

CHAPTER 3. PROCEDURES FOR PROCESSING AND MONITORING REQUESTS  
FOR RECORDS SUBJECT TO THE PRIVACY ACT

- 3-1 Introduction. This chapter sets forth procedures for processing requests for access to or amendment of records under the Privacy Act. It also includes procedures for disclosing records, and accounting for such disclosures.
- 3-2 Personnel involved in Privacy Act activities fall into two categories: those who process" and disclose information and those who make decisions concerning the disclosure of the information. The first category includes mailroom personnel and persons responsible for transmitting information and accounting for the disclosures. Mailroom employee responsibilities are discussed in paragraph 1-3. Procedures for processing requirements relating to making decisions concerning the disclosure of the information is discussed in this chapter. However, any questions concerning the handling of information and/or disclosures should be resolved directly with the Privacy Act Officer.
- 3-3 Relationship between the Privacy Act and the Freedom of Information Act (FOIA) In some instances individuals requesting access to records pertaining to themselves may not know which Act to cite as the appropriate statutory authority. The following guidelines are to ensure that the individuals receive the greatest degree of access under both Acts:
- A. Any person may use the FOIA to request access to agency records. This includes U.S. citizens, permanent resident aliens, foreign nationals, corporations, unincorporated associations, universities, and state and local governments. The FOIA enables a person to obtain access to agency records. Only those records that are not maintained by the requester's identifier and hence not "records" within "systems of records" are available under FOIA.
  - B. Only individuals may use the Privacy Act. "Individual" is limited to U.S. citizens and aliens lawfully admitted for permanent residence. The Privacy Act in addition to access, establishes a right to correct, amend, or expunge records about an individual that are not accurate, relevant, timely and complete. Only records that are retrieved by the

individual's personal identifier and not exempt from access as described in paragraph 3-11 are releasable.

- 3-4 Choosing the Appropriate Act. When making a decision regarding which Act to process requests for information the following factors should be considered.
- A. If the request is from an individual seeking information pertaining to him, cites only the Privacy Act, and the

responsive documents are contained in a systems of records pertaining to the requester, the request should be processed, under the Privacy Act, taking into account any exemptions available under the statute.

- B. If the request cites only the FOIA, requests information about a project, a program, an organization, etc., it should be processed under the FOIA, taking into account only those exemptions under the FOIA. See the FOIA handbook 1327.1, REV-1, for more specific details relating to FOIA procedures and processes. Additional guidance on FOIA exemptions which allows the Department to withhold certain information can be obtained from the Freedom of Information Officer in the Office of Executive Secretariat.
- C. If the requester cites both the Privacy Act and the FOIA, process it under the Act that provides the greater degree of access.
- D. Do not penalize the individual access to his records otherwise releasable, solely because he failed to cite the appropriate statute or instruction.

3-5 Exemptions from the Privacy Act. The Privacy Act permits certain types of systems of records to be exempt from access and other provisions of the Act. There are ten exemptions which are described at 5 U.S.C. 552a (d) (5), 5 U.S.C. 552a(j) and 5 U.S.C. 552a (k) See Appendix C, The Privacy Act of 1974, as amended, for a detailed description of all of the exemptions. Whether a system of records may be exempted is based on the purpose of the system of records, not the identity of the organizational component maintaining the records. When it is determined that a system of records should be exempted from certain provisions of the Act, a proposed rule must be published in the Federal Register naming

10/95

3-2

1325.01 REV-1

the system and stating the specific provisions of the Act from which the system is to be exempted and the reasons. After a 30 day period for public comment, a final rule must be published in the Federal Register. Agencies may not withhold records under an exemption until these requirements have been met. The Privacy Act Officer should be contacted for further guidance on whether or not a system of records should be exempted and for assistance in preparing the appropriate documents required for the Federal Register Notices.

