:

Individuals who are subjects of a formal investigation of alleged program or administrative irregularities.

Categories of records in the system:

Information in this system consists of files on investigations and individuals, including program documents, investigation reports, statements of observers, accident reports and agency reports.

Authority for maintenance of system:

5 U.S.C. 301.

Purpose:

To facilitate FSA's obligation to issue payments or benefits only to those who are eligible to receive such payments or benefits under law or agreement.

Continued on the next page

Systems of Records (Continued)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

(1) to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or enforcing or implementing a statute, or a rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;

(2) to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, information which constitutes evidence in that proceeding, or which is sought in the course of discovery to the extent that what is disclosed is relevant to the subject matter involved in a pending judicial or administrative proceeding; and

(3) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders and Department computers at the applicable addresses listed above.

Retrievability:

The records may be indexed by name of individual being investigated or investigation case number.

Safeguards:

The records are kept in secured Government buildings. Access is limited to authorized FSA representatives. Computer files are protected by authorization codes, passwords and other safeguard technology.

Retention and disposal:

Investigation records are retained for ten years after case is closed. Audit records are destroyed eight years after case is closed.

System manager and address:

Director, Executive Secretariat Staff, USDA/FSA, Stop 0504, P.O. 2415, Washington, D.C. 20013-2415.

Continued on the next page

Systems of Records (Continued)

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual from the System Manager listed above.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in this system is provided by the individual, FSA employees and representatives, third party observers, the Office of the Inspector General and other investigatory agencies.

Systems exempted from certain provisions of the act:

This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3)(d), (e)(1), (e)(4) (G), (H), and (I) and (f) because it consists of investigatory material compiled for law enforcement purposes. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and of existence and identity of confidential sources of information would hamper law enforcement activity.

System name:

Subsidiary Personnel, Pay and Travel Records, USDA/FSA-11

System location:

Any FSA office where individual is employed at the address shown in the local telephone directory under the heading, "United States Government, Department of Agriculture, Farm Service Agency."

Categories of individuals covered by the system:

Individuals employed by FSA.

Continued on the next page

Systems of Records (Continued)

Categories of records in the system:

Information in this system consists of personnel actions, training records, performance ratings, earning statements, time and attendance reports, travel authorizations and vouchers, payroll deduction records, record of accountable documents charged to employee, appeal cases, and conflict of interest statements.

Authority for maintenance of system:

5 U.S.C. 301.

Purpose:

To facilitate FSA responsibility to follow federal civil service and other applicable employment laws and regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

- (1) to prospective government employers and other prospective employers when employee gives immediate supervisor or coworker as reference;
- (2) to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, or a rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;
- 3) to the Department of Justice when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

Continued on the next page

Systems of Records (Continued)

(4) in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that disclosure of the records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(5) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains;

(6) to a collection or servicing contractor, or a local, State, or Federal agency, when FSA determines a referral is appropriate for servicing or collecting the debtor's account or as provided for in contracts with servicing or collection agencies;

(7) to the Internal Revenue Service to enable it to offset and satisfy past-due, legally enforceable debts owed to USDA against Federal income tax refunds; and

(8) to consumer reporting agencies pursuant to 5 U.S.C. 552a(b)(12) and as defined by the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are maintained in file folders and in Department computers at addresses referenced above.

Retrievability:

The records may be indexed by name of individual employee or Social Security Number.

Safeguards:

The records are kept in secured Government buildings. Access is limited to authorized FSA representatives. Computer files are protected by authorization codes, passwords and other safeguard technology.

Continued on the next page

Systems of Records (Continued)

Retention and disposal:

The records are retained in active status during the employee's tenure at the organizational entity. After transfer or separation, maintained in inactive status to be used to answer employment inquiries. Conflict of interest statement retained 2 years after employee is separated.

System manager(s) and address:

Director, Human Resources Division, USDA/FSA, Stop 0590, P.O. 2415, Washington, D.C. 20013-2415.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual, from the System Manager listed above.

Record access procedure:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in these records is obtained directly from the employee, the Office of Personnel Management, FSA employees and representatives, third party observers, the Office of the Inspector General and other investigatory agencies.

