

CHAPTER 1. INTRODUCTION TO THE HANDBOOK

- 1-1 PURPOSE. This Handbook has two main goals.
- A. To provide every employee of the Department with information on their rights and responsibilities under the Privacy Act.
 - B. To establish policies, procedures, requirements and guidelines for the implementation of the Department's Privacy Act responsibilities.
- 1-2 RECORDS SUBJECT TO THE PRIVACY ACT (PRIVACY ACT RECORDS). A group of records is subject to the Privacy Act if it satisfies all three of the following criteria:
- A. Contains an item, collection, or grouping of information about an individual.
 - B. Contains name, or identifying number, symbol, or other identifying particular assigned to the individual such as a finger or voice print.
 - C. Consists of a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.
- 1-3 HUD EMPLOYEES AND THE PRIVACY ACT. The Privacy Act imposes requirements on staff members performing in different roles. Each of the roles carries with it special activities with regard to safeguarding the rights of others and carrying out the responsibilities of the Department. The roles are highlighted below:
- A. Every employee must safeguard the privacy of every other person, both employee and citizen-client of the Department. This can be accomplished in three ways:
 - 1. Do not let anyone have access to records under your control which contain personal information unless it is: in the performance of official duties (including "routine use" transfers of data); required under the Freedom of Information Act; by direction of a Privacy Act Officer; by direction of the Privacy Appeals Officer (following an appeal of a denial);

- or under one of the other conditions of disclosure listed in paragraph 3-5 of this handbook.
- 2. Purge your files of personal data on individuals as soon as the information is no longer useful, as permitted by law.
 - 3. Minimize the collection of data containing personal

information on individuals.

- B. Employees responsible for the Office of Human Resources controlled personnel data have three responsibilities in addition to safeguarding individual privacy: to allow an employee access to his or her own personnel records, but under strict supervision to avoid or prevent the possible altering of the official file; to ensure that an employee's right to have a single copy of any or every item in his or her personnel folder is granted; and to ensure that personnel data routed through the mailroom are enclosed in a sealed envelope.
- C. Employees responsible for transferring data are likewise responsible for accounting for the disclosure of records containing identifiable personal data on individuals. Such accounting must be made except under the following conditions: transfer to another individual within HUD who uses this information in the performance of his or her official duties; and transfer of information under the Freedom of Information Act (FOIA) The term "transfer" includes disclosure and divulgence of records and information. from records to any other agency or individual. Detailed information pertaining to disclosure accounting requirements is contained in paragraph 3-6 of this handbook.
- D. The Assistant Secretary for Administration is responsible for carrying out the requirements of the Privacy Act, and for establishing such policies and procedures as are necessary for full compliance with the Act.
- E. The Departmental Privacy Act Officer within the Office of Information Policies and Systems is responsible for developing, implementing, and interpreting the Department's policies and programs prescribed by the Act and the Office of Management and Budget (OMB) Also, he or she is designated the Privacy Act Officer for Headquarters. The Director, Office of Human Resources, Office of Administration, is delegated authority to act on Privacy Act inquiries and requests for access,

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copying and correction of records in the Official Personnel Files (OPFs) for employees serviced by Headquarters.

- F. Privacy Act Officers are authorized to act on all Privacy Act requests for information, including inquiry, access, change and denial, and are responsible for ensuring that individual rights are protected. The head of each HUD Field Office is designated the Privacy Act Officer. This authority may be redelegated to a staff member.
- G. Privacy Act Coordinators are officially-designated Privacy Act representatives within each Headquarters Primary Organization and within each Office of the Assistant Secretary responsible for maintaining liaison with the Departmental Privacy Act Officer, and for representing their organization head in

Privacy Act activities necessary to ensure compliance (1) with the Act and (2) with implementing OMB and Departmental requirements. They are also responsible for providing information to be used in responding to OMB reporting requirements and for serving as a contact point in their organization in responding to Privacy Act requests for access to records.

- H. The Privacy Appeals Officer is responsible for determining the legal correctness of any denial determination that is appealed. The General Counsel is designated as the Privacy Appeals Officer. The Privacy Appeals Officer for the Office of Inspector General is the Inspector General.
- I. Systems Managers are responsible for the policies and practices governing the systems of records they manage and for ensuring that the systems they manage are operated in compliance with Privacy Act and Departmental requirements. (See Appendix E for additional detail regarding System Manager responsibility for complying with the Privacy Act.)
- J. Mailroom employees are responsible for ensuring that all Privacy Act mail, so marked, is sent directly to the appropriate Privacy Act Officer. Privacy Act requests should be handled in the following manner:
 - 1. If an envelope or a letter contains the words "Privacy," "Privacy Act," "Privacy Officer" or combinations of these, it is to be forwarded directly to the Privacy Act Officer in the local Field Office which received the letter.

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If such is received in Headquarters, it should be sent to the Departmental Privacy Act Officer, Office of Information Policies and Systems.

- 2. All mail marked "Privacy Appeals Officer" or with similar notations containing the words "Privacy" and "Appeals" should be sent directly to the Privacy Appeals Officer, Office of General Counsel, Washington, D. C. In the Field, this mail is forwarded to the designated Privacy Act Officer for forwarding to the Privacy Appeals Officer.