3-6 Conditions of Disclosure. The Privacy Act prohibits the Department from disclosing any record contained in a system of records in any way to anyone without a written request from or prior written consent from the individual concerned in the record, unless disclosure is for one of the following purposes:

- A. Performance of duties by the officers and employees of the Department.

- B. Required in response to a request under the Freedom of Information Act, Title 5, Section 552 of the United States Code.
- C. Routine use, as defined in 1-5, R., where the routine use and the purpose of such use have been published in the Federal Register.
- D. To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13.
- E. To a recipient who has provided HUD with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is disclosed in a form that is not individually identifiable. This exception is limited to records which, even in combination, cannot be used to identify individuals.
- F. To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or his designee to determine whether the record has such value.

- G. To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a criminal or civil law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the agency maintaining the record specifying the particular portion desired and the law enforcement activity for which the record is sought. The head of an agency, for purposes of this condition of disclosure, means an official of the requesting law enforcement agency at or above the rank of section chief or equivalent.
- H. The health or safety of an individual, and then only if the person making the request, has shown a "compelling circumstance" and notification of the disclosure is sent to the individual's last known address.
- I. To either house of Congress, or, to the extent of matters within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee or any such joint committee. This does not authorize the disclosure of a Privacy Act record to an individual member of Congress acting in his own behalf or on the behalf of a constituent.
- J. To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office.

- K. Required by the order of a court of competent jurisdiction. Keep in mind, however, that a subpoena routinely issued by a court clerk is not acceptable, as it must be signed by a judge.
- L. To a consumer reporting agency in accordance with section 3711(f) of title 31. A consumer reporting agency is a person or business which assembles and evaluates information for third parties or makes/markets credit reports. A routine use must be established prior to disclosing information to a consumer reporting agency. Prior to disclosure, the agency head must determine that a valid claim exists and inform the individual: that the debt is overdue; that the agency intends to notify a consumer reporting agency; what information will be released; and that the individual may seek a full explanation of the claim, dispute the claim and appeal the initial agency decision with respect to the claim.

10/95

3-4

1325.01 REV-1

3-7 Accounting for Certain Disclosures. The Privacy Act requires agencies to keep an accounting of disclosures made from its systems of records so that it is simpler to trace data to be corrected, and to inform individuals about disclosures made and to monitor compliance. Accounting for disclosures means to record in some way what was disclosed and to whom. Thus, any employee who discloses such information must maintain a record of account. It is not necessary to account for disclosures that transfer records to another individual within HUD who uses the information in the performance of his official duties or the FOIA. In the event that a request for access is received from an agency that is not listed under "routine use" or an individual who is not the subject of the requested record, prior consent must be obtained from the subject individual each and every time before that disclosure can be made. See Exhibit 3-1 for a sample letter that may be used to inform the subject individual of the request and Exhibit 3-2 for a sample form that may be used to obtain consent.

- A. Content of Accounting Records. The accounting record must include the date, nature, and purpose of the disclosure, and the name and address of the recipient. It must be kept for 5 years after the disclosure is made or the life of the record, whichever is longer. Also, the individual must be given access to the disclosure accountings about him. See Exhibit 3-3 for a sample form that may be used for recording accounting disclosures.
- B. Maintaining Disclosure Accounting Records. Disclosure accounting records are official office records and must be kept available for reference and review. They are to be maintained by the Office, Division or Branch that maintains the disclosed information. Specific details of the disclosed records should be recorded.

3-8 Inquiries Concerning Systems of Records. Anyone may inquire into the existence of a record of information pertaining to one's self

or to a dependent child or legal ward in a system of records maintained by the Department. Privacy Act Officers should attempt to honor oral requests whenever possible, but in the event of questions on the validity of the request, the Privacy Act Officer should have a request submitted in writing.

A. Inquiries should contain the following information:

3-5

10/95

1325.01 REV-1

Name, address and telephone number of the requester; name, address and telephone number of the individual to whom the record pertains, if the individual is a minor or legal ward of the requester; a certified or authenticated copy of documents establishing parentage or guardianship, if such is necessary, whether the individual to whom the record pertains is a citizen or an alien lawfully admitted for residence into the United States; name and location of the system of records as published in the Federal Register; any additional information that might assist the Department in responding to the inquiry; date of the inquiry; the requester's signature. Exhibit 3-4 contains a sample Privacy Act request letter.