Continued on the next page

Systems of Records (Continued)

System name:

Tort, Program, And Civilian Employee Claims, USDA/FSA-12

Security classification:

None.

System location:

Any FSA office having jurisdiction over the claim at the location listed in the local telephone directory under the heading "United States Government, Farm Service Agency."

Categories of individuals covered by the system:

Individual by whom or against whom claim involving FSA or CCC has been filed.

Categories of records in the system:

Information in this system includes files on individual claims, including claim forms, police records, investigation and accident reports, statements of observers, and agency reports.

Authority for maintenance of system:

5 U.S.C. 8101-8150; 7 U.S.C. 135b, 450j, 450k, 405l, 1281-1393, 1421-1449, 1461-1469, 1471-1471i, 1781-1787; 15 U.S.C. 714-714p; 16 U.S.C. 590a-590q, 1301-1311, 1501-1510, 1606, 2101-2111, 2201-2205, 3501, 3801-3847, 4601, 5822; 26 U.S.C. 6109; 28 U.S.C. 2671-2680; 40 U.S.C. App. 1, 2, 203; 43 U.S.C. 1592; and 48 U.S.C. 1469.

Purpose:

To facilitate FSA responsibilities to investigate and resolve tort and civilian employee claims against FSA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

(1) to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or enforcing or implementing a statute, or a rule, regulation or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or rule, regulation or order issued pursuant thereto;

(2) to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery to the extent that what is disclosed is relevant to the subject matter involved in a pending judicial or administrative proceeding;

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Systems of Records (Continued)

(3) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains;

(4) to the Department of Labor for claims arising under the Federal Employees Compensation Act;

(5) to insurance companies where necessary for resolution of claim; and

(6) to cotton loan clerks, a list of producer names and addresses, for the purpose of offsetting claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are kept in folders and in Department computers at the locations indicated above.

Retrievability:

The records may be indexed by name or by claimant number.

Safeguard:

The records are kept in secured Government buildings. Access is limited to authorized FSA representatives. Computer files are protected by authorization codes, passwords and other safeguard technology.

Retention and disposal:

The records are retained after settlement for six years if CCC and five years if appropriated funds are involved.

System manager(s) and address:

Director, Financial Management Division, USDA/FSA, Stop 1062, P.O. 2415, Washington, D.C. 20013-2415.

Notification procedure:

An individual may request information regarding this system of records, or information as to whether this system contains records pertaining to such individual from the System Manager listed above.

Continued on the next page

Systems of Records (Continued)

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in this system comes primarily from claimants, observers, agency employees, and investigative personnel.

System name:

Claims Data Base (Automated), USDA/FSA-13

System location:

Kansas City Management Office, USDA/FSA, 8930 Ward Parkway, Kansas City, MO 64114.

Categories of individuals covered by the system:

Agricultural producers.

Categories of records in the system:

Information identifying the delinquent debtor, such as name, address, producer identification number (social security number or taxpayer identification number); information relating to claim identification, such as claim control number, which is comprised of a State and county code and an alpha-numeric control number; codes identifying the type of claim and the basis for establishing the claim; identification of programs under which the claim arose; date the claim arose; loan, farm or contract number; interest rate applied to claim; the date interest on the claim starts and the principal amount of the claim; information related to claims actions and status changes which have occurred since the claim was initially established, such as transfers from originating FSA office to other FSA State or county offices and referrals to the Office of the General Counsel for legal action; termination of claims actions; changes in claim amount resulting from compromises, addition of collection or court costs and brief remarks which identify or clarify actions being taken by the FSA office submitting the claim information.

