# RECORD REVIEW KIT



public access corporation

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Chapter I

# Introduction

In today's increasingly complicated and automated society many institutions, both Government and private, maintain records about individuals in large, often national, computer systems. Some of these computerized files contain tens of millions of detailed records about individuals. These are records about YOU. The records in the files of credit bureaus, insurance companies, schools and Government agencies deal with your habits, contacts, performance, health and credit worthiness. They influence decisions that people make that affect your life; whether you will get a job, a loan, an insurance policy, or a Government grant or benefit. The information in these files is therefore critically important to you although you probably have never seen most of it.

Under the law you are entitled to see most of this information. You need only take the trouble to get it. You will be surprised at how much information about you is in these records, and you may find substantial errors which you are entitled to have corrected. You are also often entitled to know who has had access to this information about you, who has seen your files.

This booklet, with the associated forms and letters, is your Record Review Kit. It is designed to help you obtain access to your records in the files of many different organizations. The Record Review Kit shows you in simple step-by-step fashion how to obtain copies of your records and how to have errors in the records corrected. The Kit includes a summary of your rights of access and privacy under the law, and includes forms, letters and instructions that you can use to get copies of your records. Each form and letter included in the Kit is numbered in the upper right corner with a Record Review Kit Form Number (RRK-1, RRK-2, etc.); this number is keyed to the instructional material in the booklet. A Record Access Log (RRK-11) is included for you to keep track of the forms and letters you have sent requesting your records and the responses you receive.

Some of the procedures for obtaining access to your records are cumbersome. Sometimes this is done to protect you, to insure your privacy. Unfortunately, sometimes the cumbersome procedures simply make it more difficult for you to see your own records. Several of your requests for copies of your records will have to include a

small fee. In some cases you will have to make a local telephone call to determine specific procedures or fees. In other cases follow-up letters will be required furnishing additional information. Some records will be provided to you promptly; you may have to wait up to nine months for copies of others. It may take time and effort, but you will be able to get your records.

The Government publishes a number of booklets, guides and reference aids that can further assist you in identifying, accessing and correcting your records. These materials are not necessary to access your records, but you may find them helpful if you wish to dig deeper. These Government publications, which may be available in your local library, are described in Chapter VII along with complete ordering information. The text of this booklet is drawn, in part, from several of these publications. The text of the laws governing your access to your records is reproduced in the Appendix.

It is not always simple to gain access to your records but it is all explained in detail in the Kit. Follow the instructions carefully.

Chapter II

# Credit Records

## Consumer Credit Bureau Files

Under the Fair Credit Reporting Act all consumers have the right to know what is in their credit files.

When you apply for a loan, credit, or a credit card, one of the first things the bank, merchant, or credit card issuer is likely to do is obtain a credit report on you from the local credit bureau. The information contained in the credit report will be used to help the potential credit grantor decide whether you are a good credit risk. Thus, the information contained in your credit file is an important factor in determining whether or not you will be granted credit.

Your credit file contains several different types of information about you:

1. Identifying information such as your name, address and social security number.
2. Information about your current employment such as the position you hold, duration of employment and your income.
3. Information about your personal history such as your date of birth, the number of dependents you have, your previous addresses and information about your previous employment.
4. Information about your credit history such as your previous experience with credit grantors, how promptly you made your payments.
5. Information on you that is a matter of public record, such as records of arrests, indictments, convictions, tax liens, divorce, marriage, bankruptcies and court judgements.

Not all of this information will be in everyone's file. Some files are more complete than others. Some files are surprisingly sparse. The amount of information in your credit file will depend upon the extent and nature of your credit activity and the policies of the organization maintaining your file.

Your credit file is maintained by a credit bureau, a private business organization which puts together all of the credit information on you, keeps it up to date, and furnishes the information for a fee to banks, merchants, credit card issuers, insurance companies and potential employers. The local credit bureau that maintains your file may be an independent local organization, or, more likely, it may be part of a

large national organization with credit bureaus in many cities. Among the largest national organizations are:

—Credit Bureau Inc., also known as CBI
—TRW Credit Data, and
—Trans Union Systems, sometimes known as Credit Information Corporation, and recently renamed Trans Union Credit Information Corporation.

Among them, these three companies have offices in most major cities and computerized files on over 100 million people. Their computer systems are centralized so any branch office can access the credit records of anyone whose records are maintained in the central company computer.

The information in your files is not available to just anyone. The credit bureau will only disclose the information in your files to someone who it believes will use the information for certain purposes, such as;

1. To grant you credit, review your account or collect on your account.
2. To consider you for possible employment.
3. In connection with underwriting insurance on you.
4. To decide whether or not you are eligible for a license or other benefit which requires consideration of your financial responsibility or status.
5. In connection with a business transaction between you and another person where the person requesting the report has a legitimate business need for the report.
6. In response to a court order.

In addition, information in your credit file may also be disclosed to someone if you give your written permission to the credit bureau to disclose your file to that particular person.

Although the law does not give you the right to see your credit file, it does entitle you to know the "nature and substance" of all the information in your file, with the exception of medical information. In addition, you are entitled to know the names of those who have received credit reports on you within the last six months. If information was made available for employment purposes you are entitled to know who has received the information within the last two years. You are also entitled to know the sources of information in your credit file.

**Access Procedures**

Credit bureau procedures for providing you with access to the "nature and substance" of the information in your credit files differ

from credit bureau to credit bureau. Some bureaus, such as the TRW Credit Data and Trans Union Credit Information Corporation, will provide you with actual copies of your credit file records, normally a computer printout, along with a detailed explanation of the meaning of the various symbols and codes in the records. Others, such as Credit Bureau Inc., will discuss the information with you either in person or over the telephone after you have submitted appropriate identifying information.

You may be required to pay a small fee, typically $3.00 to $5.00, to obtain access to the information in your credit files. TRW and CBI normally charge $4.00 and Trans Union charges $5.00, although these fees may vary in some cities. Some of the local credit bureaus will make no charge and others will charge as much as $10.00. If you have been refused credit within the past 30 days on the basis of information contained in a credit report, you will not have to pay a fee.

Some credit bureaus will require you to fill out their own form with identifying information; normally name, address, telephone number, birth date, employer, and social security number. Others will accept letter requests containing essentially the same identifying information. In all cases your request will have to be signed, but it will normally not need to be witnessed or notarized. The law provides penalties for a person who obtains information from a credit bureau under false pretenses.

If you are married, you should indicate whether your request is only for your own file or whether it is a joint request covering both you and your spouse. Joint requests must identify both you and your spouse and must be signed by both of you.

You can find which credit bureau serves your area by looking in the classified telephone directory (Yellow Pages) under the heading Credit Reporting Agencies. In most cities you will find several agencies listed. Commercial and consumer agencies are normally listed together under this heading. It is only the consumer agencies that are likely to maintain information on you and that are required to furnish this information to you under the Fair Credit Reporting Act. You will therefore want to eliminate the commercial agencies which deal only with business credit information and do not maintain information on individual consumers.

Before you write to the local credit bureau to request access to your credit records, it is a good idea to call them. A local telephone call to each of the consumer credit reporting agencies listed in the Yellow Pages will permit you to learn their specific procedures and fees for furnishing you access to your credit files. Some will be able to tell you over the telephone whether or not they have a file on you.

The Record Review Kit includes three copies of a form letter (RRK-1) which you can complete and send to your local credit bureaus to request access to your credit records. Since the record access request forms used by the credit bureaus differ widely, it has not been possible to include all of the forms used by the different bureaus in this kit. Most will honor the letter request if it is properly completed, although some may respond by sending you a copy of their own request form to complete.

One of the large national credit bureau organizations, TRW Credit Data, does use a standard form nationwide. A copy of this form (RRK-2) is included in the kit and can be used to request access to your files from your local TRW Credit Data Office. The reverse side of this form lists the addresses of the TRW Credit Data offices.

Credit bureaus are normally prompt in responding to consumer inquiries for file access. The law does not specify any particular time period for responses, but most inquiries are answered within 10 days.

**Correcting Your Records**

When you review the material in your file you should determine if there are any significant errors or omissions. In many cases there will be. You should seek to correct any errors or omissions that might adversely affect credit decisions made on the basis of information in your file. You should send a letter to the credit bureau setting forth the error or omission and requesting reinvestigation and correction. The law requires the credit bureau to reinvestigate and correct any disputed information that is not frivolous or irrelevant.

If, after reinvestigation, the credit bureau refuses to change your record, you have the right to submit a brief statement giving your version of the disputed information which the credit bureau must add to your record and send to any business that received the original record within certain time limits.

Chapter III

# Investigative Reports

## Investigative Reporting Agency Files

Investigative reports differ from ordinary credit reports prepared by consumer credit bureaus in two ways; they contain a different kind of information and it is gathered in a different way. While a credit report contains credit information and public information, an investigative report deals with matters of a more personal nature, such as your character, general reputation and life style. The information in a credit report is obtained from credit grantors who report directly to the credit bureau and from public records, while the information in an investigative report is obtained by personal interviews with your friends, associates and neighbors.

Investigative reports are used mostly by insurance companies, mortgage grantors and potential employers. Insurance and mortgage companies use them to decide if you are a good risk. Potential employers use them to help decide whether or not they want to hire you. Your present employer may also use these reports to decide whether or not to promote you. Over 30 million investigative reports of all types are prepared each year. However, if you have not recently applied for insurance, a mortgage, or been considered for a new job, it is unlikely that investigative reporting agencies will have a file on you.

The Fair Credit Reporting Act requires that the person who requests an investigative report on you notify you within three days after the investigation has been requested that such a report has been ordered. However, although the law requires it, in some cases the person requesting the report may not notify you, or may notify you in such a way that you are not actually aware of it. For example, the notice might be in the small print on an insurance application form which you could easily overlook. Furthermore, the law does not require the requestor of an investigative report to notify you if the report is to be used to consider you for employment for which you have not specifically applied.

You are entitled under the law to know the "nature and substance" of all information in your investigative file. You are also entitled to know who received reports on you within the last six months or within the last two years if the report was made for employment purposes. However, you are not entitled to know who provided the information

used in preparing the report unless that information was also used for some other purpose.

### Access Procedures

The procedures for obtaining access to the "nature and substance" of your investigative files are similar to the procedures for obtaining access to your credit files. Investigative reporting agencies normally do not charge a fee to furnish you the information and they do not normally require a special form to be filled out. A telephone call to the local investigative reporting agency or a letter is all that is required. The same form letter provided in the Record Review Kit for obtaining access to your credit bureau files (RRK-1) can be used to obtain access to your investigative file, if there is one. It may be a good idea to print or type the words REQUEST FOR INVESTIGATIVE REPORT ACCESS across the top of the form letter so the addressee will know you are not just seeking to review your credit records.

There are a number of national investigative reporting agencies with offices throughout the United States. Some of them specialize in particular fields, such as employment investigations or insurance investigations, while others handle all type of investigations.

The largest national organization in this field is Equifax, Inc., which is composed of a number of different companies. Equifax Services Inc., the largest Equifax division, is the Equifax investigative agency that specializes in insurance and employment investigations. Retailers Commercial Agency is the Equifax investigative agency that specializes in mortgage investigations. Credit Bureaus Inc., is the Equifax credit bureau company.