1. If an inquiry is misdirected, the Departmental official receiving it should promptly refer it to the appropriate Privacy Act Officer; the time of receipt for processing purposes is the time that the Privacy Act Officer receives the inquiry. The requester should be informed of the transfer. See Exhibit 3-5 for a sample letter informing the requester of the transfer of a Privacy Act Request to the appropriate HUD office.
2. An historical log should be maintained by each Privacy Act Officer for each case handled in his office. Appendix A presents a Privacy Act Case Log for this purpose, which should be started at the beginning of each calendar year and retained for an additional calendar year.
3. If a requester does not know the name of the system of records he is concerned about, the Privacy Act Officer will provide assistance either in person or by mail.
4. If an inquiry fails to contain all necessary information, the Privacy Act Officer will inform the requester that the time of receipt for processing purposes will be the time when the additional necessary information is received. See Exhibit 3-6 for a form letter that may be used to obtain the additional information.
5. Once there is sufficient information to process the request, a record search procedure must be initiated. This involves contacting the HUD staff(s) that maintain(s) the system(s) of records. Exhibit 3-7

10/95

3-6

contains a Record Search Procedure Log that may be used to retain a history of this activity.

6. The Privacy Act Officer should make every effort to respond to an inquiry within 10 working days of receipt of the inquiry. If a response cannot be made within 10 working days, the Privacy Act Officer will notify the requester of this fact and provide him with an estimate of when the request would be satisfied, as well as the reason for the delay. See Exhibit 3-8 for a sample letter that may be used for this purpose.
7. Paragraphs 3-8 through 3-16 relate to the processing of the various types of Privacy Act requests and the Departmental responsibilities with respect to them. Exhibit 3-9 contains a sample letter by which the requester can be informed of the Departmental action taken with respect to his request and the actions he must take to obtain the information that was requested, if such are necessary.

### 3-9 Individual Requests for Access to Information Maintained in Systems of Records.

- A. Individual Rights. Any individual may request access to records maintained about him by the Department. The Department must, upon request:
  1. Inform an individual whether a system of records contains a record or records pertaining to him;
  2. Permit an individual to review any record pertaining to him which is contained in a system of records;
  3. Permit the individual to be accompanied by a person of his choosing; and
  4. Permit the individual to obtain a copy of any such record in a form comprehensible to him at a reasonable cost. This may include braille, tape, large print, readers, personal computer with voice, etc. No additional fee may be requested from an employee with a disability who requests material in an accessible format.

- B. Agency Responsibilities. Privacy Officers should attempt to honor oral requests whenever possible, but may ask that the request be submitted in writing. In the event that a request is misdirected to a HUD office, the Privacy Act Officer should transfer the request to the appropriate office and notify the requester of the transfer. See Exhibit 3-5 for a sample letter that may be used to inform the requester of a transfer to the appropriate HUD Office.

3-10 Verification of Identity. The Privacy Act requires agencies to develop procedures to verify the identity of a person requesting to see or copy his record, but such requirements should not be unduly burdensome. The purpose is to reasonably ensure that a person is not improperly granted access to the records of another. The following procedures should be followed before granting oral and written requests for access to records.

- A. An oral request for access must be accompanied by the following identification:
  - 1. A document bearing the requester's photograph (building pass, license, etc.).
  - 2. A document bearing the requester's signature.
  - 3. In the event of no such document, a signed statement asserting the requester's identity and stipulating that the requester understands the penalty provisions of the Act. See Exhibit 3-10 for an example of such a statement.
  - 4. If the requester is a parent or legal guardian of the individual to whom the record pertains, the Privacy Act Officer must also obtain proof of identification through a certified or authenticated copy of the court's order in the case of a ward. In no event can a parent or guardian act for a decedent. However, access to Office of Human Resources records maintained by the Department may be granted to a survivor of a deceased employee, or annuitant or someone acting in his behalf.
  - 5. In order to facilitate processing, the Privacy Act Officer should also determine if the request for access is a result of an earlier inquiry.