Continued on the next page

Systems of Records (Continued)

Authority for maintenance of the system:

7 U.S.C. 1281-1393; 7 U.S.C. 1421-1449 and 15 U.S.C. 714-714p.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: USDA employees maintain and update the system with expanded claims data for assistance in preparation of the SF-220 report (Report on Status of Accounts and Loans Receivable from the Public) and the production of other debt management reports. Records contained in this system may be disclosed:

(1) to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;

(2) to the Department of Justice when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(3) to a proceeding before a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation; and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

(4) to a congressional office from the record of an individual in response to an inquiry from the congressional office at the request of the individual;

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Systems of Records (Continued)

(5) to a commercial credit reporting agency for it to make the information publicly available. Only that information directly related to the identity of the debtor and history of the claim will be released. Debtor information will consist of the following: The debtor's name, address, taxpayer identification number, and other information necessary to establish the identity of the debtor; the amount, status, and history of the claim, and the program under which the claim arose;

(6) to a collection or servicing contractor, or a local, State, or Federal agency, when FSA determines a referral is appropriate for servicing or collecting the debtor's account or as provided for in contracts with servicing or collection agencies;

(7) to the Internal Revenue Service to enable it to offset and satisfy past-due, legally enforceable debts owed to USDA against Federal income tax refunds;

(8) to the Department of Defense, information regarding indebtedness, for the purpose of conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by FSA/CCC in order to collect debts under the provisions of the Debt Collection Act of 1982 (Pub.L. No. 97-365) by voluntary repayment, administrative or salary offset procedures, or by collection agencies;

(9) to the United States Postal Service, information regarding indebtedness, for the purpose of conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by FSA/CCC in order to collect debts under the provisions of the Debt Collection Act of 1982 (Pub. L. 97-365) by voluntary repayment, administrative or salary offset procedures, or by collection agencies.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12):

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Claims Data Base records are stored on disk files. The data base is duplicated on magnetic tape files.

Continued on the next page

Systems of Records (Continued)

Retrievability:

Records can be accessed by producer identification number (if available), farm number or State, county and claim number.

Safeguards:

On-line access to data in the Claims Data Base (Automated) is controlled by password protection.

Retention and disposal:

Claim records remain on the data base for four months after a claim has been zero-balanced, at which time the data is transferred from disk to tape files. The data is retained on tape files for one year. Data on magnetic tape files is then written over for disposal.

System manager(s) and address:

Director, Kansas City Management Office, FSA, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114.

Notification procedure:

An individual may request information as to whether the system contains records pertaining to such individual from the Director, Kansas City Management Office, FSA, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114. A request for information regarding an individual should include: full name, address, ZIP code, producer identification number (if available), farm number or claim number, and any other pertinent information to help identify the file. Before information about any record is released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

Record access procedures:

An individual may obtain information about a record in the system which pertains to such individual by submitting a written request to the above listed System Manager. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend the information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

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Systems of Records (Continued)

Record source categories:

Records in this system come primarily from documents submitted by the FSA county office maintaining farm records on the individual producer. Information in these records is obtained directly from the individuals in the system.

System name:

Applicant/Borrower, USDA/FSA-14

System location:

Each Farm Service Agency (FSA) applicant's/borrower's records are located in the Agricultural Credit Team Office, County, District, or State Office through which the financial assistance is sought or was obtained, and electronic account records are in the Finance Office in St. Louis, Missouri. A State Office version of the Team Office, County or District office file may be located in or accessible by the State Office which is responsible for that Agricultural Credit Team, County or District Office. Correspondence regarding borrowers is located in the Agricultural Credit Team, County, District, State and National Office files. The addresses of Agricultural Credit Team, County, District and State Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farm Service Agency." The Finance Office is located at 1520 Market Street, St. Louis, Missouri 63103.

Categories of individuals covered by the system:

Present and former FSA applicants/borrowers and their respective household members including members of associations.

Categories of records in the system:

The system includes files containing characteristics of applicants/borrowers and their respective household members, such as gross and net income, sources of income, capital, assets and liabilities, net worth, age, race, number of dependents, marital status, reference material, farm or ranch operating plans, and property appraisals. The system also includes credit reports and personal references from credit agencies, lenders, businesses, and individuals. In addition, a running record of observation concerning the operations of the person being financed is included. A record of deposits to and withdrawals from an individual's supervised bank account is also contained in those files where appropriate. In some Agricultural Credit Team and County Offices, this record is maintained in a separate folder containing only information relating to activity within supervised bank accounts. Some items or information are extracted from the individual's file and placed in a card file for quick reference.

