

5 FAM 460 PRIVACY ACT REQUIREMENTS

5 FAM 461 SCOPE

(TL:IM-19; 10-30-95)

a. The Privacy, Plans, and Appeals Division (A/IM/IS/FPC/PPA) is required to develop plans for the effective execution of the Department's responsibilities under the Privacy Act. Any questions or issues related to the Privacy Act should be addressed to IS/FPC/PPA.

b. 22 CFR 171.30-35 contains the Department's Access to Information guidelines for the Privacy Act.

5 FAM 462 PRIVACY ACT POLICIES

(TL:IM-19; 10-30-95)

The following are policies that apply to the implementation of the Privacy Act in the Department of State:

a. All employees shall safeguard personal privacy in their collection, maintenance, use, and dissemination of information about individuals and make such information available to the individual in accordance with the provisions of the Privacy Act. Specifically, all employees handling information about individuals shall do the following:

(1) To the greatest extent practicable, collect information about an individual directly from the individual if the information may be used to make decisions with respect to the individual's rights, benefits and privileges under Federal programs.

(2) Collect and maintain information on individuals only when it is relevant and necessary to the accomplishment of the Department's purpose, as required by statute or Executive Order. Routine uses must be compatible with the purpose for which the information was collected. The office concerned shall establish the relevancy of and need for the information, as well as the authority to collect it.

(3) Maintain information in a system of records that is accurate, relevant, timely, and complete as possible to ensure fairness to the individual.

(4) At least forty days prior to creation of a new system of records or significant alteration to an existing system, submit documentation to IS/FPC for publication in the *Federal Register*.

(5) See that all Department forms, that are used to collect information from individuals, contain a Privacy Act statement which should include the following:

—the statute or Executive Order which authorizes the collection of the information;

—the purpose for which the information will be used, as authorized through statute or Executive Order;

—the “routine users” of the information - to whom the information is disclosed outside the Department of State; and

—the consequences, if any, to the individual for not providing the requested information.

(6) See that an individual is not denied any right, benefit, or privilege provided by law for refusing to disclose the individual’s social security number, unless disclosure is required by Federal statute or by other laws. The Department employee must inform the individual whether the disclosure is mandatory or voluntary, by what statutory or other authority such information is solicited, and what uses will be made of it.

(7) See that personal information about individuals is properly safeguarded and protected from unauthorized disclosure, e.g., use of locked file cabinet, password protected systems.

(8) See that information is not disclosed from records maintained in a system of records to any person or agency, except with the written consent of the individual to whom the record pertains. Written consent is not required when disclosure is:

—to employees of the agency on a need to know basis;

—required under FOIA;

—for a routine use, as published by IM/IS/FPC, in the Federal Register (contact FPC for specific information concerning “routine use”);

—to the Bureau of Census;

—for statistical research;

- to the National Archives;
- for a law enforcement purpose;
- for compelling cases of health and safety;
- to either House of Congress or authorized committees or subcommittees of the Congress when the subject is within its jurisdiction;
- to GAO;
- required under court order; or
- pursuant to the Debt Collection Act.

b. In addition, all managers of record system(s) must keep an accounting for five years after any disclosure, or the life of the record (whichever is longer) documenting each disclosure, unless it is need-to-know within the agency, or FOIA disclosure. Each accounting must include the date, nature and purpose of disclosure and the name and address of the person or agency to whom the disclosure was made.

5 FAM 463 CRIMINAL PENALTIES

(TL:IM-19; 10-30-95)

The Privacy Act imposes penalties directly on individuals if they violate certain provisions of the Act. All managers of record systems are responsible for making employees and contractors, working with that system of records, fully aware of these provisions and the corresponding penalties.

5 FAM 464 AUTHORITY

(TL:IM-19; 10-30-95)

5 U.S.C. 552a (PL 93-574 - Privacy Act)

5 FAM 465 THROUGH 469 UNASSIGNED