

APPENDIX H
 GUIDE TO THE PRIVACY ACT OF 1974
 AND THE DEPARTMENTAL PRIVACY
 ACT REGULATIONS

H-1 YOUR RESPONSIBILITIES. Every individual has a right to privacy and under the Privacy Act the Department has certain responsibilities to ensure that right. As an employee of the Department you have certain responsibilities to assist the Department in safeguarding your rights and those of others. These responsibilities, for which you are held accountable by law, are listed below:

- A. Do not disclose any record contained in a system of records by any means of communication to any person, or another agency, except under the specific conditions of disclosure stated in the Act, [5 USC 552a(b)], and in Departmental regulations, [24 CFR 16.11], which are discussed later under "Conditions of Disclosure."
- B. Do not maintain unreported official files which would come under the Act, [5 USC 552a(e) (4), (e) (11) and (i) (2)].
- C. Do not maintain records describing how any individual exercises the rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual, [5 USC 552a(e) (7)] The First Amendment protects an individual's right of free assembly, freedom of religion, speech and press, and to petition the Government.

H-2 DEPARTMENTAL RESPONSIBILITIES. The Department is responsible for assuring that the individual has access to his records, a right of consent or veto to any "non-routine use" transfer, and is given an accounting of all outside-the-agency transfers of his records. To safeguard those rights the Department must employ a set of procedures defined in the Act, [5 USC 552a], and Departmental Regulations, [24 CFR 16]:

- A. Conditions of Disclosure. The Department will not disclose any record 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 [5 USC 552a(b)] and [24 CFR 16.11]:

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1. Performance of duties by the officers and employees of the Department, [5 USC 552a(b)(1)] and 24 CFR 16.11(a) (5.(1))]
2. Required to be disclosed under the Freedom of Information Act, Title 5, Section 552 of the United States Code, [5 USC 552a(b) (2)] and 24 CFR 16.11(a) (5.(2))]
3. Routine use, as defined in Chapter 2, where the routine

use and the purpose of such use have been published in the Federal Register, [5 USC 552a(b) (3)] and [24 CFR 16.11(a) (5.(3))].

4. Planning or conducting a census or survey by the Bureau of the Census under the provisions of Title 13 of the United States Code, [5 USC 552a(b) (4)] and [24 CFR 16.11(a) (5.(4))].
5. Solely for statistical research or reporting by an individual or agency that has given advance written assurance of its statistical use and that the record will be transferred in a form that is not individually identifiable, [5 USC 552a(b) (5)] and [24 CFR 16.11(a) (5.(5))].
6. Continued preservation for its historical or other value by the National Archives of the United States, or to determine whether the record has such value by the General Services Administration, [5 USC 552a(b) (6)] and [24 CFR 16.11 (a) (5.(6))].
7. A civil or criminal law enforcement activity by another agency or government jurisdiction under control of the United States, if the activity is authorized by law and the head of the agency has made a written request to the Department specifying the portion of the record(s) desired and the law enforcement activity for which it is needed, [5 USC 552a(b)(7)] and [24 CFR 16.11(2) (5.(7))]. 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.
8. 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

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to the individual's last known address, [5 USC 552a(b) (8)] and [24 CFR 16.11(a) (5.(8))]

9. Required by Congress or any committee, joint committee or subcommittee with appropriate jurisdiction, [5 USC 552a(b)(9)] and [24 CFR 16.11(a) (5.(9))]. If a request from a member of Congress is made pursuant to a constituent's request, the Congressman's request must be handled as if it came directly from the subject himself.
10. Performance of duties by the General Accounting Office, [5 USC 552a(b) (10)] and [24 CFR 16.11(a) (5.(10))]
11. Required by a court order having appropriate jurisdiction, [5 USC 552a(b) (11)] and [24 CFR 16.11(a) (5.(11))]