Authority for maintenance of the system:

7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 42 U.S. C. 2706.

Continued on the next page

Systems of Records (Continued)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

(1) to the appropriate agency, whether Federal, State, local, tribal, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute or a rule, regulation or order issued pursuant thereto, or of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving agency;

(2) to business firms in a trade area that buy chattel or crops or sell them for commission. The disclosure may include the name, home address, social security number, and financial information. This is being done so that FSA may benefit from the purchaser notification provisions of section 1324 of the Food Security Act of 1985 (7 U.S.C. 163(e)). The Act requires that potential purchasers of farm commodities must be advised ahead of time that a lien exists in order for the creditor to perfect its lien against such purchases;

(3) to the appropriate authority when a default involves a security interest in tribal allotted or trust land. The disclosure may include the name, home address, and information concerning default on loan repayment. Pursuant to the Cranston-Gonzales National Affordable Housing Act of 1990 (42 U.S.C. 12701 et. seq.), liquidation may be pursued only after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe(s);

(4) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the written request of that individual;

(5) to a collection or servicing contractor, financial institution, or a local, State, or Federal agency, when FSA determines such referral is appropriate for servicing or collecting the borrower's account or as provided in contracts with servicing or collection agencies. The disclosure may include name, home address, social security number, and financial information;

(6) in a proceeding before a court or adjudicative body, when: (a) the agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation and, by careful review, the agency determines that the records are both relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records is a use of the information contained in the records that is compatible with the purpose for which the agency collected the records;

Continued on the next page

Systems of Records (Continued)

(7) to financial consultants, advisors, lending institutions, packagers, agents, and private or commercial credit sources when FSA determines such referral is appropriate to encourage the borrowers to refinance their FSA indebtedness as required by Title V of the Housing Act of 1949, as amended (42 U.S.C. 1471). The disclosure may include name, home address, and financial information for selected borrowers;

(8) to the Department of Treasury, Internal Revenue Service (IRS), any legally enforceable debt(s), to be offset against any tax refund that may become due the debtor for the tax year in which the referral is made, in accordance with the IRS regulations at 26 CFR 301.6402-6T, Offset of Past Due Legally Enforceable Debt Against Overpayment, and under the authority contained in 31 U.S.C. 3720A;

(9) to the Defense Manpower Data Center, Department of Defense, and the United States Postal Service any information regarding indebtedness, for the purpose of conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by the FSA in order to collect debts under the provisions of the Debt Collection Act of 1982 (5 U.S.C. 5514) by voluntary repayment, administrative or salary offset procedures, or by collection agencies;

(10) to lending institutions any financial information when FSA determines the individual may be financially capable of qualifying for credit with or without a guarantee. The referral may contain name, home address, and financial information;

(11) to lending institutions that have a lien against the same property as FSA, for the purpose of collection of the debt. These loans can be under the direct or guaranteed loan programs. Disclosure may include names, home addresses, social security numbers, and financial information;

(12) to private attorneys under contract with either FSA or with the Department of Justice for the purpose of foreclosure and possession actions and collection of past due accounts in connection with FSA loans;

(13) to the Department of Justice when: (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records;

Continued on the next page

Systems of Records (Continued)

(14) to the Department of Housing and Urban Development (HUD) as a record of location utilized by Federal agencies for an automatic credit prescreening system. The disclosure may include names, home addresses, social security numbers, and financial information;

(15) to the Department of Labor, State Wage Information Collection Agencies, and other Federal, State, and local agencies, as well as those responsible for verifying information furnished to qualify for Federal benefits, to conduct wage and benefit matching through manual and/or automated means, for the purpose of determining compliance with Federal regulations and appropriate servicing actions against those not entitled to program benefits, including possible recovery of improper benefits. The disclosure may include names, home addresses, social security numbers, and financial information; and

(16) to financial consultants, advisors, or underwriters, when FSA determines such referral is appropriate for developing packaging and marketing strategies involving the sale of FSA loan assets. The disclosure may include names, home addresses, and financial information.