1-4 CITATIONS AND REFERENCES.

THE PRIVACY ACT OF 1974
(As Amended)

Public Law 93-579

Title 5, United States Code, Section 552a

(usually cited as P.L. 93-579 or 5 USC 552a)

Computer Matching and Privacy Protection Act
Public Law 100-503

IMPLEMENTATION OF THE PRIVACY ACT OF 1974
Rules and Regulations

Title 24, Subtitle A, Code of Federal
Regulations, Part 16

(usually cited as: 24 CFR Part 16)

The Privacy Act of 1974 (as amended), 5 USC 552a, is contained in Appendix C. A guide to the provisions of the Act and the Rules and Regulations, in layman's language and complete with citations and cross-references to the law and the regulations, is contained in Appendix H.

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- 1-5 DEFINITIONS. Both the Privacy Act and the related Departmental regulations use terms which have specific meanings with regard to the procedures for protecting individual privacy. These terms, also used in this Handbook, are defined below to assist you in understanding your rights and responsibilities, and those of the Department, with regard to individual privacy.
- A. "Accounting" means the cataloging of disclosures made to any person or agency, public or private. No accounting is required if the disclosure is made to: (1) the subject of the record, (2) HUD employees who have a need to have access to the record in the performance of their official duties, and (3) members of the public as required. by the Freedom of Information Act.
 - B. "Access" means the process of permitting individuals to see or obtain copies of records about themselves from a Privacy Act system of records. Under the Department's Federal Conduct Rule at 24 CFR Part 9, HUD must make records available to employees in an accessible format. This may include braille, tape, large print, readers, personal computer with voice, etc.
 - C. "Agency" means any Federal Department, Administration or Office as defined under "Agency" in section 552(e) of Title 5 of the United States Code, Freedom of Information Act. This means this Department, not a component.
 - D. "Appeal" means the request by an individual to have the Department review and reverse the Privacy Act Officer's decision to deny the individual's initial request for access to, or correction or amendment of, a record of information pertaining to him. The adjudication of an appeal is made by the Privacy Appeals Officer.
 - E. "Denial of access or correction" means refusal by a Privacy Act Officer to permit the subject of a record to see all or part of this record. Denial of access only can be exercised

for records for which an exemption has been published in the Federal Register as part of the description of that system of records. Denial of correction, addition, or deletion of a record is determined by a Privacy Act Officer after fully evaluating all evidence furnished by the individual requesting the record change.

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- F. "Department" means the U.S. Department of Housing and Urban Development.
- G. "Disclosure" means releasing any record or information on an individual by any means of communication to any person or to another agency, public or private.
- H. "Him" or "His" means him (her) and his (hers), respectively.
- I. "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.
- J. "Inquiry" means a request by an individual or his legal guardian to have the Department determine whether it has any record(s) of information pertaining to him in one or more of the systems of records covered by the Act.
- K. "Maintain" means collect, maintain, use, or disseminate.
- L. "Privacy Act" or "Act" means the Privacy Act of 1974, Public Law 93-579 (5 USC 552a).
- M. "Privacy Act notice means a statement, imprinted on or attached to a request for personal information, stating; the authority of the Agency to collect the data; the purpose or how the information is to be used; the routine use of or other agencies and individuals that may have access to the data; whether it is mandatory or voluntary on the part of the individual to supply the information; and the penalty, if any, that may be assessed against the individual for not supplying all or part of the information. The information in this Notice permits an individual to make an informed decision as to whether or not to comply with the request for personal information.
- N. "Privacy Act Request" means a request by an individual about the existence of, access to, or amendment of a record about himself or herself that is in a Privacy Act system of records. The request does not have to specifically cite or otherwise show dependence on the Act to be considered a Privacy Act request.
- O. "Record" means any item, collection, or grouping of information about an individual which also includes his name, or any identifying number, symbol, or other particular, such as a finger or voice print, or a photograph. Throughout this Handbook,

- "Record" refers to each record in a system of records covered by the Act.
- P. "Request for access" means a request by an individual or his legal guardian to inspect and/or copy and/or obtain a copy of a record of information pertaining to the subject individual.
- Q. "Request for correction or amendment" means the request by an individual or his legal guardian to have the Department change (either by correction, addition or deletion) a particular record of information pertaining to the subject individual.
- R. "Routine use" means the use of a record for a purpose which is compatible with the purpose for which it was collected. Further, it means the record may be disclosed for this purpose without the consent of the subject of the record, to any agency outside the Department which has been identified as having a need for this information and these agencies and individuals have been identified in the Federal Register description of the system of records.
- S. "Statistical record" means a record maintained for statistical research or reporting purposes only, and is not to be used in whole or in part in making any determination about an identifiable individual, except as allowed for in Title 13, Section 8, of the United States Code (which refers to the activities of the U.S. Bureau of the Census).
- T. "System Manager" means an official who is responsible for the management, operation, and release of information from a system of records subject to the Privacy Act.
- U. "System of records" means a group of records under the control of HUD from which information is retrieved by the name of the individual, or by some identifying number, symbol or other identifying characteristic unique to the individual.