10/95

3-8

1325.01 REV-1

- B. Written request for access should contain the same identifying information as required for an oral inquiry. Proof of identity should be established by a certificate of a notary public or equivalent officer empowered to administer oaths.
- C. Whether the request for access is oral or in writing, the following will apply;
  - 1. If the request is misdirected the Department official receiving it will promptly refer it to the appropriate Privacy Act Officer; the time of receipt of the request for processing purposes is the time the Privacy Act Officer receives it.
  - 2. If the request fails to contain all the necessary information and documents, the Privacy Act Officer will inform the requester that the time of receipt for

processing purposes will be the time when he provides the additional information. See Exhibit 3-6 for a sample letter that may be used for this purpose.

3. Once, in the opinion of the Privacy Act Officer, there is sufficient information to process the request, a record search procedure must be initiated. This involves contacting HUD staff(s) that maintain(s) the system(s) of records. Exhibit 3-7 contains a Record Search Information Log that may be used to retain a history of this activity.
  4. The Privacy Act Officer will respond to a request within 10 working days of receipt of the request. If a response cannot be made within 10 working days, the Privacy Act Officer will notify the requester of the estimated date that a response can be made and the reason for the delay. See Exhibit 3-8 for a sample letter that may be used for this purpose.
  5. The requester shall not be required to state a reason or otherwise justify his request for access to a record.
- D. If the record is contained in a personnel file under control of the Office of Human Resources, the request can be made directly to the appropriate Personnel Officer who will act for the Privacy Act Officer in this case.

1325.01 REV-1

3-11 Disclosure of Requested Information to Individuals. Under the Privacy Act, an individual has access to records only if those records are within a system of records; i.e., the records are retrieved by the individual's name or other identifier.

- A. Upon granting access to a record in response to a request for access the Privacy Act Officer will notify the requester in writing, providing the following information:
1. The time and place where the records will be available for personal inspection, and the period of time that the records will be available for inspection;
  2. A copy of the information requested if no fees are involved;
  3. An indication of whether the copy will be held pending receipt of fees to cover the cost of copying documents, and the estimate of the fee for copying the record;
  4. An indication that the requester may be accompanied by another individual during the period of access and the procedures required to allow that individual access to the record. See paragraph 3-11; B., 4.;
  5. And, any additional requirements needed to grant access



to a specific record.

B. The Privacy Act Officer will also ensure that:

1. Manual record files are the source for disclosing the information and for copying purposes unless a computer printout of the record is both easily available and readable (clear English).
2. Any information or assistance that is needed to make the record intelligible will be provided at the time of access.

10/95

3-10

1325.01 REV-1

3. Original records will only be available under the immediate supervision of the Privacy Act Officer or his designee and that copies or abstracts may be available to guarantee the security of the original record.
4. When the requester is accompanied by another person(s), the individual to whom the record pertains will authorize the presence of that other person, in writing, including the name of the individual and the record to which access is sought, sign the authorization and have the accompanying individual sign the authorization in the presence of the Privacy Act Officer (see\* Exhibit 3-11 for an example of such an authorizing document).

3-12 Initial Denial of Access to Records. The Privacy Act Officer may not deny an individual access to any record pertaining to the individual except under highly selective conditions.

A. Grounds for denial of access to an individual's record(s) follows:

1. The record is in a system of records which the Department has exempted from access or in a system of records exempted by another agency responsible for filing a notice on the system. The exemption status of a system of records is found in the individually published system of, records notice.
2. The record was compiled in reasonable anticipation of a civil action or proceeding.
3. The individual has unreasonably failed to comply with procedural requirements for requesting access.

