

Department of the Interior Departmental Manual

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Series: Information Resources Management

Part 383: Public Access to Records

Chapter 5: Privacy Act Systems of Records Notices

Originating Office: Office of Information Resources Management

This chapter has been given a new release number.* No text changes were made.

383 DM 5

5.1 Purpose. The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires publication of a notice in the Federal Register describing each system of records subject to the Act. Publication of a new or revised system notice before any new system or major change to an existing system is to be effective is also required. This chapter describes the required contents of system notices and related system documentation and procedures.

A. The publication requirements are intended to (1) help individuals locate systems of records that are likely to contain personal information pertaining to them, and (2) prevent the use of a system of records without first giving individuals an opportunity to review the purpose and routine uses of the information.

B. Maintenance of a system of records (as defined in 383 DM 1.4C) for which no system notice has been published is a violation of the law. Department and bureau responsibilities with respect to preparing system notices are described in 383 DM 2.3 and 383 DM 3.3, respectively.

5.2 Notice Contents. Required contents of, and format for, system notices are described in Appendix 3 to this chapter.

5.3 Reports on New or Altered Systems. OMB Circular A-130 describes detailed procedures for reporting an agency's intention to establish a new system or alter an existing system of records. A new system is any system for which no Federal Register notice has previously been published.

A. A report to OMB and Congress must be prepared when a new system of records is proposed, or when a change to an existing system is proposed which significantly alters the character of the system by:

(1) Increasing or changing the number or types of individuals on whom records are maintained;

- (2) Expanding the types and categories of information maintained;
- (3) Altering the purposes for which the information is used;
- (4) Changing the equipment configuration (i.e., hardware and/or software) on which the system is operated so as to create the potential for substantially greater access to the records in the system; or
- (5) Exempting the system of records from any provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j) or (k).

B. The report on a proposed new or altered system must be submitted to OMB and Congress at least 60 days prior to establishment of a new system or the implementation of an altered existing system. In order for the Department to meet this requirement, bureaus and offices shall submit this report to the Departmental Privacy Act Officer at least 90 days before the proposed implementation date. Appendix 1 to this chapter provides guidance on the information required to be transmitted to the Departmental Privacy Act Officer. Departmental Report Control Symbol CON-74-014 has been assigned to this reporting requirement.

5.4 **Minor Changes to Systems of Records.** Any changes to existing systems of records, other than those described in 383 DM 5.3A, require the publication of an amended notice in the Federal Register. Minor changes to systems of records notices may be required because of system revisions or as a result of the annual review of system notices required by Appendix 1 to OMB Circular A-130 (see 383 DM 3.13). Paragraph B2 of Appendix 1 to this chapter provides instructions for reporting such changes.

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**383 DM 5
Appendix 1**

PRIVACY ACT DOCUMENTATION

A. **NEW SYSTEM.** The following documentation is required to establish a new system of records that is subject to the Privacy Act of 1974:

1. Prepare a transmittal memorandum to the Departmental Privacy Act Officer addressing the following items to the extent that they are not discussed in the narrative statement described in paragraph 2a below:

a. Describe how the information is relevant, necessary, and relates to the purpose (in law) for which the system is being established or maintained.

- b. Cite the adverse consequences, if any, of not collecting or maintaining the information.
 - c. Discuss other options considered to meet the program need without establishing records in individually identifiable form.
 - d. Provide the rationale for determining: (1) what individuals will be included in the system of records, (2) how the number of individuals to be included in the system can be minimized, and (3) the minimum length of time that individual records will be maintained.
 - e. Describe any deliberations to determine the financial cost of maintaining the system of records as compared to the risks/adverse consequences of not maintaining it.
 - f. Provide a statement assuring that the proposed system does not duplicate any existing records system in the bureau.
 - g. Identify the bureau/office official to contact for additional information.
2. Attach to the memorandum the documents noted in items 2a through 2c below.
- a. A narrative statement as described in Appendix 2. The statement is to be typed single-spaced and submitted in original and three copies. The narrative statement is forwarded to OMB and Congress; therefore, it should be carefully prepared and contain a complete description of the proposal.
 - b. A system notice prepared for publication in the Federal Register. A description of each item to be addressed in the system notice is contained in Appendix 3. The notice is to be typed double-spaced and submitted in original and three copies.
 - c. If applicable, supporting documentation consisting of advance copies of new or revised rules pertaining to the system of records which will be published.

B. REVISION TO EXISTING SYSTEM. The following documentation is required to make a change to an existing system of records.