12. Any purpose authorized by the individual in writing, including having an accompanying person present while the individual has access to his record(s), [24 CFR 16.11(a) (1)].
13. Any purpose authorized by prior written consent of the individual, [24 CFR 16.11(a) (2)].
14. Required by a parent or legal guardian acting for the subject individual, [24 CFR 16.11(a) (3)].
15. Required by the Act, but not explicitly covered by the provisions of the Act, [24 CFR 16.11(a) (4)], including:
 - a. Dissemination of a corrected or amended record, or a notation of a disagreement between the subject and the Department of any portion of the subject's record, if the record has been disclosed and an accounting of the disclosure was made, [24 CFR 16.11 (b) (1)]. This correction, amendment or notation must be disseminated to each person or agency shown on the accounting record.
 - b. Disclosure by the Department or a District Court of the United States when a civil action is brought against the agency by the individual, [24 CFR 16.11(b) (2)]

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- c. Release to the Privacy Protection Study Commission, when requested by its Chairman, [24 CFR 16.11(b) (3)].
 - d. Disclosure to the Office of Management and Budget in its role of overseeing and assisting in implementing the Act, [24 CFR 16.11(b) (4)].
- B. Accounting for Disclosure. The Department will keep an account of the disclosures it makes of an individual's record, except in certain cases allowed for in the Act and the Regulations, [5 USC 552a(c)] and [24 CFR 16.11(c)] :
1. The Department will keep an accurate account of all disclosures it makes of an individual's record(s), except for those disclosures made to Departmental officers and employees in the performance of their duties or those required under the Freedom of Information Act, [5 USC 552a(c) (1)].
 2. The Department will keep its accounting of a disclosure of a record(s) for five years after the disclosure is made or for the life of the record(s), whichever is longer, [5 USC 552a(c) (2)]

3. The Department will make its accounting of disclosure available to the individual concerned, at his request, except for disclosures made for a civil or law enforcement activity, [5 USC 552a(c) (3)].
4. The Department will inform any person or agency, to whom a disclosure was made, about any correction, amendment or notation of disagreement made by the Department at the request of the individual concerned, if an account was kept of the disclosure, [5 USC 552a(c) (4)].

C. Access to Records. The Department guarantees the individual access to and the right to a copy of his records, and the opportunity to correct and/or amend his own records, [5 USC 552a(d)] and [24 CFR 16.4 & 16.8].

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1. The Department will allow an individual upon his request, and in accordance with the constraints below, to review the record(s) pertaining to him, to have a copy made of all or any portion of the record(s) and to have a person of his own choosing accompany him. However, such review will not be permitted if:
 - a. the record is subject to an exemption under the Act and the HUD regulations,
 - b. the record is compiled in reasonable anticipation of a civil action or proceeding, or
 - c. the individual has unreasonably failed to comply with the procedural requirements of the regulations, [5 USC 552a(d) (1)] and [24 CFR 16.4(a) & 16.5(e)]:
 - (1) Copies may be mailed at the request of the individual, subject to payment according to an established schedule of fees, or the Department may elect to provide a copy by mail at no cost to the individual, [24 CFR 16.5(b) (2) (iii)]
 - (2) The Department will supply any information and assistance to make the record(s) intelligible at the time of access, [24 CFR 16.5(c)].
 - (3) The Department reserves the right to limit access to copies and abstracts of original records, particularly when the records are on automated data media, such as tape or disk, when the records contain information on other individuals or when deletion of information is permissible under the Act, such as investigatory material, [24 CFR 16.5(d)].

- (4) In no event will the Department allow the individual access to original records, except under the direct supervision of the Privacy Act Officer or his designee. It is a crime to conceal, mutilate, obliterate or destroy any record filed in a public office, or to attempt

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to do any of these acts, [24 CFR 16.5(d)].

