

PRIVACY ACT PROGRAM

1. PURPOSE

This Directive establishes the Grain Inspection, Packers and Stockyards Administration's (GIPSA) policies, procedures, and responsibilities for implementing the Privacy Act of 1974 (5 U.S.C. § 552a).

2. AUTHORITIES

- a. The Privacy Act of 1974. This Act mandates that each United States Government agency have in place an administrative and physical security system to prevent the unauthorized use of personal records.
(<http://www.accessreports.com/statutes/PA.htm>)
- b. USDA's September 17, 2007, memorandum "Protecting Personally Identifiable Information: Social Security Number Policy Guidance Memorandum."
(http://www.ocio.usda.gov/directives/doc/Protecting_PII-SSN_Policy_Guidance_Memo-09-17-2007.pdf)

3. POLICY

In accordance with the provisions of the Privacy Act, GIPSA employees are responsible for protecting personal information about individuals that is maintained by GIPSA; for protecting from unauthorized access, disclosure, and alteration; and for providing individuals appropriate and complete access to GIPSA records concerning themselves, including the opportunity to correct any errors in those records.

4. OBJECTIVES

- a. The growth in information technology, networking, and electronic storage has made it easier to collect and maintain information about individuals. An accompanying growth in incidents of loss and unauthorized use of such information has led to increased concerns about protecting this information in Federal systems.
- b. The basic law governing privacy protections is the Privacy Act, which mandates that Federal agencies protect personally identifiable information (PII) that they collect, maintain, or disseminate. The Privacy Act and subsequent statutory and regulated guidance:

- (1) Restricts disclosure of personally identifiable records;
- (2) Grants individuals rights of access to Agency records maintained on themselves;
- (3) Grants individuals the right to amend Agency records maintained on themselves upon a showing that the records are not accurate, relevant, timely, or complete; and
- (4) Establishes a code of “fair information practices” to comply with statutory requirements for the collection, maintenance, and dissemination of records.

5. GIPSA SYSTEM OF RECORDS (SOR)

- a. A SOR is a group of records under the control of any agency from which information is retrieved by an individual’s name or by some unique identifying number, symbol, or other identifying particular assigned to the individual.
- b. The details of all SORs must be published in the *Federal Register* to inform the public of:
 - (1) The name and location of the SOR;
 - (2) The categories of records in the system;
 - (3) The categories of individuals covered by the system; and
 - (4) The purposes for which the records are used.

6. PROTECTING PII

- a. Protecting PII in Federal systems is critical because its loss or unauthorized disclosure can lead to serious consequences for individuals. These consequences include identity theft or other fraudulent activity, which can result in substantial harm, embarrassment, and inconvenience to those individuals affected.
- b. PII is any information about an individual that is maintained by an agency, including any information that can be used to distinguish or trace an individual’s identity, such as name; social security number (SSN); date and place of birth; mother’s maiden name; biometric records; and any other personal information that is linked or linkable to an individual.
- c. USDA’s policy memorandum to agencies dated September 17, 2007, states that programs will collect, use, maintain, and disseminate SSNs **when required** by statute or when pursuant to a specific authorized purpose only.

- d. When GIPSA is authorized by statute to collect, use, or maintain SSNs, GIPSA will:
 - (1) Not utilize the SSN as a unique identifier or embed it in a number used for identification;
 - (2) Mask or encrypt the SSN to eliminate the ability to view the SSN on computer screens, reports, or other viewed products; and
 - (3) Not use the SSN to access customer records.
- e. GIPSA employees are required to protect PII, to ensure its security, and to immediately report all unauthorized disclosures to GIPSA's Information Systems Security Program Manager (ISSPM) or to the GIPSA Help Desk if the ISSPM is not available. Refer to GIPSA Program Notice PN-04-05 for GIPSA's computer incident response procedures.

