

Privacy Act (PA) Guidance

ALL PA REQUESTS MUST BE SIGNED & SUBMITTED IN WRITING TO:

FOIA/Privacy Staff

Point of Contacts for your Site

Under the [Privacy Act \(5 U.S.C. 552a\)](#) and rules at [28 CFR 16.40, et seq. \(Subpart D\)](#), a United States citizen or Legal Permanent Resident may seek to access, correct, or amend records that are retrieved by name or other personal identifier - such as a social security number (SSN) - in a system-of-records maintained by Chemical Materials Agency (CMA).

Such requests will be processed under the Privacy Act, FOIA, and governing regulations, as appropriate, and subject to applicable exemptions under the Privacy Act. See, e.g., [5 U.S.C. 552a\(j\)-\(k\)](#) and [28 CFR 16.81](#).

A Privacy Act request may be made in any written form that bears the requester's signature, provided that it is sent to the above address, specifies your return address, and is clearly designated as a "PA Request." Requests sent directly to a FOIA/Privacy (FOIA/PA) Officer of CMA and such requests will not be deemed received, for processing purposes, until received by FOIA/PA of CMA.

Before submitting a PA request, you should consult and comply with all applicable regulations in [28 CFR 16.40, et seq. \(Subpart D\)](#) ("Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974"), including:

[28 CFR 16.41](#) ("Requests for Access to Records")

[28 CFR 16.46](#) ("Requests for Amendment or Correction")

[28 CFR 16.47](#) ("Requests for Accounting")

[28 CFR 16.49](#) ("Fees," [see below](#))

In addition, Privacy Act requests should:

- (1) be accompanied by a verification-of-identity or consent form attesting that you are the record-subject or have the record-subject's consent;
- (2) clearly identify the particular records at issue; and
- (3) indicate the nature of, and justification for, any requested amendment, correction, or other action sought.

A request should sufficiently describe the specific records sought, so as to enable our staff to conduct a search for the requested records with a reasonable amount of effort (e.g., personnel records, etc.). Likewise - to minimize processing delays and [fees](#) - please specify which particular Site you are inquiring about. While certain

administrative records are maintained by CMA, case files are not centralized in CMA Headquarters (HQ) and local Sites maintain copies of certain personnel records.

VERIFICATION OF IDENTITY & CONSENT:

A request for access to records about yourself must contain a verification-of-identity consisting, at a minimum, of your full name, your current address, and your date and place of birth. To facilitate the identification and retrieval of requested records, requests should also contain your social security number (SSN) and/or alien or employee identification number.

If you seek information regarding third parties, "either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example . . . a death certificate or an obituary) will help the processing of your request." See [28 CFR 16.3](#); accord Privacy Act Overview and FOIA Reference Guide.

All such requests must be signed, and your signature must be notarized, or submitted under [28 U.S.C. 1746](#), a law allowing unnotarized statements to be signed under penalty of perjury. For further information, see [28 CFR 16.41\(d\)](#) ("Verification of Identity"). If you are authorizing a third-party to obtain records regarding you, please also submit a signed consent form.

VERIFICATION OF GUARDIANSHIP:

The parent or guardian of a child or individual judicially determined to be incompetent must verify the following, pursuant to [28 CFR 16.41\(e\)](#) ("Verification of Guardianship"), when seeking access to records of the minor or incompetent:

- Proof of the requester's identity, and the record-subject's identity; and
- Proof of parentage or guardianship of the record-subject, by furnishing a copy of a birth certificate showing parentage or a Court order establishing guardianship.

FEES:

Privacy Act requests are subject to processing fees to the extent authorized by [28 CFR 16.49](#) ("Fees"); see also [28 CFR 16.11](#). Unless otherwise specified, your request for records under the Privacy Act constitutes your agreement to pay all applicable fees up to \$25. See [28 CFR 16.41\(c\)](#) ("Agreement to Pay Fees"). A requester will typically be notified if it appears that fees will exceed \$25.