Disclosure to consumer reporting agencies:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): Disclosure may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act (31 U.S.C. 3701(a)(3)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained electronically and in file folders at the Agricultural Credit Team, County, District, State, and National Offices. A limited subset of personal, financial and characteristics data required for effective management of the programs and borrower repayment status is maintained on disk or magnetic tape at the Finance Office. This subset of data may be accessed by the authorized personnel from each office.

Retrievability:

Records are indexed by name, identification number and type of loan. Data may be retrieved from paper records or the magnetic tapes. A limited subset is available through telecommunications capability, ranging from telephones to intelligent terminals. All FSA Agricultural Credit Team, State, National and some county offices have the telecommunications capability available to access this subset of data.

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Systems of Records (Continued)

Safeguards:

Records are kept in locked offices at the Agricultural Credit Team, County, District, State, and National Offices. A limited subset of data is also maintained in a tape and disk library and an on-line retrieval system at the Finance Office. Access is restricted to authorized FSA personnel. A system operator and terminal passwords and code numbers are used to restrict access to the online system. Passwords and code numbers are changed as necessary.

Retention and disposal:

Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366--380) and in accordance with FSA's disposal schedules. The Agricultural Credit Team, District, County, State and National Office dispose of records by shredding, burning, or other suitable disposal methods after established retention periods have been fulfilled. Finance Office records are disposed of by overprinting. (Destruction methods may never compromise the confidentiality of information contained in the records). Applications, including credit reports and personal references which are rejected, withdrawn, or otherwise terminated, are kept in the Agricultural Credit, County, District, or State Office for 2 full fiscal years and 1 month after the end of the fiscal year in which the application was rejected, withdrawn, canceled, or expired. If final action was taken on the application, including an appeal, investigation, or litigation, the application is kept for 1 full fiscal year after the end of the fiscal year in which final action was taken. The records, including credit reports, of borrowers who have paid or otherwise satisfied their obligations are retained at the Agricultural Credit Team, County, District, or State Office for 1 full fiscal year after the fiscal year in which the loan was paid in full. Correspondence records at the National Office which concern borrowers and applicants are retained for 3 full fiscal years after the last year in which there was correspondence.

System manager(s) and address:

The Agricultural Credit Manager at the Agricultural Credit Team Office or at the County Office, District Director at the District Office, and the State Executive Director at the State Office, the Assistant Administrator of the Finance Office for Finance Office in St. Louis, MO, and the FSA Administrator for the National Office at the following address: USDA/FSA Administrator, Stop 0501, P.O. 2415, Washington, D.C. 20250-2415.

Notification procedure:

Any individual may request information regarding this system of records, or determine whether the system contains records pertaining to themselves, from the appropriate Systems Manager. If specific location of the record is not known, the individual should address their request to: Administrator, FSA, Attention: Freedom of Information Officer, Stop 0506, P.O. Box 2415, Washington, D.C. 20013-2415. A request for information should include: name, address, State and county where the loan was applied for or approved, and particulars involved (i.e., date of request/approval, type of loan, etc.).

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Systems of Records (Continued)

Record access procedures:

Any individual may obtain information as to the procedures for gaining access to a record in this system which pertains to themselves by submitting a written request to one of the Systems Managers. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in this system comes primarily from the borrower. Credit reports and personal references come primarily from credit agencies and creditors.

Exemptions claimed for the system:

None.

System Name:

Designated Attorney and Escrow Agent File, USDA/FSA-15

System location:

Each designated attorney or escrow agent file is located in the Agricultural Credit Team or County Office and State Office in the State in which they are designated. In addition, all designated attorneys and escrow agents are listed at the National Office. The addresses of State and County offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farm Service Agency".

Categories of individuals covered by the system:

All FSA designated attorneys and escrow agents, including those whose designations have expired within the last year.

Categories of records in the system:

The system consists of a list of names of designated attorneys and escrow agents, and may include comments as to whether their performance has been satisfactory.

Authority for maintenance of this system:

7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

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Systems of Records (Continued)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

- (1) to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute or a rule, regulation or order issued pursuant thereto, or of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto;
- (2) to FSA borrowers prior to loan closing and to other interested parties upon request; and
- (3) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders at the appropriate location.