B. Notification of denial of a request for access must be in writing and should include the following information:

1. The Privacy Act Officer's name and title or position.
2. The date of the denial.

1325.01 REV-1

3. The reason(s) for the denial, including citation to the appropriate section(s) of the Act and the Departmental regulations.
4. The individual's opportunity for an administrative review of the denial through a Departmental appeal procedure, which includes a written request for review within 30 calendar days that contains copies of the original request for access, and a statement of why the denial is believed to be in error.
5. The name and address of the Departmental Privacy Appeals Officer.
6. If the denial is administratively final (that is, no opportunity for an appeal), then state the individuals right to judicial review, including citation of the appropriate section(s) of the Act and the Departmental regulations. This can occur when the request for access is to another agency's record in your possession which has been exempted by them under the provisions for a "General Exemption."

3-13 Appeal of Initial Denial of Access to Records. The Privacy Appeals Officer will review any initial denial of access to records only if a written request for the review is filed within 30 calendar days from the date of the notification of denial of access to the record.

A. The appeal package must contain:

1. A copy of the request for access.
2. A copy of the written denial of the request for access.
3. A statement of the reasons why the initial denial is believed to be in error.
4. The individual's signature.

B. The procedures and processing relating to appeal requirements are contained in Appendix D.

3-14 Request for Correction or Amendment to a Record. Any individual may submit a request to the Department for correction or amendment of a record pertaining to that individual, or to a dependent child or legal ward. Privacy Act Officers should attempt to honor oral

10/95

3-12

1325.01 REV-1

requests whenever possible, but they may require that the request be submitted in writing.

- A. The request for correction or amendment should include the following information:
1. A specific identification of the record sought to be corrected or amended.
  2. The specific wording to be deleted, if any.
  3. The specific wording to be added, if any, and the exact place at which it is to be inserted or added.
  4. A statement of the basis for the requested correction or amendment, including all available supporting documents or materials which substantiate the statement.
  5. Since the request, in all cases, will follow a previous request for access, the individual's identity will be established by his signature on or accompanying the request.
- B. Upon receipt of the request for correction or amendment to a record, the Privacy Act Officer will make a determination within 10 working days, to do one of the following:
1. Make the requested correction or amendment and notify the individual of the action taken;
  2. Acknowledge receipt of the request and provide an estimate of time within which action will be taken, explaining to the requester any unusual circumstances (such as, records are in inactive storage, field facilities or other establishments; voluminous data are involved, information on other individuals must be separated or deleted; consultation with other agencies having a substantial interest in the determination are necessary). The Privacy Act Officer may also ask for such further information as may be necessary to process the request; or,
  3. Inform the individual in writing that the request is denied.
- C. Upon receipt of further information that may have been requested, the Privacy Act Officer will acknowledge within 10 working days and promptly determine to do one of the following:
1. Make the requested correction or amendment and notify the individual of the action taken, providing, when feasible, a copy of the corrected or amended record.
    - (a) If the uncorrected record has been disclosed to a person or an agency and an accounting was made of the disclosure, the Privacy Officer will notify all such persons and agencies of the correction or amendment.

- (b) A recipient agency maintaining the record must acknowledge receipt of the notification, correct or amend the record, and notify any other person or agency to whom it has disclosed the record, providing an accounting was made of the disclosure, of the substance of the correction or amendment.

- 2. Inform the individual in writing that the request is denied.

3-15 Criteria for Considering a Request for Correction or Amendment. The Privacy Act Officer will consider the following criteria in making a determination on a request to correct or amend an individual's record:

- A. The sufficiency of the evidence submitted by the individual.
- B. The factual accuracy of the information.
- C. The relevance and necessity of the information in terms of purpose for which it was collected.
- D. The timeliness and currency of the information in terms of the purpose for which it was collected.
- E. The completeness of the information in terms of the purpose for which it was collected.

