

5 FAH-3 H-200 PERSONAL NAMES

(TL:TAGS-18; 08-30-2000)

NOTE ON THE PRIVACY ACT OF 1974

(TL:TAGS-18; 08-30-2000)

The Privacy Act of 1974 restricts the manner in which Federal agencies collect, maintain, use, and disseminate personal information and mandates access to the personal information by the individual in most instances. Outlined below are three provisions of the Privacy Act which address the manner in which agencies may collect and use personal information, and guidance on use of names on the TAGS or Subject lines of airgrams, telegrams and memoranda.

- 1. Relevant and Necessary.** Subsection (e)(1) of the Act requires agencies to collect and maintain only that information about individuals that is both relevant and necessary to accomplish an agency function in order to reduce the intentional or inadvertent misuse of personal data. In simplest terms, information not collected cannot be misused.
- 2. Accurate, Relevant, Timely, Complete.** The Act recognizes, however, that agencies need to collect information about individuals in order to carry out their responsibilities. Such information has to be accurate, relevant and as timely and complete as is reasonably necessary to assure fairness to the individual. The objective of this provision is to minimize, if not eliminate, the risk that an agency will make an adverse determination about an individual on the basis of inaccurate, incomplete, irrelevant, or out-of-date records.
- 3. First Amendment Rights.** Under subsection (e)(7) of the Act, Congress established special restrictions on the reporting of "First Amendment rights". All Federal agencies should:

maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity...

Although there is no universal agreement on how an individual exercises

First Amendment rights, most agencies have applied the interpretation broadly, as directed by the OMB Guidelines for Privacy Act interpretation. However, the question which so often arises from the Department is how to interpret this directive when reporting on the activities of U.S. citizens residing *abroad*.

As a general rule, names of individuals who exercise First Amendment rights should be reported only when they would be of significant interest to the Department's conduct of foreign affairs. When an individual residing *abroad* expresses personal opinions on U.S. policies, such activity on their part ordinarily does not warrant the reporting of their name and views. Also, officers should try to avoid drafting cables that characterize First Amendment activities of U.S. citizens *abroad*.

Some instances will arise where the reporting will be essential to the Department's mandate. Actions, as opposed to beliefs, of individuals and organized groups may be reported where there is a question of possible violation of law. Similarly, any involvement of a third country to influence a U.S. citizen should also be reported.

The Privacy Act Guidelines and 80 State 76597 offer more detailed explanations of the reporting restrictions of the Privacy Act. Should questions arise about the Privacy Act, officers should refer to these sources or should contact the Department's Information and Privacy Coordinator, *(202) 261-8300, Room 5073 SA-2*.

Use of Personal Names on TAGS and Subject Lines

Whenever an individual's name is entered on either the TAGS or subject line of a telegram or memorandum, that document automatically becomes "name retrievable" and therefore probably becomes subject to the access provisions of the Privacy Act. Personal names should not be included on the TAGS line or subject line unless the text of the document concerns itself with personal information about the individual which will be used by the Department in making a decision about the individual or when the personal information is relevant and necessary to accomplish an agency function.

PERSONAL NAMES

(TL:TAGS-13; 10-30-1996)

Personal names are put on the TAGS line so they can be used to retrieve documents from the Central Foreign Affairs file. The accuracy with which drafters put the names on the TAGS line will determine their retrieval value.

Each name placed on the TAGS line should be written in capital letters and must be enclosed in parentheses. The last name must appear first, followed by a comma, then by the first name and middle initial. The computer is programmed to automatically select the first entry within the parentheses as the filing key. For example, the format (JEFFERSON, THOMAS) would allow the computer to properly index the name. If it were formatted as (THOMAS JEFFERSON) it would be filed under THOMAS rather than JEFFERSON. The key to filing defines the search and its results. In the case of a well-known person, a researcher might conceivably search both given and surnames but might very well not be able to search both parts of less well-known names, with the result that the search would be incomplete. The retrieval of incorrectly formatted messages concerning these individuals would be virtually impossible. Also, the computer cannot correct errors in spelling. If misspelled names are put on the TAGS line the computer will create separate entries for those mistakes as well as entries for the correct spelling format. Therefore, separate indexes will be created for (JEFERSON, THOMAS) distinguishing these from the correct version, (JEFFERSON, THOMAS). Whenever the name of an individual is entered on either the TAGS or Subject line of a document, that document automatically becomes "name retrievable" from the Department's central files and, if an American citizen's name is used the provision of the Privacy Act apply to it. For more information concerning the Privacy Act, see the previous page.