1. If the changes require a report to OMB and Congress as prescribed in 383 DM 5.3, prepare a memorandum addressed to the Departmental Privacy Act Officer describing the changes being made to the system, and the reasons therefore. Attach to the memo the documents listed in paragraph A2 above.

2. If the changes are minor and do not require a report to OMB and Congress, prepare a memorandum addressed to the Departmental Privacy Act Officer describing the changes being made to the system, and the reasons therefore. Attach to the memo the documents listed in paragraph A2b above.

PRIVACY ACT OF 1974
NARRATIVE STATEMENT
(Typed Single-spaced)

A. The NARRATIVE STATEMENT is a brief description of the proposal which includes the following information.

1. Describe the purposes of the system of records. The description should focus on the system of records and should briefly discuss the purpose and background of the program for which the system of records will be used. The description should include:

a. An estimate of the number of individual records expected to be in the system.

b. The steps taken to minimize the amount of personal data to be maintained.

2. Identify the specific statute or Executive Order which authorizes the maintenance of the system of records.

3. Provide an evaluation of the probable or potential effect of the proposal on the privacy of individuals.

4. Describe the relationship of the proposal, if any, to the other branches of the Federal government and to State and local governments.

5. Provide a brief description of steps taken by the agency to minimize the risk of unauthorized access to the system of records. A more detailed assessment of the risks and specific administrative, technical, procedural and physical safeguards established should be documented so that it can be made available to OMB, if requested.

6. Explain how each proposed routine use is compatible with the purpose for which the records are collected and maintained. For an altered existing system of records, this requirement pertains only to newly proposed routine uses.

7. Provide the OMB clearance numbers, expiration dates, and titles of any OMB-approved information collection requirements contained in the system of records. If the request for OMB clearance of an information collection is pending, state its title and the date it was submitted to OMB for clearance pursuant to 5 CFR 1320 (see 381 DM 12).

8. If the proposal requires new or revised agency rules to be published in the

Federal Register, briefly describe the rulemaking action and attach an advance copy of the documents. If no changes to existing rules are required, provide a statement to that effect.

B. The narrative statement should make reference, as appropriate, to information in the supporting documentation rather than restate such information.

C. Where changes to computer installations, communications networks, or any other general changes in information collection, handling, storage or dissemination are made which affect multiple systems of records; a single consolidated new system report may be submitted. In such cases, the narrative statement also should address the overall privacy implications of the proposed change, identify all systems of records affected by the change and briefly describe any unique impacts on any specific system of records.

383 DM 5
Appendix 3

**PRIVACY ACT OF 1974
DESCRIPTION OF SYSTEM OF RECORDS NOTICE**

<u>EXAMPLE</u>	<u>DESCRIPTION</u>
<p>INTERIOR/BIA-13 System name: Indian Loan Files-Interior BIA-13</p>	<p>The system name should reflect the categories of individuals on whom records are maintained in the system. This is to facilitate an annual compilation by the Federal Register. The number of the system should follow the system name; i.e. Safety Management Information System BInterior, Office of the Secretary B60; (Note: If a new system, contact the Departmental Privacy Act Officer for a system number).</p>
<p>System Location: Division of Land Acquisition, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240</p>	<p>Specify each address at which records are maintained in the system. For a system with many locations the notice may provide a generic description of the locations, and advise the reader where a specific listing may be obtained. If records are stored at a Federal Records Center, this fact should be stated.</p>
<p>Categories of individuals covered by the system: Visitors to NPS administered areas who have participated in surveys conducted</p>	<p>The categories of individuals on whom records are maintained in the system must be clearly stated so an individual may easily</p>

<p>during their visits to the areas or via mail or telephone as a result of their visit.</p>	<p>recognize whether he or she is a member of the group being described. Any change in the system which adds new categories of individuals requires publication of a revised system notice.</p>
<p>Categories of records in the system: Information identifying the employee such as: name, sex, birth date, color of hair, color of eyes, height, social security number, accident summary, accident reports, driver=s license number, date issued, date expires, types of vehicles operated, corrective lenses, and hearing aids.</p>	<p>This portion of the system notice should briefly describe, in non-technical terms, the types of information the system contains. The addition of new types of information to the system requires publication of a revised system notice.</p>
<p>Authority for maintenance of the system: (1) Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. Sec. 668 and 5 U.S.C. Sec. 7902. (2) Executive Order 11807 (September 28, 1974). (3) Federal Employees Compensation Act, as amended, 5 U.S.C. Sec. ' 101, et. seq.</p>	<p>The specific statutory provisions or Executive orders which authorize the maintenance of the information must be cited. Note: a statute or Executive order must be used as authority for maintaining a system, but citations to pertinent regulatory provisions also may be included.</p>
<p>ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: The primary uses of the records are to account for monies paid and collected by the Minerals Management Service, Financial Management Division, and for billing and follow-up. Disclosure outside the Department of the Interior may be made (1) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (2) to disclose pertinent information to an appropriate Federal, State, local, or foreign agency responsible for investigating,</p>	<p>A Aroutine use@ is, with respect to the disclosure of a record, a use which is compatible with the purpose for which the record is maintained. Each system notice should include both present and anticipated uses, the categories of users, and the purpose for each use. Any new use or significant change in an existing use that expands the availability of information in the system will require a revised system notice. Any such change in a routine use must also be described in a Federal Register notice describing new/revised routine uses prior to implementation as required by the Act (5 U.S.C. 552a(e)(11)). See 383 DM 5.3.</p>

