

# ARS □ NIFA □ ERS □ NASS

## *Policies and Procedures*

**Title:** Releasing Information About REE Employees

**Number:** 411.7

**Date:** 04/04/12

**Originating Office:** Human Resources Division  
Employee Relations Branch, AFM/ARS

**This Replaces:** 411.7 Dated 4/12/93

**Distribution:** All REE Employees

This P&P provides guidance for the release of information concerning REE employees from agency records.

NOTE: Any questions concerning the propriety of the release of more specific information should be referred to the FOIA/Privacy Act Coordinator, Information Staff.

# Table of Contents

1.	REFERENCES .....	3
2.	AUTHORITIES .....	3
3.	POLICY .....	3
4.	RELEASABLE INFORMATION .....	3
5.	INQUIRIES WHICH MAY BE ADDRESSED AT ANY ORGANIZATIONAL LEVEL PROVIDED THE INFORMATION IS LOCALLY AVAILABLE .....	4
	Credit Information .....	4
	Employment Verification.....	4
	Information Requests from Prospective Employers .....	5
	Garnishment Orders for Child Support and/or Alimony .....	5
	Information Requests from Court or Law Enforcement Officials .....	5
	Labor Organization Information Requests.....	5
	Taxing Authority Information Requests .....	6
	Information Requested in Connection With an Official Inquiry .....	6
6.	INQUIRIES THAT MUST BE REFERRED .....	6
7.	PROCEDURES FOR ACCOUNTING OF DISCLOSURES .....	7
8.	SUMMARY OF RESPONSIBILITIES.....	7
	Human Resources Division is responsible for .....	7
	Area Administrative Officers, Location Administrative Officers and Agency designated parties are responsible for: .....	8
9.	GLOSSARY .....	8

## **1. REFERENCES**

- 5 Code of Federal Regulations (CFR) 581, Processing Garnishment Orders for Child Support and/or Alimony
- 5 CFR 582, Commercial Garnishment of Federal Employee's Pay
- P&P 158.1, Freedom of Information Act and Privacy Act Guidelines
- P&P 461.6, Employees Appearing as Witnesses in Judicial or Administrative Proceedings

## **2. AUTHORITIES**

- 5 United States Code (USC) 552a, Privacy Act
- 5 USC 552, Freedom of Information Act
- 5 CFR 293, Personnel Records, OPM
- Chapter 6, Personnel Recordkeeping, March 1996

## **3. POLICY**

It is REE policy to make general information concerning its employees available to the public as specified under 5 CFR 293.311. Requests for employee information requiring greater detail than permitted by this P&P, see P&P 158.1, Freedom of Information Act and Privacy Act (FOIA/PA) Guidelines.

## **4. RELEASABLE INFORMATION**

The items listed below are public information. This data may be released to the public without prior written consent of the employee who is the data subject.

- Name.
- Present and past position titles and occupational series.
- Present and past grades.

- Present and past annual salary rates (including performance awards or bonuses, incentive awards, merit pay amounts, Meritorious or Distinguished Executive Ranks, and allowances and differentials).
- Present and past duty stations (including room numbers, stop designations, or other identifying information regarding buildings or places of employment).
- Position Descriptions, identification of job elements and performance standards (but not actual performance appraisals) the release of which would not interfere with law enforcement programs or severely inhibit agency effectiveness. Performance elements and standards (or work expectations) may be withheld when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal.

NOTE: For other than child support and garnishment questionnaires, home addresses and telephone numbers are generally not disclosed. Any requests for such information, including information more specific than the categories identified above, should be immediately called to the attention of the FOIA/PA Coordinator, Information Staff.

**5. INQUIRIES WHICH MAY BE ADDRESSED AT ANY ORGANIZATIONAL LEVEL PROVIDED THE INFORMATION IS LOCALLY AVAILABLE**

In addition to the information listed in Section 4 above, certain information can be released from the Official Personnel File (OPF) or an official extension of that file under certain conditions. It is important to stress that only relevant information that pertains to the request should be released to the requesting party. The fact that a release of information is authorized does not mean that the requesting party is entitled to all the information in the personnel file. Inquiries that do not fit the categories should be treated as FOIA/PA requests and referred directly to the FOIA/PA Coordinator.

- **Credit Information.** Information may be released if the employee has applied for credit and has given consent to the release of the information. Such consent must be received directly from the employee or indicated on a consent form from the crediting firm signed by the employee. The Agency should verify the signature either by comparison to the employee's signature contained in his/her OPF or by directly contacting the employee. The Agency should not be placed in a position of acting as a credit rating agency. Inquiries from creditors who are seeking information beyond that as specified above may not be answered using this procedure.
- **Employment Verification.** Employment information may be released by employees to prospective creditors via TALX. Instructions for accessing TALX are on the Human Resources Division (HRD) website at:  
< [http://www.ars.usda.gov/afm/hrd/hrdhomepage/Pay\\_and\\_Leave/p%261.htm](http://www.ars.usda.gov/afm/hrd/hrdhomepage/Pay_and_Leave/p%261.htm) >.

- **Information Requests from Prospective Employers.** Requests from prospective non-Federal employers for information such as tenure of the employee, civil service status, and length of service with the Agency and the Federal Government may be answered. If the employee is no longer employed by the Agency, the date and reason for separation (only as shown on the Notification of Personnel Action, SF-50) may be given except when the separation was through adverse action. Requests for additional information regarding separation through adverse action should be referred to the Employee Relations Branch (ERB) for reply. Any inquiries received from prospective Federal employers requesting information from an employee's personnel records (as opposed to verbal reference inquiries made to present or former supervisors) should be referred to the appropriate HRD Fileroom listed below for handling.