Other large investigative reporting agencies include; American Service Bureau, Fidelifacts, Hooper Holmes Bureau Inc., and O'Hanlon Reports, Inc.

Look for local offices of these organizations in the White Pages of your telephone directory. They are not usually listed in the Yellow Pages. You can call the local office of these agencies and ask whether they have a file on you. Many of the investigative agencies will answer this question over the telephone and, if they have a file on you, they can explain the access procedures you should follow.

### Correcting Your Records

You are entitled to correct and/or supplement information in your investigative report file just as you are in your credit file. Refer to the discussion of this subject in Chapter II.

Chapter IV

# Insurance Records

Life and health insurance companies develop extensive data on the individuals who seek insurance. Details of your health and personal life, obtained from medical and investigative reports, are used by insurance companies to evaluate you as an insurance risk. Many of these companies share summary forms of the information they have on you among themselves. They do this through a non-profit information clearinghouse called the Medical Information Bureau (MIB).

The Medical Information Bureau is owned by 700 member insurance companies and has records on over 12 million individuals. The MIB handles approximately 20 million requests for reports on individual applicants and policyholders from its member companies each year. If you have applied for insurance within the past seven years and supplied medical data to the insurance company, or been investigated by the company, there is good chance that MIB has a record on you. The MIB purges records from its files after seven years.

Federal law does not currently require insurance companies to provide you with access to their files on you. The Fair Credit Reporting Act does not apply since the MIB is not a credit reporting agency and the Fair Credit Reporting Act specifically exempts medical information. You are therefore not entitled to review the records maintained on you in the files of the Medical Information Bureau. However, the MIB, because of the threat of stronger consumer access legislation, has voluntarily agreed to provide consumers access to their files in the MIB, under the terms of the Fair Credit Reporting Act.

The MIB record is a coded report that details the results of the investigation made by the member insurance company that evaluated you for insurance. Other member companies may obtain this summary report on you upon request and use it in their evaluation of you. The MIB points out that their information is not used as the basis of rating or declining an insurance applicant, but that it is used only as an alert signal to aid each company in conducting its own investigation.

The MIB has its own Request for Disclosure form, a copy of which is included in the Record Review Kit. To learn if the MIB has a file on you, and to gain access to this information, complete the MIB Request for Disclosure form (RRK-3) and mail it to the address shown on the form. The MIB does not charge for providing you this information.

However, since there is no legal requirement that the MIB must provide you with access to your files, some follow up correspondence may be required. Note also that medical information in the MIB files will not be released directly to you, but will be disclosed to a doctor of your choice who can then discuss the information with you. Non-medical information in the MIB files will be reported directly to you.

Chapter V

# School Records

Under the Family Educational Rights and Privacy Act you are entitled to inspect and review your own educational records and those of your children under 18 years of age in any school which receives Federal funds. This includes all public schools and any other schools that receive at least some Federal funding.

You will probably be familiar with some of the material in your child's educational records. Report cards and standardized test results may already have been sent home for your review, but other information in the file, reports on your child's mental or emotional health, anecdotal information from teachers, or comments on the child's social development may be new to you. You are entitled to see all of these records and also the names of organizations or individuals who requested or obtained these records.

There are some educational records that are not subject to your review and that you are not entitled to see. These include notes made by teachers for their own personal use that are not accessable to others; records of a school security unit which are kept apart from other records and are only available to local law enforcement officials; and medical records of students 18 years of age or older, although these may be reviewed by a physician of the student's choice. Whenever a student has reached the age of 18 years or is attending a school beyond high school, the student, rather than the parent, has the right of access to the student's records. The student, however, does not have the right to inspect the financial records and statements of the parents.

Procedures for obtaining access to your school records, or those of your children, differ from school to school. Each school is required to have procedures established that you can follow to gain access to the records. You need only inquire to learn what these procedures are. A telephone call or a letter to the school explaining that you wish to see the student's records is normally all that is necessary. The Record Review Kit includes two copies of a form letter (RRK-4) which you can use to request access to your own or your child's educational records. Simply complete the form letter and mail it to the school which maintains the records you wish to see. The school is required to comply with your request within 45 days from the time you make the request. The school may charge you a fee for copying records, but it

may not charge you a fee for searching for and retrieving the records for your inspection.

If, after reviewing the records, you find information that is inaccurate or misleading you may ask the school to correct the record. If the school does not change the record you have a right to a hearing, and if the records are then not changed you have the right to place a statement in the record concerning the information you consider to be inaccurate or misleading. Your statement must then be made a part of the permanent record of the student for as long as the school maintains the student record.

Chapter VI

# Federal Agency Records

## Types of Records

The Federal Government maintains thousands upon thousands of different systems of records on individuals. Depending upon the contact you have with the Government, the benefits or services you are eligible to receive, and the activities in which you have been engaged, several of these systems of records are likely to include information on you.

If you have ever worked for a Federal agency or a Government contractor or participated in any Federally funded project, a Federal agency somewhere probably has a file on you. If you have been a member of any branch of the armed services, the military has a file on you. If you have received veterans' benefits, such as mortgage or education loans, employment opportunities or medical services, the Veterans' Administration has a file on you. The FBI or the CIA may have a file on you because of contacts you have had with someone in whom they have an interest. There are records on you and your family at the Census Bureau office in Pittsburg, Kansas, and probably at the Social Security Administration headquarters in Baltimore, Maryland.

This is just a fraction of the information held on individual citizens. In fact, if you have ever engaged in any activity that you think might be of interest to the Federal Government, there is a good chance that some Federal agency has a file on you.

Some of these records consist of little more than just your name and address. Others, however, may be complete dossiers with information on you that you don't know the Government has.

## Privacy Act Access to Records

You are entitled to see most of the information that the Government maintains on you in its files. Under the Privacy Act of 1974 you have the right to:

1. Find out what, if any, information an agency has about you;
2. Find out who else has regular access to your records;
3. Get a copy of your record from the agency; and
4. Have any errors in your record corrected.

The Privacy Act applies only to personal records maintained by the executive branch of the Federal Government concerning individual

citizens. It does not apply to records held by State and local governments or private organizations. The Federal agencies covered by the act include executive departments and offices, military departments, government corporations, and independent regulatory agencies.

There are limitations on the kinds of information to which you can get access. The agency may refuse to let you see information that:

1. Relates to national security:
2. Could reveal a confidential source; or
3. Could be used to give an unfair advantage on a Government examination.

Although the law permits some agencies to refuse you access to certain records, most agencies will, nevertheless, permit you to see the files they have on you if you ask. In the case of the agencies that deal with investigative and security information, such as the FBI and the CIA, they will often delete the portions of the records that they regard as sensitive and let you see the rest of the record.

**Freedom of Information Act Access to Records**

In addition to the Privacy Act, the Freedom of Information Act also permits the public to gain access to many Federal records. This law is not limited to records about you, but permits you to gain access to all executive branch records upon request, unless information falls within one of nine specific and narrowly drawn exemptions. Ironically, some information on you in agency files must be disclosed to the public under the Freedom of Information Act, although it need not be disclosed under the Privacy Act. Although the Congress intended agencies to consider the two laws together in processing requests for information, it is a good idea to cite both the Privacy Act and the Freedom of Information Act in your request to insure that you get access to all of the records you are entitled to see.

**Fees**

Under the Privacy Act, the agency may charge you a fee for copying the records you wish to see, but they may not charge you for the time and expense of locating the records. Many agencies will not make any charge at all if the number of pages copied is small. If a charge is made, it will normally be 5 or 10 cents for each page of records copied. You may want to ask the agency what the cost will be before you ask them to furnish records to you.

Different fees apply under the Freedom of Information Act. While you may be charged only for the cost of reproduction under the

Privacy Act, under the Freedom of Information Act you may be charged for both the cost of reproduction and the cost of identifying and locating the records. Since the costs under the Privacy Act are likely to be less, it is a good idea to request access to your records under the Privacy Act, resorting to the Freedom of Information Act only if the records will not be made available to you under the Privacy Act.

**Access Procedures**

Obtaining access to the records the Federal Government maintains on you is usually not difficult. A simple request with appropriate identification is all that is required. The biggest problem is often determining which Federal agencies are likely to have files on you and which records you should ask to see. The largest Government records systems and those likely to be of greatest interest to you are described in detail at the end of this chapter. Each description includes specific instructions on how to get access and where to write.

In general, to gain access to Federal records under the Privacy and Freedom of Information Acts, you should write to the agency that maintains the records and:

1. Give your full name and address and sign your request.
2. Specify the particular system(s) of records that you believe contains information about you.
3. Provide information to identify the records you wish to access. For example, if you are interested in the information the Government has in its files on a particular loan you received, the identifying number of the loan and the date it was made should be included in your letter.
4. Provide proof of your identity such as:
   a. A document that has your signature and/or photograph. A copy of your driver's license will often do.
   b. A statement signed by a Notary Public proving your identity. Such a notarized statement is required by some agencies for access to their more sensitive files.
   c. Any other identification specified by the agency in the description of the specific system of records.
5. Address your request to the official and the agency that maintains the system of records in which you are interested.

The Government publishes a number of reference books and guides to help you locate the appropriate agencies and systems of records that may be of interest to you. If you do not find the system of records in which you are interested in this booklet, you may have to refer to these government guides to locate the files you wish to see. Unfortunately

the Government reference books which list all of the agency records are very poorly indexed and arranged, so you may have to do some digging to find the information on the files you want. Detailed information on these government reference books and how to get them appears in Chapter VII.

**Form Letters for Access**

The Record Review Kit includes several form letters that you can use to request access to Government records that contain information about you. The Kit includes three copies of a general form letter to agencies (RRK-5) and additional letters addressed to the FBI (RRK-6) and the CIA (RRK-7). On the reverse side of each of these form letters is an Identification Form that meets agency requirements for proof of identity.

Begin by reviewing the description of the record systems at the end of this chapter. You should be able to find there most of the record systems in which you might be interested. Each description tells you where to write to gain access to your records in that system. Fill in this information for the file you wish to access at the top of the general letter (RRK-5) and on the envelope. Be sure to put the words PRIVACY ACT/FOIA REQUEST in the lower left hand corner of the envelope.

Fill in the official name of the system of records in the blank space provided for that purpose in the form letter (RRK-5). You will find this name in the first line of the description of the system of records at the end of this chapter. In the case of the form letters to the FBI (RRK-6) and the CIA (RRK-7), this information has already been completed for the files in which you are most likely to be interested. Complete the form letters by signing your name and filling in your name and address below your signature.

Complete the Identification Form on the reverse side of each letter. This form will serve as proof of your identity and will provide the agency with the specific information they need to locate your records. In the blank space labeled ADDITIONAL IDENTIFYING INFORMATION on the form, insert any information that relates to the specific request that may help identify your records. For example, if you are requesting military records, include your serial number, rate/rank, and the designation of the units to which you were assigned. If you are requesting records on a grant or contract, include the grant or contract number and the effective date.

The DECLARATION section of the Identification Form should be signed and will meet the requirements of most agencies for proof of

identity. It should not normally be necessary to complete the NOTARY STATEMENT portion of the form.