2. Access to his record may be denied to an individual if the record is subject to an exemption under the Act claimed by the Department or by another agency responsible for the systems of records, [5 USC 552a(j) & (k)], and the regulations, [24 CFR 16.14 & 16.15]; if the record has been compiled in reasonable anticipation of a civil action or proceeding; if the individual unreasonably has failed to comply with procedural requirements of the regulations, [24 CFR 16.4 through 24 CFR 16.6(a)].
3. The individual may request a review of the initial denial of access by providing the following information addressed to the Privacy Appeals Officer: copy of original request for access, if in writing; a copy of the written denial; and a statement of the reasons why the initial denial is believed to be in error. The appeal shall be signed by the individual, [24 CFR 16.7].
4. The Department will permit the individual the opportunity to correct or amend a record pertaining to him, [5 USC 552a(d) (2)] and [24 CFR 16.8]
 - a. The request should include the following information; specific identification of the record; specific wording to be deleted, if any; specific wording to be inserted, if any, and the exact place it is to be inserted or added; the basis for the correction; and all supporting documents and materials which substantiate the request, [24 CFR 16.8(e)].
 - b. Upon receipt of the request, the Department will either make the requested correction and/or amendment or inform the individual of its refusal to amend in accordance with the request, including the reason, procedures for a review of the refusal, and the name and business address of the reviewing official, [5 USC 552a(d) (2)] and [24 CFR 16.9(a)].
 - c. If the decision, is to correct and/or amend the record, the Privacy Act Officer will arrange to transmit the arrange to transmit the changes to

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those persons and agencies to which uncorrected record was disclosed, if an accounting of the disclosure was made under the provisions of the Act, [24 CFR 16.9(b)].

- d. The Department will not gather evidence for the individual, but does reserve the right to verify evidence submitted by the individual, [24 CFR 16.9(d)].
5. The Department must permit the individual whose request for a, correction of amendment is denied to appeal that decision, [5 USC 552a(d) (3)] and [24 CFR 16.10(a)(d)].
- a. The individual's appeal papers must contain: a copy of the original request for correction or amendment; a copy of the initial denial; and a statement of the reasons why the denial is believed to be in error, [24 CFR 16.10(e)].
 - b. If the appeal reverses the initial denial, the correction or amendment will be made, [24 CFR 16.10(f)-(h)].
 - c. If the appeal upholds the initial denial, the individual has the right to file a concise statement describing his reasons for disagreeing with the agency and the right for judicial review of the Privacy Appeals Officer's decision, [24 CFR 16.10(i) (1)-(4)], [5 USC 552a(d) (3)] and [24 CFR 16.10(i) (5)].
6. If a record is disclosed containing information about which an individual has filed a statement of disagreement, the Department will note the portions of the record under dispute, supply a copy of the statement of disagreement and, if appropriate, a copy of the Department's reason(s) for not making the requested changes, to the agencies and individuals found in the accounting record, [5 USC 552a(d) (4)] and [24 CFR 16.10(e)].
7. None of the above, under sub-paragraph C, shall allow an individual access to any information compiled in anticipation of a civil action or proceeding, [5 USC 552a(d) (5)].

- D. Agency Requirements. The Department's operating procedures with respect to the Act include the following:
 - 1. Maintain only that information on an individual that is relevant and necessary to accomplish its purpose, as

required by statute or by Executive Order of the President, [5 USC 552a(e) (1)].

2. Collect information, as practical, directly from an individual when that information may result in an adverse action concerning his rights, benefits and privileges under Federal programs, [5 USC 552a(e) (2)].
3. Inform each individual who is asked to supply information, on the form which he uses to collect the information or on a separate form that can be retained by the individual, [5 USC 552a(e) (3)]:
 - a. The authority authorizing the collection of the information.
 - b. Whether the disclosure of the information is mandatory or voluntary.
 - c. The principal purpose(s) for which the information is to be used.
 - d. The routine uses which may be made of the information.
 - e. The effects on the individual, if any, of not providing all or any part of the requested information.
4. Publish a notice in the Federal Register, at least annually, on the existence and character of each system of records maintained by the Department, [5 USC 552a(e) (4)].
5. Maintain all records with such accuracy, relevance, timeliness and completeness as is necessary to assure fairness to an individual in any determination about him, [5 USC 552a(e) (5) and (6)].
6. No records will be maintained on how an individual

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exercises his rights guaranteed by the First Amendment, unless expressly authorized by statute or by the individual himself or pertinent to and within the scope of an authorized law enforcement activity, [5 USC 552a(e)(7)].