ARS: USDA-ARS-AFM-HRD-RPB, 5601 Sunnyside Avenue, Room 3-1119, Beltsville, MD 20705-5103. Phone #: 301-504-1362 or 301-504-1478.

CSREES, ERS and NASS: USDA-ARS-AFM-HRD-MSB, 1400 Independence Avenue, SW, Stop Code 0308, Washington, DC 20250-0308. CSREES and ERS: 202-690-0914. NASS: 202-690-0915.

- **Garnishment Orders for Child Support and/or Alimony.** Refer to 5 CFR 581- Processing Garnishment Orders for Child Support and/or Alimony, and 5 CFR 582 - Commercial Garnishment of Federal Employee's Pay for procedures to be followed when debt complaints are received.
- **Information Requests from Court or Law Enforcement Officials.** Information may be made available from an employee's personnel record to another agency, or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity under certain conditions. If the activity is authorized by law and the agency or instrumentality has made a written request to the Agency specifying the particular portion desired and the law enforcement activity for which the record is sought the information may be released. If a subpoena is received, the matter and copies of all materials should be referred to the REE Ethics Office within the ERB immediately.
- **Labor Organization Information Requests.** The law requires agencies to furnish to the Union, upon request, data: that is normally maintained in the regular course of business; is reasonably available; and that is necessary for full and proper discussion, undertaking, and negotiation of collective bargaining subjects. Any requests for information from the Union should be immediately forwarded to the Labor Relations Officer within the ERB for review and response.

- **Taxing Authority Information Requests.** Information may be made available from an employee's personnel records to the Internal Revenue Service to enable them to offset past due, legally enforceable debts owed to the U.S. Government against Federal income tax refunds.
- **Information Requested in Connection With an Official Inquiry.** Information may be made available from an employee's personnel record when requested by a duly authorized Federal investigator (e.g., USDA's Office of the Inspector General, General Accounting Office, Federal Bureau of Investigation, etc.).

## 6. INQUIRIES THAT MUST BE REFERRED

Certain information may not be released but must be referred to the servicing HRD Fileroom as previously identified in Section 5. Examples of such information include but are not limited to the following:

- Information requested is not available locally.
- The costs of labor involved in the preparation of the information would require an unwarranted expenditure of funds or undue interruption of normal work.
- The release of the information requested may potentially prove detrimental to the interests of the employee, the public, the Agency, or USDA.
- The Official Personnel File is requested.

Other information that must be referred includes but is not limited to:

- Personnel records of any kind that are subpoenaed by court order should be referred to the REE Ethics Office.
- Information requests from the background investigation should be referred to the ERB.
- Information requests regarding adverse or disciplinary action taken by the Agency against an employee should be referred to the ERB.
- Requests related to claims filed under the Federal Employee's Compensation Act (FECA), should be directed to the Office of Worker's Compensation, Department of Labor.

## 7. PROCEDURES FOR ACCOUNTING OF DISCLOSURES

The Privacy Act requires that if information is disclosed from a Privacy Act system of records, such as an employee's personnel files, then the date, nature, and purpose of each disclosure of a record to any person or to another agency must be recorded along with the name and address of the person or agency to whom the disclosure was made. The only exception is if the disclosure is made to those officers and employees of an agency that maintains the records who have a need for the record in the performance of their duties, or if a disclosure is required under the FOIA. The accounting is required to be maintained in the employee's personnel file for 5 years or the life of the record, whichever is longer. When disclosure is made, the accounting may be made available to the employee at their request under the Privacy Act except in those cases where the disclosure resulted from a law enforcement activity. The agency that maintains the record is required to inform any person or agency that requested the record about any correction or notation of dispute made by the agency in accordance with the Privacy Act.

## 8. SUMMARY OF RESPONSIBILITIES

### **Human Resources Division is responsible for:**

- Responding to requests for information referred by the Agency/Division/Staff/Area Offices which seek information not locally available or which otherwise falls under Section 5 above.
- Providing assistance as needed, and monitoring compliance with Research, Education, and Economics (REE) policy.
- Maintaining a record of disclosures of information from employee personnel files in accordance with Section 7 above.

NOTE: For employees within REE, contact the appropriate HRD Fileroom as follows:

ARS: USDA-ARS-AFM-HRD-RPB, 5601 Sunnyside Avenue, Room 3-1119, Beltsville, MD 20705-5103. Phone #: 301-504-1362 or 301-504-1478; or

CSREES, ERS and NASS: USDA-ARS-AFM-HRD-MSB, 1400 Independence Avenue, SW, Stop Code 0308, Washington, DC 20250-0308. CSREES and ERS: 202-690-0914. NASS: 202-690-0915.

**Area Administrative Officers, Location Administrative Officers and Agency designated parties are responsible for:**

- Responding to requests for information which are locally available and that fall under the categories outlined in Section 5 above.
- Forwarding requests for information which are not locally available to the servicing personnel management specialists in the HRD.
- Notifying appropriate HRD servicing operations branch of requests for personnel related information made under the FOIA/PA, and forwarding such requests directly to the FOIA/PA Coordinator.

**9. GLOSSARY**

**ERB.** Employee Relations Branch, Human Resources Division  
**FOIA.** Freedom of Information Act  
**HRD.** Human Resources Division, AFM, ARS  
**IS.** Information Staff  
**MSB.** Metropolitan Services Branch, Human Resources Division  
**OPF.** Official Personnel File  
**OPM.** Office of Personnel Management  
**PA.** Privacy Act  
**RPB.** REE Policy Branch, Human Resources Division

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