A Federal law (28 USC 1746) permits you to make an unsworn declaration to prove your identity instead of providing a notarized statement. The Identification Form contains the declaration as required by this law so that an additional notarized statement should not be required. However, some agencies will still insist that you furnish a notarized statement in spite of the law, and you may find it easier to furnish the notarized statement than to insist on the agency's acceptance of the simple declaration. Most banks will complete the notary statement on this form for their customers without charge. If there is a charge, it will be small. However, remember that you do not have to bother with the Notary Statement portion of the Identification Form unless the agency specifically requires it for the system of records you wish to see.

The FBI and the CIA do require a notarized statement so you should complete this section of the Identification Form and have it notarized for these letters.

In order to properly identify yourself to the agency you should also attach a copy of some identifying document to the letter. A copy of a driver's license will often do, particularly if it includes your signature and your photograph. In some cases, a copy of an identifying document issued by the agency you are writing to, such as a military identification card if you are requesting your military records, may be used.

The personal information that you provide to an agency when you complete the Identification Form may well be more information than the agency requires to furnish you with access to your records. For example, your Social Security Number may not be required by the agency to furnish you with copies of certain records. Some people would rather not give any extra information to government agencies when they request records. You can, if you wish, provide only the information on the form which you think the agency will need to fill your request, and leave other items blank. The form has been designed to provide all of the information that is likely to be needed for most access requests, and if you complete the entire form you will increase the likelihood that the agency will be able to respond to your request quickly and without additional correspondence.

**Agency Response Times**

Although the Freedom of Information Act requires agencies to respond within 10 working days after receipt of a request, the Privacy

Act does not impose any time limit on agency responses. The executive branch guidelines which the agencies should follow state that a request for records should be acknowledged within 10 working days of its receipt. Moreover, the acknowledgement should indicate whether or not access will be granted, and, if so, when and where. The records should be produced within 30 working days. If this is not possible the agency should tell you the reason and advise you when access will be granted.

Most agencies do their best to comply with these guidelines and many meet the suggested time schedules. Some agencies, however, take considerably longer to provide access. Both the FBI and the CIA will acknowledge your request within the 10 day period, but, if they have any records on you, they will normally take a long time to review them before they release them to you. Waiting periods of 6 to 9 months are not unusual before you can get to see the portion of your files that they will release to you.

**Correcting Your Records**

The Privacy Act requires agencies to keep all personal records on individuals accurate, complete, up to date and relevant. If, after seeing your record, you wish to correct, delete, or add information to it, you should write to the agency official who released the information to you. You should give the reasons for the changes you wish to make, as well as any documentary evidence you have to justify the changes. Some agencies will allow you to request these corrections in person or by telephone. Agencies must acknowledge requests for corrections to records within 10 working days of their receipt and must complete action on such requests within 30 working days.

**Census Records**

The U.S. Census Bureau maintains records on you from the information that was collected from you and your family by the Federal census taker during the regular censuses. These records show your name, occupation, marital status, personal description, education, place of birth, state of residence and age at the time the census was taken. The records also indicate the ownership of the residence, the name of the head of the household, your relationship to the head of the household, the number of children in the household and the birthplace of your mother and father if this information was made available to the census taker.

You are entitled to see all of the information in the census records relating to you, but you are not entitled to see information on the other

members of the household. The Census Bureau makes this information available routinely and it is not necessary to resort to the Privacy or Freedom of Information Acts. The Census Bureau provides a form, APPLICATION FOR SEARCH OF CENSUS RECORDS, which can be used to gain access to your census records. A copy of the form (RRK-8) is included in the Record Review Kit.

A basic fee of $8.50 is charged for the search and an additional $2.00 is charged for the "Full Schedule" which is the full range of information in the record that you are entitled to see. Thus, the full cost of obtaining the information is $10.50. The information content of the Census records on any individual is fairly limited. Many will feel that this information is not worth the cost of access.

In the first line of the Census Form you are asked to indicate the purpose for which the record is to be used. An acceptable purpose is "Genealogy". The rest of the form is self explanatory. The Census Bureau normally takes four to six weeks to respond to a request for a record search.

**Social Security Earnings Records**

Most working Americans have social security account numbers and pay social security taxes on their earnings. Records of your lifetime earnings for social security purposes are maintained in the computers of the Social Security Administration in Baltimore, Maryland. You are entitled to see these records upon request, and there is no charge for this information. Since your social security retirement payments and other benefits will depend on what is contained in these records, it is to your advantage to check them periodically to insure that they are correct. Errors made in these records by the Government can cost you benefits to which you are entitled.

The Social Security Administration will furnish you with a computer printout showing your earnings record. A postcard request form for this purpose is available at your local Social Security Office. However, a letter request will also be honored. An appropriate form letter (RRK-9) for this purpose is included in the Record Review Kit. The Social Security Administration will normally furnish you with your earnings statement within four weeks.

When you receive your earnings statement you will want to review it carefully and compare it against your own earnings records. Any discrepancy should be reported for correction to the Social Security office in Baltimore, Maryland, which mailed you the statement. You will have to present evidence of the error, normally copies of your Wage and Tax Statements (Form W-2), and explain the discrepancy

carefully. The Social Security Administration will then correct any errors in your earnings record.

# Selected Federal Record Systems

## DEPARTMENT OF AGRICULTURE

### CCC Producer Loan Records

Individuals who have applied for commodity, storage structure or dryinq equipment loans. Includes all commodities for which price support loans are available.

Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763,

### Farm Record File (Automated)

Farm owners, operators, and other producers.

Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone number 816-926-6502.

### Farm Records File (Manual)

Farm owners, operators, and other producers.

Records and Communication Management Branch, /Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763.

### Producer Payment Reporting File 365 and 368—USDA/ASCS

Farmers who participate in Programs administered by ASCS.

Chief, Kansas City, Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri, 64114, telephone number 816-926-6502. A request for information pertaining to an individual should contain name, address and ASCS county office(s) where farm records are maintained.

### Program Cooperators—Soil Conservation Service—USDA/OGC

Persons applying for or receiving financial aid, engineering services, advice or assistance under Soil Conservation Service (SCS) - sponsored or financed programs; parties or potential parties to litigation or administrative hearings involving SCS-sponsored or financed programs; and parties contracting with soil conservation districts and similar organizations formed pursuant to state laws to pursue programs of watershed protection, flood prevention or soil conservation with the assistance of SCS.

Director, Natural Resources Division, OGC, USDA, Washington, D. C. 20250, who, if necessary, will refer it to the appropriate filed office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

## DEPARTMENT OF DEFENSE

## Department of the Army

### 401.04 Official Personnel Folders (OPF)

Official Personnel Folder: All US citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time and intermittent.

Career Management Folder: All US citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time and temporary full-time who are at the managerial level.

Convenience Personnel Folder: All US citizen (to include permanent-resident alien and non-immigrant alien) employees with category of regular full-time, regular part-time, temporary full-time, temporary part-time and intermittent.

Headquarters AAFES (AAFES-AD)
Dallas, Texas 75222
Telephone: Area Code 214/330-3871

### 502.10 USAINTA Investigative Files System

Military personnel of the US Army, to include active duty, National Guard members, Reservists and Retirees; Civilian employees of the Department of the Army, to include contract temporary, part time, advisory, and volunteer including citizen and alien employees located both in the United States and in oversea areas; industrial or contractor personnel who are civilians working in private industry for firms which have contracts involving access to classified Department of Defense (DOD) information; aliens granted limited access authorization to US Defense information; Department of Defense alien personnel investigated for visa purposes; individuals about whom there is a reasonable basis to believe that they are engaged in, or plan to engage in, activities such as (1) theft, destruc-

tion, or sabotage of ammunition, equipment, facilities, or records belonging to DOD units or installations (2) possible compromise of classified defense information by unauthorized disclosure or by espionage (3) subversion of loyalty, discipline or morale of Department of the Army military or civilian personnel by actively encouraging violation of lawful orders and regulations or disruption of military activities (4) demonstrations on active or reserve Army installations or immediately adjacent thereto which are of such character that they are likely to interfere with the conduct of military operations (5) direct threats to DOD military or civilian employees regarding their official duties or to other persons authorized protection by DOD resources (6) activities or demonstrations endangering classified defense contract facilities or key defense facilities of the Panama Canal approved by Headquarters, Department of the Army (HQDA); certain non-DOD affiliated persons whose activities involve them with the DOD; namely, activities involving requests for admission to DOD facilities or requests for certain information regarding DOD personnel, activities, or facilities; persons formerly affiliated with the DOD; persons who applied for or are/were being considered for employment with or access to DOD such as applicants for military service, pre-inductees and prospective contractors; visa applicants, individuals residing on, having authorized official access to, or conducting or operating any business or other function at any DOD installation and facility; and USAINTA sources.

Commander
US Army Intelligence Agency
Fort Meade, Maryland 20755
Telephone: Area Code (301) 677-4743 or 4011.

### 708.02 Official Military Personnel File

Each individual on active duty in the United States Army (USA) in enlisted, appointed or commissioned status; or in a USA or Army of the United States (AUS) retired status; each individual not on active duty who has a reserve status in an enlisted, appointed or commissioned status, or in a retired reserve status; and each individual who was an enlisted, appointed, or commissioned member of the US Army and who was completely separated by discharge, death, or other termination of his/her military status.

US Army Military Personnel Center
Personnel Actions and Records Directorate
Hoffman Building 2
200 Stovall Street
Alexandria, VA 22332
Area Code 202/325-9050

Above address should be used for inquiries on records of commissioned officers or warrant officers (including members of Reserve Components) serving on active duty and General Officers (any component) in any status, active, inactive, or retired.

US Army Enlisted Records Center
Fort Benjamin Harrison, IN 46249
Area code 317/546-9211 (Ext 3361)

Above address should be used for inquiries on records of enlisted members (including members of Reserve Components) serving on active duty.

US Army Reserve Components Personnel and Administration Center
9700 Page Boulevard
St. Louis, MO 63132
Area code 314/268-7733

Above address should be used for inquiries on records of commissioned officers (except General Officers) or warrant officers in a reserve status not on active duty; or Army enlisted reservists not on active duty; or members of the National Guard who performed active duty; or commissioned officers (except General Officers), warrant officers, or enlisted members in a retired status.

National Personnel Records Center, GSA
9700 Page Boulevard
St. Louis, MO 63122
Area code 314/268-7262

Above address should be used for inquiries on records of commissioned officers or warrent officers who were completely separated from the service subsequent to 30 June 1917 or enlisted members who were completely separated subsequent to 31 October 1912.

### 917.01 Medical Treatment Record Files

Individuals treated on inpatient or outpatient basis by the Army Medical Department and/or for whom primary medical care is rendered.

Information may be obtained from Patient Administrator at Medical Center or Hospital where treatment was provided.

### 1434.10 Small Arms Sales Record Files

Any US Citizen who was considered eligible under federal regulations, and purchased a firearm from the U.S. Government for personal use.