7. Make reasonable efforts to inform an individual when a record pertaining to him is disclosed to any person under compulsory legal process, when such process becomes a matter of public record, [5 USC 552a(e) (8)].
8. Establish rules of conduct for persons involved in the design, development, operation or maintenance of any

record, and instruct those persons on the rules and requirements for such activities, [5 USC 552a(e) (9)].

9. Establish administrative, technical and physical safeguards to ensure security and confidentiality of records which could result in harm, embarrassment, inconvenience or unfairness to any individual on whom information is maintained, [5 USC 552a(e) (10)].
10. Publish a notice in the Federal Register on any new use or intended use of information maintained by the Department, [5 USC 552a(e) (11)].

E. Agency Rules. The Act requires that each agency establish a set of rules which determine the processes of inquiry, disclosure, correction or amendment, appeal and fees for copying documents. Accordingly, the Department has established such procedures to accomplish the following:

1. Inquiries. Either oral or in writing (in which case, the envelope and the letter should have entered "PRIVACY ACT INQUIRY"), should include--name, address and telephone number of the inquirer; if a parent or legal guardian, the name, address and telephone number of the individual to whom the record pertains; certified or authenticated copy of proof of parentage or guardianship; citizenship status of the individual; 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; signature of the inquirer, if in writing, [5 USC 552a(f)

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(1)] and [24 CFR 16.3(a) and (b) (1) (i)-(ix)].

2. The person giving the information described immediately above should know that it is authorized by the Privacy Act, that such disclosure is voluntary with no penalty for failure to respond, that the principal purpose of the information is for processing the inquiry, that the routine uses which may be made of this information are internal to the Department or to those agencies and uses described in the prefatory statement to the Department's published notice of systems of records, and that the effect of not providing all or part of the information may delay the Department's processing of the inquiry, [24 CFR 16.3(b) (2)] and (3)].
3. Access request can be made by the individual concerned either in person or in writing, or if he is a minor, by his parents or legal guardian.
 - a. In person, the individual will be required to show satisfactory proof of his identity; this proof may be a document with his photograph, a document with

his signature or a signed statement asserting his identity and stipulating his understanding of the penalty under the Act for falsely seeking information on another individual, [5 USC 552a(f) (2)] and [24 CFR 16.4(a) and (d) (1)].

b. In writing, the person making the request should mark the letter and the envelope with "PRIVACY ACT Request FOR ACCESS TO RECORDS" and the letter should contain the same information as required for an inquiry as to the existence of a record. The letter should also contain a notarized certificate of identity. If the request for access follows an inquiry, this should be mentioned in the letter to facilitate processing, [24 CFR 16.4(d) (2)].

c. Parents of minors and legal guardians must, in addition to following the requirements for an oral written request for access, also furnish proof of parentage, such as a valid copy of the minor's birth certificate, or of guardianship, such as a

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valid copy of the court's order, [24 CFR 16.4(d) (3)].

d. If the requirements for proof of identify are considered by the requester to be impeding his right to access to the record(s), the Department will consider alternate suggestions from the requester, [24 CFR 16.4(e)].

e. In no case will an individual have to state his reason for wishing access to a record, [24 CFR 16.4(f)].