<p>prosecuting, enforcing, or implementing a statute, regulation, rule, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (4) to the Department of the Treasury to effect payment to Federal, State, and local government agencies, nongovernmental organizations, and individuals; (5) to a Federal agency for the purpose of collecting a debt owed the Federal government through administrative or salary offset; and (6) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.</p>	
<p>Disclosure to Consumer Reporting Agencies: Disclosures pursuant to 5 U.S.C. 552 a(b)(12). Disclosure may be made from the system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 168a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).</p>	<p>A separate statement as shown is used if compatible disclosures will be made from the system of records to consumer reporting agencies for debt collection purposes.</p>
<p>Policies and practices for storing, retrieving, accessing retaining, and disposing of records in the system: Storage: Accountable capitalized property maintained on computer with subsequent inventory listings furnished to individuals. Inventory listings and hand receipts for other property and supplies maintained manually in file folders arranged by individual names. Retrievability: Indexed by name of individual. Safeguards: Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized and manual records. Retention and disposal: Records are disposed of in accordance with items 16 through 18 and 25 through 28 of General Records Schedule 14.</p>	<p>This portion of the system notice should indicate the medium in which the records are maintained (storage), how the system is indexed (retrievability), what measures have been taken to prevent unauthorized disclosure of records (safeguards), and how long the records are maintained and how they are destroyed (retention and disposal). The retention and disposal statement also must identify the General Records Schedule (GRS) or bureau schedule, and item number that governs disposal of the records. If the records are not covered by a GRS or a bureau schedule approved by the Archivist of the U.S., the statement must indicate that determination of the disposition is pending approval of the Archivist.</p>

<p>System manager(s) and address: Chief, Division of Personnel Management and Organization, U.S. Fish and Wildlife Service, Room 3455, Main Interior Bldg. 18th and C Streets, NW, Washington, D.C. 20240.</p>	<p>The title and business address of the official responsible for the system's policies, operations, and practices must be included in the system notice.</p>
<p>Notification procedure: A written request addressed to the System Manager stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60</p>	<p>The notice must include office addresses to which inquiries can be sent and at which the individuals may appear to request notification of the existence of records pertaining to themselves, and any identifying information that the individuals are required to provide. Any change in an address at which an individual must appear in person will require publication of a revised system notice; a change in an address to which an individual may mail a request for notification does not in itself require a revised notice if internal bureau procedures have been established for forwarding such mail.</p>
<p>Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.</p>	<p>This portion of the system notice advises individuals concerning procedures for obtaining access to their records.</p>
<p>Contesting Record Procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.</p>	<p>This portion of the system notice advises individuals concerning procedures for contesting the accuracy of their records.</p>
<p>Record source categories: (1) Individual employees. (2) Supervisors. (3) Cooperating individuals. (4) Participating organizations.</p>	<p>The system notice should list all categories of sources used in obtaining information for the system of records.</p>
<p>Systems exempted from certain provisions of the act: Under the specific authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b) which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) and the portions of 43 CFR, Part 2, Subpart D which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).</p>	<p>If the system is exempted from any provisions of the Act state the coverage of the exemption. See 383 DM 6.4. (Note: If a system of records has been exempted from certain provisions of the Act, the applicable sections of the notice may be omitted, i.e., Notification Procedure, Record Access Procedures, Contesting Record Procedures, Record Source Categories.)</p>

<p>Under the specific authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a) which exempts this system from all of the provisions of 5 U.S.C. 552a and Department of the Interior regulations in 43 CFR Part 2, Subpart D - Privacy Act. Except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in Subpart D implementing these subsections.</p>	
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