HQ, USA Armament Command (AMSAR-MMD-D)
Rock Island Arsenal
Rock Island, Il 61201
Telephone: Area Code 309/794-6568

# Office Of The Secretary Of Defense

**MARDAC Data Base**

All officer and enlisted personnel who served on active duty from 1 July 1968 and later; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from 1 July 1970 and later; DoD civilian employees or civilian employees separated since 1 January 1971; all veterans who have utilized Vietnam-era GI Bill education and training entitlements, who visited a State Employment Service office since 1 July 1971, or who participated in a Department of Labor special training entitlements, who visited a State Employment Service office since 1 July 1971, or who participated in a Department of Labor special training program since 1 July 1971; all individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various paid advertising campaigns seeking enlistment information since1 July 1973; participants in the DHEW, Office of Education Longitudinal Survey.

Director
Department of Defense Manpower Research and Data Analysis Center
550 Camino El Estero
Monterey, CA 93940
Telephone: Area Code 408/646-2951

# Department of the Air Force

**Advanced Personnel Data System (APDS) - ADS: E300**

All Air Force active duty military personnel.
Air Force Reserve personnel.
Air National Guard personnel.
Retired Air Force military personnel.
Air Force Academy cadets.
Certain surviving dependents of deceased members of the US Air Force and predecessor. Organizations; potential Air Force enlistees; candidates for commission enrolled in college. Level Air Force Reserve Officer Training Corps Programs; Deceased members of the Air Force and predecessor organizations; Separated members of the US Air Force, the Air National Guard (ANG) and Air Force Reserve (USAFR); ANG and USAFR Technicians.

Deputy Chief of Staff/Personnel, Headquarters United States Air Force.

Subordinate system managers are: A. Director of Personnel Data Systems, Assistant Deputy Chief of Staff for Personnel for Military Personnel, Air Force Military Personnel Center (AFMPC), Randolph AFB, TX, 78148. He is responsible for overall APDS design, maintenance and operation, and is designated the Automated Data Processing System Manager for all Air Force personnel data system. B. The Director of Personnel Data Systems at each Major Command headquarters for systems operated at that level. C. The Chief, CBPO, at Air Force installations for systems operated at that level.

ANG members not on extended active duty may submit such requests to the appropriate State Adjutant General or the Chief of the servicing ANG CBPO. USAFR personnel not on extended active duty may submit such requests to ARPC, 3800 York St., Denver, CO, 80205 or, if unit assigned, to the Chief of the servicing CBPO or Consolidated Reserve Personnel Office. Personal visits to obtain notification may be made to the Military Records Review Room, Air Force Military Personnel Center, Randolph AFB, TX 78148, the Military Records Review Room, Air Reserve Personnel Center, Denver CO 80205; The Office of the Director, National Personnel Records Center (NPRC), 111 Winnebago St., St. Louis, MO, 63118; the office of the Director of Personnel Data Systems at the appropriate major command headquarters; or the office of the Chief of his servicing CBPO. Identification will be based on presentation of DD Form 2AF, Military Identification Card. Authorization for a person other than the data subject to have access to an individual's records must be based on a notarized statement signed by the data subject.

**Effectiveness/Performance Reporting Systems.**

Military Personnel Only. Officer: applies to active duty/Air National Guard/Air Force Reserve Personnel serving in grades Warrant Officer (W-1) through Colonel (0-6). Airmen: applies to only active duty personnel in grades Basic Airman (E-1) through Chief Master Sergeant (E-9).

Deputy Chief of Staff/Personnel, Headquarters United States Air Force, Washington DC 20330

**Civilian Personnel Management Information System (CPMIS)**

Prospective, pending, current and former Air Force civilian employees separated after CPMIS was implemented, except Air National Guard Technicians and nonappropriated fund employees-current and former civilian employees from other Governmental agencies that are serviced at Central Civilian Personnel Offices may be included at the option of the servicing Central Civilian Personnel Office-Note: the date that CPMIS was implemented varies by installation; therefore, the precise date that separated employee history data began to accumulate will vary correspondingly

Civilian Personnel Officer at Air Force installations

**Clinical Records and Related Documents**

Any individual who is hospitalized in or dead on arrival at an Air Force medical facility. Also any active duty member who is an excused-from-duty status, in quarters, meets a Physical Evaluation Board on an outpatient basis or who is hospitalized in a non-federal hospital and for whom the Air Force facility has assumed responsibility for documenting the hospitalization.

The Surgeon General, Headquarters United States Air Force.

Commanders of USAF medical centers and hospitals; Director, National Personnel Records Center, military; Director, National Personnel Records Center, civilian; Commandant, US Coast Guard, Washington DC 20026; Medical Director, American Red Cross, Washington DC 20006; Administrator, Veterans' Hospitals.

**Health and Outpatient Records**

All personnel authorized to receive medical care in an Air Force facility.

The Surgeon General, Headquarters United States Air Force.

Chief of Air Force Reserve, Headquarters United States Air Force.

Director of Air National Guard, Headquarters United States Air Force.

Commanders of medical centers, hospitals, clinics, medical aid stations; Commander, Military Personnel Center; Director National Personnel Record Center (military) 9700 Page Blvd, St Louis, MO 63132; Director, National Personnel Record Center (civilian), 111 Winnebago St., St Louis, MO 63118. Individuals who have records responsibility at all other authorized medical units servicing military personnel and their dependents.

## United States Marine Corps

**Marine Corps Military Personnel Records (OQR/SRB)**

Headquarters, U.S. Marine Corps, Official Military Personnel Records on Marine officers and enlisted are retained and maintained at Headquarters, U.S. Marine Corps, Washington, D.C. 20380 from aeceptance/enlistment/induction to complete severance from the Marine Corps and the Marine Corps Reserve by retirement or discharge.

OQR/SRB's are retained and maintained by the commanding officer of the Marine Corps or Marine Corps Reserve field command to which the Marine is assigned.

Commandant of the Marine Corps (Code MS)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/694-1043

Correspondence pertaining to records maintained by National Personnel Records Center should be addressed to:

Director, National Personnel Records Center
9700 Page Boulevard
St. Louis, Missouri 63132
Telephone: Area Code 314/268-7155

Correspondence pertaining to OQR and SRB records maintained by the respective commanding officers should be addressed to the command concerned as is shown in the Standard Navy Distribution List - Part 1 (OPNAV P09B3-107)

## Department of the Navy

**Medical Treatment Record System**

Navy, Marine Corps, other military personnel, dependents, retired military personnel and dependents, civilian employees, VA beneficiaries humanitarian.

Service Medical (Health and Dental) Records for active duty and reserve, Navy and Marine Corps: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372; Commanding Officers-Naval Activities, ships, and stations, Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 64131.

Requests for information from active duty personnel should be addressed to the individual's Commanding Officer, official mailing addresses are in the Department of Defense directory below. Reservists should address requests for information to Chief, Bureau of Medicine and Surgery (Code 742), Navy Department,

Washington, D.C.

Former members who have no further reserve or active duty obligation should address requests for information to Director, National Personnel Records Center (Navy Reference Branch), 9700 Page Boulevard, St. Louis, Missouri 64131.

All written requests should contain the full name and social security account number of the individual, his signature and those cases where his period of service ended before 1971 his service or file number. In requesting records for personnel who served before 1964 information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval Service. Active duty personnel may visit the Medical Department at their duty station. Reservists whose tour of active duty ended after 1 July 1972 and have a continued Reserve obligation may visit Code 742, Bureau of Medicine and Surgery, Room 608, Crystal Mall 2, 1931 Jefferson Davis Highway, Arlington, Virginia 22202. Former members and Reservists whose tour of active duty ended prior to 1 July 1972 may visit the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Proof of identification in the case of active duty retired and Reserve personnel will consist of the Armed Forces of the U.S. Identification Card or by other types of identification bearing picture and signature. Former members may provide drivers license or other types of identification bearing picture and signature.

Inpatient and outpatient treatment records:

(Care/treatment-within 2 years) Commanding Officer, Naval Regional Medical Center or hospital.

(More than 2 years) Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118.

Provide the following data: Full name, service number, status or SSN of sponsor, date(s) of treatment or period of hospitalization, address at time medical treatment, if known.

Office where requester may visit to obtain information of records pertaining to the individual

Regional Medical Center or Naval Hospital

Chief, Patient Affairs Service

Chief, Outpatient Service

Officer-in-charge other Navy medical facility

Full name, date and place of birth, ID card or drivers license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility.

**Navy Personnel Evaluation System**

All members of the U.S. Navy including Regular, Reserve, Active Duty, Inactive Duty, Fleet Reserve and Retired.

Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. The letter should contain full name, social security account number, rank/ rate/civilian status, address and notarized signature of the requestor. The individual may visit the Chief of Naval Personnel, Arlington Annex, Washington, D.C. (FOB 2) Rm. 1066, for assistance with records located in that building. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

**Navy Personnel Records System**

All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, and Naval Reserve Officer Training Corps personnel.

Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requestor.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB 2), Rm. 1066, Washington, D.C., for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

**NIS Investigative Files System**

Persons in the following categories who require access to classified defense information prior to August 1972: Active and inactive members of the naval service, civilian personnel employed by the Department of the Navy (DoN), industrial and contractor personnel, civilian personnel being considered for sensitive positions, boards, conferences, etc., civilian personnel who worked or resided overseas, Red Cross personnel. Civilian and military personnel accused, suspected or victims of felonious type offenses, or lesser of-

fenses impacting on the good order, discipline, morale or security of the DoN. Civilian personnel seeking access to or seeking to conduct or operate any business or other function aboard a DoN installation, facility or ship. Civilian or military personnel involved in the loss, compromise or unauthorized disclosure of classified material/information. Civilian and military personnel who were of counterintelligence interest to the DoN.

Director, Naval Investigative Service, 2461 Eisenhower Avenue, Alexandria, Va. 22331. Requests must contain the full name of the individual and at least one additional personal identifier such as date and place of birth, social security number or military service number. Personal visits by requesters should be confined to the Naval Investigative Service headquarters at the above address. It should be borne in mind that the vagaries of the automated indexing system might preclude a same day response. Persons submitting written requests must properly establish their identity to the satisfaction of the NIS. Where a question exists a signed, notarized statement or other certified form of identification will be required. Individuals appearing in person may present proof of identification in the form of military ID card, valid driver's license, or other suitable form of identification bearing a photograph and signature. Attorneys or other persons acting on behalf of a subject of a record must provide a notarized authorization from the subject of the record.

**Personnel Automated Data System (PADS)**

Navy civilian employees paid from appropriated funds. Covers all United States citizen direct hire employees (full time, part time, and intermittent pay basis) and Non-citizens who are direct hire employees paid from appropriated funds.

Director of Civilian Manpower Management or the Head of Navy Staff, Headquarters or Navy Field activities where the individual is currently employed or was last employed. Mailing addresses are provided in the Department of the Navy directory, published below. The letter should contain the full name and social security account number of the requester and his signature. The individual may visit the Office of Civilian Manpower Management, Pomponio Plaza Building, 1735 N. Lynn Street, Arlington, VA, or the Civilian Personnel Office of the Navy activity at which he is currently employed, or of the nearest Navy activity, which office will contact the OCMM Code 62 by telephone 202-694-8535 if no record is locally available. Proof of identification will consist of a Department of Defense (DOD) or Navy building pass, or identification badge or drivers license, or by other types of identification bearing picture or signature, or by providing verbal information that could be verified with his career inventory record.

## Defense Supply Agency

**155.53 Industrial Personnel Security Clearance File**

Employees of Government contractors who have been issued, now possess, or are in process for personnel security clearances, including Overseas Security Eligibilities.