4. Disclosure of requested information will be made to the individual provided that the system of records containing that information has not been exempted from the provisions of the Act, [5 USC 552a(f) (3)] and [24 CFR 16.5(b)].

a. The individual may have access to the record(s) in an office and at a time specified by the Privacy Act Officer; the record(s) may be transferred to a more convenient Federal facility, with the approval of the Privacy Act Officer; copies can be mailed to the individual at his request, subject to the payment of prescribed fees; or the Department may elect to provide a copy by mail at no cost to the individual, [24 CFR 16.5(b) (1) (i)-(iii) and (2) (i)-(iii)].

b. The individual may be accompanied by one or more persons of his choosing during access and disclosure [5 USC 552a(d) (2)] [24 CFR 16.5(b) (1)]

(iv)] and [24 CFR 16.5(e)].

5. Denial of access to a record will be made by the Department if the record is subject to an exemption under the Act; compiled in reasonable anticipation of a civil action or proceeding; or if the individual unreasonably has failed to comply with procedural requirements, [24 CFR 16.6(a)]

a. The individual may request a review of a denial for access within 30 working days by addressing a written request to the Privacy Appeals Officer marked "PRIVACY

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ACT REQUEST FOR REVIEW" on the envelope and in the letter, [24 CFR 16.7(a) and (b)].

b. If the review upholds the denial in part or in whole, the Department will notify the individual of his right to judicial review, [24 CFR 16.7(h)].

6. Corrections or amendments to a record may be requested orally or in writing (in which case the envelope and the letter should be marked "PRIVACY ACT REQUEST FOR CORRECTION OR AMENDMENT") and should include specific identification of the record to be corrected or amended; specific wording to be deleted, if any; specific wording to be added, if any, and the exact location; and the basis for the request, including all substantiating documents and materials, [5 USC 552a(f) (4)] and [24 CFR 16.8(a) and (e) (1)-(4)] Correction or amendment of a record can be denied by the Privacy Act Officer only if, [24 CFR 16.9(e)] :

a. The evidence presented fails to establish the need or propriety for the change, [24 CFR 16.9(e) (1)]

b. The record was compiled in a pending or terminated judicial, quasi-judicial, legislative or quasi-legislative proceeding, of which the individual is or was a party or participant, [24 CFR 16.9(e) (2) and (3)].

c. The correction or amendment would violate a duly enacted statute or regulation, [24 CFR 16.9(e) (4)].

d. The request has unreasonably failed to comply with the procedures of the Department, [24 CFR 16.9(e) (5)].

7. Appeal of a denial for correction or amendment of a record may be made in writing up to 30 working days of the notification of denial, with both the letter and the envelope marked "PRIVACY ACT APPEAL," and should include: a copy of the original request for correction or amendment; a copy of the initial denial; a statement of

the reasons why

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the denial should be reversed; the individual's signature, [5 USC 552a(f) (4)] and [24 CFR 16.10(a), (b) and (e)].

- a. If the appeal is denied the individual will be informed of his right to file a concise (approximately one page) statement of disagreement with the final determination, which will be noted in the disputed record(s) and will be provided to any person or agency to whom the record is disclosed or to whom it has been already disclosed, if an accounting was made of such a disclosure, and of his right to judicial review of the final determination, [5 USC 552a(f) (4)] and [24 CFR 16.10(a), (b), (e) and (i) (1) - (5)].

8. General and Specific Exemptions. The Act provides for the exemption of certain classes of systems of records from the provisions of the Act with regard to inquiry, access, disclosure, appeal and judicial review, [5 USC 552a(j) and (k)] and [24 CFR 16.14 and 16.15].

- a. The kinds of systems of records for which the Department may exercise an exemption are:
 - (1) investigatory material compiled for law enforcement purposes other than material compiled by a principally law enforcement agency;
 - (2) required by statute and used solely as statistical records;
 - (3) investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal employment and suitability for employment on Federal contracts or for access to classified information; and,
 - (4) compiled solely for the purposes of determining individual qualifications for appointment or promotion in the Federal service (testing or examination material) or in the armed services (recommendations), [5 USC 552a(j) (1)-(2) and (k) (1)(7)].