7. RESPONSIBILITIES

- a. The Administrator is responsible for promoting a Privacy Act program which demonstrates GIPSA's commitment to safeguarding individuals' privacy. He/She is the official to whom individuals may administratively appeal the Agency's determination to deny access to their records or to amend Agency records.
- b. The Privacy Act Officer, Management Support Staff, will:
 - (1) Administer GIPSA's Privacy Act program in compliance with all applicable statutory and regulatory guidance;
 - (2) Develop and administer Privacy Act policies, plans, and procedures;
 - (3) Advise and provide subject matter expertise to GIPSA management regarding Privacy Act policies and procedures;
 - (4) Respond to all Privacy Act requests and inquiries received by GIPSA pursuant to the statutory requirements;
 - (5) Assist GIPSA offices to develop appropriate documentation for establishing and/or amending Privacy Act SORs;
 - (6) Conduct periodic reviews of SORs to identify deficiencies, weaknesses, or risks;
 - (7) Evaluate the effectiveness of the program and use the evaluation results to improve the procedures;

- (8) Evaluate legislative and regulatory proposals for collection, use, and disclosure of personal information by the Federal Government;
- (9) Represent GIPSA at USDA and/or Government-wide meetings regarding the Privacy Act or the safeguarding of PII;
- (10) Prepare required reports documenting GIPSA's Privacy Act activities;
- (11) Develop and maintain a Web site for GIPSA's Privacy Act program, post policy statements and guidelines, and ensure the information is accurate and up-to-date;
- (12) Ensure Privacy Impact Assessments and SOR Notices are posted to GIPSA's Privacy Act Internet site; and
- (13) Maintain accurate records of when and to whom GIPSA has disclosed information relating to individuals and retain such records pursuant to statutory requirements.

c. The Deputy Administrators, Federal Grain Inspection Service (FGIS) and Packers and Stockyards Program (P&SP); Staff Directors, Division Directors, Field Office Managers, and Regional Supervisors will:

- (1) Forward requests from individuals who are seeking access to their records under the Privacy Act to GIPSA's Privacy Act Officer for review and response;
- (2) Ensure personnel minimize the collection of PII to only that which is required to conduct business operations necessary for the proper performance of a documented GIPSA function;
- (3) Ensure completion of all required documentation when establishing SORs in their program areas;
- (4) Ensure employees take USDA's annual mandated training on privacy and data protection policies;
- (5) Implement internal operating procedures for safeguarding PII in their program areas and offices;
- (6) Limit access to records containing personal information to those employees who need to know to carry out their assigned duties; and
- (7) Maintain under lock and key, with strictly controlled access, any record containing PII.

- d. GIPSA employees will:
- (1) Refrain from discussing individuals' PII with fellow employees unless on an official "need to know" basis.
 - (2) Safeguard PII and report any suspected or confirmed incidents of unauthorized PII disclosure to GIPSA's ISSPM or to the GIPSA Help Desk if the ISSPM is not available. Refer to GIPSA Program Notice PN-04-05 for GIPSA's computer incident response procedures.
 - (3) Take USDA's annual mandated training on privacy and data protection policies.

8. INQUIRIES

- a. Requests from individuals to obtain their records under the Privacy Act must:
- (1) Specifically identify the information requested or sought to be amended,
 - (2) Contain the requestor's signature and proof of identity, and
 - (3) Submit the request by mail, electronic mail, or facsimile to:

USDA, GIPSA, Management Support Staff
Privacy Act Officer
1400 Independence Avenue, STOP 3642
Washington, D.C. 20250
Joanne.C.Peterson@usda.gov
202-690-2755 (fax)

- b. Direct inquiries regarding this Directive to GIPSA's Privacy Act Officer, Management Support Staff, at 202-720-8087.
- c. This Directive is available on the Internet at <http://www.aphis.usda.gov/library> and <http://www.aphis.usda.gov/library/gipsa/GIPSA.shtml>.

/s/
J. Dudley Butler
Administrator