Chief, Defense Industrial Security Clearance Office, Defense Construction Supply Center, P. O. Box 2499, Columbus, Ohio 43216. Requests must contain the full name, date and place of birth and Social Security Account number. An individual may also visit the Defense Industrial Security Clearance Office to determine if the system contains a record pertaining to him or her. For visits to the Defense Industrial Security Clearance Office the individual must present proof of identity such as birth certificate, driver's license, or employee identification card, and proof of Social Security Account number.

# Defense Investigative Service

**V5-01 Investigative Files System**

Military personnel who are on active duty, applicants for enlistment or appointment and reservists and National Guardsmen; DoD civilian personnel who are paid from appropriated funds; industrial or contractor personnel who are working in private industry in firms which have contracts involving access to classified DoD information or installations; Red Cross personnel and personnel paid from nonappropriated funds who have DoD affiliation; ROTC cadets; former military personnel; individuals residing on, having authorized official access to, or conducting or operating any business or other functions at any DoD installation or facility.

Individuals not affiliated with the Department of Defense when, during the previous year, their activities have directly threatened the functions, property or personnel of the DoD or they have engaged in, or conspired to engage in, criminal acts on DoD installations or directed at the DoD.

Assistant for Information, Defense Investigative Service, Washington, DC 20314. The full name, date and place of birth, and social security account number are necessary for retrieval of information. More information or a notarized statement verifying the identity of requesters may be required. The Information Office, at

Room 2H043 1000 Independence Ave., Washington, DC may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making such inquiries.

**V5-02 Defense Central Index of Investigations (DCII)**

Any person described as a subject, a victim, or a cross-refcrence in an investigation completed by or for a DOD investigative organization when that investigation is retained by the organization and the name is submitted for central indexing.

Identity of Official: Assistant for Information, Defense Investigative Service (D0020), Washington, D. C. 20314.

Information Required: Full name and all maiden and alias names under which files may be maintained and personal identifiers. Note, Social Security Account Numbers may be necessary for positive identification of certain recors.

Office Which May be Visited: DIS Information Office, Room 2H043, 1000 Independence Avenue, Washington, D. C. 20314.

Proof of Idenity: Check of personal documents.

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Education Division

**Basic Grant Student Eligibility Report Sub-system. HEW-E.**

Basic Grant recipients.

Director, Division of Basic and State Student Grants
Room 5678, ROB-3
400 Maryland Avenue, S.W.
Washington, D.C. 20202

**Guaranteed Student Loan Program—Loan Control Master File. HEW E.**

Students applying for guaranteed student loans or having received educational loans under the provisions of the Guaranteed Student Loan Program.

Director, Program Systems Division
Room 4051, Regional Office Building 03
7th and D Streets, S.W.
Washington, D.C. 20202

## Social Security Administration

**Health Insurance Master Record—HEW SSA.**

Records are maintained on the following categories: Individuals age 64 or over who currently are, or have been, entitled to health insurance benefits under Title XVIII of the Social Security Act; individuals under age 65 who have been entitled for not less than 24 consecutive months to disability benefits under Title II of the Act or under the railroad retirement system; and the spouse or dependent children of a person fully insured under social security and who has chronic renal disease.

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235, or the most convenient social security office. Check local telephone book under U.S. Government, Department of Health, Education, and Welfare.

The individual should furnish his or her health insurance claim number and name as shown on social security records.

**Intermediary Medicare Claims Records HEW SSA.**

Recipients of Part A (hospital insurance) Medicare services.

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

The social security office nearest the requester's residence, or to the Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

**Initial and Continuing Disability Determination File HEW SSA.**

Applicants for disability insurance and black lung benefits and applicants for Supplemental Security Income alleging a disability on whom the Disability Determination Services had made an initial determination and all such beneficiaries on whom the Disability Determination Service has made a determination of continuance (or noncontinuance) of disability.

Disability Determination Services Administrator, Disability Determination Services, c/o regional office for the State in which the individual resides.

**Disability Data Record HEW SSA.**

Social security disability beneficiaries or claimants whose application for a disability benefit has been allowed or denied.

Director
Bureau of Disability Insurance
Baltimore, Maryland 21241

Furnish social security number, name, approximate date and place claim was filed, type of claim (disability, black lung, supplemental security income) and return address.

**Earnings Recording and Self-Employment Income System HEW SSA.**

Any person who has been issued a social security number and who may or may not have earnings under social security or self-employment income.

Assistant Bureau Director, Systems
Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235.

Provide social security number, name, signature, or other personal identification and referring to this system.

**Claims Development Record HEW SSA.**

Beneficiary, applicant, and inquirer for the various social security and black lung benefit programs.

Check telephone book for nearest Social Security Administration district or branch manager. Look under U.S. Government, Department of Health, Education, and Welfare.

**Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA.**

Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

Contact the most convenient social security office.

**Supplemental Security Income Record HEW SSA.**

This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

Check telephone book for nearest Social Security Administration district or branch manager. Look under U.S. Government, Department of Health, Education, and Welfare.

**Supplemental Security Income Claims Data HEW SSA.**

This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

Check telephone book for nearest Social Security Administration district or branch manager. Look under U.S. Government, Department of Health, Education, and Welfare.

**State Data Exchange System (Supplemental Security Income) HEW SSA.**

The State Data Exchange file contains a record for each public welfare recipient who has applied for supplemental security income payments.

Check telephone book for nearest Social Security Administration branch or district office manager. Look under U.S. Government, Dept. of HEW, or contact State department of public welfare.

**Medicare Enrollment Records (Statistics) HEW SSA.**

All persons enrolled for hospital or supplemental medical benefits under the Medicare program. The file contains 22,000,000 persons including subsets of 2.4 million enrollees for whom the State has paid the premiums and 300,100 enrollees who are members of direct dealing group practice pre-payment plans.

Assistant Commissioner for Research and Statistics
Social Security Administration, Room 1121
1875 Connecticut Avenue, NW
Washington, D.C. 20009

State health insurance claim number, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, enrollment in Medicare health or supplemental medical, participation in a direct dealing group practice pre-payment plan, or payment of premium by State.

## Social and Rehabilitation Service

**Federal Parent Locator System. HEW SRS.**

Records are maintained on parents being sought for the purpose of enforcing support obligations against such a parent.

Office of Child Support Enforcement
Department of Health, Education, and Welfare
330 C. Street, S.W.
Washington, D.C. 20201

The Social Security Number and the name of the individual should be provided as identifying information.

### Alcohol, Drug Abuse and Mental Health Administration

**Patient medical records on PHS beneficiaries and civilly committed narcotic addicts treated at the PHS hospitals at Lexington, Kentucky and Forth Worth, Texas—HEW/ADAMHA/NIDA.**

PHS beneficiaries treated prior to 1967 and civilly committed narcotic addicts treated after 1966.

Medical Record Administrator
Division of Community Assistance
National Institute on Drug Abuse
Room 761, Rockwall Building
11400 Rockville Pike
Rockville, Md. 20852

## DEPARTMENT OF THE INTERIOR

**Indian Land Records -- Interior, BIA--4.**

Individual Indians and Indian tribal groups that are owners of land held in trust by the government.

Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 18th and C Streets N.W., Washington, D.C. 20245.

**Land Case file -- Interior, BLM--7.**

Individuals who have filed applications under appropriate statutes for National Resource lands (Public lands) or the resources in or on such lands.

Assistant Director - Technical Services, Department of the Interior - BLM, 18th & C Streets, N.W., Washington, D.C. 20240

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

For information about any DEA system of records you believe contains information about you, write to the named office or official at the following address, and indentify the system you are interested in:

Drug Enforcement Administration
Department of Justice
1405 Eye St., NW.
Washington, D.C.

**Investigative Reporting and Filing System**

A. Drug offenders.
B. Alleged drug offenders.
C. Persons suspected of drug offenses.
D. Confidential informants.
E. Defendants.
F. Witness.
G. Non-implicated persons with pertinent knowledge of some circumstance or aspect of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need for recall will exist. In the regulatory portion of the system, records are maintained on the following categories of individuals: A) Individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970; B) Responsible officials of business firms registered with DEA; C) Employees of DEA registrants who handle controlled substances or occupy positions of trust related to the handling of controlled substances; D) Applicants for DEA registration and their responsible employees.

Assistant Administrator for Enforcement.

### Federal Bureau of Investigation

For information about any FBI system of records you believe contain information about you, write to the following address. Identify which system of records you are interested in.

Director, Federal Bureau of Investigation
J. Edgar Hoover Building
10th and Pennsylvania Ave., NW.
Washington, D.C. 20535

**The 'FBI Central Records System' containing investigative, personnel, administrative, applicant, and general files.**

a. Individuals who relate in any manner to official FBI investigations including, but not limited to suspects, victims, witnesses, and close relatives and associates that are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto that are considered relevant to an applicant investigation, personnel inquiry, or persons related to personnel matters.

c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto that are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance, and make inquiries concerning record material, including general correspondence, contacts with other agencies, businesses, institutions, clubs, the public and the news media.

e. Individuals, associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

**Identification Division Records System.**

A. Individuals fingerprinted as a result of arrest or incarceration by Federal, state or local law enforcement agencies.

B. Persons fingerprinted as a result of federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

# DEPARTMENT OF STATE

**Passport Records**

Individuals who have applied for the issuance, amendment, extension or renewal of U.S. passports; individuals who have been issued U.S. passports or had passports amended, extended, renewed, limited, revoked or denied.

Individuals who have applied to have births overseas reported as births overseas of U.S. citizens; individuals for whom Consular Reports of Birth Abroad of U.S. citizens or Certifications of Birth have been issued.

Individuals who have applied at American Diplomatic or Consular posts for registration as U.S. citizens; individuals who have been so registered; and individuals who have been issued Certificates or Cards of Registration and Identity as U. S. citizens.

Individuals for whom the Department of State has issued Certificates of Loss of Nationality of the United States.

Individuals who have applied at American Diplomatic or Consular Posts for issuance of Certificates of Witness to Marriage; and, individuals who have been issued Certificates of Witness to Marriage.

Individuals who are not or may not be entitled under passport laws and regulations to issuance or possession of U.S. passports or other documentation or service.

Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, D.C. 20520. The individual must specify that he wishes the records of the Passport Office to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

**Personal Property Claims.**

Employees of the Department of State, the Agency for International Development, and the United States Information Agency, who have filed claims for loss of personal property.

Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washingotn, DC 20520. The individual must specify that he wishes the records of the Office of Personal Property Claims to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date of the claim.

# DEPARTMENT OF TRANSPORTATION

**U. S. Merchant Seamen's Records**

U. S. Merchant Seamen

Contact Commandant (G-CMA/83) U.S. Coast Guard Headquarters, Washington, D.C. 20590. In order to determine if a record for

an individual exists, it is necessary that he furnish the complete name in which the document was issued, the serial number of the document (i.e. 'Z', 'BK', and/or Social Security Number), and his date and place of birth. Written request must be signed by the individual.

**Official Officer Service Records DOT/CG**

All Commissioned officers of the Coast Guard on active duty, permanent or disability retired lists

Regular Officers resigning who do not accept a Reserve commission

Commandant (G-CMA), USCG Headquarters, 400 Seventh Street, S.W., Washington, DC 20590. Requestors in person will be required to show a valid I.D. card. Written request must include the member's name, rank, Social Security Number, and period of service.