Retrievability:

Records are indexed by name.

Safeguards:

Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FSA personnel.

Retention and disposal:

Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FSA's disposal schedules. Records are destroyed one year after termination of the designation.

System manager(s) and address:

The Agricultural Credit Manager at the County level, District Director at the District level, the State Executive Director at the State level, and the Administrator, FSA, for the National Office file at the following address: USDA/FSA, Stop 0501, Washington, D.C. 20013-2415.

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Systems of Records (Continued)

Notification procedure:

Any individual may request information regarding this system of records, or information as to whether this system contains records pertaining to themselves from the appropriate systems manager. If the specific location of the record is not known, the individual should address the request to the Administrator (Attention: Freedom of Information Officer), USDA/FSA, Stop 0506, P.O. Box 2415, Washington, D.C. 20013-2415. A request for information pertaining to an individual should contain: name, address and State and county in which the individual was a designated attorney or escrow agent.

Records access procedures:

An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to themselves by submitting a written request to one of the Systems Managers referred to in the preceding paragraph. A request for information pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above System Manager, and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records pertaining to an individual should contain: name, address, ZIP code, name of system of record, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information comes primarily from the subject of the file.

System name:

Graduation File, USDA/FSA-16

System location:

Each borrower's graduation file is located in the Agricultural Credit Team Office or County Office through which the borrower obtained the loan and, in some cases, at the State Office responsible for that Agricultural Credit Team Office or County Office. The addresses of State and County Offices are listed in the telephone directory under the heading "United States Government, Department of Agriculture, Farm Service Agency."

Categories of individuals covered by the system:

All FSA borrower's whose loans are eligible for review to determine the borrower should obtain credit from other sources. All borrowers who have been in debt for at least three years on an emergency loan, an operating loan, or a real estate loan are considered eligible for review.

Continued on the next page

Systems of Records (Continued)

Categories of records in the system:

The system consists of files containing names of borrowers eligible for review, type of loan, whether graduation is advisable, and any communications with the borrower concerning whether the loan has been paid off or if the borrower is unable to refinance, as well as comments of the County Committee and the Agricultural Credit Manager.

Authority for maintenance of the system:

7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records contained in this system may be disclosed:

(1) to the appropriate agency, whether Federal, State, local, tribal, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute or a rule, regulation or order issued pursuant thereto, or of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving agency.

(2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(3) to financial consultants, advisors, lending institutions, packagers, agents, and private or commercial credit sources, when FSA determines such disclosure is appropriate to encourage contacting selected borrowers to facilitate the refinancing of their FSA indebtedness as required by Title V of the Housing Act of 1949, as amended.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed by name.

Safeguards:

Records are kept in locked offices at all offices, and access is restricted to authorized FSA personnel.

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Systems of Records (Continued)

Retention and disposal:

Records are retained for three years after the list of borrowers eligible for review was received by the Agricultural Credit Manager.

System manager(s) and addresses:

The Agricultural Credit Manager and the State Executive Director at the appropriate levels.

Notification procedure:

Any individual may request information regarding this system of records, or determine whether the system contains records pertaining to themselves, from the appropriate Systems Manager. If specific location of the record is not known, the individual should address their request to: Administrator, FSA, Attention: Freedom of Information Officer, Stop 0506, P.O. Box 2415, Washington, D.C. 20013-2415. A request for information should contain: name, address, the FSA Office where loan or was applied for or approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

Record access procedures:

Any individual may obtain information regarding the procedures for gaining access to a record in the system which pertains to themselves by submitting a written request to one of the Systems Managers referred to in the preceding paragraph. The envelope and letter should be marked "Privacy Act Request." A request for information should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the above listed System Manager and should include the reason for contesting it and the proposed amendment to the information with supporting information to show how the record is inaccurate. A request for contesting records should contain: name, address, ZIP code, name of the system of records, year of records in question, and any other pertinent information to help identify the file.

Record source categories:

Information in this system comes primarily from the borrower.