10/95

3-14

1325.01 REV-1

- F. The possibility that denial of the request could unfairly result in determinations adverse to the individual.
- G. The character of the record sought to be corrected or amended.
- H. The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

3-16 Initial Denial to Correct or Amend a Record. The Privacy Act Officer may not deny an individual the right to correct or amend the contents of a record pertaining to the individual except under highly\*selected conditions.

- A. Grounds for denial of a request to correct or amend an individual's record(s) follow:
  - 1. The evidence presented has failed to establish the propriety of the correction or amendment when weighed against the applicable criteria set forth in paragraph 3-11. The Privacy Act Officer will not undertake to gather evidence for the individual, but does have the right to verify the evidence submitted.
  - 2. The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial, legislative or

quasi-legislative proceeding to which the individual was a party or participant.

3. The information in the record sought to be corrected or amended or the record sought to be corrected or amended, is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant.
4. The correction or amendment would violate a duly enacted statute or promulgated regulation.
5. The individual has unreasonably failed to comply with the procedural requirements for requesting a correction or amendment to a record.

B. Notification of denial of a request to correct or amend a record must be in writing and will include the following information:

3-15

10/95

1325.01 REV-1

1. The Privacy Act Officer's name and title or position.
2. The date of the denial.
3. The reason(s) for the denial, including citation of the appropriate section(s) of the Act and the Departmental Regulations.
4. The procedures for a Departmental appeal.
5. The name and address of the Departmental Privacy Appeals Officer.

3-17 Appeal from Initial Denial to Correct or Amend a Record. The Privacy Appeals Officer will review any initial denial to correct or amend a record only if a written request for review is filed within 30 calendar days from the date of the notification of denial to correct or amend the record. The procedures and processing requirements relating to appeals are contained in Appendix D.

3-18 Reproduction Fees. Generally only one copy of any record or document will be provided. Checks or money orders for fees should be made payable to the "Treasurer of the United States". Fees should only include the direct cost of reproduction.

A. No fees should be charged for the following:

1. Time or effort devoted to searching for or reviewing the record by HUD personnel;
2. Fees not associated with the actual cost of reproduction;
3. Producing a copy when it must be provided to the individual without cost under another regulation,

directive, or law;

4. Normal postage;
5. Transportation of records or personnel; or
6. Producing a copy when the individual has requested only to review the record and has not requested a copy to keep, and the only means of allowing review is to make a copy (e.g., the record is stored in a computer and a copy must be printed to provide individual access or the HUD

10/95

3-16

1325.01 REV-1

official does not wish to surrender temporarily the original record for the individual to review).

B. Copying fees will be charged as prescribed below:

1. Each copy of each page, up to 8 1/2 X 14 made by photocopy or similar process - \$0.15.
2. Each page of computer printout, without regard to the number of carbon copies concurrently printed - \$0.20.
3. Micrographic copy:
  - a. duplicating - per fiche: \$1.00
  - b. duplicating 16 mm roll \$2.00 per roll/cartridge
  - c. paper print out - from microfilm/microfiche: \$0.15 per image/page.

C. Fee Waiver. A copy fee of \$1.00 or less shall be waived by the Privacy Act Officer, but the copying fees of several simultaneous requests by the same individual will be aggregated to determine the total fee. The Privacy Act Officer may elect to reduce a fee or to eliminate it completely if he deems it to be in the public interest; such as, when the cost to the Government to process the fee disproportionately exceeds the amount of the fee.

3-17

10/95

1325.01 REV-1

EXHIBIT 3-1 SAMPLE LETTER TO INFORM  
INDIVIDUAL OF A REQUEST FOR ACCESS TO  
HIS PERSONAL INFORMATION

(Name)

(Address)

SUBJECT: Letter to Inform Individual of a Request for Access to his personal information

Dear \_\_\_\_\_,

On (date), the U.S. Department of Housing and Urban Development received a request from (Name and address of requesting official or agency) to disclose a record(s) about you, as described below. Since this record comes under the Privacy Act of 1974, we may not disclose the record to this individual or agency without your knowledge. Your consent is necessary before such disclosure can be made.