**Enlisted Personnel Record System DOT/CG**

All enlisted members of the Coast Guard now serving on active duty (including enlisted members of the Reserve on extended active duty), and members who have been temporarily or permanently retired or discharged.

Commandant (GCMA) US Coast Guard Headquarters,Washington, DC 20590.

**Airman Certification System DOT/FAA**

Individuals seeking to be certified, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificate revoked, and flight attendants engaged in international air transport.

Chief, Airman Certification Branch, Aeronautical Center, Oklahoma City, Oklahoma, 73125, or request assistance from the originating GADO, ACDO, or FSDO.

**National Driver Register DOT/NHTSA**

Persons who have had their driver licenses denied, withdrawn revoked or suspended as reported by State/Territorial driver licensing authorities.

Room 3214
Trans Point Building
Second and V Streets, S.W.
Washington, D.C. In order to conduct a file search the requesting party must provide:
Full legal name
Other names used (nickname, professional name, maiden name)
Date of birth
Place of birth (City, State or Foreign Country)
Sex
Height
Weight
Color of eyes
Social Security number and/or driver license number (Provision of the Social Security number is voluntary)
In addition, although not mandatory, it would help to more positivly identify any records we may have concerning the inquirer if the following information is included:
The reason his/her driver license was withdrawn or denied
The date of the action
The State which took the action An inquirer presenting himself/herself in person should have at least two means of identification sufficient to reasonably insure that he/she is wo hw/she purports to be. For mailed inquiries the foregoing identification elements should be included in the form of a notarized affidavit and addressed as for the System Manager above. A form for this purpose will be provided by the National Driver Register upon request. Use of this form is optional.

# TREASURY DEPARTMENT

## Internal Revenue Service

**Individual Master File (IMF); ACTS A—Treasury/IRS.**

Taxpayers who file Federal Individual Income Tax Returns (i.e. Forms 1040, 1040A).

Director of the Internal Revenue Service Center servicing the area in which the individual resides.

**Individual Returns Files, ACTS: A—Treasury/IRS.**

Taxpayers who file Forms in the 1040 series including any schedules and Forms 5329. 1040 U.S. Individual Income Tax

Return, 1040A U.S. Individual Income Tax Return—Short Form, 1040ES Declaration of Estimated Tax For Individuals, 1040ES (Spanish) Declaration of Estimated Tax for Individuals (Puerto Rico), 1040ES (OIO) Declaration of Estimated Tax for Individuals—Non-Resident Alien Individuals, 1040NB U.S. Non-Resident Alien Income Tax Return, 1040NR U.S. Non-Resident Alien Income Tax Return, 1040B U.S. Non-Resident Alien Income Tax Return, 1040C U.S. Departing Alien Income Tax Return.

Director of the Internal Revenue Service Center servicing the area in which the individual resides.

**Audit Administrative File—Treasury/IRS**

Any taxpayer who is being considered for examination or is being examined for tax determination purposes, i.e., income, estate and gift, excise or employment tax liability.

District Director for each District whose records are to be searched. This system may contain some records which are exempt from the notification provisions of the Privacy Act. Requesters will not be advised of the existence of records exempt from the notification provisions.

# CENTRAL INTELLIGENCE AGENCY

For information about any CIA system of records you believe may contain information about you, write to the following address, identifying the system(s) of records you are interested in:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505

**Directorate of Operations Records System.**

Individuals who are of foreign intelligence or foreign counterintelligence interest to the CIA, either because of their actual, apparent, or potential association with foreign intelligence or foreign counterintelligence activities, or because they are of actual or potential use to CIA.

**Security Records.**

Applicants, staff and contract employees, former employees, consultants, contractors, military detailees, individuals of security interest, persons of substantive affiliation with or service to the Agency, and persons on whom the Agency has conducted an investigation.

# FEDERAL COMMUNICATIONS COMMISSION

**Radio Operator Records—FCC/FOB**

Individuals who have applied for radio operator licenses.

Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Application and License File—FCC/SSRSB**

Radio service applicants and licensees under Parts 81, 87, 89, 91, 93, 95, and 99 of the Commissions Rules.

Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

In order to facilitate the location of a specific record, the name of the radio category under which the application was filed and the call sign of the license issued should be included.

# SELECTIVE SERVICE SYSTEM

To obtain information about any SSS system of records you believe contains information about you, write to the following address, stating which system of records you are interested in. Address correspondence to the office or official noted in the system description .

Mr. Byron V. Pepitone
Director of Selective Service System
Selective Service System
1724 F St., NW.
Washington, D.C. 20435

**Registrant Information Bank (RIB) Records—SSS**

Selective Service Registrants commencing with Year of Birth 1953.

Selective Service Registrants who are medical specialists or medical specialty students born prior to the year 1953 who have not reached age 35.

Attn: OO

Furnish the following:

a. Full name of the individual.
b. Date of birth.
c. Selective Service Number.
d. Mailing address to which the reply should be mailed.

**Registrant Processing Records—SSS**

Registrants of the Selective Service System.

Non-registrants of the Selective Service System who presented themselves for registration late, after suspension of registration April 1, 1975, and prior to implementation of annual registration.

Non-registrants who entered active service in the Armed Forces of the United States prior to their requirement to register.

Non-registrants who are suspected of violation of the Military Selective Service Act.

1. Individual's local board.
2. The State Director of the individual's residence at the time he registered.

Furnish the following information:

1. Full name of the individual.
2. Selective Service Number or date of birth if Selective Service Number is not known.
3. Mailing address to which the reply should be mailed.

# U.S. CIVIL SERVICE COMMISSION

**Civil Service Retirement Records—CSC**

The category of individuals is indicated below.

a. Former Federal employees and Members of Congress who performed service subject to the Civil Service Retirement (CSR) System.

b. Current Federal employees who have:

(1) performed Federal service subject to the CSR System other than that with their present agency; or

(2) filed a designation of beneficiary for benefits payable under the CSR System; or

(3) requested BRIOH to review a claim for health benefits made under the Federal Employees Health Benefits Program; or

(4) filed a service credit application in connection with former Federal service not subject to the CSR System.

c. Former Federal employees who died subject to or who retired under the CSR System, or their surviving spouses and/or children, who have received or are receiving CSR benefits, Federal Employees' Group Life Insurance benefits, or Federal Employees Health Benefits.

d. Former Federal employees who died subject to or who retired under a Federal Government retirement system other than the CSR System, or their surviving spouses and/or children, who have received or are receiving Federal Employees' Group Life Insurance benefits and/or Federal Employees Health Benefits.

e. Applicants for Federal employment found unsuitable for employment on medical grounds.

Director, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

**General Personnel Records—CSC**

Current Federal employees and those formerly employed by the Federal Government.

The System Managers are indicated below.

a. For current Federal employees: Personnel Officer, Department or Agency with which employed, Local Installation.

b. For former Federal employees; Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415

**Personnel Investigations Records—CSC**

The category of individual is indicated below.

a. Current and former applicants for employment in the Federal service, including Government corporations, Government controlled corporations and other establishments in the executive branch, and in the Government of the District of Columbia.

b. Current and former Federal employees, including employees of Government corporations, Government controlled corporations and other establishments in the executive branch, and employees of the Government of the District of Columbia.

c. American citizens who are current or former applicants for employment with International Organizations.

d. American citizens who are current or former employees of International Organizations.

e. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

f. Individuals considered for assignment as representatives of the Federal Government in volunteer programs.

g. Individuals who are neither applicants nor employees of the Federal Government, but are or were involved in Federal programs under a cooperative assignment or similar agreement.

h. Individuals who are neither applicants nor employees of the Federal Government, but are or were involved in matters related to the administration of the merit system.

i. Individuals who may be listed in an investigative leads file composed of information obtained from investigative reports, public records, and various publications.

Director, Bureau of Personnel Investigations, United States Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

## VETERANS ADMINISTRATION

### Patient Medical Records - VA

Veterans, survivors and dependents of certain veterans who have applied for health care services under Title 38, United States Code, Chapter 17. Patients other than the above who were admitted to a hospital under emergency conditions for humanitarian reasons.

Submit a written request or apply in person to the VA Health Care Facility where care was rendered. All inquiries must reasonably identify the portion of the medical record involved and the approximate date that medical care was provided. Inquiries should include the patient's full name, VA File Number and return address, and place of care. If the VA File Number is not available, then provide, if known: Date of birth, Social Security Number, known home address at time of medical service.

### Patient Treatment File - VA

Individuals furnished inpatient, nursing home and/or domiciliary care under VA authorization since July 1969.

Submit a written request or apply in person to a VA Health Care Facility where care was rendered. All inquiries must reasonably identify the system of records involved and the approximate date that medical care was provided. Inquiries should include the individual's full name, date of birth and Social Security Number.

### Veterans, Dependents and Beneficiaries Compensation and Pension Records - VA

1. Veterans who have applied for compensation for service-connected disability under Title 38, United States Code, Chapter 11.

2. Veterans who have applied for non-service-connected disability, under Title 38, United States Code, Chapter 15.

3. Veterans entitled to burial benefits under Title 38, United States Code, Chapter 23.

4. Widows, widowers and children who have claimed pension based on non-service-connected death under Title 38, United States Code, Chapter 15.

5. Widows, widowers and children who have claimed Death Compensation based on service-connected death under Title 38, United States Code, Chapter 11.

6. Widows, widowers and children who have claimed Dependency and Indemnity Compensation for service-connected death under Title 38, United States Code, Chapter 13.

7. Parents who have applied for Death Compensation based on service-connected death under Title 38, United States Code, Chapter 11.

8. Parents who have applied for Dependency and Indemnity Compensation for service-connected death under Title 38, United States Code, Chapter 13.

Submit a written request or apply in person to the nearest VA Regional Office.

All inquiries must reasonably identify the benefit or system of records involved, i.e., Compensation and Pension. Inquiries should include the individual's full name, VA File Number and return address. If the VA File Number is not available, the following information should be forwarded, if known: Veteran's full name, branch of service, dates of service, Service Number, Social Security Number, and date of birth.

### Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records - VA

1. Veterans who have applied for VA educational benefits under Title 38, United States Code, Chapters 31 and 34.

2. Spouse or widow(er) who has applied for VA educational benefits under Title 38, United States Code, Chapter 35.

3. Children who have applied for VA educational benefits under Title 38, United States Code, Chapter 35.

4. Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 34.

Submit a written request or apply in person to the nearest VA Regional Office.

All inquiries must reasonably identify the benefit or system of

records involved, i.e., Education. Inquiries should include the individual's full name, VA File Number and return address. If the VA File Number is not available, the following information should be forwarded, if known: Branch of service, dates of service, Service Number, Social Security Number, and date of birth.

## UNITED STATES POSTAL SERVICE

Note: All headquarters entries below are at the following address: U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

**Inspection Requirements—Investigative File System, 080.010**

Persons related to investigations, including subjects of investigations, complainants, informants, witnesses, etc.

Chief Postal Inspector, Headquarters.