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- b. The Department may not exempt any system of records from the following requirements:

- (1) the constraints of the conditions of disclosure;
- (2) from accounting for disclosures (except to employees of the Department in the performance of their duties or under the Freedom of Information Act);
- (3) from retaining the accounting records for the life of the individual's record or five years after the disclosure is made, whichever is longer;
- (4) from publishing in the Federal Register, at least once a year, a notice on the existence and character of the system of records;
- (5) from assuring the accuracy, completeness, timeliness and relevancy of the record(s);
- (6) from not describing how an individual exercises his rights guaranteed by the First Amendment;
- (7) from establishing rules of conduct involving the design, development, operation or maintenance of the records;
- (8) from establishing administrative, technical and physical safeguards to ensure the security and confidentiality of the records; or,
- (9) from criminal penalties for willfully disclosing materials in any manner to any person or agency not entitled to receive them, [5 USC 552a(j) and (k)].

9. New Systems. The Department must provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records to permit an evaluation of the probable or potential effect of such proposals on the privacy of individuals or the disclosure of information in relating

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to them, [5 USC 552a(o)].

- a. Each employee who initiates a proposed new or altered system of records containing information on individuals is responsible for reporting this system of records directly to the Privacy Act Officer.

10. Miscellaneous Safeguards. The Act makes a number of

other provisions for safeguarding an individual's privacy and/or for identifying persons with regard to access and disclosure. A brief discussion of each follows:

a. The parent of a minor or the legal guardian of any individual declared incompetent by a court may act for the individual with respect to the Privacy Act, [5 USC 552a(h)].

b. Any record which is stored with the General Services Administration is still considered to be maintained by the Department and can be released only to the Department or its designated representative by the Administrator of the General Services Administration, [5 USC 552a(1) (1)].

(1) Any record sent to the National Archives of the United States for its use as a historical document is considered to be maintained by that Agency and the Department is relieved of Privacy Act responsibility, [5 USC 552a(1) (2) and (3)].

c. Any contractor, and any employee of the contractor, operating, on behalf of the Department, a system of records to accomplish a Departmental function is subject to the criminal penalties of the Act and is considered to be an employee of the Department for that purpose. The Department continues to be responsible for meeting the Act's requirements, [5 USC 552a(m)].

d. An individual's name and address may not be sold or rented by the Department unless specifically authorized

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by law, but such information cannot be withheld if otherwise permitted to be made public, [5 USC 552a (n)].

e. The Department cannot use exemptions under the Freedom of Information Act to withhold from an individual any record which is otherwise accessible to the individual under the provisions of the Privacy Act, [5 USC 552a (t)].

11. Civil Actions and Criminal Penalties. The Privacy Act makes provision for an individual to bring a suit against the Department if the Department has failed in its duties with regard to inquiry, access, correction and amendment, or if an officer or employee of the Department willfully discloses material, does not meet privacy requirements for maintaining a record, or willfully requests or obtains information under false pretense, [5 USC 552a(g) and (i)] and [24 CFR 16.13]:

a. Civil actions may be brought against the Department in the District Courts of the United States if it has failed in its duties under the Act as follows:

(1) The Department refuses to review its denial to correct or amend an individual's record(s), or, if a review upholds the initial denial, refuses to allow the individual to file a statement of disagreement with the denial, and/or does not notify the individual of his rights for judicial review, following the upholding of a denial, [5 USC 552a (g) (1) (A) and (d) (3)].

(2) The Department refuses to allow the individual to have a person or persons accompany him while his records are being accessed and disclosed, [5 USC 552a (g) (1) (B) and (d) (1)].

(3) The Department fails to maintain any of an individual's records with such accuracy, relevancy, timeliness and completeness, or fails to comply with any provisions of the Act or Departmental Privacy Act regulations as

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to have an adverse effect on the individual, [5 USC 552a(g) (1) (C) and (D)].