Please complete the attached consent form and return it notifying us of your decision on this matter.

Sincerely,

Privacy Act Officer

DESCRIPTION OF REQUEST: (State type of record/information and reason/use for request)

10/95

3-18

1325.01 REV-1

EXHIBIT 3-2 SAMPLE FORM TO OBTAIN CONSENT TO DISCLOSE PERSONAL INFORMATION

I, \_\_\_\_\_, hereby ( ) grant / ( ) refuse (check one) permission to the U.S. Department of Housing and Urban Development to disclose my record, as described in the attached, to (name of individual or agency), in response to a request dated \_\_\_\_\_ from this person or agency for disclosure of such record. No subsequent disclosure of such record to the individual or to any other individual or agency is to be made without my additional explicit consent, except as may be authorized by law.

\_\_\_\_\_  
signature

\_\_\_\_\_  
date

3-19

10/95

1325.01 REV-1

EXHIBIT 3-3 SAMPLE FORM FOR RECORDING ACCOUNTING DISCLOSURES

DISCLOSURE ACCOUNTING FORM  
RECORD OF DISCLOSURE

UNAUTHORIZED DISCLOSURE OF PERSONAL INFORMATION FROM THIS RECORD COULD SUBJECT THE DISCLOSURE TO CRIMINAL PENALTIES

1. This is to remain a permanent part of the record described below
2. An entry must be made each time the record or any information from the record is viewed by, or furnished to any person or agency except:
  - A. A disclosure to HUD personnel having a need to know in the performance of official duties; or,
  - B. When required under the Freedom of Information Act.

Title and Description of Record:

Date of Disclosure	Method of Disclosure	Purpose or Authority	Name & Address of Person or Agency to whom disclosed information, with signature if made in person.
--------------------	----------------------	----------------------	---

10/95

3-20

1325.01 REV-1

EXHIBIT 3-4 SAMPLE PRIVACY ACT REQUEST LETTER

Privacy Act Officer  
Department of Housing and Urban Development  
451 7th Street SW  
Washington, DC 20410

Dear Sir:

Under the provisions of the Privacy Act of 1974, I am requesting a copy of all records the Department is presently maintaining on me. I was employed by the HUD Regional Office in San Francisco as a contractor during the period of 1979 through 1985. The company that I was working with was the X Company of San Francisco. I am interested in any records relating to my performance as a contractor, the awarding of the contract, the termination of the contract, and the subsequent loss of my job. Information verifying my identity is resented below.

Mr. John Doe  
777 Block Avenue  
San Francisco, CA 22222  
Telephone No.: (415) 555-8888

I am enclosing a notarized copy of some documents of identification. Please send the information to the above address. You may call me if you have further questions.

I look forward to an expeditious response to my inquiry. Thank you for your assistance.

Sincerely,

John Doe

Enclosures

3-21

10/95

EXHIBIT 3-5 SAMPLE LETTER INFORMING REQUESTER OF TRANSFER  
OF PRIVACY ACT REQUEST TO APPROPRIATE HUD OFFICE

(Name)  
(Address)

Dear \_\_\_\_\_,

The information that you recently inquired about has been found in a Privacy Act System of records that is maintained at another HUD office. Your request is being transferred to that office for further



handling. Your contact at that office is:

(Name)  
(Privacy Act Officer)  
(Business address)

You may expect to hear from him shortly.

Sincerely,  
  
(Departmental) Privacy Act Officer

10/95

3-22

1325.01 REV-1

EXHIBIT 3-6 SAMPLE LETTER USED TO OBTAIN ADDITIONAL INFORMATION

Case No.:

(Name)  
(Address)

Dear \_\_\_\_\_,

We have received your request under the Privacy Act of 1974, and need additional information before we can comply with your request. Please complete the items below and return to the undersigned Acting Privacy Act Officer.