**Inspection Requirements—Mail Cover Program, 080.020**

Individuals on whom a mail cover has been duly authorized to obtain information in the interest of (1) orotecting the national security (2) locating a fugitive and (3) obtaining evidence of the commission or attempted commission of a crime which is punishable by imprisonment for a term exceeding one year.

Chief Inspector, USPS Headquarters.

**Personnel Records—General Personnel Folders (Official Personnel Folder and records related thereto), 120.070**

USPS employees.

Employees wishing to gain access to their Official Personnel Folders should inquire to the facility head where employed.

Chapter VII

# Government Publications

The Federal Government publishes a number of booklets and reference guides which provide additional information on how to access your records in both Government and non-Government files. All of these materials are available for sale from the Superintendent of Documents, U.S. Government Printing Office. Federal Depository libraries located in major cities normally have all of these publications available for inspection. Other major public libraries may also have these publications.

A useful Government booklet that outlines your rights to access your credit files is a 1977 publication of the House Committee on Banking, Finance and Urban Affairs, called *Give Yourself Credit (Guide to Consumer Credit Laws).* This 130 page booklet, in addition to covering the Fair Credit Reporting Act, also includes the Truth in Lending Act, the Fair Credit Billing Act, the Consumer Leasing Act, the Equal Credit Opportunity Act and a discussion of Savings Accounts. A discussion of your rights under these laws, as well as copies of the laws themselves, is included. This booklet is available from the Superintendent of Documents for $2.10.

A similar booklet issued in 1977 by the House Committee on Government Operations details your rights and record access procedures under the Freedom of Information Act and the Privacy Act entitled *A Citizen's Guide on How to use the Freedom of Information Act and the Privacy Act in Requesting Government Documents.* This 59 page booklet includes chapters on each of the two laws, a discussion of procedures and exceptions and the text of both laws. This booklet is available from the Superintendent of Documents for $2.00.

The Federal Privacy Protection Study Commission issued a comprehensive report in 1977 titled *Personal Privacy in an Information Society.* This very readable 654 page book includes thorough discussions of the privacy aspects of consumer credit, banking, mail lists, insurance, employment, medical care, investigative reporting, Government record keeping and education. The Superintendent of Documents sells this book for $5.00.

The Privacy Act requires Federal agencies to publish annually in the Federal Register a detailed description of each system of records that

contains information on individuals. These descriptions, which fill six volumes, have been summarized in a single 737 page volume called *Protecting Your Right to Privacy*. The information on each record system included in this volume is the same information presented for selected record systems in Chapter VI of this booklet. Details on types of records in the system, the uses made of the records, record access procedures for the particular file and other details which appear in the original Federal Register publication have been omitted from the summaries in this volume. The volume also contains agency rules and research aids which may help in locating and accessing agency files. If you wish to broaden your search through Federal record systems this book is probably the way to begin. The volume is available from the Superintendent of Documents for $5.00.

The complete descriptions of each of the Government record systems that were published in the Federal Register are reprinted in a six volume reference work called *Privacy Act Issuances. 1977 Compilation.* A sample entry from this compilation is shown below.

**FTC—11**

**System name:** Consumer Complaint Files, Atlanta Regional Office—FTC

**System location:**

Atlanta Regional Office
730 Peachtree Street, N.E., Room 800
Atlanta, Georgia 30308

**Categories of individuals covered by the system:** Members of the general public.

**Categories of records in the system:** Consists of letters from individuals filing complaints as to unsatisfactory commercial transactions and practices of various firms, businesses and individuals. System also includes a complaint log identifying individual complainants and a card file naming individual complainants.

**Authority for maintenance of the system:** Federal Trade Commission Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:**

**Storage:** Maintained in letter size file folders and 3 inch by 5 inch index cards

**Retrievability:** Filed alphabetically by name

**Safeguards:** Filed in metal file cabinet. Office locked when unattended. Access restricted to those agency personnel whose responsibilities require access.

**Retention and disposal:** Retained for a minimum of one year and destroyed by delivering to and placing the material in local government operated incinerator

**System manager(s) and address:**
Regional Director
Atlanta Regional Office
730 Peachtree Street, N.E., Room 800
Atlanta, Georgia 30308

**Notification procedure:** By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** From individual members of the public and occasionally from other federal agencies.

The volumes are arranged by agency and not by subject so you must know the name of the agency that is likely to maintain your records. To use these books you must be prepared to search through a number of record system descriptions. The major Federal agencies covered in each of the volumes of this set are:

**Volume I**

ACTION, Agency for International Development, Central Intelligence Agency, Commerce Department, Export-Import Bank, Farm Credit Administration, Federal Communications Commission, Federal Election Commission, Federal Home Loan Bank Board, Federal Maritime Commission, Federal Trade Commission, General Services Administration, Management and Budget Office, National Labor Relations Board, National Security Council, National Transportation Safety Board, Railroad Retirement Board, Selective Service System, Tennessee Valley Authority, Transportation Department, United States Information Agency.

**Volume II**

Civil Rights Commission, Civil Service Commission, Consumer Product Safety Commission, Federal Deposit Insurance Corporation, Labor Department, National Aeronautics and Space Administration, Small Business Administration, State Department, Treasury Department, United States Railway Association, Veterans Administration.

**Volume III**

Department of the Army, Office of the Secretary of Defense, Department of the Air Force.

**Volume IV**

Department of the Air Force, continued, National Security Agency, Joint Chiefs of Staff, Defense Intelligence Agency, U.S. Marine Corps, Department of the Navy, Defense Supply Agency.

**Volume V**

Agriculture Department, Community Services Administration, Energy Research and Development Administration, Health, Education and Welfare Department, Justice Department, Postal Service.

**Volume VI**

Civil Aeronautics Board, Environmental Protection Agency, Equal Employment Opportunity Commission, Housing and Urban Development Department, Interior Department, Interstate Commerce Commission, National Science Foundation, Occupational Safety and Health Review Commission, Securities and Exchange Commission.

The Record Review Kit includes a completed Superintendent of Documents order form (RRK-10) with all of these publications listed. You may use this form to order any of these publications directly from the Superintendent of Documents in Washington, D.C. Completely cross out the titles you do *not* wish to order, follow the instructions on the form, and send it to the Superintendent of Documents at the address given on the form. DO NOT SEND IT TO PUBLIC ACCESS CORPORATION. You will have to include your check or money order to cover the cost of the publications. You should receive the publications you order in about four weeks.

Appendix

# Federal Laws Relating to Record Access

Fair Credit Reporting Act
Family Educational Rights and Privacy Act
Freedom of Information Act
Privacy Act

# Fair Credit Reporting Act

**"§ 602. Findings and purpose**

"(a) The Congress makes the following findings:

"(1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

"(2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

"(3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

"(4) There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

"(b) It is the purpose of this title to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this title.

**"§ 603. Definitions and rules of construction**

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

"(c) The term 'consumer' means an individual.

"(d) The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

"(e) The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such

items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"(f) The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"(g) The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

"(h) The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

"(i) The term 'medical information' means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

**"§ 604. Permissible purposes of reports**

"A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

"(1) In response to the order of a court having jurisdiction to issue such an order.

"(2) In accordance with the written instructions of the consumer to whom it relates.

"(3) To a person which it has reason to believe—

"(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

"(B) intends to use the information for employment purposes; or

"(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or

"(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

"(E) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

**"§ 605. Obsolete information**

"(a) Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

"(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

"(2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(3) Paid tax liens which, from date of payment, antedate the report by more than seven years.

"(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years.

"(5) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.

"(6) Any other adverse item of information which antedates the report by more than seven years.

"(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with—

"(1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of $50,000 or more;

"(2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of $50,000 or more; or

"(3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal $20,000, or more.

**"§ 606. Disclosure of investigative consumer reports**

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

"(1) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing mailed, or otherwise delivered, to the consumer, not later than three days after the date on which the report was first requested, and (B) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section; or

"(2) the report is to be used for employment purposes for which the consumer has not specifically applied.

"(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by subsection (a)(1), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

"(c) No person may be held liable for any violation of subsection (a) or (b) of this section if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with subsection (a) or (b).

**"§ 607. Compliance procedures**

"(a) Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 605 and to limit the furnishing of consumer reports to the purposes listed under section 604. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 604.

"(b) Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

**"§ 608. Disclosures to governmental agencies**

"Notwithstanding the provisions of section 604, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

**"§ 609. Disclosures to consumers**

"(a) Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

"(1) The nature and substance of all information (except medical information) in its files on the consumer at the time of the request.

"(2) The sources of the information; except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed: *Provided*, That in the event an action is brought under this title, such sources shall be available to the plaintiff under appropriate discovery procedures in the court in which the action is brought.

"(3) The recipients of any consumer report on the consumer which it has furnished—

"(A) for employment purposes within the two-year period preceding the request, and

"(B) for any other purpose within the six-month period preceding the request.

"(b) The requirements of subsection (a) respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of this title except to the extent that the matter involved is contained in the files of the consumer reporting agency on that date.

**"§ 610. Conditions of disclosure to consumers**

"(a) A consumer reporting agency shall make the disclosures required under section 609 during normal business hours and on reasonable notice.

"(b) The disclosures required under section 609 shall be made to the consumer—

"(1) in person if he appears in person and furnisbes proper identification; or

"(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

"(c) Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 609.

"(d) The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

"(e) Except as provided in sections 616 and 617, no consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information

against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

**"§ 611. Procedure in case of disputed accuracy**

"(a) If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

"(b) If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

"(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrevelant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

"(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes, or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall clearly and conspicuously disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

**"§ 612. Charges for certain disclosures**

"A consumer reporting agency shall make all disclosures pursuant to section 609 and furnish all consumer reports pursuant to section 611(d) without charge to the consumer if, within thirty days after receipt by such consumer of a notification pursuant to section 615 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609 or 611(d). Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to section 609, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to person designated by the consumer pursuant to section 611(d), the charge for which shall be indicated to the consumer prior to furnish-

ing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

**"§ 613. Public record information for employment purposes**

"A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

"(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

"(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

**"§ 614. Restrictions on investigative consumer reports**

"Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished.

**"§ 615. Requirements on users of consumer reports**

"(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report.

"(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).

**"§ 616. Civil liability for willful noncompliance**

"Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) such amount of punitive damages as the court may allow; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

**"§ 617. Civil liability for negligent noncompliance**

"Any consumer reporting agency or user of information which is negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

**"§ 618. Jurisdiction of courts; limitation of actions**

"An action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this title to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this title, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

**"§ 619. Obtaining information under false pretenses**

"Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than $5,000 or imprisoned not more than one year, or both.

**"§ 620. Unauthorized disclosures by officers or employees**

"Any officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information shall be fined not more than $5,000 or imprisoned not more than one year, or both.

# Family Educational Rights and Privacy Act

PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS [1]

SEC. 438. (a)(1)(A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the educational records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of

[1] This section may be cited as the "Family Educational Rights and Privacy Act of 1974".

their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(B) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

(i) financial records of the parents of the student or any information contained therein;

(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

(iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph (C), confidential recommendations—

(I) respecting admission to any educational agency or institution.

(II) respecting an application for employment, and

(III) respecting the receipt of an honor or honorary recognition.

(C) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purposes for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

(2) No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student's educational records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(3) For the purposes of this section the term "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any applicable program.