(4) In any suit brought against the Department because it refuses to review a denial to correct or amend an individual's record(s) or because it refuses to allow a person to accompany the individual during access and disclosure of his record(s), the court may order the Department to amend the individual's record(s) according to his request, to deliver any record(s) to the individual that was improperly withheld from him, and to pay reasonable attorney fees and other litigation costs, [5 USC 552a(g) (2) and (3)].

(5) In any suit brought against the Department because it intentionally or willfully maintained records or failed to comply with the Act or Departmental Privacy Act regulations in such a way as to have an adverse effect on the individual, the court may order the United States to pay damages of not less than \$1,000 and the costs of the action, plus reasonable attorney fees, [5 USC 552a(g) (4)].

(6) A civil action can be brought in a District

Court of the United States within two (2) years of the date on which the course of the action occurred, except where the Department has materially and willfully misrepresented any information under the Act to be disclosed to an individual, in which case, a civil action can be brought into court within two (2) years after the misrepresentation is discovered, [5 USC 552a(g) (5)].

- b. Criminal penalties are provided under the Act, up to \$5,000, for any Department Officer or employee or any other person found guilty of a misdemeanor for one of the following activities:

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- (1) Any Department Officer or employee who has possession of or access to systems of records which are under the Act and knowingly and willfully discloses these records in any manner to any person or agency not entitled to receive them is guilty of a misdemeanor, [5 USC 552a(i) (1)].
 - (2) Any Department Officer or employee who willfully maintains a system of records and who does not publish an annual notice in the Federal Register of the existence and character of the system shall be guilty of a misdemeanor, [5 USC 552a(i) (2)].
 - (3) Any person who knowingly and willfully requests or obtains any record concerning an individual under false pretenses shall be guilty of a misdemeanor, [5 USC 552a(i) (3)] and [24 CFR 16.13(a)]; and may also be subject to prosecution under other criminal statutes, [24 CFR 16.13(b)].
- c. FEES. The fees to be charged an individual under the provisions of the Privacy Act and the Departmental Regulations are for copying records at his/her request: Manual record files should be the source for copying purposes unless a computer printout of the record is both readily available and readable (plain English). The following provisions affect the assessment of such fees, [5 USC 552a(f) (5)]:
- (1) No fees will be charged or collected for the following:
 - (a) Search for the records.
 - (b) Review of the records.

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- (c) Copying at the initiative of the Privacy Act Officer without a request from the individual.
 - (d) Transportation of records and personnel.
 - (e) First class postage.
 - (f) One copy of each record corrected or amended pursuant to the individual's request as evidence of the correction or amendment.
 - (g) A single copy of a personnel record covered by the Office of Personnel Management's Government-wide published notice of systems of records. However, in cases where such records are voluminous the Department may, at its discretion, charge a fee when the cost would exceed five dollars (\$5.00).
- (2) Copying fees will be charged as prescribed below:
- (a) Each copy of each page, up to 8 1/2" x 14" made by photocopy or similar process - \$0.15.
 - (b) Each page of computer printout, without regard to the number of carbon copies concurrently printed - \$0.20.
 - (c) Each duplicated microfiche \$1.00.
 - (d) Each duplicated roll of 16 mm microfilm \$2.00 roll/cartridge.
 - (e) Each paper printout from microfilm/microfiche \$0.15 per image/page.
 - (f) Prepayment can be made in cash, but preferably by check or money order payable to "Treasurer of the United States." In some cases the Privacy Act Officer may deem it appropriate to require payment in the form of a certified check. The payment should be paid or sent to the office stated in the

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billing notice or, if none, to the

Privacy Act Officer processing the request.

- (g) A copying fee of \$1.00 or less shall be waived by the Privacy Act Officer, but the copying fees individually 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.
- (h) Special and additional services provided at the request of the individual, such as certification or authentication, postal insurance and special mailing arrangement costs will be charged to the individual in accordance with other published regulations of the Department.