What was your relationship with HUD at the time the record was created (such as, employee or prospective employee, mortgage insurance applicant, mortgagor, builder or developer, contractor or prospective contractor, etc.):

\_\_\_\_\_  
\_\_\_\_\_

Approximate date when the record was created:

\_\_\_\_\_

Address when record was created:

Street No: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_

Additional Information that may assist HUD in complying with your request (such as, date of birth, names of parents, place of work, dates of employment, position, title, etc.) :

\_\_\_\_\_  
\_\_\_\_\_

Please note that the time of receipt for processing purposes will be the time that this additional information is received in our office. Thank you.

Very sincerely yours,  
  
(Departmental) Privacy Act

Officer

3-23

10/95

1325.01 REV-1

EXHIBIT 3-7 SAMPLE RECORD SEARCH INFORMATION LOG

U.S. Department of Housing and Urban Development  
RECORD SEARCH INFORMATION

Case No: \_\_\_\_\_

Date of Action	Name of Person Contacted	Location of Person Contacted	Type of Action and remarks
----------------	--------------------------	------------------------------	----------------------------

10/95

3-24

1325.01 REV-1

EXHIBIT 3-8 SAMPLE LETTER FOR PRIVACY ACT PROCESSING  
OVER 10 DAYS

Case Number \_\_\_\_\_

(Name)  
(Address)

Dear \_\_\_\_\_,

Your request under the Privacy Act of 1974 has been received and is being processed. You will receive a response within \_\_\_\_\_.

Your response is delayed because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

If you need to contact us further on this request, please use the Case Number referred to on the upper right side of this letter.

3-25

10/95

EXHIBIT 3-9 SAMPLE LETTER TO INFORM REQUESTER OF  
DEPARTMENTAL ACTION

Case No.: \_\_\_\_\_

(Name)  
(Address)

Dear \_\_\_\_\_,

We have received and processed your request under the Privacy Act of 1974. (Type the one of the following that applies:)

We do not have a record pertaining to you in the following Privacy Act System of Records: (Name of SOR)

We do not have a record pertaining to you in a Privacy Act System of Records.

Your request for access to a record is granted,  
A copy of the record is enclosed.

Please contact the undersigned Privacy Act Officer to arrange a suitable time to inspect the record.

Your request for access to a record is denied because it is exempt from disclosure. The procedure to exercise your right of appeal of this denial is attached.

Your request to correct or amend a record is granted:  
A copy of the corrected/amended record is enclosed.

Please contact the undersigned Privacy Act Officer to arrange a suitable time to inspect the corrected/amended record.

Your request to correct or amend a record is denied because (state reason). The procedure to exercise your right of appeal of this denial is attached.

Enclosed is a copy of the accounting of disclosures of your record, as you requested.

A fee of (state amount) will be charged to make a copy of your record as you requested. Please make a check or money order payable to "Treasurer

10/95

3-26

1325.01 REV-1

of the United States" and present it to the undersigned Privacy Act Officer or his designee.

Sincerely,

(Departmental) Privacy Act  
Officer

3-27

10/95

EXHIBIT 3-10 SAMPLE STATEMENT OF IDENTITY

City:

County:

Social Security Number:

(Name of individual) who fixed his signature below in my presence, came before me, a (title), in and for the aforesaid County and State, this (date) day of (month, year), and established his identity to my satisfaction. My Commission expires (date).

\_\_\_\_\_  
Signature

10/95

3-28

EXHIBIT 3-11 SAMPLE REQUESTER'S AUTHORIZATION FOR AN  
ACCOMPANYING INDIVIDUAL

I (name) grant permission for the following named individual(s)  
\_\_\_\_\_ to accompany me while I  
have access to personal information about me, contained in the following  
system(s) of  
records:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Signed: (requester)

Signed: (accompanying individual(s))  
\_\_\_\_\_  
\_\_\_\_\_

Witnessed: \_\_\_\_\_  
Privacy Act Officer Date

3-29

10/95