(4) (A) For the purposes of this section, the term "education records" means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials, which—

(i) contain information directly related to a student; and

(ii) are maintained by an educational agency or institution, or by a person acting for such agency or institution.

(B) The term "education records" does not include—

(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are

in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) if the personnel of a law enforcement unit do not have access to education records under subsection (b)(1), the records and documents of such law enforcement unit which (I), are kept apart from records described in subparagraph (A), (II) are maintained solely for law enforcement purposes, and (III) are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(5) (A) For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

(b)(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, other than to the following—

(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests;

(B) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's

parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(C) authorized representatives of (i) the Comptroller General of the United States, (ii) the Secretary, (iii) an administrative head of an education agency (as defined in section 408(c)), or (iv) State educational authorities, under the conditions set forth in paragraph (3) of this subsection;

(D) in connection with a student's application for, or receipt of, financial aid;

(E) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;

(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(G) accrediting organizations in order to carry out their accrediting functions;

(H) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954; and

(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.

(2) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection.

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.

(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, (C) an administrative head of an education agency or (D) State educational authorities from having access to student or other records which may be necessary in connection with the audit

and evaluation of Federally-supported education program, or in connection with the enforcement of the Federal legal requirements which relate to such programs: *Provided*, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

(4)(A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1)(A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system.

(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

(c) The Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.

(d) For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of post-secondary education the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

(e) No funds shall be made available under any applicable program to any educational agency or institution unless such agency or institution informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of post-secondary education, of the rights accorded them by this section.

(f) The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section and to deal with violations of this section, according to the provisions of this Act, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with the provisions of this section, and he has determined that compliance cannot be secured by voluntary means.

(g) The Secretary shall establish or designate an office and review board within the Department of Health, Education, and Welfare for the purpose of investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

(20 U.S.C. 1232g) Enacted August 21, 1974, P.L. 93-380, sec. 513(a), 88 Stat. 571, 574; amended December 31, 1974, P.L. 93-568, sec. 2, 88 Stat. 1858, 1860.

PROTECTION OF PUPIL RIGHTS

SEC. 439. All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any research or experimentation program or project shall be available for inspection by the parents or guardians of the children engaged in such program or project. For the purpose of this section "research or experimentation program or project" means any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques.

(20 U.S.C. 1232b) Enacted August 21, 1974, P.L. 93-380, sec. 514(a), 88 Stat. 574.

# Freedom of Information Act

**§ 552. Public information; agency rules, opinions, orders, records, and proceedings.**

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency

shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4)(A) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provisions of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Civil Service Commission shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Commission recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the application time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are—

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency

responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include—

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsection (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(e) For purposes of this section, the term 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

# Privacy Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Privacy Act of 1974."

Sec. 2.

(a) The Congress finds that—
  (1) the privacy of an individual is directly affected by the collection, maintenance, use, and dissemination of personal information by Federal agencies;
  (2) the increasing use of computers and sophisticated information technology, while essential to the efficient operations of the Government, has greatly magnified the harm to individual privacy that can occur from any collection, maintenance, use, or dissemination of personal information;
  (3) the opportunities for an individual to secure employment, insurance, and credit, and his right to due process, and other legal protections are endangered by the misuse of certain information systems;
  (4) the right to privacy is a personal and fundamental right protected by the Constitution of the United States; and
  (5) in order to protect the privacy of individuals identified in information systems maintained by Federal agencies, it is necessary and proper for the Congress to regulate the collection, maintenance, use, and dissemination of information by such agencies.

(b) The purpose of this Act is to provide certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies, except as otherwise provided by law, to—
  (1) permit an individual to determine what records pertaining to him are collected, maintained, used, or disseminated by such agencies;
  (2) permit an individual to prevent records pertaining to him obtained by such agencies for a particular purpose from being used or made available for another purpose without his consent;

(3) permit an individual to gain access to information pertaining to him in Federal agency records, to have a copy made of all or any portion thereof, and to correct or amend such records;
(4) collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information;
(5) permit exemptions from the requirements with respect to records provided in this Act only in those cases where there is an important public policy need for such exemption as has been determined by specific statutory authority; and
(6) be subject to civil suit for any damages which occur as a result of willful or intentional action which violates any individual's rights under this Act.

Sec. 3.

Title 5, United States Code, is amended by adding after section 552 the following new section:

"552a. Records maintained on individuals

"(a) DEFINITIONS. - For purposes of this section—
"(1) the term 'agency' means agency as defined in section 552(e) of this title;
"(2) the term 'individual' means a citizen of the United States or an alien lawfully admitted for permanent residence;
"(3) the term 'maintain' includes maintain, collect, use, or disseminate;
"(4) the term 'record' means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;
"(5) the term 'system of records' means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;
"(6) the term 'statistical record' means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13; and
"(7) the term 'routine use' means, with respect to the disclosure of

a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

"(b) CONDITIONS OF DISCLOSURE. - No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior consent of, the individual to whom the record pertains, unless disclosure of the record would be—

"(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title;

"(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

"(4) to the Bureau of the Census for purposes of planning or carrying out a census of survey or related activity pursuant to the provisions of title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) 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 Administrator of General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal 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 which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction.

"(c) ACCOUNTING OF CERTAIN DISCLOSURES.—Each agency, with respect to each system of records under its control, shall—

"(1) except for disclosures made under subsections (b)(1) or (b)(2) of this section, keep an accurate accounting of—

"(A) the date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

"(B) the name and address of the person or agency to whom the disclosure is made;

"(2) retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

"(3) except for disclosures made under subsection (b)(7) of this section, make the accounting made under paragraph (1) of this subsection available to the individual named in the record at his request; and

"(4) inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

"(d) ACCESS TO RECORDS.—Each agency that maintains a system of records shall—

"(1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;

"(2) permit the individual to request amendment of a record pertaining to him and—

"(A) not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

"(B) promptly, either—

"(i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

"(ii) inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;

"(3) permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such refusal,

and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g)(1)(A) of this section;

"(4) in any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed; and

"(5) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

"(e) AGENCY REQUIREMENTS.—Each agency that maintains a system of records shall—

"(1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

"(2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

"(3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—

"(A) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

"(B) the principal purpose or purposes for which the information is intended to be used;

"(C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and

"(D) the effects on him, if any, of not providing all or any part of the requested information;

"(4) subject to the provisions of paragraph (11) of this subsection, publish in the *Federal Register* at least annually a notice of the existence and character of the system of records, which notice shall include—

"(A) the name and location of the system;

"(B) the categories of individuals on whom records are maintained in the system;

"(C) the categories of records maintained in the system;

"(D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;

"(E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

"(F) the title and business address of the agency official who is responsible for the system of records;

"(G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

"(H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

"(I) the categories of sources of records in the system;

"(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

"(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

"(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

"(8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

"(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this

section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

"(10) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

"(11) at least 30 days prior to publication of information under paragraph (4)(D) of this subsection, publish in the *Federal Register* notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency.

"(f) AGENCY RULES.—In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall—

"(1) establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;

"(2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;

"(3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him;

"(4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and

"(5) establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

The Office of the Federal Register shall annually compile and publish the rules promulgated under this subsection and agency notices published under subsection (e)(4) of this section in a form available to the public at low cost.

"(g) —

"(1) CIVIL REMEDIES.—Whenever any agency

"(A) makes a determination under subsection (d)(3) of this

section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

"(B) refuses to comply with an individual request under subsection (d)(1) of this section;

"(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

"(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual,

the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

"(2) —

"(A) In any suit brought under the provisions of subsection (g)(1)(A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter *de novo*.

"(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

"(3) —

"(A) In any suit brought under the provisions of subsection (g)(1)(B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such a case the court shall determine the matter *de novo*, and may examine the contents of any agency records *in camera* to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

"(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

"(4) In any suit brought under the provisions of subsection (g)(1)(C) or (D) of this section in which the court determines

that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of—

"(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of $1,000; and

"(B) the costs of the action together with reasonable attorney fees as determined by the court.

"(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where any agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to the effective date of this section.

"(h) RIGHTS OF LEGAL GUARDIANS.—For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

"(i) —

"(1) CRIMINAL PENALTIES.—Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

"(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section shall be guilty of a misdemeanor and fined not more than $5,000.

"(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under

false pretenses be guilty of a misdemeanor and fined not more than $5,000.

"(j) GENERAL EXEMPTIONS.—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) if the system of records is—

"(1) maintained by the Central Intelligence Agency; or

"(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of criminal laws from arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

"(k) SPECIFIC EXEMPTIONS.—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of this section if the system of records is—

"(1) subject to the provisions of section 552(b)(1) of this title;

"(2) investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal Law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the

Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

"(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to Section 3056 of title 18;

"(4) required by statute to be maintained and used solely as statistical records;

"(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

"(6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

"(7) evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

"(l) ARCHIVAL RECORDS.—

"(1) Each agency record which is accepted by the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subject to the provisions of this section. The Administrator of General Services shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section.

"(2) Each agency record pertaining to an identifiable individual which was transferred 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, prior to the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of this section) shall be published in the *Federal Register*.

"(3) Each agency record pertaining to an identifiable individual which is transferred 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, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e)(4)(A) through (G) and (e)(9) of this section.

"(m) GOVERNMENT CONTRACTORS.—When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (i) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency.

"(n) MAILING LISTS.—An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

"(o) REPORT ON NEW SYSTEMS.—Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the the preservation of the constitutional principles of federalism and separation of powers.

"(p) ANNUAL REPORT.—The President shall submit to the Speaker of the House and the President of the Senate, by June 30 of each calendar year, a consolidated report, separately listing for each Federal agency the number of records contained in any system of records which were exempted from the application of this section under the provisions of subsections (j) and (k) of this section during

the preceding calendar year, and the reasons for the exemptions, and such other information as indicates efforts to administer fully this section.

"(q) EFFECT OF OTHER LAWS.—No agency shall rely on any exemption contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section."

Sec. 4.

The Chapter analysis of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Records about individuals."

immediately below:

"552. Public information; agency rules, opinions, orders, and proceedings.".

[Section 5 of the Privacy Act established a Privacy Protection Study Commission for a period of two years. Its term has now expired. Among other things, the Commission was charged with the responsibility of assessing the effectiveness of privacy protections throughout the society. In July 1977, it issued a report entitled "Personal Privacy in an Information Society" which proposed a series of recommendations directed toward safeguarding personal privacy in both the public and private sector. This report can be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20420 for a charge of $5.]

Sec. 6.

The Office of Management and Budget shall—

(1) develop guidelines and regulations for the use of agencies in implementing the provisions of section 552a of title 5, United States Code, as added by section 3 of this Act; and

(2) provide continuing assistance to and oversight of the implementation of the provisions of such section by agencies.

Sec. 7.

(a) —

(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) The provisions of paragraph (1) of this subsection shall not apply with respect to—

(A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

Sec. 8.

The provisions of this Act shall be effective on and after the date of enactment, except that the amendments made by section 3 and 4 shall become effective 270 days following the day on which this Act is enacted.

Sec. 9.

There is authorized to be appropriated to carry out the provisions of section 5 of this Act for fiscal years 1975, 1976, and 1977 the sum of $1,500,000, except that not more than $750,000 may be expended during any such fiscal year.

Approved December 31, 1974

