

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Privacy Act Operations 3-INFO	Amendment 4
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Approved by: Acting Administrator



Amendment Transmittal

A Reason for Amendment

The following have been withdrawn because procedure for processing appeals under the Privacy Act is now included in 1-APP:

- subparagraph 18 C
- paragraph 19
- Part 4
- Part 5.

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Exhibits

- 1 Reports, Forms, Abbreviations, and Redelegations of Authority
- 2 Definitions of Terms Used in This Handbook
- 3 (Reserved)
- 4 Systems of Records
- 5 FSA-874, Record of Disclosures of Information

Part 3 Access to Records**16 Rules of Access****A General Rules of Access**

The Privacy Act does not require that the requester be granted physical access to the records. It provides that records:

- may be edited or translated if they contain information that does not concern the requester
- shall not be edited or translated to withhold information about the requester.

Privacy Act requests may be made in person or in writing to the records holding office by any person who wishes to be notified if a system of records maintained by FSA contains any record pertaining to the subject individual.

B Requests in Writing

Requests submitted in writing shall include:

- name of individual making request
- name of system of records as set forth in the FR notice or some other identification, such as form number or title of record
- any other information specified in the FR notice
- whether the requester wants to:
 - make a personal inspection of the records
 - be supplied with copies of the records by mail.

16 Rules of Access (Continued)

C Right to Appeal Denial

Any person whose request is denied may appeal that denial to the Administrator, according to subparagraph 18 C.

If an appeal is denied, the requester may initiate civil action in a Federal district court to seek review of the Administrator's denial * * *.

D Nonresponsive Records

If an access request is received for records that do not belong in the files:

- do not destroy these records before processing the request
- process the request for all records relating to the requester in existence at the time the request was received
- advise the requester that records were found that do not belong in the files and that they will be removed or destroyed at a later date
- remove improperly maintained or filed records only after the request has been fully processed.

17 **Records Holding Office Responsibility**

A Responsibilities

The head of each office that maintains a system of records shall:

- determine initially whether to provide or withhold individual records in the custody of that office
- determine initially whether to amend or not to amend a record or portion of a record
- account for certain disclosures, according to paragraph 22
- make accounting of disclosures available to the subject of the record
- inform any person or other agency about any correction or notation of dispute concerning a record that has been disclosed to that person or agency
- permit an individual who disagrees with the refusal to amend a record to request a review of such refusal
- provide space for the requester to inspect and/or copy records
- provide copies of requested records
- collect applicable fees
- make reasonable efforts to serve notice on an individual when any record on such an individual is made available to any person under compulsory legal process when such process becomes a matter of public record
- notify Director, PAS, of any of the following according to paragraph 9:
 - new systems of records
 - changes in routine use
 - other changes that may require publication of a revised public FR notice
- protect personal privacy and public interest by preventing unauthorized access to FSA records.

18 Privacy Act Request for Documents and Access to Records

A Processing Requests

The records holding office shall:

- acknowledge the request or appeal in writing within 10 workdays after receipt

Note: The acknowledgement shall indicate whether access will or will not be granted and, if granted, when and where.

- provide access within 30 calendar days if access is granted, or show good cause why it is unable to provide access.

B Informing Requester

If the records holding office is unable to meet the deadline, inform requester of:

- reasons for inability to fill request
- probable date that access will be granted.

If access is granted, the requester shall be informed if a system of records contains records about him or her and that permission is given to:

- review these records accompanied by a person of the requester's choosing at a specific time and place

Note: If a requester wishes to have another person or persons present during the inspection, the requester must provide a written statement authorizing disclosure of the record in their presence.

- obtain the initial copy of these records in a form understood by the requester at no charge, according to paragraph 23.

* * *

19 (Withdrawn--Amend. 4)

22 Accounting for Disclosures

A Record of Disclosures

Offices shall maintain a record of each disclosure of records on FSA-874 containing personal information showing the:

- name and address of the person or other Federal agency to whom the disclosure was made
- date, nature, and purpose of each disclosure of a record.

The written accounting will be retained as part of the record from which disclosure was made. See Exhibit 5.

B Disclosure Exceptions

The accounting is not required for disclosures to:

- employees within USDA
- members of the public under FOIA, unless restricted records are released under an appeal
- individual requesting own records.

C Request for Accounting of Disclosures

Make accounting of disclosures available to the subject of the record upon request by the individual.

D Disclosures to Congress

Personal records about individuals protected by the Privacy Act may be disclosed to any:

- committee, joint committee, or subcommittee of the Congress
- congressional office in response to an inquiry made at the written request of that individual.

22 Accounting for Disclosures (Continued)**E Retrieval of Records**

Records stored in FRC and National Archives are considered to be maintained by the office that submitted the records for storage.

The submitting office shall be responsible for any disclosure and accountability of those records.

F Disclosure of Medical Records

Record holding officers may refuse to disclose certain medical records directly to the individual that indicate the existence of a malignancy, a mental condition, or other disorder, the disclosure of which would be harmful to the individual to whom the medical information relates.

When records are requested, and such a determination is made, the head of the records holding office shall:

- ask the requester to designate a doctor to review the records and make a determination of availability to the individual
- transmit copies of these records to the doctor designated by the individual.

23 Fees Charged for Records**A Fees for Services**

Use the table in 2-INFO, subparagraph 52 E to determine fees for duplicating documents, unsuccessful searches, and other costs incurred by FSA.

Note: Only charge for copies. Do not charge fees for time spent searching for and reviewing requested records. The fee shall be waived in all circumstances where the amount of the fee is \$25 or less.

24-30 (Reserved)

Part 4 (Withdrawn--Amend. 4)

31-33 (Withdrawn--Amend. 4)

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