

Frequently Asked Questions – Privacy Act

What is the purpose of the Privacy Act?

The Privacy Act is a records management act that provides safeguards against invasion of personal privacy through the misuse of records by Federal agencies. Congress passed the Act in 1974 to establish controls over the collection, maintenance, use and dissemination of personal information by the Federal government. The Act applies to records about individuals maintained by agencies in the executive branch of the Federal government and guarantees three primary rights: 1) the right to see records about oneself, unless the information is subject to a Privacy Act exemption; 2) the right to request the amendment of records that are not accurate, relevant, timely or complete; and 3) the right of individuals to be protected against unwarranted invasion of their privacy resulting from the collection, maintenance, use, and disclosure of personal information.

What records can be requested under the Privacy Act?

The Privacy Act is concerned essentially with name-retrievable records systems. Examples of such systems would include passport, medical, and employment records. For a description of Department of State systems of records maintained on individuals, go to Systems of Records Notices (SORNs).

Who can request records under the Privacy Act?

You must be a United States citizen or an alien lawfully admitted for permanent residence to the U.S. to make a request for Privacy Act records.

How do I request my own records?

You do not need a special form but your request must include an **original, notarized signature or a statement under penalty of perjury** using the following statement:

"I [declare, certify, verify, or state] under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct."

Make your request in writing and provide your full name and date and place of birth. Provide other names you have used. Describe the records you believe the Department of State maintains about you and why. Give an approximate time period if you are asking about a specific event. Sign and date the letter, and mail it (do not fax it) to:

Office of Information Programs and Services
A/GIS/IPS/RL
U.S. Department of State
Washington, D.C. 20522-8100

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Will there be a charge for documents obtained under the Privacy Act?

No. The Department of State does not charge for initial release of documents under the Privacy Act request. However, the Department may charge \$0.15 per page for subsequent copies.

May I request records pertaining to another individual?

Yes, you may request records concerning another person. These “third party” requests for Privacy Act records pertaining to someone else are processed under the FOIA, whether or not the request is made with the permission of the subject of the records. If you do not have the written permission of the other person, you are unlikely to receive many records because their disclosure would be barred by the privacy exemption of the FOIA. The consent of person to whom the records pertain requires that person’s signature, either notarized or made under penalty of perjury in the following form:

"I [declare, certify, verify, or state] under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct."

This statement is then signed by the person to whom the records pertain, and it must be a signed original and not a copy or fax. The request must include the individual’s date and place of birth, full name and any aliases, type of records being requested, and an approximate time frame for search.

What if I want the records of a deceased individual?

You may request the records of a deceased person if you can provide proof of death. You should provide the person’s date and place of birth and a copy of the death certificate or a newspaper obituary. You should explain the type of material you seek and why you think that the Department of State would have records on the deceased. Your request will be processed under provisions of the FOIA.

What if I am not a US citizen or permanent resident alien and I want records about myself?

You may request records concerning yourself, even if you are not a US citizen, but your request will be processed under the Freedom of Information Act --not the Privacy Act.

How do I decide which Act - the Freedom of Information Act or the Privacy Act - pertains to the records I want?

You do not have to make that decision. When a request is received at the Department of State, the Freedom of Information and Privacy Act staff members will process your request according to the act that assures you the greatest access to records.

What is 22CFR171, and how does it affect my Privacy request?

22 CFR 171.30-36 contains the Department's published regulations concerning the access procedures and guidelines for requesting information under the Privacy Act.