Transliteration of names (except Chinese and Korean, see below) from non-Latin alphabets, or by transcription from other writing systems, should follow the standards given in the Romanization Guide, published by the US Board of Geographic Names (BGN) in 1972, as amended. Copies of the Guide can be obtained from the Office of the Geographer in the Bureau of Intelligence and Research (INR/GE). The BGN system should be used. Drafters should contact the appropriate country desk in the Department for problems that cannot be resolved by using the BGN Guide. Specifically, rules for transliterating Chinese names were changed in 1979, and are available from the country desk. From past policy, the acronym "M-R" will appear prior to the M-R spelling. For example: LEW BYONG HION (M-R: YU PYONG-HYON). In cases where the preferred spelling is unknown, only the M-R spelling will be used.

Some foreign names (e.g., generally Burmese, Cambodian, Chinese, Ethiopian, Korean, Lao, Malaysian, Thai, Vietnamese, Indonesian, and Samoan) should not follow the above noted format: Surname, given name, middle initial, as described in paragraph 2 of this section. This will occur where a family name does not exist separately and all parts of the name are considered inseparable, or where only a single name exists. In these cases no transposition of the names will be required, and a comma will not be used.

EXAMPLES OF FORMATTING PERSONAL NAMES ON TAGS LINES

Standard Name Form: As entered on the TAGS line:

John Smith	(SMITH, JOHN)
Robert J. Jones	(JONES, ROBERT J)
Patrick O'Connor	(O'CONNOR, PATRICK)
Amos Mac Donald	(MAC DONALD, AMOS)
Thomas McCarthy III	(MCCARTHY, THOMAS III)
Paul Armstrong-Jones	(ARMSTRONG-JONES, PAUL)

FOREIGN NAMES THAT DO NOT USE THE NORMAL SEQUENCE

Standard Name Form: As entered on the TAGS line:

Maung Wing	(MAUNG WING)
Sutami	(SUTAMI)
Savang Vatthana	(SAVANG VATTHANA)

MULTIPLE NAMES

Standard Name Form: As entered on the TAGS line:

Thomas E. Jones, John C. Smith	(JONES, THOMAS E) (SMITH, JOHN C)
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ROYALTY NAMES

Standard Name Form: As entered on the TAGS line:

Prince Charles	(PRINCE CHARLES)
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DESIGNATIONS

Standard Name Form: As entered on the TAGS line:

George A. Jones 2nd	(JONES, GEORGE A II)
John M. Smith III	(SMITH, JOHN M III)
William B. Anderson, Jr.	(ANDERSON, WILLIAM B JR)

RELIGIOUS TITLES

Standard Name Form: As entered on the TAGS line:

Mother Theresa	(MOTHER THERESA)
Pope John Paul II	(POPE JOHN PAUL II)

COMPOUND SURNAMES

Standard Name Form: As entered on the TAGS line:

Theodore Watts-Sutton	(WATTS-SUTTON, THEODORE)
John C. Van Dorn	(VAN DORN, JOHN C)

SPANISH NAMES

Standard Name Form: As entered on the TAGS line:

Jose Perez y Gonzales	(PEREZ Y GONZALES, JOSE)
Luis Gonzales Arago	(GONZALES ARAGO, LUIS)
Juan Rodriguez i Acosta	(RODRIGUEZ I ACOSTA, JUAN)

PORTUGUESE AND BRAZILIAN NAMES

Standard Name Form: As entered on the TAGS line:

Marcio Pereira Crespo	(CRESPO, MARCIO PEREIRA)
Joaquim Moreira Do Silva	(SILVA, JOAQUIM MOREIRA DO)

ARABIC NAMES

Standard Name Form:	As entered on the TAGS line:
Ahmed Anwar	(ANWAR, AHMED)
Ibrahim Ibn Hamdi Mursi	(MURSI, IBRAHIM IBN HAMDI)
Ali Ibn Shakal EI-Zayyat	(EL-ZAYYAT, ALI IBN SHAKAL)
Abdel Aziz Al-Sayad	(AL-SAYAD, ABDEL AZIZ)
Saad Ali Ibn Hakim	(IBN HAKIM, SAAD ALI)
Abdel Al-Razzaq Ba Dhib	(BA DHIB, ABDEL AL-RAZZAQ)
Ahmad Abd Al-Karim	(ABD AL-KARIM, AHMAD)
Abd-Al Saud Abdul Aziz	(ABDUL AZIZ, ABD-AL SAUD)